



DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK

OFFICE OF THE CHAIR

**CONDITIONAL NEGATIVE DECLARATION**

**Project Identification**

CEQR No. 06DCP079M  
ULURP Nos. 060372 ZMM and 060373 ZSM  
SEQRA Classification: Unlisted

October 17, 2007

**Lead Agency**

City Planning Commission  
22 Reade Street  
New York, NY 10007  
Contact: Robert Dobruskin  
(212) 720-3423

**Name, Description and Location of Proposal**

122 East 32<sup>nd</sup> Street

The applicant, Alrose Group, is proposing a zoning map amendment to rezone property located on the south side of East 32<sup>nd</sup> Street (Block 887; Lots 84, 87, 88, and a portion of Lot 95), between Park and Lexington Avenues, from C4-5A to C6-2A. The applicant is also requesting a Special Permit pursuant to Zoning Resolution Section 74-52 (Public Parking Lots in High Density Central Areas) for the construction of a public parking garage. The property is located in the Murray Hill neighborhood of Manhattan, Community District 5.

The proposed actions would facilitate a proposal by the applicant to construct a 12-story, approximately 59,613-sf residential building with 38 dwelling units and 44 parking spaces located in the cellar level on a property located at 122 East 32<sup>nd</sup> Street (Block 887, Lot 84).

The project site currently operates as a public parking lot with approximately 44 spaces. Lot 87, which is owned by the applicant, is a three story drop-in center for the homeless and would remain in use as part of the proposed project. Lot 88 is a 17-story commercial office building and Lot 95 is currently a 34-story commercial office building. Existing conditions on Lots 88 and 95 would remain. Absent the proposed actions, the applicant states that the existing uses would remain.

As part of the proposed rezoning, an (E) designation for noise would be mapped on the applicant's site. The text of the (E) designation is as follows:

**In order to ensure an acceptable interior noise environment, future residential, commercial, and/or community facility uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation include, but are not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.**

With the placement of the (E) designation, no significant adverse impact related to noise would occur.

The analysis year for the proposed actions is 2009.

**Statement of No Significant Effect:**

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated August 14, 2007, prepared in connection with the ULURP Application (Nos. 060372 ZMM and 060373 ZSM). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

1. The applicant agrees via a restrictive declaration to prepare a Remedial Action Plan, including a sampling protocol and a health and safety plan for the Department of Environmental Protection (DEP) for approval. Remediation measures would be undertaken pursuant to the remediation plan.

The restrictive declaration also restricts the manner in which the property may be developed or redeveloped, by requiring the remediation measures to serve as a condition precedent to any change of use in any such development or redevelopment of the property.

**Supporting Statement:**

The above determination is based on an environmental assessment which finds that:

1. A Phase I Environmental Site Assessment (ESA) was prepared in March 2005 for the project site. The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and a restrictive declaration was recommended by DEP, due to the potential presence of hazardous materials on the site as a result of past and present on-site land uses. The declaration requires the preparation of a Remedial Action Plan, including a sampling protocol and a health and safety plan for DEP's review and approval. The restrictive declaration is binding upon the property's successors and assigns. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the sub-surface soils and groundwater on the project site

would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction).

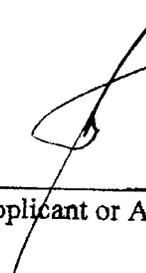
The restrictive declaration was executed on March 20, 2007 and recorded with the Office of the City Register, County of New York, on April 5, 2007. In an April 13, 2007 letter sent to DCP, DEP agreed to the conditions of the restrictive declaration.

2. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

It is fully agreed and understood that if the foregoing conditions, modification, and alterations are not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

This Conditional Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

I, the Undersigned, as the applicant or authorized representative for this proposal, hereby affix my signature in acceptance of the above conditions to the proposed action.

  
\_\_\_\_\_  
Signature of Applicant or Authorized Representative

Date: 10/5/07

Allen ROSENBERG  
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Name of Applicant or Authorized Representative

Robert Dobruskin  
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Robert Dobruskin, AICP, Director  
Environmental Assessment & Review Division  
Department of City Planning

Date: 10/17/07



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Amanda M. Burden, AICP, Chair  
City Planning Commission

Date: 10/17/07