



DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK

OFFICE OF THE CHAIR

**REVISED NEGATIVE DECLARATION**

Supersedes Negative Declaration issued on April 21, 2008

**Project Identification**

CEQR No. 08DCP065Q  
ULURP No. C080371ZMQ, N080372ZRQ,  
N080373ZRQ, 080455HUQ  
SEQRA Classification: Type I

**Lead Agency**

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

**Name, Description, and Location of Proposal:**

Rockaway Neighborhoods Rezoning

A Negative Declaration was issued for the above-referenced action on April 21, 2008. The Negative Declaration included an (E) designation (E-215) for hazardous materials and air quality.

Subsequent to the issuance of the April 21, 2008 Negative Declaration, the City Planning Commission considered two modifications to the proposed zoning map change:

1. The originally proposed R7A district on Beach 105<sup>th</sup> Street and Rockaway Beach Boulevard will be modified to an R5D district. R5D reflects the zoning already proposed along the more upland corridors of Rockaway Beach Boulevard and Beach Channel Drive and the context of recent development in the area. R5D districts encourage development of three to four story buildings at a maximum FAR of 2.0.
2. A portion of the originally proposed R4A district south of Plainview Avenue between Beach 18<sup>th</sup> Street and Beach 17<sup>th</sup>; and a portion of originally proposed R4-1 district south of New Haven Avenue between Beach 17<sup>th</sup> Street and Beach 15<sup>th</sup> Street will be modified to retain existing R5 zoning.

This revised EAS was prepared to analyze the above modifications considered by the City Planning Commission and includes editorial and typographical changes in the EAS.

As a result of the modifications, the (E) designation for air quality would be revised for the following locations:

- Block 16176, Lot 1 (Projected Development Site 13)
- Block 16178, Lot 65 (Potential Development Site 25)

- Block 16178, Lot 80 (Potential Development Site 26)

The modified environmental requirements of the (E) designation are described below.

The modified proposal will amend the zoning map affecting all or portions of 280 blocks in Rockaway, Queens Community District 14. The proposed zoning changes take place in the neighborhoods of Somerville, Edgemere and Far Rockaway on the eastern end of the peninsula, and Rockaway Park and Rockaway Beach in the western section. The eastern rezoning area is generally bounded by Beach 72<sup>nd</sup> Street to the west, Jamaica Bay and Rockaway Freeway to the north, the Nassau County line to the east and Beach Channel Drive and the boardwalk to the south. The western rezoning area is generally bounded by Beach 130<sup>th</sup> Street to the west, Jamaica Bay and Rockaway Freeway to the north, Beach 86<sup>th</sup> Street to the east and the Atlantic Ocean boardwalk to the south.

The originally proposed R7A on Rockaway Beach Boulevard will be modified to R5D. R5D will reflect the zoning already proposed along the more upland corridors of Rockaway Beach Boulevard and Beach Channel Drive and the context of recent development in the area. R5D districts encourage development of three to four story buildings at a maximum FAR of 2.0. A second modification will retain an existing R5 district two block on portions between Beach 17<sup>th</sup> Street and Beach 15<sup>th</sup> Street to the south of Caffrey Avenue. The existing R5 district will allow new residential buildings to be developed as planned in conjunction with the expansion Yeshiva Darchei Torah.

The amendments to the Zoning Map, as modified, are as follows:

- A change from a C3 district to R4, R4-1, R4A districts;
- A change from an R2 district to an R2X district;
- A change from an R3-1 district to an R3X district;
- A change from an R3-2 district to R3X, R4-1, R4A, R5A, R5D districts;
- A change from an R3A district to an R3X district;
- A change from an R4 district to C4-3A, M1-1, R3X, R4-1, R4A, R4B, R5D, R7A districts;
- A change from an R4-1 district to R3X, R4A districts;
- A change from an R4A district to an R3X district;
- A change from an R5 district to R3A, R4, R4-1, R4A, R5A, R5B, R5D, R7A districts;
- A change from an R6 district to C4-3A, C4-4, R3A, R4-1, R4A, R5, R5A, R5B, R5D, R6A districts;
- A change from a C1-2 district to a C1-3 district; A change from an C2-2 district to a C2-3 district;
- New C1-3 and C2-3 commercial overlays along B. 116<sup>th</sup> Street between Beach Channel Drive and the Ocean Promenade, portions of Rockaway Beach Boulevard between B. 116<sup>th</sup> and 108<sup>th</sup> Streets, between B. 86<sup>th</sup> and 102<sup>nd</sup> Streets, and between B. 59<sup>th</sup> and 68<sup>th</sup> Streets.

#### **Zoning Text Amendment (N 080372 ZRQ)**

An R2X district is proposed to be mapped on 22 blocks at the eastern edge of the Far Rockaway rezoning area, an area predominantly developed with single family detached homes on lots that are at least 30 feet in width. Currently the R2X district can only be mapped in the Special Ocean Parkway District in Brooklyn. This proposed text amendment would modify Section 21-12 of the Zoning

Resolution to allow designation of an R2X district in Queens, Community District 14.

**Zoning Text Amendments**

**N 080372 ZRQ:** An R2X district is proposed to be mapped on 22 blocks at the eastern edge of the Far Rockaway rezoning area, an area predominantly developed with single family detached homes on lots that are at least 30 feet in width. Currently the R2X district can only be mapped in the Special Ocean Parkway District in Brooklyn. This proposed text amendment would modify Section 21-12 of the Zoning Resolution to allow designation of an R2X district in Queens, Community District 14.

**N 080373 ZRQ:** The proposed text amendment would modify Section 25-00 of the Zoning Resolution to apply the accessory off-street parking regulations of an R5 district to R6 and R7 districts and commercial districts with a residential equivalent of R6 or R7. This text amendment will not effect development in R6 and R7 districts in urban renewal areas.

The proposed text amendment would affect two areas proposed to be zoned to R7A in the Rockaway Beach and Rockaway Park communities and two areas proposed to be rezoned to R6A in the Rockaway Beach and Far Rockaway communities. There would be no affect on the proposed C4-3A and C4-4 districts which are located in the Edgemere and Arverne Urban Renewal Areas, or C4-2 districts in Downtown Rockaway.

The Department of Housing Preservation and Development submitted a ULURP application to amend the Edgemere Urban Renewal Plan (080455HUQ). The Plan was originally adopted, and disposition approval granted, on September 18, 1997. The proposed amendment will revise the Plan so as to make it consistent with the Rockaway area rezoning proposed by the Department of City Planning. The rezoning affects three blocks (Block 15825, 15852, 15853); two projected sites and one potential site in the urban renewal area that are designated for commercial/residential use.

The proposed action is projected to result in a net increase of 558 residential units, an increase of 43,139 square feet of commercial space and a decrease of 19,926 square feet of community facility space. A total of 15 projected development sites and 20 potential development sites have been identified in the area.

The proposed contextual zoning is intended to preserve the scale and character of the individual Rockaway neighborhoods and ensure that future residential development would be consistent with the surrounding neighborhood's building patterns. In the areas characterized by one- and two-family homes, contextual zoning will limit the densities for future development.

To avoid the potential for impacts related to hazardous materials and air quality, the proposed rezoning includes (E) designations (E-215).

The (E) designations for hazardous materials would be placed on some of the development sites. These sites are comprised of the following parcels:

<u>Block</u>	<u>Lots</u>
15852	60, 64, 68, 84, 86, 88
15901	8, 57
15907	65, 67, 80
16011	105
15913	67, 70

16013	1
16014	1
16038	68, 70
16155	1, 5
16156	1, 6, 7, 8
16159	94, 95, 96, 97, 98, 99, 100, 101, 102, 103
16173	28
16176	1
16178	1, 65, 80
16188	15, 75

On the sites receiving (E) designations 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, 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:

**Task 1-Sampling Protocol**

**A. Petroleum**

**A soil, soil gas, and groundwater testing protocol (including a description of methods), and a site map with all sampling location represented clearly and precisely, must be submitted to the NYCDEP by the fee owner(s) of the lot which is restricted by this (E) designation, for review and approval.**

**A site map with the sampling locations clearly identified and a testing protocol with a description of methods, for soil, soil gas, and groundwater, must be submitted by the fee owner(s), of the lot which is restricted by the (E) designation, to the NYCDEP for review and approval.**

**B. Non-Petroleum**

**The fee owner(s) of the lot restricted by this (E) designation will be required to prepare a scope of work for any sampling and testing needed to determine if contamination exists 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 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 groundwater sampling protocols should be followed.**

**A scope of work for any sampling and testing to be completed, which will determine the extent of on-site contamination and the required remediation, must be prepared by the fee owner(s) of the lot restricted by this (E) designation. The scope of work will include the following: site plans, sampling**

locations, and all other relevant supporting documentation. The scope of work must be submitted to the NYCDEP for review and confirmation that an adequate testing protocol (i.e., number of samples collected, appropriate parameters for laboratory analysis) has been prepared. The NYCDEP must approve the scope of work before it can be implemented.

For non-petroleum (E) designated sites, one of the three generic soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater, including: the release of a solid hazardous material to ground surface; the release of a liquid hazardous material to the ground surface; and the release of a hazardous material to the subsurface (i.e., storage tank or piping). The type of release defines the areas of soil to be sampled from surface, near-surface, to subsurface. Additionally, it determines the need for groundwater sampling.

A written approval of the sampling protocol must be received from the NYCDEP before commencement of sampling activities. Sample site quantity and location should be determined so as to adequately characterize the site, the source of contamination, and the condition of the remainder of the site. After review of the sampling data, the characterization should have been complete enough to adequately determine what remediation strategy (if any) is necessary. Upon request, NYCDEP will provide guidelines and criteria for choosing sampling sites and performing sampling.

Finally, a Health and Safety Plan must be devised and approved by the NYCDEP before the commencement of any on-site activities.

### **Task 2-Remediation Determination and Protocol**

After sample collection and laboratory analysis have been completed on the soil and/or groundwater samples collected in Task 1, a summary of the data and findings in the form of a written report must be presented to the NYCDEP for review and approval. The NYCDEP will provide a determination as to whether remediation is necessary.

If it is determined that no remediation activities are necessary, a written notice will be released to that effect. However, if it is the NYCDEP's determination that remediation is necessary the fee owner(s) of the lot restricted by the (E) designation must submit a proposed remediation plan to the NYCDEP for review and approval. Once approval has been obtain, and the work completed, the fee owner(s) of the lot restricted by the (E) designation must provide proof to the NYCDEP that the work has been completed satisfactorily.

With the placement of the (E) designations on the above block and lots, no impacts related to hazardous materials are anticipated.

To avoid the potential for impacts related to air quality, the proposed rezoning includes (E) designations for air quality. Accordingly, (E) designations will be mapped on the following parcels:

- Block 15852, Lots 60, 64, 68, 84, 86, 88
- Block 15901, Lots 8, 57
- Block 15907, Lots 65, 67, 80
- Block 16011, Lot 105
- Block 16013, Lot 1
- Block 16014, Lot 1
- Block 16155, Lots 1, 5
- Block 16156, Lots 1, 6, 7, 8
- Block 16159, Lots 94, 95, 96, 97, 98, 99, 100, 101, 102, 103
- Block 16173, Lot 28
- Block 16174, Lots 22, 47
- Block 16176, Lot 1
- Block 16178, Lots 1, 65, 80
- Block 16188, Lots 15, 17, 19, 21, 23, 25, 28, 30, 34, 62, 66, 68, 70, 75
- Block 16226, Lot 25

The text for the (E) designations is as follows:

Block 15901, Lots 8, 57 (Projected Development Site 3)

**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 108 and 62 feet for Oil No. 4 and No. 2 from the lot line facing Beach 62<sup>nd</sup> Street, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 15907, Lots 65, 67, 80 (Projected Development Site 4)

**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 36 and 7 feet for Oil No. 4 and No. 2 from the lot line facing Beach 62<sup>nd</sup> Street, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16011, Lot 105 and Block 16013, Lot 1 (Projected Development Site 5)

**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 128 and 92 feet for Oil No. 4 and Oil No. 2 from the lot line facing Beach 62<sup>nd</sup> Street, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16014, Lot 1 (Projected Development Site 6)

**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least**

**82 and 62 feet for Oil No. 4 and No. 2 from the lot line facing Beach 59<sup>th</sup> Street, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16155, Lots 1, 5 (Projected Development Site 9)

**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 10 feet for Oil No. 4 from the lot line facing Beach 100<sup>th</sup> Street, or use Oil No. 2 or Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16156, Lots 6, 7, 8 (Projected Development Site 10)

**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 62 and 46 feet for Oil No. 4 and Oil No. 2 from the lot line facing Rockaway Beach Boulevard, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16174, Lot 22 (Projected Development Site 12)

**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 36 and 20 feet for Oil No. 4 and Oil No. 2 from the lot line facing Shore Front Parkway, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16176, Lot 1 (Projected Development Site 13)

**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 109 and 76 feet for Oil No. 4 and Oil No. 2 from the lot line facing Beach 105<sup>th</sup> Street, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16188, Lots 25, 28, 62 (Projected Development Site 14)

**Any new residential and/or commercial development on the above-referenced properties must use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16226, Lot 25 (Projected Development Site 15)

**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 121 and 89 feet for Oil No. 4 and Oil No. 2 from the lot line facing Ocean Promenade, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 15852, Lots 64, 68 (Potential Development Site 16)

**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 82 and 62 feet for Oil No. 4 and Oil No. 2 from the lot line facing Beach 44<sup>th</sup> Street, or use**

**Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 15852, Lots 60, 84, 86, 88 (Potential Development Site 17)

**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 72 and 59 feet for Oil No. 4 and Oil No. 2 from the lot line facing Beach 43<sup>rd</sup> Street, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16156, Lot 1 (Potential Development Site 20)

**Any new residential and/or commercial development on the above-referenced properties must use Oil No. 2 or Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16159, Lots 94, 95, 96, 97, 98, 99, 100, 101, 102, 103 (Potential Development Site 21)

**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 62 and 43 feet for Oil No. 4 and Oil No. 2 from the lot lines facing Rockaway Beach Boulevard and Beach 101<sup>st</sup> Street, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16173, Lot 28 (Potential Development Site 22)

**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 66 and 52 feet for Oil No. 4 and Oil No. 2 from the lot line facing Shore Front Parkway, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16174, Lot 47 (Potential Development Site 23)

**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 30 feet for Oil No. 4 from the lot line facing Rockaway Beach Boulevard, or use Oil No. 2 or Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16178, Lot 1 (Potential Development Site 24)

**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 128 and 92 feet for Oil No. 4 and No. 2 from the lot line facing Beach 106<sup>th</sup> Street, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16178, Lot 65 (Potential Development Site 25)

**Any new residential and/or commercial development on the above-referenced properties must use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16178, Lot 80 (Potential Development Site 26)

**Any new residential and/or commercial development on the above-referenced properties must use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16188, Lots 15, 75 (Potential Development Site 27)

**Any new residential and/or commercial development on the above-referenced properties must use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16188, Lot 17 (Potential Development Site 28)

**Any new residential and/or commercial development on the above-referenced properties must use Oil No. 2 or Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16188, Lots 19, 21 (Potential Development Site 29)

**Any new residential and/or commercial development on the above-referenced properties must use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16188, Lot 23 (Potential Development Site 30)

**Any new residential and/or commercial development on the above-referenced properties must use Oil No. 2 or Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16188, Lot 30 (Potential Development Site 31)

**Any new residential and/or commercial development on the above-referenced properties must use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16188, Lot 34 (Potential Development Site 32)

**Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 105 and 75 feet for Oil No. 4 and No. 2 from the lot line facing Rockaway Beach Boulevard, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16188, Lot 66 (Potential Development Site 33)

**Any new residential and/or commercial development on the above-referenced properties must use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16188, Lot 68 (Potential Development Site 34)

**Any new residential and/or commercial development on the above-referenced properties must use Oil No. 2 or Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

Block 16188, Lot 70 (Potential Development Site 35)

**Any new residential and/or commercial development on the above-referenced properties**

**must ensure that the heating, ventilating and air conditioning stack(s) are located exactly 16 feet for Oil No. 2 from the lot line facing Rockaway Beach Boulevard, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.**

With the placement of the (E) designations on the above blocks and lots, no impacts related to stationary source air quality would be expected.

**Statement of No Significant Effect:**

The Environmental Assessment and Review Division of the Department of City Planning have completed its technical review of the Environmental Assessment Statement dated April 18, 2008 prepared in connection with ULURP Nos. C080371ZMQ, N080372ZRQ, N080373ZRQ. On behalf of the City Planning Commission, the Environmental Assessment and Review Division has determined that the proposed action will have no significant effect on the quality of the environment.

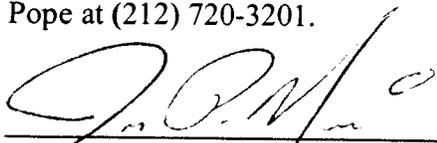
**Supporting Statement:**

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

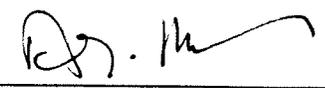
1. The (E) designations for air quality and hazardous materials would ensure that no significant adverse impacts due to air quality or hazardous materials would result from the proposed action.
2. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

This Revised 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 Sharon Pope at (212) 720-3201.

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

Date: 07/21/08

  
\_\_\_\_\_  
Amanda M. Burden, FAICP, Chair  
City Planning Commission

Date: 07/23/08

