

MEMORANDUM

TO: Members of the City Planning Commission

FROM: Robert Dobruskin RD  
Danny Coleman DC

DATE: May 24, 1996

RE: CEQR No. 96DCP010M  
ULURP No. 960060ZMM  
E. 95th St. Rezoning

---

The Environmental Assessment and Review Division has reviewed the Environmental Assessment Statement for the above-referenced CEQR application. Based on our review, pursuant to the City's Environmental Quality Review process and 6 NYCRR 617 we have come to the conclusion that the proposed action will not have a significant effect on the quality of the environment.

Attached are copies of the Environmental Assessment Statement and the Negative Declaration.

attachment

c: Lance Michaels  
Larry Parnes  
Richard Barth  
John Young  
Susan Wong  
Phil Sperling



CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

NEGATIVE DECLARATION

CEQR No. 96DCP010M  
ULURP No. 960060ZMM

Name, Description and Location of Proposal: East 95th St.  
Rezoning: An application to rezone the southwest corner of 95th Street and First Avenue (Block 1557, Lots 27 and 30), a.k.a. 1829 and 1835 First Avenue, from C8-4 to C2-8 (R10 equivalent) in CD 8 in Manhattan. The proposed rezoning includes an "E" designation for hazardous materials on Lot 30 and an "E" designation for noise on Lots 27 and 30. The "E" designations are necessary to avoid the potential for impacts related to hazardous materials and noise. The proposed rezoning would facilitate the construction of a 100,710 sq. ft. mixed residential commercial building on Lots 27 and 30.

1. "E" designation - Hazardous Materials (petroleum products)  
Due to the presence of automotive repair activities on Block 1557, Lot 30, there is the potential for soil contamination. 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 excavation on the lot prior to development.

Task I

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 site and performing sampling will be provided by DEP BERE upon request.

Task II

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 DEP BERE if it determines that no remediation is necessary.

If remediation is necessary according to the test results, 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.

2. "E" Designation - Noise In order to provide an acceptable interior noise environment, future residential development must provide double glazed windows with a minimum of 35 dB(A) window/wall attenuation for the worst case hour, and a closed window condition. In order to maintain a closed window condition, an alternative means of ventilation must be provided. Alternate means of ventilation includes but is not limited to central air conditioning or air conditioner sleeves or HUD approved fans.

STATEMENT OF NO SIGNIFICANT EFFECT:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, pursuant to Article 8 of the Environmental Law 6 NYCRR part 617, 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 for  
Jeremiah H. Candreva, Director  
Environmental Assessment and  
Review Division  
Department of City Planning

Date: 5-24-96

\_\_\_\_\_  
Joseph B. Rose, Chairman  
City Planning Commission

Date: \_\_\_\_\_

Should you have any questions pertaining to this Negative Declaration, you may contact Danny Coleman at 212-720-3419.

Project Identification  
CEQR No. 96DCP010M  
ULURP No. 960060ZMM  
SEQRA No. N/A  
ACTION TYPE: Unlisted

Lead Agency  
City Planning Commission  
22 Reade St., Room 1W  
New York, New York 10007



CITY PLANNING COMMISSION  
CITY OF NEW YORK  
OFFICE OF THE CHAIRMAN

NEGATIVE DECLARATION

CEQR No. 96DCP010M  
ULURP No. 960060ZMM

Name, Description and Location of Proposal: East 95th St.

**Rezoning:** An application to rezone the southwest corner of 95th Street and First Avenue (Block 1557, Lots 27 and 30), a.k.a. 1829 and 1835 First Avenue, from C8-4 to C2-8 (R10 equivalent) in CD 8 in Manhattan. The proposed rezoning includes an "E" designation for hazardous materials on Lot 30 and an "E" designation for noise on Lots 27 and 30. The "E" designations are necessary to avoid the potential for impacts related to hazardous materials and noise. The proposed rezoning would facilitate the construction of a 100,710 sq. ft. mixed residential commercial building on Lots 27 and 30.

1. "E" designation - Hazardous Materials (petroleum products)  
Due to the presence of automotive repair activities on Block 1557, Lot 30, there is the potential for soil contamination. 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 excavation on the lot prior to development.

Task I

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 site and performing sampling will be provided by DEP BERE upon request.

Task II

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 DEP BERE if it determines that no remediation is necessary.

If remediation is necessary according to the test results, 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.

2. "E" Designation - Noise In order to provide an acceptable interior noise environment, future residential development must provide double glazed windows with a minimum of 35 dB(A) window/wall attenuation for the worst case hour, and a closed window condition. In order to maintain a closed window condition, an alternative means of ventilation must be provided. Alternate means of ventilation includes but is not limited to central air conditioning or air conditioner sleeves or HUD approved fans.

STATEMENT OF NO SIGNIFICANT EFFECT:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, pursuant to Article 8 of the Environmental Law 6 NYCRR part 617, 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 Dobruski for

Jeremiah H. Candreva, Director  
Environmental Assessment and  
Review Division  
Department of City Planning

Date: 5-24-96

Joseph B. Rose

Joseph B. Rose, Chairman  
City Planning Commission

Date: 6/17/96

Should you have any questions pertaining to this Negative Declaration, you may contact Danny Coleman at 212-720-3419.

Project Identification

CEQR No. 96DCP010M  
ULURP No. 960060ZMM  
SEQRA No. N/A  
ACTION TYPE: Unlisted

Lead Agency

City Planning Commission  
22 Reade St., Room 1W  
New York, New York 10007

