E-79

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW

Joseph B. Rose, *Director*
Department of City Planning

January 8, 1997

Mr. Frederic S. Papert, President
42nd Street Development Corporation
330 West 42nd Street
New York, New York 10036

Re: Block 1090 Rezoning
CEQR No. 94DCP036M
ULURP No. 970219ZMM

Dear Mr. Papert:

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may or will not have a significant effect on the environment. In accordance with this regulation, the City Planning Commission has determined that the proposed action would not have a significant effect on the environment.

Enclosed is the Negative Declaration for DCP CEQR No. 94DCP036M, the proposed Block 1090 Rezoning. Included in this declaration are supporting statements for the finding that the project would not have a significant effect.

Sincerely,

Robert Dobruskin

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

c: Joseph B. Rose
Lance Michaels
Larry Parnes
Ruth Messinger
Gail Benjamin
Howard Zipser

City Planning Commissioners
Melanie Meyers
Glen Price
Michael Zagata
Michael Presser
Vern Bergelin
Richard Barth
Patricia Bussey
Annette Barbaccia
Joan E. Ramer

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Robert Dobruskin, *Director*
22 Reade Street, New York, N.Y. 10007-1216 Room 4E (212) 720-3420
FAX (212) 720-3495

CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

NEGATIVE DECLARATION

DCP CEQR No.: 94DCP036M
ULURP No. 970219ZMM

NAME, DESCRIPTION, AND LOCATION OF PROPOSAL: Block 1090 Rezoning

The proposed action consists of a zoning map amendment which would result in the rezoning of Block 1090, Lots 1, 9, 10, 11, 20, 23, 29, 36, and 109 from M2-3 to C6-4 on the block bounded by West 42nd Street, 43rd Street, Eleventh Avenue and 12th Avenue (West Street), in Community District 4 in Manhattan. This would facilitate the development of approximately 507 dwelling units and 70,050 square feet of commercial space within the Special Clinton District.

To avoid potential impacts associated with noise, the proposed action includes an "E" designation for noise to be placed on Block 1090, Lots 11, 23, and 29.

> **In order to ensure an acceptable interior noise environment, future residential 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 includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.**

To avoid potential impacts associated with hazardous materials, the proposed action includes the following "E" designation for petroleum products to be placed on Block 1090, Lots 11, 23, and 29:

> **Due to a land use history of underground fuel oil tanks on Block 1090, Lots 11 and 23, and automobile-related uses on Block 1090, Lot 29, there is potential for contamination of the soil and groundwater by existing or past use of petroleum products. To determine if contamination exists on the site and to determine and perform any appropriate remediation, the following tasks must be undertaken by the fee owners of the lot restricted by this E designation prior to any demolition or**

Joseph B. Rose, *Chairman* (212) 720-3200
22 Reade Street, New York, N.Y. 10007-1216
FAX (212) 720-3219

excavation on the lot prior to development.

Task 1

The fee owners of the lot restricted by this E designation must submit to the New York City Department of Environmental Protection's (DEP) Bureau of Environmental Review and Enforcement (BERE) for review and approval, a soil gas, soil, and groundwater testing protocol including a description of methods, and a site map with all sampling locations clearly and precisely represented. No sampling program should begin until written approval of a protocol is received from DEP BERE. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by DEP BERE upon request.

Task 2

A written report with findings and a summary of the data must be presented to DEP BERE after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by DEP if the results indicate that remediation is necessary.

Written notice shall be given by DEP BERE if it determines that no remediation is necessary.

If remediation is necessary according to the test results, a proposed remediation plan must be submitted to DEP BERE for review and approval. The fee owners of the lot restricted by this E designation must perform such remediation as determined necessary by DEP BERE. After completing the remediation, the fee owners of the lot restricted by this E designation should provide proof that the work has been satisfactorily completed.

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. The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

SUPPORTING STATEMENTS:

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

1. No other significant effects upon the environment which would require an Environmental Impact Statement are foreseeable.

Robert Dobruskin

Date: 12-30-96

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

Joseph Rose

Date: 1/6/97

Joseph B. Rose, Chairman
City Planning Commission

The CEQR lead agency has prepared the Negative Declaration in accordance with Article 8 of the Environmental Conservation Law 6 NYCRR Part 617.

Should you have any questions pertaining to this Negative Declaration, please contact Glen Price at 212-720-3692.

Project Identification	Lead Agency
CEQR No. 94DCP036M	City Planning Commission
ULURP No. 970219ZMM	22 Reade Street, Room, 1W
SEQRA Classification: Unlisted	New York, New York 10007