



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION

June 2, 2008

Project Identification

CEQR No. 08DCP073Q
ULURP No. N 080462 ZMQ
SEQRA Classification: Type I

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin

Name, Description, and Location of Proposal:

Laurelton Rezoning

The Department of City Planning proposes to amend the Zoning Map affecting 220 blocks in the eastern Queens neighborhood of Laurelton, Queens Community District 13, to change existing R2, R3-2 and C8-1 zoning districts to R2, R2A, R3A, R3X, R3-1, R3-2 or R4B zones, where appropriate. Additionally, portions of 17 blocks along Merrick and Springfield boulevards would be rezoned from C8-1 and R3-2 to R5D to permit residential and mixed-use development where it is not now allowed. The rezoning area is generally bounded by Montefiore Cemetery and 121st Ave to the north; Laurelton Parkway to the east; the Belt Parkway to the south, and Springfield Boulevard to the west.

In addition, commercial overlay districts in the rezoning area will be modified. C2-3 commercial overlay districts along Merrick and Springfield boulevards within the new R5D zoning district west of 225th Street will be added. Certain C2-2 overlay districts where residential development exists without commercial uses will be removed. Existing C1-2 and C2-2 commercial overlay districts will be changed to C1-2 or C2-3 and the depths of commercial overlays will be reduced to coincide with commercial development.

The proposed rezoning aims to protect Laurelton's established lower density, one- and two-family character and ensure that future residential development reflects the building patterns and context of the surrounding neighborhood. The proposed rezoning would also provide new housing opportunities by establishing a medium-density residential district on a section of Merrick and Springfield boulevards where the existing zoning precludes residential development. In addition, establishing new commercial overlays on the area's primary corridors and reducing the depth of existing overlay districts would match existing land use patterns and prevent commercial uses from encroaching on residential side streets.

The proposed Zoning Map amendments have three components:

- **Contextual Rezoning:** Rezone all or portions of 216 blocks from R2, R3-2 and C8-1 to R2, R2A, R3A, R3X, R3-1, R3-2 or R4B;
- **Corridor Rezoning:** Rezone portions of 17 blocks along Merrick and Springfield boulevards from C8-1 and R3-2 to R5D to permit residential and mixed-use development;
- **Commercial Overlay Modifications:** Establish C2-3 commercial overlay districts along Merrick and Springfield boulevards within the new R5D zoning district west of 225th Street; Eliminate certain C2-2 overlay districts where residential development exists; Rezone existing C1-2 and C2-2 commercial overlay districts to C1-3 or C2-3; Reduce the depths of commercial overlay districts to coincide with commercial development.

The proposed action is not expected to have a substantial effect on the amount or location of new residential development in the foreseeable future. It would instead ensure that the configuration and density of new housing development is consistent with the area's existing patterns of development. The proposed changes to the commercial overlays would remove commercial zoning from areas that are residentially developed, reinforce local convenience retail uses and prevent intrusion of commercial uses onto residential streets. There would be no increase in the allowed FAR for commercial and community facility uses where commercial overlays are not currently mapped. A total of 4 projected development sites and 12 potential development sites have been identified in this area. The analysis year for the proposed action is 2018.

As a result of the environmental review, (E) designations have been mapped on selected development sites in order to preclude future hazardous materials, air quality and noise impacts which could occur as a result of the proposed action. The E-designation number is E-219.

To avoid any potential impacts associated with hazardous materials, as part of the proposed rezoning, an (E) designation for hazardous materials will be placed on the following properties:

<u>Block</u>	<u>Lots</u>
12956	29
12958	50, 111, 114
12960	1
12962	51, 84, 85
12963	308
13010	18, 49
13011	12, 46
13012	39
13098	31, 21
13100	22, 26, 37
13102	10, 16
13103	18, 21
13105	33, 41

The (E) designation would require that the fee owner of the sites conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of the NYCDEP before the issuance of a building permit by the Department of Buildings pursuant to the provisions of Section 11-15 of the Zoning Resolution (Environmental Requirements). The (E) designation will also include a mandatory construction-related health and safety plan which must be approved by NYCDEP. The text for the (E) designation will be 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 ground-water 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 on 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 preclude the potential for significant adverse air quality impacts related to HVAC emissions, an (E) designation would be incorporated into the rezoning proposal for each of the following properties:

<u>Block</u>	<u>Lots</u>
12958	50, 111, 114
12962	51, 84, 85
13010	18, 49
13011	12, 46
13100	22, 26, 37
13102	10, 16
13103	18, 21

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

Block 13010, Lot 49 (Projected Development Site 1)

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 at least 37 and 48 feet for Oil No. 4 from the lot lines facing Merrick Boulevard and 217th Street, respectively, and at least 23 and 34 feet for Oil No. 2 from the lot lines facing Merrick Boulevard and 217th Street, respectively, 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 13103, Lots 18, 21 (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 18 feet for Oil No. 4 from the lot line facing 223rd 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 12958, Lot 50 (Potential Development Site C)

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 54, 70 and 31 feet for Oil No. 4 from the lot lines facing 218th Street, 220th Street, and Merrick Boulevard, respectively, and at least 18 and 34 feet for Oil No. 2 from the lot lines facing 218th Street and 220th Street, respectively, 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 12958, Lot 111 (Potential Development Site D)

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 8 and 66 feet for Oil No. 4 from the lot lines facing 218th Street and 220th Street, respectively, and at least 49 feet for Oil No. 2 from the lot line facing 220th 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 12958, Lot 114 (Potential Development Site E)

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 18 feet for Oil No. 4 from the lot line facing 218th 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 13010, Lot 18 (Potential Development Site H)

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 21 and 40 feet for Oil No. 4 from the lot lines facing 218th Street and 135th Avenue, respectively, and at least 27 feet for Oil No. 2 from the lot line facing 135th Avenue, respectively, 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 13011, Lots 12, 46 (Potential Development Site I)

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 61 and 41 feet for Oil No. 4 and Oil No. 2 from the lot line facing Springfield 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 13102, Lots 10, 16 (Potential Development Site K)

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 27 and 24 feet for Oil No. 4 from the lot lines facing 222nd Street and 223rd Street, and at least 14 and 11 feet for Oil No. 2 from the lot lines facing 222nd Street and 223rd 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 13100, Lots 22, 26, 37 (Potential Development Site L)

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 53 and 27 feet for Oil No. 4 and No. 2 from the lot line facing 222nd 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 12962, Lots 51, 84, 85 (Potential Development Site M)

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 26 feet for Oil No. 4 from the lot line facing 224th 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.

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

To preclude the potential for significant adverse impacts related to noise, an (E) designation would be incorporated into the rezoning proposal for each of the following properties:

<u>Block</u>	<u>Lots</u>
12956	29
12958	50, 111, 114
12960	1
12962	51, 84, 85
12963	308
13010	18, 49
13012	39
13098	21, 31
13100	22, 26, 37
13102	10, 16
13103	18, 21
13105	33, 41

The text for the (E) designations 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 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 must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning, air conditioning sleeves containing air conditioners, or HUD-approved fans.

With the placement of the (E) designation for noise, no impacts related to noise are expected and no further analysis is warranted.

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 May 30, 2008, prepared in connection with the ULURP Application (ULURP number N 080462 ZMQ). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

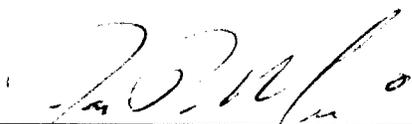
The above determination is based on an environmental assessment which finds that:

1. The (E) designation for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials.
2. The (E) designations for air quality would ensure that the proposed action would not result in significant adverse impacts due to air quality.
3. The (E) designations for noise would ensure that the proposed action would not result in significant adverse impacts due to noise.

4. No other significant adverse 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 Sharon Pope at (212) 720-3201.



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

Date: May 30, 2008



Amanda M. Burden, FAICP, Chair
City Planning Commission

Date: June 2, 2008