E235

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

April 20, 2009

NEGATIVE DECLARATION

Project Identification
CEQR No. 09DCP064Q
ULURP No. 090382ZMQ
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:

Middle Village-Glendale-Maspeth Rezoning
The Department of City Planning (DCP) is proposing an amendment to the zoning map affecting approximately 300 blocks in the Middle Village-Glendale-Maspeth neighborhoods of Queens, Community District 5. The proposed Zoning Map amendments will replace all or portions of existing R3-2, R4, R4B, R5, M1-1 and M1-4D zoning districts with R3A, R4-1, R4A, R4B, R5B, and R5 lower density or contextual zoning districts. In addition, some areas within C1-2 and C2-2 districts would be rezoned to C1-3 and C2-3, reducing the distance for most commercial overlays from 150-feet to 100-feet. C1-3 commercial overlay districts would also be established along certain sections of Myrtle, Metropolitan, Flushing and Cooper Avenues, as well as a portion of 69th Street. C2-3 commercial overlay districts would be established along Metropolitan Ave within the new R5B zoning district between Fresh Pond Road and 64th Street.

The rezoning area is comprised of four smaller sections: Middle Village bounded by the Queens-Midtown Expressway, Woodhaven Boulevard, Mt Olivet Cemetery, 80th Street, Juniper Boulevard, and Lutheran Avenue; eastern Glendale bounded by Woodhaven Boulevard 76th Avenue 88th Street 77th Ave, 80th Street and Cooper Avenue; western Glendale bounded by The Long Island Railroad, 70th Avenue, 69th Place, Myrtle Avenue, 73rd St, and Mt. Carmel Cemetery; and Maspeth bounded by 59th Street, Mt. Olivet Cemetery, the Queens-Midtown Expressway, and Admiral Avenue.

The proposed action is projected to result in development on 10 sites with a net increase of 66 dwelling units, a net increase of 13.05 square feet of commercial space, a net increase of 5,248 square feet of community facility space and a net increase of 51 parking spaces. A total of 10 projected development sites and 12 potential development sites have been identified in this area. The analysis year for the proposed action is 2019.

As a result of the environmental review, (E) designations would be mapped on selected development sites in order to preclude future hazardous materials, air quality and noise

Amanda M. Burden, FAICP, *Chair*
22 Reade Street, New York, N.Y. 10007-1216
(212) 720-3200 FAX (212) 720-3219
http://www.nyc.gov/planning

impacts which could occur as a result of the proposed action. The E-designation number is E-235.

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:

Block	Lots
2713	70, 72, 73
2770	1, 13, 16, 31, 34
2771	21, 38
3594	7
3639	1
3675	1, 3, 4, 5, 10, 60, 61
3686	46
3692	1
3707	28
3708	33
3709	25
3710	22

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:

Block 2770, Lots 1, 13, 16, 31, 34
Block 3000, Lot 26
Block 3014, Lot 26
Block 3675, Lots 1, 3, 4, 5, 10, 60, 61

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

Block 2770, Lot 1 (Projected Development Site 1)
Any new residential development on the above-referenced properties must ensure that the HVAC stacks are located at least 32 feet for Oil No. 2 from the lot line facing 62nd 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 2770, Lots 31, 34 (Projected Development Site 2)
Any new residential development on the above-referenced properties must ensure that the HVAC stacks are located at least 32 feet for Oil No. 2 from the lot line facing Fresh Pond Road 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 3014, Lot 26 (Projected Development Site 4)
Any new residential development on the above-referenced properties must ensure that the HVAC stacks are located at least 40 feet for Oil No. 2 from the lot line

facing Penelope 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 3675, Lots 1, 3, 4, 5, 60, 61 (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 at least 40 feet for Oil No. 2 from the lot line facing 65^{h} 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 2770, Lot 13, 16 (Potential Development Site A)
Any new residential development on the above-referenced properties must ensure that the HVAC stacks are located at least 32 feet for Oil No. 2 from the lot line facing Metropolitan 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 3000, Lot 26 (Potential Development Site D)
Any new residential development on the above-referenced properties must ensure that the HVAC stacks are located at least 32 feet for Oil No. 2 from the lot line facing Fleet Center 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 3675, Lot 10 (Potential Development Site F)
Any new residential and/or commercial development on the above-referenced properties must use only Natural Gas as the type of fuel for heating, ventilating and air conditioning (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 significant adverse air quality impacts related to stationary sources 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:

Block 2770, Lots 1, 31, 34
Block 2771, Lots 21, 38
Block 3639, Lot 1

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 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 must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.

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 April 20, 2009, prepared in connection with the ULURP Application (ULURP No. 090382ZMQ). 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: 4/20/09

Amanda M. Burden, FAICP, Chair
City Planning Commission

Date: 4-20-09