



E-265

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

March 30, 2011

CONDITIONAL NEGATIVE DECLARATION

Project Identification

CEQR No. 06DCP112R
ULURP No. 100118ZMR
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

Union Avenue Rezoning

The applicant, Union Avenue Development Corporation, LLC is proposing to rezone the entirety of Block 1226 from an M1-1 district to an R3A district. Block 1226 is bounded by Union and Leyden Avenues, Harbor Road and the Staten Island Rapid Transit Railway right of way, in Staten Island, Community District 1.

The proposed action would facilitate a proposal by the applicant to redevelop a portion of the block under the applicant's control, referred to as Projected Development Site 1, (Block 1226, Lots 1, 3, 5, 7, 11, 57, 70, 77, and 83) with 24 one-family and 7 two-family residential structures, totaling 45 dwelling units. Additionally, the remaining area of the block proposed to be rezoned includes lots not controlled by the applicant – Lots 74, 78, 79, and 87, which are currently developed with 2 two-family and 2 one-family detached residences and Lots 13 and 14, which are part of the Staten Island Rapid Transit railroad right-of-way which borders the property to the north. The action is projected to result in the expansion of the existing residential buildings on Lot 79 by 3 dwelling units and Lot 87 by 2 dwelling units, referred to as Projected Development Site 2 and 3, respectively. Lots 74 and 78 are expected to remain in their current conditions. It is expected that the buildings would be constructed and occupied by 2011.

The rezoning area is currently developed with vacant warehouses and light industrial buildings and occupied residential buildings. All of the vacant warehouse and light industrial buildings were used in connection with a former lumber company and would be demolished to accommodate the applicant's proposed project. On the lots not owned by the applicant, the existing residential structures are either expected to remain or be slightly expanded as described above.

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To avoid any potential significant adverse impacts resulting from new development on identified projected development sites, (E) designations for hazardous materials, air quality and noise would be mapped as part of the proposal, as described below.

To preclude the potential for significant adverse hazardous materials impacts, an (E) designation would be mapped the lots listed below.

(Projected Development Sites 2 and 3) Block 1226, Lots 79 & 87

The text for the (E) designations 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 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.

To preclude the potential for significant adverse air quality impacts related to HVAC emissions, an (E) designation would be incorporated into the proposal. The text for the (E) designations is as follows:

Projected Development Site 1 (Block 1226, lots 1, 3, 5, 7, 11, 57, 70, 77 and 83), Projected Development Site 2 (Block 1226, lot 78), and Projected Development Site 3 (Block 1226, lot 87)

Any new residential development on the above-referenced property must use natural gas for HVAC systems.

To preclude the potential for significant adverse impacts related to noise, an (E) designation would be incorporated into the proposal. The text for the (E) designations is as follows:

Projected Development Site 1 (Block 1226, lots 7, 11, and 57)

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on the north façade in order to maintain an interior noise level of 45 dBA. 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.

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 November 10, 2010, prepared in connection with the ULURP Application (No. 100118ZMR). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

1. The applicant, Union Avenue Development Corporation, LLC, agrees to complete a Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) which will be submitted to the Department of Environmental Protection (DEP), or the agency succeeding its jurisdiction, for approval prior to any site excavation activities.

Supporting Statement:

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

1. A Phase I Environmental Site Assessment (ESA) was prepared in October 2006 for the project site. The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and pursuant to a letter dated February 20, 2007, DEP requested that a Phase II Subsurface Investigation Work Plan summarizing the proposed soil/groundwater sampling activities be submitted for review and approval. A Phase II Work Plan was prepared for the applicant's site (Block 1226; Lots 1, 3, 5, 7, 11, 57, 70, 77, and 83). The Work Plan was reviewed by DEP's Office of Environmental Planning and Assessment. Pursuant to a letter dated May 12, 2009 DEP found the Work Plan and HASP for the site investigation acceptable. Phase II testing occurred in July 2009, and the report recommended that a Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) be prepared. A RAP and CHASP will have to be developed and approved by NYCDEP, or the agency succeeding its jurisdiction, prior to any site excavation activities. Consequently, no significant adverse impacts related to hazardous materials will occur.
2. The (E) designation for air quality would ensure that the proposed action would not result in significant adverse impacts due to air quality.
3. Existing noise levels were measured at one receptor site adjacent to the train line north of

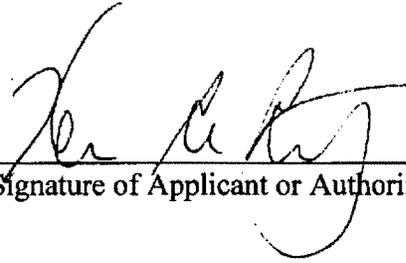
the project site, over a 1 hour period during three weekday peak periods. At the monitoring site, train noise was the dominant noise source and was found to be in the “marginally unacceptable” dBA level category according to CEQR criteria. As such, in order to maintain interior noise levels of 45 dBA or lower, the building design must include the use of well sealed double-glazed windows and central air conditioning, such that the window/wall attenuation would provide at least 28 dBA on the north facade of the buildings on the site. With this measure, no significant adverse noise impacts would occur.

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

This Conditional 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 Conditional Negative Declaration, you may contact Devesh Doobay at (212) 720-3419.

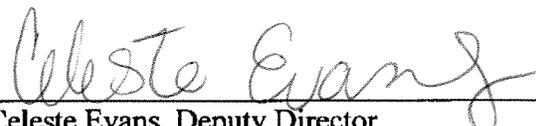
I, the Undersigned, as the applicant or authorized representative for this proposal, hereby affix my signature in acceptance of the above conditions to the proposed action.



Signature of Applicant or Authorized Representative

Date: November 10, 2010

HIRAM A. ROTHKRUB
Name of Applicant or Authorized Representative



Celeste Evans, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: November 10, 2010



Amanda M. Burden, FAICP, Chair
City Planning Commission

Date: 3/30/11