



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

CONDITIONAL NEGATIVE DECLARATION

Project Identification

CEQR No. 06DCP042Q

ULURP No. 050491ZMQ

SEQRA Classification: Unlisted

Lead Agency

City Planning Commission

22 Reade Street

New York, NY 10007

Contact: Robert Dobruskin

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October 31, 2007

Name, Description and Location of Proposal

Astoria Studio Apartment Rezoning

The applicant, Damroc Realty Corp., proposes an amendment to the zoning map to change the zoning designation of the eastern half of the block bounded by 34th Avenue to the north, 35th Avenue to the south, 34th Street to the west, and 35th Street to the east (Block 642, Lots 1, 30, 36, 42, 44, 45, 46, and 47) from M1-5 to C4-2A in the Astoria neighborhood of Queens Community District 1. The proposed rezoning covers an approximately 62,060 square foot area containing a mix of residential, commercial, and manufacturing buildings.

The proposed action would facilitate a proposal by the applicant to develop two 7-story residential buildings on a property located at 34-22 35th Street (Block 642, Lots 36, 42, and 44). The proposed buildings are both planned to be approximately 70 feet in height and contain a total of approximately 66,747 gross square feet of floor area. The buildings would be separated by an approximately 2,585 square foot open space area and are planned to contain a total of 60 residential units, 7,866 square feet of ground floor retail space, and 62 accessory parking spaces in a below-grade garage. The proposed residential development would be intended to house employees of the Kaufman Astoria Studios, a film and television production studio located across the street from the project site at 34-12 36th Street. The applicant also intends to make streetscape improvements along the portion of 35th street in front of the project site, including the installation of new sidewalks, lighting, and street trees.

The project site is currently developed with a manufacturing building on Lot 36, a 2-family residence on Lots 42 and 44, and a parking on Lot 47. All of the existing structures on the project site would be demolished in order to enable construction of the proposed project. Construction of the proposed project is expected to take approximately 12 months and be completed in 2009.

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The remainder of the proposed rezoning area is developed with two 2-family residences, a 4-story office building, a 1-story supermarket, and a parking lot. The proposed rezoning could result in the potential redevelopment of the properties located on lots 45, 46, and 47 with residential development

To avoid the potential for impacts associated with hazardous materials, as part of the proposed rezoning, an (E) designation for hazardous materials will be placed on these sites, Block 642, Lots 30, 45, 46, and 47. The text of the (E) designation for (E-190) 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.

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 July 18, 2007, prepared in connection with the ULURP Application (No. 050491ZMQ). 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:

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1. The applicant, Damroc Realty Corp., agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including health and safety plan, 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 protocol 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 plan.

Supporting Statement:

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

1. The EAS prepared for the project area includes a hazardous materials analysis of the applicant's property's (Block 642, Lots 36, 42, &44). DEP's Office of Environmental Planning and Assessment review the analysis and concurred with its recommendation that a Phase II Environmental Site Assessment (Phase II) is necessary to adequately identify/ characterize the surface/ surface soils and groundwater conditions at this site. An investigative Work plan summarizing the proposed soil and groundwater sampling activities should be submitted to DEP for review and approval. The Work plan should include blueprints and/ or site plans displaying the current surface grade and sub-grade elevations and a site map depicting the proposed soil boring locations. Soil and groundwater samples should be collected and analyzed by an NYSDOH ELAP- Certified laboratory for the presence of VOC's by Method 8260, SVOCs by Method 8270, Pesticides/ PCBs by Method 8081/ 8082 and TAL Metals. An investigative Health and Safety plan (HASP) should also be submitted to DEP for review and approval.

The declaration, binding on all successors and assigns of the applicant, requires that Phase II testing be prepared, including a sampling protocol and a health and safety plan for DEP's review and approval. If hazardous materials impacts exist, the declaration requires that the applicant submit a remediation plan for DEP's review and approval and provide for such remediation. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the sub-surface soils and groundwater on the applicant's property would be characterized prior to any site disturbance.

The restrictive declaration was executed on April 23, 2007. On May 21, 2007, the DEP confirmed, via written correspondence, that the applicant filed a DEP-approved Restrictive Declaration with the New York City Department of Finance and the City Register.

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

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With the implementation of the condition described above, no significant adverse impact related to hazardous materials would occur.

It is fully agreed and understood that if the foregoing conditions, modification, and alterations are 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.

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: July 20, 2007

HIRAM A. ROTHKRUW
Name of Applicant or Authorized Representative

Robert Dobruskin
Robert Dobruskin, Director
Environmental Assessment and Review Division
Department of City Planning

Date: 7/20/07

Amanda M. Burden
Amanda M. Burden, AICP, Chair
City Planning Commission

Date: 10/31/07