



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M. Burden, A.I.C.P., *Director*
Department of City Planning

September 11, 2006

Joseph P. Morsellino, Esq.
340 West 57th Street - Suite 16G
New York, N.Y. 10019

Ethan C. Eldon Associates, Inc.
1350 Broadway, Suite 612
New York, N.Y. 10018

Re: **45-02 83rd Street, Elmhurst**
CEQR No. 02DCP044Q
ULURP No. 020127ZMQ
Queens Community District 4

Dear Mr. Morsellino and Mr. Eldon:

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 will not have a significant effect on the environment.

Enclosed is the Conditional Negative Declaration for 45-02 83rd Street, Elmhurst, CEQR No. 02DCP044Q, including supporting statements for the finding that the project will not have a significant effect with the implementation of the condition described.

The proposal involves an application by H. K. Development Group, LTD. for a zoning map amendment to change an R6B and R6B/C2-3 district to an R7A/C2-3 district. The proposed action would affect a portion of the block fronting the south side of 45th Avenue between 82nd and 83rd Streets in the Elmhurst section of Community District 4, Queens. The affected addresses are 82-02/20 45th Avenue, 45-01/15 82nd Street, and 45-02/16 83rd Street (Block 1536, Lots 201, 210, 215 and 247). The proposed rezoning area is contiguous to an R7-A zone to the north.

The proposed action would facilitate the development of two new residential buildings containing a total of 151,366 gross square feet floor area, including 34,500 square feet of ground-floor retail

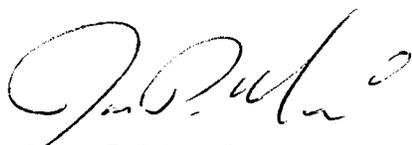
Robert Dobruskin, *Director*
James P. Merani R.A., *Deputy Director*
22 Reade Street, New York, N.Y. 10007-1216 Room 4E (212) 720-3420
FAX (212) 720-3495
Rdobrus@planning.nyc.gov

space, 115 dwelling units and 150 parking spaces. It is anticipated that one building (Block 1536, Lot 215) would be 8-stories high with 70 dwelling units, and the other (Block 1536, Lot 247) 6-stories high with 45 dwelling units. The parking garage is expected to have entrances on 82nd and 83rd Streets. The uses on the other two lots within the rezoning area are expected to remain unchanged.

The affected area is 59,384 square feet and currently occupied by a one story supermarket to remain (Lot 201) with accessory parking (Lot 247) which will be developed, a one story commercial building to remain (Lot 210) and a one story warehouse (Lot 215) to be removed and redeveloped with a new residential building.

The development is expected to be completed in 2007.

Sincerely,



James P. Merani, R.A., *Deputy Director*
Environmental Assessment & Review Division
Department of City Planning

- cc. Hon. Helen Marshall, Queens Borough President
Robert Kulikowski
David Karnovsky
Angela Licata
Lawrence Parnes
Sam Voyages
John Young
Robert Dobruskin
Gail Benjamin
Tom C. Kunkel
Phil Sperling
Susan Wong
Pat Bussey
Community Board 4, Queens



CITY PLANNING COMMISSION
CITY OF NEW YORK
OFFICE OF THE CHAIR

September 11, 2006

CONDITIONAL NEGATIVE DECLARATION

Project Identification

CEQR No. 02DCP044Q
ULURP No. 020127 ZMQ
SEQRA Classification: Unlisted

Lead Agency

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

Name, Description and Location of Proposal:

45-02 83rd Street, Elmhurst

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with a new residential building.

The development is expected to be completed in 2007.

To avoid any potential impacts associated with hazardous materials, the proposed action will place an (E) designation for hazardous materials on the following properties:

<u>Block</u>	<u>Lots</u>
<u>1536</u>	<u>201</u>
<u>1536</u>	<u>210</u>

The text of the (E) designation is as follows:

Due to the possible presence of hazardous materials on the aforementioned designated sites there is potential for contamination of the soil and groundwater. To determine if contamination exists and perform an appropriate remediation, the following tasks must be undertaken by the fee owners(s) of the lot restricted by this (E) designation prior to any demolition or disturbance of soil on the lot.

Task 1

The fee owner(s) of the lot(s) restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to DEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.

No sampling program may begin until written approval of a work plan and sampling protocol is received from DEP. The number and location of sample sites should be selected to adequately characterize the type and extent of the 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 upon request.

Task 2

A written report with findings and a summary of the data must be presented to DEP 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.

If DEP determines that no remediation is necessary, written notice shall be given by DEP.

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

A DEP-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to DEP for review and approval prior to implementation.

The placement of the (E) designation (E-169) on the zoning map would eliminate the potential for significant adverse impact on those sites and would ensure that appropriate testing and/or remediation, if needed, would be undertaken.

Statement of No Significant Effect on Modification:

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 June 1, 2006, prepared in connection with the ULURP Application No. 020127 7MQ. The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once modified as follows:

1. The applicant agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health and safety plan, including an ACM (Asbestos Containing Materilas) abatement program which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to provide a Health and Safety Plan prior to starting the proposed demolition activities and to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, 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 sampling protocol and 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), available in the proposal's CEQR file, was prepared in December 3, 2002 for the project site. The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and a restrictive declaration for the property owned by the applicant and an (E) designation for the property not owned by the applicant were recommended as stated in a memo by DEP, on February 24, 2003, due to the potential presence of hazardous materials as a result of past and present on-site land uses. The declaration and (E) designation require that detailed Phase II testing and Health and Safety Plan would occur and is binding upon the property's successors and assigns. The declaration serves as a mechanism to assure the potential for hazardous material contamination during demolition activities and 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).

With the implementation of the condition described above, no significant adverse impact related to hazardous materials would occur.

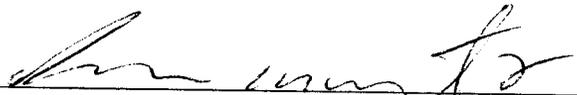
2. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

It is fully agreed and understood that if the foregoing conditions, modifications, and alterations are not fully incorporated into the proposed action that 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.

Should you have any questions pertaining to this Conditional Negative Declaration, you may contact Mauricio Garcia at (212) 720-3418.

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



Signature of applicant or Authorized Representative

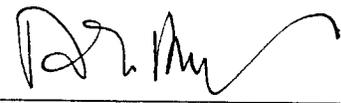
Date: 6/2/06

H.K. DEVELOPMENT GROUP, LTD
Name of applicant or Authorized Representative
(Please Print)



James Merani, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: 6/2/06



Amanda M. Burden, AICP, Chair
City Planning Commission

Date: 9-11-06