E-200

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

CONDITIONAL NEGATIVE DECLARATION

Project Identificiation
CEQR No. 06DCP047Q
ULURP No. 060228 ZMQ
SEQRA Classification: Unlisted

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

Name, Description and Location of Proposal

31st Street Rezoning

The applicant, Scaldafiore Realty Corporation, is proposing an amendment to the zoning map to change the zoning designation of the eastern half of the block bounded by 20th Avenue to the North, 29th Street to the West, 21st Avenue to the South and 31st Avenue to the East (Block 848, Lots 6, 42, 44, 48, 52, 56, 60, 64, 69 and 105) from R5 to R6A. The proposed rezoning area is located in the Astoria area of Queens Community District 1.

The proposed action would facilitate a proposal by the applicant to develop a six-story residential building containing 38 dwelling units and accessory parking for 26 vehicles in a below-grade garage at 20-14 31st Street (Block 848, Lot 42).

The project site is currently developed with a parking lot which serves the existing residences in the area. The remainder of the proposed rezoning area consists of four-story residential development, with the frontages on 21st Avenue consisting of three-story residential buildings with ground floor retail.

(E) Designation

The proposed action includes an (E) designation for noise on the project site (Block 848, Lot 42). The placement of the (E) designation ((E)-200) would ensure that significant noise impacts would not occur.

Amanda M. Burden, AICP, *Chair*
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The text for the (E) designation is as follows:

In order to ensure an acceptable interior noise environment, future residential / commercial uses must provide a closed window condition with a minimum of 30 dB(A) window/wall attenuation in order to maintain an interior noise level of 45dB(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.

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 September 10, 2007, prepared in connection with the ULURP Application (No. 06DCP047Q). 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, Scaldafiore Realty Corporation, agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees 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.

Supporting Statement:

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

1. A Phase I Environmental Site Assessment (ESA) was prepared on May 23, 2006, and is available in the proposal's CEQR file, for the property located at 20-14/18 31st Street in Queens (Block 848, Lot 42) for the project site. The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and Phase II testing was recommended by DEP, due to the potential for the presence of hazardous materials on the site as a result of past and present on and off-site land uses.

   The declaration, binding on all successors and assigns of the applicant, requires that additional Phase II testing be prepared, including a sampling protocol and a health and safety plan for DEP's review and approval. If hazardous materials impacts exist, the declaration requires that the applicant submit a remediation plan for DEP's review and

approval and provide for such remediation. 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 applicant's property would be characterized prior to any site disturbance.

The restrictive declaration was executed on January 26, 2007. On February 7, 2007, the DEP confirmed, via written correspondence, that the applicant filed a DEP-approved Restrictive Declaration with the New York City Department of Finance of the City Register.

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

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

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 proceding 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: 9-28-07

Santino D. Fiore
Name of Applicant or Authorized Representative

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

Date: 9-28-07

Amanda M. Burden, AICP, Chair
City Planning Commission

Date: 2/11/08