



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

CONDITIONAL NEGATIVE DECLARATION

Project Identification

CEQR No. 14DCP154Q
ULURP No. 130383MMQ
SEQRA Classification: Unlisted

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Olga Abinader
(212) 720-3493

Vaux Road Demapping

The applicant, Firecom Inc., proposes a city map amendment involving the elimination, discontinuance and closing (i.e. demapping) of Vaux Road and the disposition of a portion of Vaux Road currently in city ownership to the applicant (the “proposed actions”). The area to be demapped (Block 1230, Lots 70, part of 35, and an adjoining, city-owned, portion of the road bed where a tax lot number has not been allocated) is located in the Woodside neighborhood of Queens, Community District 2. According to the applicant, the proposed action would remove the encumbrance on its property caused by the mapped street and allow for the consolidation of its property with the city owned portion of Vaux Road.

Vaux Road is an unimproved, 11,604 square foot mapped street, located immediately south of the LIRR and immediately north of an adjoining property owned by the applicant (3927 59th Street, Block 1230, Lot 35). Vaux Road measures approximately 230 feet and is situated between two dead end streets, 59th and 60th Streets. The western portion of Vaux Road is City owned, comprising 5,464 sf., and the eastern portion is owned by the applicant, comprising 6,140 sf. The applicant owned portion of the project site, currently utilized as a parking lot, is located within an R5B contextual zoning district with a maximum allowable FAR of 1.35.

In the future with the Proposed Action, Vaux Road would be eliminated from the City Map between 59th and 60th Streets and the western approximately 5,253 sf portion would be disposed of to the applicant.

As a result of the proposed demapping, the area to be demapped and the adjoining property owned by the applicant at 3927 59th Street (collectively, the “project site”) could be developed on an as-of-right basis pursuant to the underlying R5B zoning regulations. For the purposes of a conservative analysis, the Reasonable Worst Case Development Scenario (RWCDs) analyzed in the Environmental Assessment Statement (EAS) assumes that a development containing 32

Robert Dobruskin, AICP. *Director*
Olga Abinader, *Deputy Director*
22 Reade Street, New York, N.Y. 10007-1216 Room 4E
(212) 720-3493 FAX (212) 720-3423
oabinad@planning.nyc.gov

residential units in two 3-story buildings, and 22 accessory parking spaces would be constructed on the project site.

In the future without the Proposed Action, it is expected that existing conditions would remain. Vaux Road would continue to function as a mapped street and private parking lot for Firecom Inc. The analysis year for the Proposed Action is 2015.

To avoid any potential significant adverse impacts with respect to hazardous materials, air quality and noise, 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 and city-owned properties at Block 1230, Lots 70 & 35.

The environmental requirements for hazardous materials are as follows:

Task 1: Sampling Protocol

The applicant submits to DEP, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from DEP. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and 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 results, a determination is 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 remediation is indicated from test results, a proposed remediation plan must be submitted to DEP for review and approval. The applicant must complete such remediation as determined necessary by DEP. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to DEP and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to DEP 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: Block 1230, Lots 70 & 35.

The environmental requirements for air quality are as follows:

Any new development or enlargement on the above-referenced property that has frontage on 60th Street must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) and ensure that HVAC stack(s) are located at least 30 feet from the lot line facing Roosevelt Avenue to avoid any potential significant air quality impacts.

The environmental requirements, as set forth in the Mapping Agreement, would preclude the potential for significant adverse impacts related to noise. As noted above, the environmental requirements for noise would apply to the following properties: Block 1230, Lots 70 & 35.

The environmental requirements for noise are as follows:

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 31 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 above environmental requirements ensured through the Mapping Agreement, no significant hazardous materials, air quality or noise impacts are expected as a result from 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 September 25, 2014, prepared in connection with the ULURP Application (No. 130383MMQ). 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. If future development of the demapped property, including soil disturbance, is proposed, the applicant agrees to prepare a Phase II Environmental Assessment Statement (ESA) and submit to the Department of Environmental Protection (DEP) for approval. This requirement will be embodied in the Mapping Agreement to be executed in connection with the demapping.
2. If future development of the demapped property is proposed, the applicant agrees that in order to avoid any potential significant adverse impacts with respect to air quality, future residential development with a frontage on 60th Street must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) and ensure that HVAC stack(s) are located at least 30

feet from the lot line facing Roosevelt Avenue. This requirement will be embodied in the Mapping Agreement to be executed in connection with the demapping.

3. If future development of the demapped property is proposed, the applicant agrees that in order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 31 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. This requirement 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 area to be demapped. The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and pursuant to a letter dated April 1, 2014, a Phase II Environmental Site Assessment (ESA) would be required if future development of the demapped property, including soil disturbance, is proposed. As such, the applicant agrees that the Mapping Agreement will ensure that a detailed Phase II testing would occur, 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 area to be demapped, 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. The environmental requirements that will be set forth in the Mapping Agreement for noise will ensure that the proposed action will not result in significant adverse impacts due to noise.
5. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

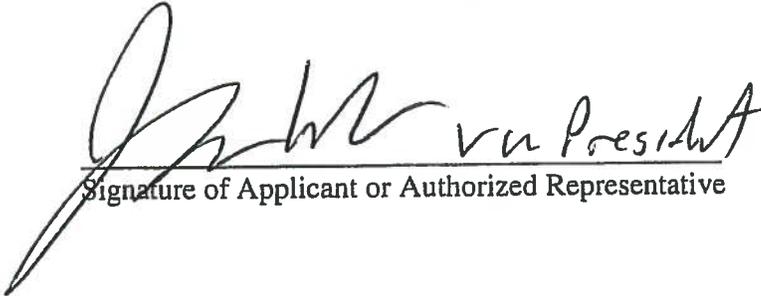
It is fully agreed and understood that if the foregoing conditions not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further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

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, please contact Ingrid Young of the Department of City Planning at (212) 720-3425.

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Conditional Negative Declaration

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 actions.



Jeffrey Cohen

Signature of Applicant or Authorized Representative

Date: September 25, 2014

Jeffrey Cohen
Name of Applicant or Authorized Representative



Olga Abinader, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: September 25, 2014

Carl Weisbrod, Chairman
City Planning Commission

Date: _____