



CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIR

**CONDITIONAL NEGATIVE DECLARATION**

**Project Identification**

CEQR No. 12DCP094Q

ULURP No. 120209MMQ

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**

**Beach 12th Street Demapping**

The applicant, Bnos Bais Yaakov of Far Rockaway, proposes a city map amendment involving the elimination, discontinuance and closing (i.e. demapping) of Beach 12<sup>th</sup> Street between Frisco Avenue and Caffrey Avenue (the "Subject Street"), and the conveyance of the portion of Beach 12<sup>th</sup> Street in city ownership to the adjoining property owner (Bnos Bais Yaakov of Far Rockaway). The project is located in the Far Rockaway neighborhood in Queens Community District 14. The Subject Street is comprised of Block 15584 p/o Lots 16 and 52, and Block 15585 p/o Lots 11, 16 and 33. Different portions of the Subject Street are owned by three separate parties, the Applicant, the City of New York and a private owner. The City owns approximately 5,053 square feet of the eastern portion of the Subject Street adjacent to Frisco Avenue, while the private landowner of Lot 33 (on Block 15585) owns 942 square feet of the western portion of the Subject Street. The Applicant owns approximately 14,571 square feet of the northern portion of the Subject Street.

The proposed project site (Block 15584, Lots 16, 50, 52, 56 and Block 15585, Lots 11, 16), is bounded by Beach 9<sup>th</sup> Street on the East, Mott Avenue on the West, Frisco Avenue on the North and Caffrey Avenue on the South. The proposed action would facilitate a proposal by the applicant to replace existing modular classrooms with a permanent school building in the portion of the applicant's property that is currently encumbered by the mapped street. The proposed building would be located on portions of Lot 11 and 16 on Block 15585, and portions of Lots 52 and 56 on Block 15584.

The proposed project would include the replacement of approximately 8,600 square foot of temporary classroom facilities with a permanent facility that would be approximately 60,000 square feet. This would result in a net increment of up to 240 additional students. The acquisition of the city owned portion of the mapped street would result in an increase in lot area of the applicant's property.

The affected area is currently zoned R4A, which permits one- and two-family detached houses at a maximum FAR of 0.9, which includes a 0.15 attic allowance. Community facilities are permitted at an FAR of 2.0. The minimum lot size is 2,850 square feet and the minimum lot width is 30 feet. The maximum building height is 35 feet with a maximum perimeter wall height of 21 feet. The front yard must be a minimum of 10 feet and must be as deep as an adjacent front yard, but it shall not exceed the depth of 20 feet. Two side yards, each a minimum of 2 feet and totaling a minimum of 10 feet are required. One parking space is required for each dwelling unit. Parking must be located in the driveway alongside the lot ribbon if the lot is less than 35 feet wide. If the lot is 35 feet or wider, a garage is permitted within the house, provided the driveway is at least 18 feet long.

Absent the proposed action, the existing temporary classrooms would be removed and the existing high school capacity would be accommodated through a re-allocation of space within the existing building and through temporary facilities on portions of the site not located within the bed of the mapped street. The existing school would continue to operate with 723 elementary school students and 120 high school students. The proposed project is expected to be completed by 2015.

To avoid any potential significant adverse impacts with respect to hazardous materials and air quality, the Mapping Agreement between the applicant and the City of New York in connection with the proposed demapping shall set forth the environmental requirements outlined below concerning the applicant's properties at Block 15584, Lots 50, 52, 56 and Block 15584 Lots 11, 16.

The environmental requirements for hazardous materials are as follows:

#### **Task 1 – Sampling Protocol**

**The applicant must submit to the Department of Environmental Protection (DEP) for review and approval, a Phase 1 of the site.**

**If site sampling is necessary, a soil and groundwater testing protocol including a description of methods and a site map with all sampling locations clearly and precisely represented must be submitted to DEP. No sampling program should begin until written approval of a protocol is received from DEP. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination or non-petroleum based contamination) and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by DEP upon request.**

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

**A written report with findings and a summary of the data must be submitted to DEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such tests results, a determination will be made 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 based on the test results, DEP concludes that remediation is required; a remediation plan must be prepared and submitted to DEP for review and approval. The applicant must complete such remediation when and as determined necessary by DEP. The applicant should then provide proper documentation, including an engineering certification, 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 with the remediation plan for review and approval prior to implementation.**

The environmental requirements, as set forth in the Mapping Agreement, would preclude the potential for significant adverse air quality impacts related to heating and hot water systems (HVAC) emissions. As noted above, the environmental requirements for air quality would apply to the following properties:

*Projected Development Site*

Block 15584, Lots 50, 52, 56 and Block 15584 Lots 11, 16.

The environmental requirements for air quality are as follows:

**Block 15584, Lots 50, 52, 56 and Block 15584 Lots 11, 16 (Projected Development Site): Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) will use exclusively 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 above environmental requirements ensured through the Mapping Agreement, no significant air quality or hazardous materials impacts are expected as a result of the proposed action.

**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 January 18, 2013, prepared in connection with the ULURP Application (Nos. 120209MMQ). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

1. The applicant agrees to prepare a Phase II Environmental Assessment Statement (ESA), hazardous materials sampling protocol and health and safety plans, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocols and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plans. These requirements will be embodied in the Mapping Agreement to be executed in connection with the demapping.

2. The applicant agrees that any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) will use exclusively natural gas as the type of fuel for space heating and hot water (HVAC) systems to avoid any potential significant adverse air quality impacts. These requirements will be embodied in the Mapping Agreement to be executed in connection with the demapping.

**Supporting Statement:**

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

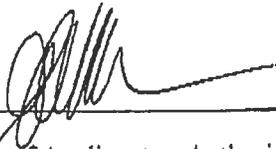
1. A Phase I Environmental Site Assessment (ESA) was prepared for the project site. The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and pursuant to a letter dated September 13, 2012 a Phase II Environmental Site Assessment (ESA), hazardous materials sampling protocol and health and safety plan were recommended due to the potential presence of hazardous materials on the site as a result of past on-site and/or surrounding area land uses. As such, the applicant agrees that the Mapping Agreement will ensure that a detailed Phase II testing would occur, and hazardous materials sampling protocol including a health and safety plan would be prepared, and is binding upon the property's successors and assigns. The environmental requirements set forth in the Mapping Agreement will serve as a mechanism to assure the potential for hazardous material contamination that may exist in the subsurface soils and groundwater on the project site would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction). Consequently, no significant adverse impacts related to hazardous materials will occur.
2. The environmental requirements that will be set forth in the Mapping Agreement for hazardous materials will ensure that the proposed action will not result in significant adverse impacts due to hazardous materials.
3. The environmental requirements that will be set forth in the Mapping Agreement for air quality will ensure that the proposed action will not result in significant adverse impacts due to air quality.
4. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

It is fully agreed and understood that if the foregoing conditions not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

Should you have any questions pertaining to this Conditional Negative Declaration, you may contact Munmun Parmar at (212) 720-3524.

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

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.

  
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Signature of Applicant or Authorized Representative

Date: 1/18/13

Samuel Hiller  
Name of Applicant or Authorized Representative

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

Date: 1/18/13

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

Date: \_\_\_\_\_

