



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR



September 22, 2008

NEGATIVE DECLARATION

Project Identification

CEQR No. 09DCP013Q
ULURP Nos. N 090103 ZRQ, 090104 ZMQ
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:

Special Forest Hills District

The Department of City Planning is proposing to establish new contextual zones and create the Special Forest Hills District (SFHD) in the Forest Hills neighborhood of Queens Community District 6. The proposed actions would affect an area consisting of all or portions of nine blocks generally bounded by Queens Boulevard to the north, Long Island Railroad right-of-way to the south, Ascan Avenue to the east and Yellowstone Boulevard to the west (Blocks 3236, 3237, 3238, 3239, 3256, 3257, 3258, and parts of 3234 and 3255). The specific actions are comprised of two components:

Zoning Map Amendment: To change the existing C8-2, C4-2 and R7-1 zoning districts that cover these nine blocks with contextual districts (R5D/C2-3, C4-4A and C4-5X.) and establish the new Special Forest Hills District. Portions of 2 blocks on the south side of Austin Street (Blocks 3234, 3255) would be rezoned from C8-2, C4-2, R7-1 and R7-1/C1-2 to R5D/C2-3. Portions of 5 contiguous blocks (Blocks 3238, 3239, 3256, 3257, 3258) would be rezoned from C8-2 and C4-2 to C4-4A. Two full blocks (Blocks 3236, 3237) and portions of five contiguous blocks (Blocks 3238, 3239, 3256, 3257, 3258) would be rezoned from C8-2, C4-2 and R7-1 to C4-5X. The boundary of the new special district is coterminous to the area being rezoned.

Zoning Text Amendment: To establish the Forest Hills Special District which would provide special regulations pertaining to bulk, use, parking and height and setback. These special regulations would supplement or supersede the underlying zoning districts on the nine blocks subject to the zoning change.

The rezoning study was initiated by the Department of City Planning following community concerns that the current zoning does not accurately reflect the development trends in the area or provide the tools necessary to foster moderate growth and development. The new special district would provide the framework to guide future growth and development while reinforcing the thriving commercial activity.

The proposed action is projected to result in development on 12 sites with a net increase of 467 residential units, a net decrease of 8,956 square feet of commercial space, a net decrease of 83,849 square feet of community facility space, a net increase of 226 residential parking spaces and a net increase of 17 community facility/commercial parking spaces. A total of 12 projected development sites and 11 potential development sites have been identified in the area. The analysis year for the proposed action is 2018.

To avoid any potential impacts associated with hazardous materials, air quality and noise, as part of the proposed rezoning, an (E) designation (E-222) would be mapped.

As part of the proposed rezoning, an (E) designation for hazardous materials will be placed on all appropriate (i.e., not city-owned) projected and potential development sites:

<u>Block</u>	<u>Lots</u>
3234	39, 45
3236	1, 18, 22
3237	33, 40
3238	23, 42, 44
3239	8, 9, 15, 16, 17, 20, 21, 23, 25, 29, 32, 38
3256	9, 38
3257	19, 21
3258	14, 16, 17, 18, 20, 28

Development of a site with an (E) designation would require that a Phase I Environmental Site Assessment in accordance with the American Society of Testing Materials (ASTM) E1527-05 be conducted, and if necessary, a sampling and remediation protocol be developed and implemented to the satisfaction of New York City Department of Environmental Protection (DEP) prior to issuance of a building permit (pursuant to Section 11-15 of the City's Zoning Resolution). Such designation would eliminate the potential for significant adverse impacts from hazardous materials due to implementation of the proposed project.

The applicable text for the (E) designations would be as follows:

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.

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:

- Block 3234, Lots 39, 45
- Block 3236, Lots 1, 18, 22
- Block 3237, Lots 33, 40
- Block 3238, Lots 23, 42
- Block 3239, Lots 8, 9, 15, 16, 17, 20, 21, 23, 25, 29, 32, 38
- Block 3256, Lot 38
- Block 3258, Lots 14, 16, 17, 18, 20, 28

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

Block 3236, Lot 1 (Projected 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 61 feet, 121 feet, and 65 feet for Oil No. 4 from the lot lines facing Yellowstone Boulevard, 69th Road, and Gerard Place, respectively, and at least 29 feet, 89 feet, and 33 feet for Oil No. 2 from the lot lines facing Yellowstone Boulevard, 69th Road, and Gerard Place, 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 3236, Lot 18 (Projected Site 2)

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 feet for Oil No. 4 from the lot line facing Yellowstone Boulevard, at least 43 feet for Oil No. 2 from the lot line facing Yellowstone 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 3234, Lot 39 (Projected 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 46 feet for Oil No. 2 from the lot lines facing Yellowstone Boulevard and 71st Avenue and use either 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 3234, Lot 45 (Projected 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 59 feet for Oil No. 4 from the lot line facing Yellowstone Boulevard, at least 39 feet for Oil No. 2 from the lot line facing Yellowstone 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 3237, Lot 40 (Projected Site 5)

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 3239, Lot 38 (Projected Site 7)

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 69 feet for Oil No. 2 from the lot lines facing Queens Boulevard, 71st Avenue, and Austin Street and use either 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 3239, Lot 32 (Projected Site 8)

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 75 feet for Oil No. 4 from the lot lines facing Queens Boulevard and 71st Avenue, at least 59 feet for Oil No. 2 from the lot lines facing Queens Boulevard and 71st Avenue, 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 3239, Lot 25 (Projected 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 66 feet for Oil No. 4 from the lot lines facing 70th Road and Queens Boulevard, at least 52 feet for Oil No. 2 from the lot lines facing 70th Road and Queens 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 3258, Lot 28 (Projected Site 11)

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 feet for Oil No. 4 from the lot line facing Queens Boulevard, at least 56 feet for Oil No. 2 from the lot line facing Queens 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 3258, Lots 14, 16, 17, 18, 20 (Projected 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 73 feet and 98 feet for Oil No. 4 from the lot lines facing 72nd Avenue and Austin Street, respectively, at least 47 feet and 72 feet for Oil No. 2 from the lot lines facing 72nd Avenue and Austin 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 3236, Lot 22 (Potential 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 85 feet, 29 feet, and 23 feet for Oil No. 2 from the lot lines facing Yellowstone Boulevard, Gerard Place, and 69th Road, respectively, and use either 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 3237, Lot 33 (Potential Site 14)

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 79 feet for Oil No. 4 from the lot lines facing 69th Road and Queens Boulevard, at least 62 feet for Oil No. 2 from the lot lines facing 69th Road and Queens 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 3238, Lot 42 (Potential Site 15)

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 3238, Lot 23 (Potential 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 21 feet for Oil No. 4 from the lot line facing Queens 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 3239, Lots 8, 9 (Potential 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 66 feet for Oil No. 4 from the lot lines facing 70th Road and Austin Street, at least 52 feet for Oil No. 2 from the lot lines facing 70th Road and Austin 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 3239, Lots 15, 16 (Potential Site 18)

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 3239, Lots 17, 20 (Potential Site 19)

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 3239, Lots 21, 23 (Potential Site 20)

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 3239, Lot 29 (Potential Site 21)

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 3256, Lot 38 (Potential 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 56 feet for Oil No. 2 from the lot lines facing Queens Boulevard and 71st Road and use either 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.

To preclude the potential for significant adverse impacts related to noise from mobile sources, an (E) designation would be incorporated into the proposed actions for each of the following properties:

Block 3236, Lots 1, 18, 22
Block 3237, Lots 33, 40
Block 3238, Lots 23, 42, 44
Block 3239, Lots 8, 9, 15, 16, 17, 20, 21, 23, 25, 29, 32, 38
Block 3256, Lots 9, 38
Block 3257, Lots 19, 21
Block 3258, Lots 14, 16, 17, 18, 20, 28

The text for the (E) designations would be 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.

To preclude the potential for significant adverse impacts related to noise from mobile sources, an (E) designation would be incorporated into the proposed actions **Block 3234, Lots 39 and 45**. The text for the (E) designations would be 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) and 40 dB(A) on south facade (only) window/wall attenuation 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.

The E-designations for these sites affected by ambient noise are as follows:

Minimum Required Window/Wall Attenuation for Development Sites

Block No.	Lot No.	Development Site	Controlling Noise Monitoring Site and Measured $L_{(10)}$ (dB(A)) Level	Minimum Required Attenuation
Projected Development Sites				
3236	1	1	Site 1 / 74.7 dB(A)	30 dB(A)
3236	18	2	Site 1 / 74.7 dB(A)	30 dB(A)
3234	39	3	Site 3 & Calculation / 81.7 dB(A)	30, 40 dB(A) on South Façade
3234	45	4	Site 3 & Calculation / 81.7 dB(A)	30, 40 dB(A) on South Façade
3237	40	5	Site 1 / 74.7 dB(A)	30 dB(A)
3238	44	6	Site 1 / 74.7 dB(A)	30 dB(A)
3239	38	7	Site 3 / 73.1 dB(A)	30 dB(A)
3239	32	8	Site 3 / 73.1 dB(A)	30 dB(A)
3239	25	9	Site 3 / 73.1 dB(A)	30 dB(A)
3256	9	10	Site 2 / 73.8 dB(A)	30 dB(A)
3258	28	11	Site 3 / 73.1 dB(A)	30 dB(A)
3258	14	12	Site 3 / 73.1 dB(A)	30 dB(A)
	16			
	17			
	18			
	20			

Block No.	Lot No.	Development Site	Controlling Noise Monitoring Site and Measured L ₍₁₀₎₁ (dB(A)) Level	Minimum Required Attenuation
Potential Development Sites				
3236	22	13	Site 3 / 73.1 dB(A)	30 dB(A)
3237	33	14	Site 3 / 73.1 dB(A)	30 dB(A)
3238	42	15	Site 3 / 73.1 dB(A)	30 dB(A)
3238	23	16	Site 3 / 73.1 dB(A)	30 dB(A)
3239	8	17	Site 2 / 73.8 dB(A)	30 dB(A)
	9			
3239	15	18	Site 3 / 73.1 dB(A)	30 dB(A)
	16			
3239	17	19	Site 3 / 73.1 dB(A)	30 dB(A)
	20			
3239	21	20	Site 3 / 73.1 dB(A)	30 dB(A)
	23			
3239	29	21	Site 3 / 73.1 dB(A)	30 dB(A)
3256	38	22	Site 3 / 73.1 dB(A)	30 dB(A)
3257	19	23	Site 3 / 73.1 dB(A)	30 dB(A)

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 18, 2008, prepared in connection with the ULURP Applications (N 090103 ZRQ & 090104 ZMQ). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

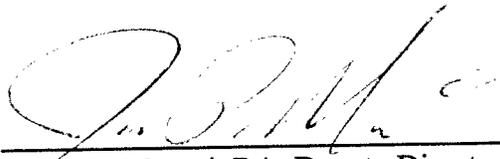
Supporting Statement:

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.

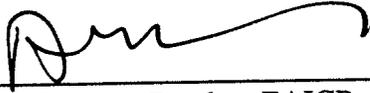
This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Negative Declaration, you may contact Diane McCarthy at (212) 720-3417.



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

Date: September 19, 2008



Amanda M. Burden, FAICP, Chair
City Planning Commission

Date: September 22, 2008