E-153

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M. Burden, AICP, *Director*
Department of City Planning

August 22, 2005

John Young
Director
Department of City Planning, Queens Office
120-55 Queens Boulevard, Rm 201
Kew Gardens, New York 11424

re: **CEQR No. 06DCP011Q**
ULURP No. 060055 ZMQ
Whitestone Rezoning
SEQRA Classification: Type I

Dear Mr. Young:

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 Negative Declaration for CEQR No. 06DCP011Q, Whitestone Rezoning, including supporting statements for the finding that the project will not have a significant effect.

The proposed action would amend the Zoning Map for all or portions of 311 blocks in the northern Queens neighborhood of Whitestone, Community District 7. The rezoning area is generally bounded by the Whitestone Expressway and 132nd Street to the west, the East River to the north, the Clearview Expressway and Utopia Parkway to the east, and 25th and 26th Avenues to the south.

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The amendments to the Zoning Map are as follows:

- a change from a R2 to a R1-2 district;
- a change from a R2 to a R2A district;
- a change from a R3-1 to a R2A district;
- a change from a R3-2 to a R2A district;
- a change from a R3-2 to a R2 district;
- a change from a R2 to a R3X district;
- a change from a R3-1 to a R3X district;
- a change from a R3-2 to a R3X district;
- a change from a R3-1 to a R3A district;
- a change from a R3-2 to a R3A district;
- a change from a R2 to a R3-1 district;
- a change from a R3-2 to a R3-1 district;
- a change from a R2 to a R3-2 district;

In addition, the Zoning Map amendment would also include the following changes to commercial overlays:

- the removal of two C1-2 overlays and a C2-2 overlay;
- a reduction in depth from 150 ft to 100 ft of five C1-2 overlays and a C2-2 overlay; and
- an expansion of a C1-2 overlay and two C2-2 overlays.

The purpose of the rezoning is to maintain the current character of the neighborhood, which is primarily comprised of detached- and semi-detached homes. Due to increasing pressures in Whitestone to redevelop underutilized lots in the rezoning area, there is an incentive to demolish existing housing stock to make way for out-of-scale attached or multifamily structures. The

proposed action will limit new developments to single and two-family semi-detached and detached housing which most accurately reflects the neighborhood's existing pattern of development. Existing semi-detached, attached, and multifamily buildings would become legally non-conforming uses in the rezoning area. The proposed zoning would not significantly alter land use nor would it affect the amount of future development.

To avoid the potential for impacts related to hazardous materials, the proposed rezoning includes (E) designations. The text of the (E) designations and a complete list of the blocks and lot numbers of the properties on which the (E) designations would be mapped are included in the attached Negative Declaration.

Sincerely,

Robert Dobruskin

Robert Dobruskin, Director
Environmental Assessment and Review Division

cc: Amanda M. Burden
City Planning Commissioners
Hon. Helen Marshall, Queens Borough President
Robert Kulikowski
Chairperson, Queens Community District 7
District Manager, Queens Community District 7
David Karnovsky
Angela Licata
James Merani
Laurence Parnes
Seth Myers
Sam Voyages
Gail Benjamin
Gwen Sheinfeld

CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION

August 22, 2005

Project Identification
CEQR No. 06DCP011Q
ULURP No. 060055ZMQ
SEQRA Classification: Type I

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

Whitestone Rezoning

The New York City Department of City Planning (DCP) is proposing Zoning Map amendments for all or portions of 311 blocks in the northern Queens neighborhood of Whitestone, Community District 7. The rezoning area is generally bounded by the Whitestone Expressway and 132nd Street to the west, the East River to the north, the Clearview Expressway and Utopia Parkway to the east, and 25th and 26th Avenues to the south. The goal of DCP's proposed action is to preserve the area's low density character and ensure that new development is of an appropriate scale and density in keeping with the surrounding neighborhood.

The amendments to the Zoning Map are as follows:

- a change from an R2 to an R1-2 district;
- a change from an R2 to an R2A district,
- a change from an R3-1 to an R2A district;
- a change from an R3-2 to an R2A district;
- a change from an R3-2 to an R2 district;
- a change from an R2 to an R3X district;
- a change from an R3-1 to an R3X district;
- a change from an R3-2 to an R3X district;

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- a change from an R3-1 to an R3A district;
- a change from an R3-2 to an R3A district;
- a change from an R2 to an R3-1 district;
- a change from an R3-2 to an R3-1 district;
- a change from an R2 to an R3-2 district;
- the removal of two C1-2 overlays and a C2-2 overlay;
- a reduction in depth from 150 ft to 100 ft of five C1-2 overlays and a C2-2 overlay; and
- an expansion of a C1-2 overlay and two C2-2 overlays.

The purpose of the rezoning is to maintain the current character of the neighborhood, which is primarily comprised of detached- and semi-detached homes. Due to increasing pressures in Whitestone to redevelop underutilized lots in the rezoning area, there is an incentive to demolish existing housing stock to make way for out-of-scale attached or multifamily structures. The proposed action will limit new developments to single and two-family semi-detached and detached housing which most accurately reflects the neighborhood's existing pattern of development. Existing semi-detached, attached, and multifamily buildings would become legally non-conforming uses in the rezoning area.

The proposed zoning would not significantly alter land use or substantially alter the amount or location of future development. It is projected that new development could occur as a result of the proposed action on only one development site within the rezoning area.

To avoid the potential for hazardous materials impacts on the projected development site, an (E) designation for hazardous materials will be mapped on Block 4860, Lot 15 as part of the proposed rezoning.

On sites receiving an (E) designation for hazardous materials, the contamination can be classified as petroleum based, non-petroleum based, or both. The NYCDEP has developed protocols for both petroleum and non-petroleum based (E) designated sites that are required to be followed in order to address possible contamination. The placement of the (E) designation on the zoning map would eliminate the potential for significant adverse impacts from hazardous materials and would ensure that appropriate testing and remediation, if needed, would be undertaken. The text of the (E) designation is as follows:

<u>(E) Designation for Petroleum Based Contamination</u>
Leakage of underground storage tanks containing petroleum products requires

specific protocol and may contain parts of the near surface and subsurface protocols. To determine if contamination exists on the petroleum (E) designated sites, 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 1
The fee owner(s) of the lot restricted by this (E) designation must submit to the New York City Department of Environmental Protection (NYCDEP) for review and approval, a soil, soil gas, and ground water 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 the NYCDEP. 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 the NYCDEP upon request.

Task 2
A written report with findings and a summary of the data must be presented to the NYCDEP after completion of the testing phase and laboratory analysis for the review and approval. After receiving such test results, a determination will be provided by the NYCDEP if the results indicate that remediation is necessary. Written notice shall be given by the NYCDEP if it determines that no remediation is necessary.

<u>(E) Designation for Non-Petroleum Based Contamination</u>
The non-petroleum based contamination protocol has been developed to address potential contamination from all other hazardous materials sources. The procedures in the non-petroleum based protocol are the same as the petroleum based protocol with the exception of the parameters for which the soil and ground water should be tested. These parameters will vary from site to site depending upon the type of non-petroleum contamination expected to be encountered.

In general, the following steps will be required for the non-petroleum (E) designated sites:

The owner of the property will be required to prepare a scope of work for any sampling and testing needed to determine if contaminations exists and to what extent remediation may be required. The scope of work will include all relevant

supporting documentation including site plans and testing locations. This scope of work will be submitted to the NYCDEP 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. For all non-petroleum (E) designated sites, the three generic NYCDEP soil and ground water sampling protocols should be followed. These protocols are based on the following three types of releases to soil and ground water that may occur: release of a solid hazardous material to the ground surface; release of a liquid hazardous material to the ground surface; and the release of a hazardous material to the sub-surface (i.e. storage tank or piping). The type of release will define the areas of soil to be sampled (surface, near-surface, or subsurface) and will determine the need for the ground water sampling.

Upon receipt of written approval from the NYCDEP of the scope of work, the sampling program will be implemented. No site investigation work will be initiated without at Site Health and Safety Plan also approved by the NYCDEP.

To avoid any potential impacts associated with noise on the projected development site, as part of the proposed rezoning, an (E) designation for noise will be placed on Block 4860, Lot 15. The text of the (E) designation for noise is as follows:

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 on all facades 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 would also have to be provided. Alternate means of ventilation would include, but would not be limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

The (E) designation will ensure that the proposed action would not result in significant adverse impacts due to noise.

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 19, 2005, prepared in connection with the ULURP Application (060055ZMQ). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

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

1. The (E) designations for noise and hazardous materials on the projected development site would ensure that no significant adverse impacts due to noise or hazardous materials contamination would result from the proposed action.

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

This 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 Negative Declaration, you may contact Gwen Sheinfeld at (212) 720-3419.

Robert Dobruskin

Date: 8/19/05

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

Date: 8/22/05

Amanda M. Burden, AICP, Chair
City Planning Commission