City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM

Please fill out and submit to the appropriate agency (see instructions)

Part I: GENERAL INFORMATION

PROJECT NAME 5 Bement Avenue

1. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
17DCP055R	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
160401ZMR	

2a. *Lead Agency Information*			**2b. *Applicant Information***		
NAME OF LEAD AGENCY			NAME OF APPLICANT		
NYC Department of City Planning			Pelton Place LLC		
NAME OF LEAD AGENCY CONTACT PERSON			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON		
Robert Dobruskin			Hiram Rothkrug, EPDSCO Inc		
ADDRESS 120 Broadway, 31st Floor			ADDRESS 55 Water Mill Road		
CITY New York	STATE NY	ZIP 10271	CITY Great Neck	STATE NY	ZIP 11021
TELEPHONE 212-720-3423	EMAIL rdobrus@planning.nyc.gov		TELEPHONE 718-343-0026	EMAIL hrothkrug@epdsco.com	

3. *Action Classification and Type*

SEQRA Classification

☒ UNLISTED ☐ TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended):

Action Type (refer to Chapter 2, "Establishing the Analysis Framework" for guidance)

☐ LOCALIZED ACTION, SITE SPECIFIC ☒ LOCALIZED ACTION, SMALL AREA ☐ GENERIC ACTION

4. *Project Description*

The applicant, Pelton Place LLC, seeks a zoning map amendment to extend an existing C2-2 commercial overlay in an R3-1 district to facilitate the development of a vacant parcel of land on Block 150, Lot 1 (hereafter the "Development Site:)") with a one-story commercial retail building with 4,830 gross square feet (gsf) of floor area (0.30 FAR) and 16 accessory parking spaces. The affected area is located in the West Brighton neighborhood of Staten Island Community District 1. The proposed zoning map amendment would extend the C2-2 overlay district mapped on the south side of Richmond Terrace to the west of Bement Avenue, to include the northern portion of Block 150, which also includes Lot 9 and a small portion of 154.

Project Location

BOROUGH Staten Island	COMMUNITY DISTRICT(S) 1	STREET ADDRESS 5 Bement Avenue
TAX BLOCK(S) AND LOT(S) Block 150, Lot 1		ZIP CODE 10310
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Bement Avenue and Richmond Terrace		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R3-1		ZONING SECTIONAL MAP NUMBER 21a

5. *Required Actions or Approvals* (check all that apply)

City Planning Commission: ☒ YES ☐ NO ☒ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

☐ CITY MAP AMENDMENT	☐ ZONING CERTIFICATION	☐ CONCESSION
☒ ZONING MAP AMENDMENT	☐ ZONING AUTHORIZATION	☐ UDAAP
☐ ZONING TEXT AMENDMENT	☐ ACQUISITION—REAL PROPERTY	☐ REVOCABLE CONSENT
☐ SITE SELECTION—PUBLIC FACILITY	☐ DISPOSITION—REAL PROPERTY	☐ FRANCHISE
☐ HOUSING PLAN & PROJECT	☐ OTHER, explain:	

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

Board of Standards and Appeals: ☐ YES ☒ NO

☐ VARIANCE (use)

☐ VARIANCE (bulk)

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Department of Environmental Protection*:** ☐ YES ☒ NO If "yes," specify:

Other City Approvals Subject to CEQR (check all that apply)

- ☐ LEGISLATION
- ☐ RULEMAKING
- ☐ CONSTRUCTION OF PUBLIC FACILITIES
- ☐ 384(b)(4) APPROVAL
- ☐ OTHER, explain:
- ☐ FUNDING OF CONSTRUCTION, specify:
- ☐ POLICY OR PLAN, specify:
- ☐ FUNDING OF PROGRAMS, specify:
- ☐ PERMITS, specify:

Other City Approvals Not Subject to CEQR (check all that apply)

- ☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)
- ☐ LANDMARKS PRESERVATION COMMISSION APPROVAL
- ☐ OTHER, explain:

***State or Federal Actions/Approvals/Funding*:** ☐ YES ☒ NO If "yes," specify:

6. *Site Description:* *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*

***Graphics*:** *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

- ☒ SITE LOCATION MAP
- ☒ ZONING MAP
- ☐ SANBORN OR OTHER LAND USE MAP
- ☒ TAX MAP
- ☐ FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)
- ☒ PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 27,763 (approximate)
Waterbody area (sq. ft.) and type:
Roads, buildings, and other paved surfaces (sq. ft.):
Other, describe (sq. ft.):

7. *Physical Dimensions and Scale of Project* (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 4,830
NUMBER OF BUILDINGS: 1
GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 4,830
HEIGHT OF EACH BUILDING (ft.): 17'
NUMBER OF STORIES OF EACH BUILDING: 1

Does the proposed project involve changes in zoning on one or more sites? ☒ YES ☐ NO
If "yes," specify: The total square feet owned or controlled by the applicant: 15,650
The total square feet not owned or controlled by the applicant: 12,113

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? ☒ YES ☐ NO
If "yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known):
AREA OF TEMPORARY DISTURBANCE: sq. ft. (width x length)
VOLUME OF DISTURBANCE: 57,960 cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: 4,830 sq. ft. (width x length)

8. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2021

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 12

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☒ YES ☐ NO | IF MULTIPLE PHASES, HOW MANY?

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

9. *Predominant Land Use in the Vicinity of the Project* (check all that apply)

☒ RESIDENTIAL ☒ MANUFACTURING ☒ COMMERCIAL ☐ PARK/FOREST/OPEN SPACE ☐ OTHER, specify:

DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
LAND USE				
Residential	☐ YES ☒ NO	☒ YES ☐ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Describe type of residential structures		Single-family		
No. of dwelling units		5		-5
No. of low- to moderate-income units				
Gross floor area (sq. ft.)		8,754		-8,754
Commercial	☐ YES ☒ NO	☐ YES ☒ NO	☒ YES ☐ NO	
If "yes," specify the following:				
Describe type (retail, office, other)			Retail	
Gross floor area (sq. ft.)			9,114	9,114
Manufacturing/Industrial	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
Community Facility	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)				
Vacant Land	☒ YES ☐ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:	15,655 square feet of undeveloped land			
Publicly Accessible Open Space	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):				
Other Land Uses	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," describe:				
PARKING				
Garages	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☐ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces		6	0	-6
Operating hours				
Attended or non-attended				
Lots	☐ YES ☐ NO	☐ YES ☒ NO	☒ YES ☐ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces			24	+24
Operating hours				
Other (includes street parking)	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," describe:				
POPULATION				
Residents	☐ YES ☒ NO	☒ YES ☐ NO	☐ YES ☒ NO	
If "yes," specify number:		+15		-15
Briefly explain how the number of residents				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
was calculated:				
Businesses	☐ YES ☒ NO	☐ YES ☒ NO	☒ YES ☐ NO	
If "yes," specify the following:				
No. and type			Commercial Retail	
No. and type of workers by business			22	22
No. and type of non-residents who are not workers				
Briefly explain how the number of businesses was calculated:	One worker per 425 square feet.			
Other (students, visitors, concert-goers, *etc.*)	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If any, specify type and number:				
Briefly explain how the number was calculated:				
ZONING				
Zoning classification	R3-1	R3-1	R3-1/C2-2	
Maximum amount of floor area that can be developed	0.5	0.5	1.0	+0.5
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	Manufacturing, Transportation/Utility, Residential, and Vacant Land	Manufacturing, Transportation/Utility, Residential, and Vacant Land	Manufacturing, Commercial, Transportation/Utility, Residential, and Vacant Land	
Attach any additional information that may be needed to describe the project. If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

Part II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project's impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the "no" box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the "yes" box.
- For each "yes" response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a "yes" answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Full EAS Form. For example, if a question is answered "no," an agency may request a short explanation for this response.

	YES	NO
1. *LAND USE, ZONING, AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	☒	☐
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☐	☒
(c) Is there the potential to affect an applicable public policy?	☐	☒
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach. See attached.		
(e) Is the project a large, publicly sponsored project?	☐	☒
○ If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	☒	☐
○ If "yes," complete the Consistency Assessment Form. See attached.		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
○ Generate a net increase of more than 200 residential units *or* 200,000 square feet of commercial space?	☐	☒
▪ If "yes," answer *both* questions 2(b)(ii) and 2(b)(iv) below.		
○ Directly displace 500 or more residents?	☐	☐
▪ If "yes," answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
○ Directly displace more than 100 employees?	☐	☐
▪ If "yes," answer questions under 2(b)(iii) and 2(b)(iv) below.		
○ Affect conditions in a specific industry?	☐	☐
▪ If "yes," answer question 2(b)(v) below.		
(b) If "yes" to any of the above, attach supporting information to answer the relevant questions below. If "no" was checked for each category above, the remaining questions in this technical area do not need to be answered.		
i. Direct Residential Displacement		
○ If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?	☐	☐
○ If "yes," is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?	☐	☐
ii. Indirect Residential Displacement		
○ Would expected average incomes of the new population exceed the average incomes of study area populations?	☐	☐
○ If "yes:"		
▪ Would the population of the primary study area increase by more than 10 percent?	☐	☐
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?	☐	☐
○ If "yes" to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?	☐	☐
iii. Direct Business Displacement		
○ Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?	☐	☐
○ Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve,	☐	☐

	YES	NO
enhance, or otherwise protect it?		
iv. Indirect Business Displacement		
○ Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	☐	☐
○ Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	☐	☐
v. Effects on Industry		
○ Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	☐	☐
○ Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	☐	☐
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
○ Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
i. Child Care Centers		
○ Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?	☐	☐
○ If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	☐	☐
ii. Libraries		
○ Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	☐	☒
○ If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	☐	☐
○ If "yes," would the additional population impair the delivery of library services in the study area?	☐	☐
iii. Public Schools		
○ Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ If "yes," would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 100 percent?	☐	☐
○ If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	☐	☐
iv. Health Care Facilities		
○ Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
○ If "yes," would the project affect the operation of health care facilities in the area?	☐	☐
v. Fire and Police Protection		
○ Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
○ If "yes," would the project affect the operation of fire or police protection in the area?	☐	☐
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the project change or eliminate existing open space?	☐	☒
(b) Is the project located within an under-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
(c) If "yes," would the project generate more than 50 additional residents or 125 additional employees?	☐	☐
(d) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
(e) If "yes," would the project generate more than 350 additional residents or 750 additional employees?	☐	☐
(f) If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	☐	☒
(g) If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		
○ If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent?	☐	☐
○ If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5	☐	☐

	YES	NO
percent?		
○ If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify:	☐	☐
5. *SHADOWS*: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	☐	☒
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☐	☒
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow would reach any sunlight-sensitive resource at any time of the year.		
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☐	☒
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☒	☐
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources.		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	☒	☐
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	☒
(c) If "yes" to either of the above, please provide the information requested in Chapter 10.		
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☐	☒
○ If "yes," list the resources and attach supporting information on whether the project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☐	☐
○ If "yes," complete the Jamaica Bay Watershed Form and submit according to its instructions.		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	☐	☒
(b) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☐	☒
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	☒	☐
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	☐	☒
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)?	☐	☒
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	☐	☒
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	☒	☐
(h) Has a Phase I Environmental Site Assessment been performed for the site?	☒	☐
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: The possible presence of groundwater contamination at the project site from potential off-site sources of contamination	☒	☐
(i) Based on the Phase I Assessment, is a Phase II Investigation needed? Yes. See attached.	☒	☐
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☐	☒

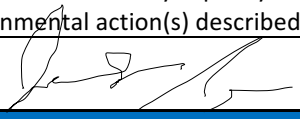
	YES	NO
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than that listed in Table 13-1 in Chapter 13?	☐	☒
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☒
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☐
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or contribute contaminated stormwater to a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week): 1,027		
○ Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	☐	☐
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	☐	☒
○ If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	☐	☐
12. *ENERGY*: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15, the project's projected energy use is estimated to be (annual BTUs): 1,044,729		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☐
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☐	☒
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
○ Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	☐	☐
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.*	☐	☐
○ Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	☐	☐
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway/rail trips per station or line?	☐	☐
○ Would the proposed project result in more than 200 pedestrian trips per project peak hour?	☐	☐
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	☐	☐
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☐	☒
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☒	☐
○ If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed)	☐	☒
(c) Does the proposed project involve multiple buildings on the project site?	☐	☒
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☐
(e) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	☒
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation. See attached.		
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) Would the proposed project result in the development of 350,000 square feet or more?	☐	☒
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in Chapter 18?	☐	☐
○ If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See Local Law 22 of 2008; § 24-	☐	☐

	YES	NO
803 of the Administrative Code of the City of New York). Please attach supporting documentation.		
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☒	☐
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	☐	☒
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	☐	☒
(d) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☐	☒
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	☐	☒
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary.		
18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	☐	☒
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
○ Construction activities lasting longer than two years?	☐	☒
○ Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☐	☒
○ Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☐	☒
○ Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☒
○ The operation of several pieces of diesel equipment in a single location at peak construction?	☐	☒
○ Closure of a community facility or disruption in its services?	☐	☒
○ Activities within 400 feet of a historic or cultural resource?	☐	☒
○ Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☐
○ Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	☐	☒
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.		

20. *APPLICANT'S CERTIFICATION*

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME	SIGNATURE	DATE
Justin Jarboe, ESC, Inc		3/19/18

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

IMPACT CATEGORY	Potentially Significant Adverse Impact: YES	NO
Land Use, Zoning, and Public Policy	☐	☒
Socioeconomic Conditions	☐	☒
Community Facilities and Services	☐	☒
Open Space	☐	☒
Shadows	☐	☒
Historic and Cultural Resources	☐	☒
Urban Design/Visual Resources	☐	☒
Natural Resources	☐	☒
Hazardous Materials	☐	☒
Water and Sewer Infrastructure	☐	☒
Solid Waste and Sanitation Services	☐	☒
Energy	☐	☒
Transportation	☐	☒
Air Quality	☐	☒
Greenhouse Gas Emissions	☐	☒
Noise	☐	☒
Public Health	☐	☒
Neighborhood Character	☐	☒
Construction	☐	☒

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? ☐ YES ☒ NO

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

☐ **Positive Declaration**: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

☒ **Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

☐ **Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.

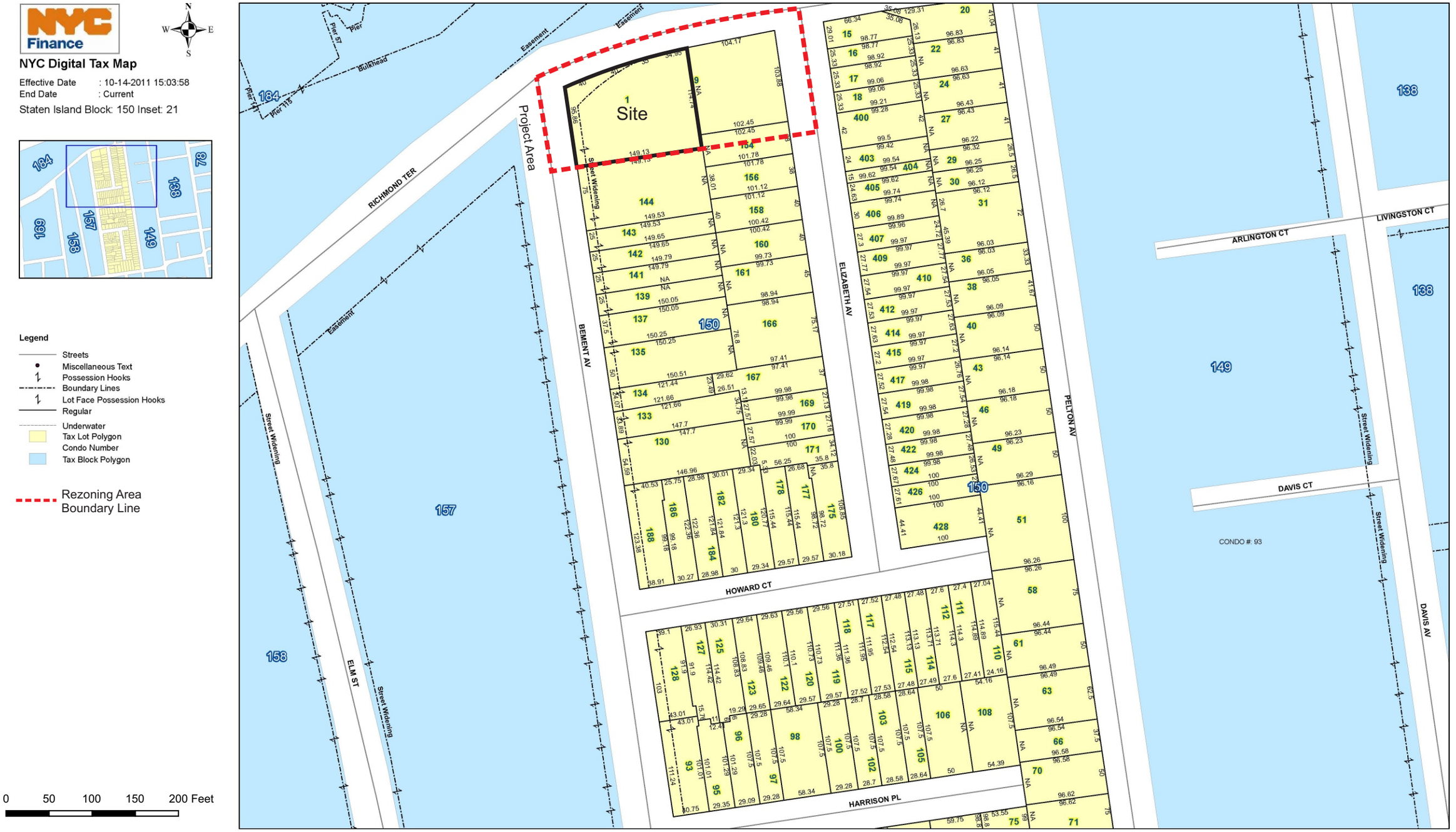
4. ***LEAD AGENCY'S CERTIFICATION***

TITLE	LEAD AGENCY
Director, Envrionmental Assessment and Review Division	Department of City Planning
NAME	**DATE**
Robert Dobruskin, AICP	03/19/2018

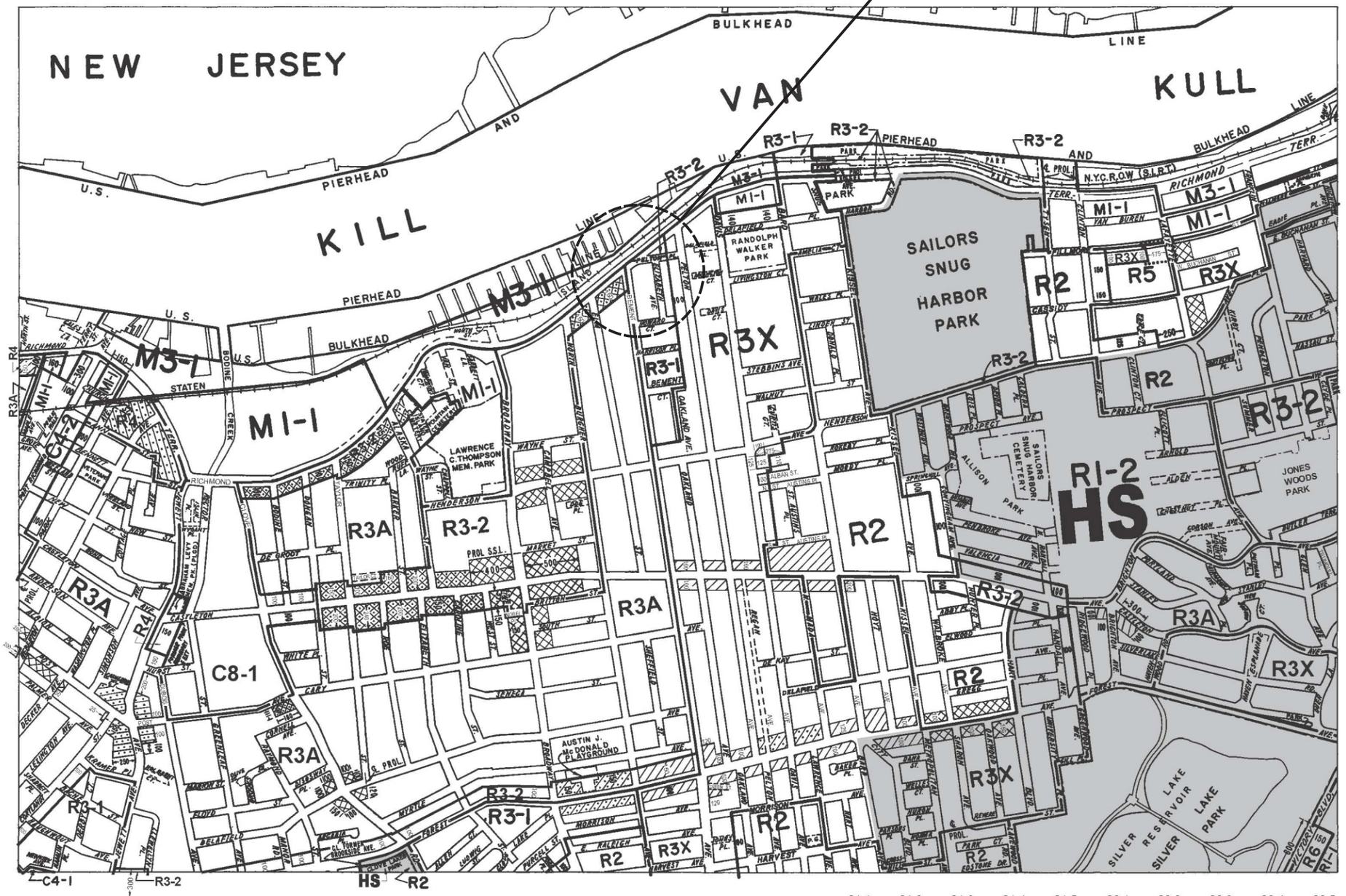
SIGNATURE

Robert Dobruskin

5 Bement Avenue, Staten Island



5 Bement Avenue, Staten Island



C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

R – RESIDENTIAL DISTRICT

C – COMMERCIAL DISTRICT

M – MANUFACTURING DISTRICT

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

AREA(S) REZONED

Effective Date(s) of Rezoning:

05-14-2008 C 080198 ZMR

Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

For a list of lots subject to "D" restrictive declarations, see APPENDIX D.

For Inclusionary Housing designated areas on this map, see APPENDIX F.

MAP KEY

20c	**21a**	21c
20d	21b	21d

N

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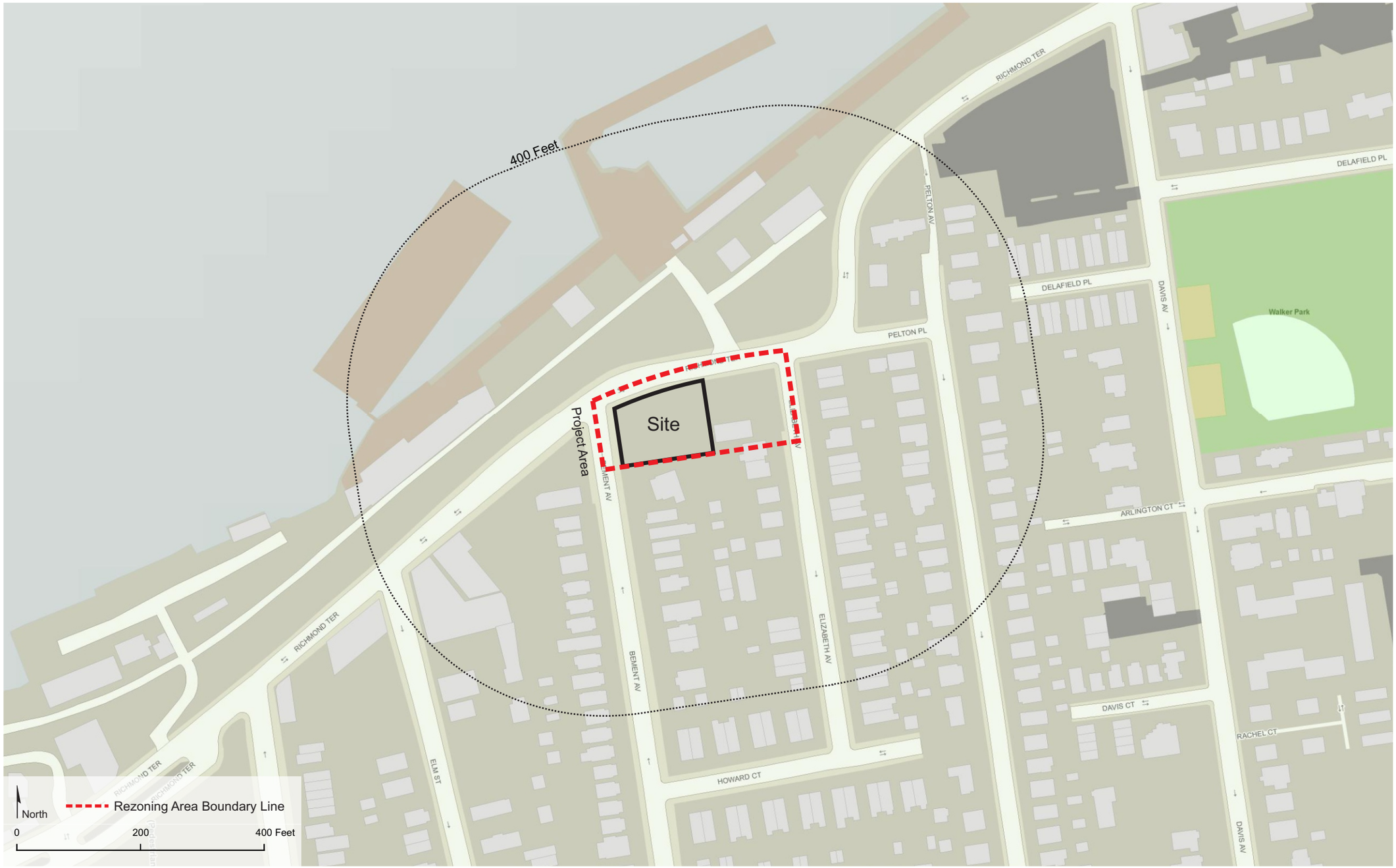
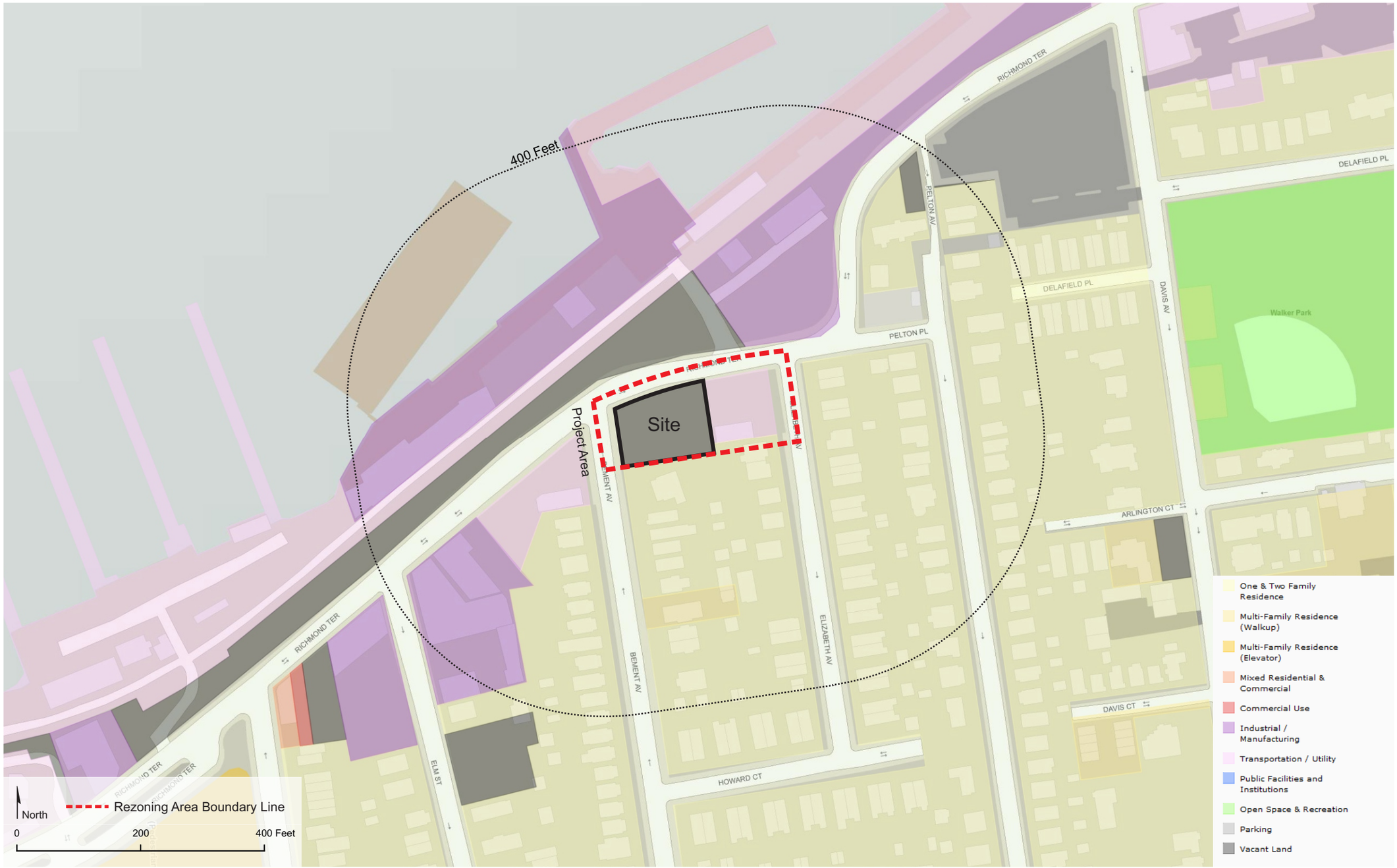
ZONING MAP **21a**

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: **www.nyc.gov/planning** or contact the Zoning Information Desk at (212) 720-3291.

5 Bement Avenue, Staten Island
Block 150, Lot 1



5 Bement Avenue, Staten Island
Block 150, Lot 1



5 Bement Avenue, Staten Island
Block 150, Lot 1



5 Bement Avenue, Staten Island
Block 150, Lot 1

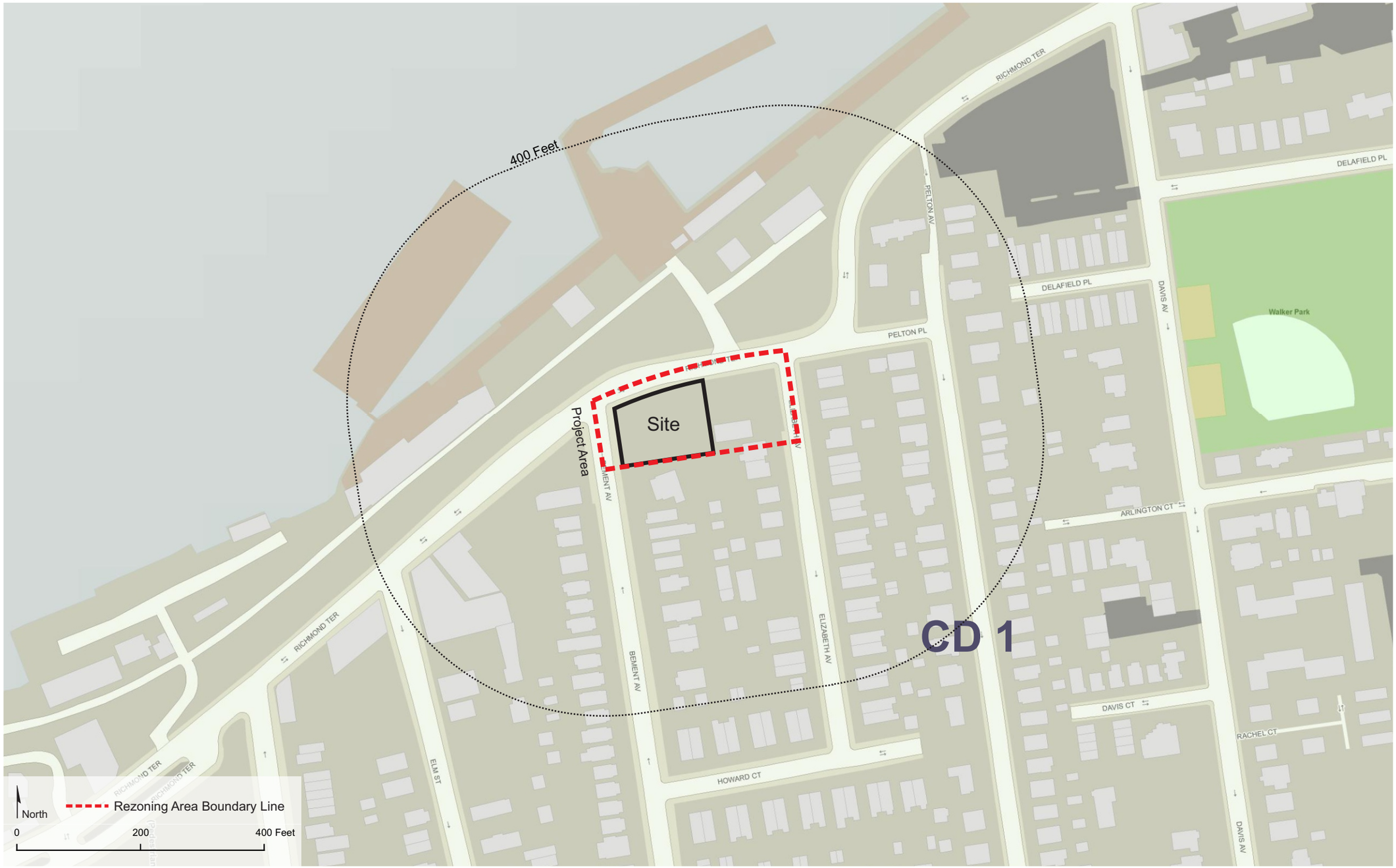
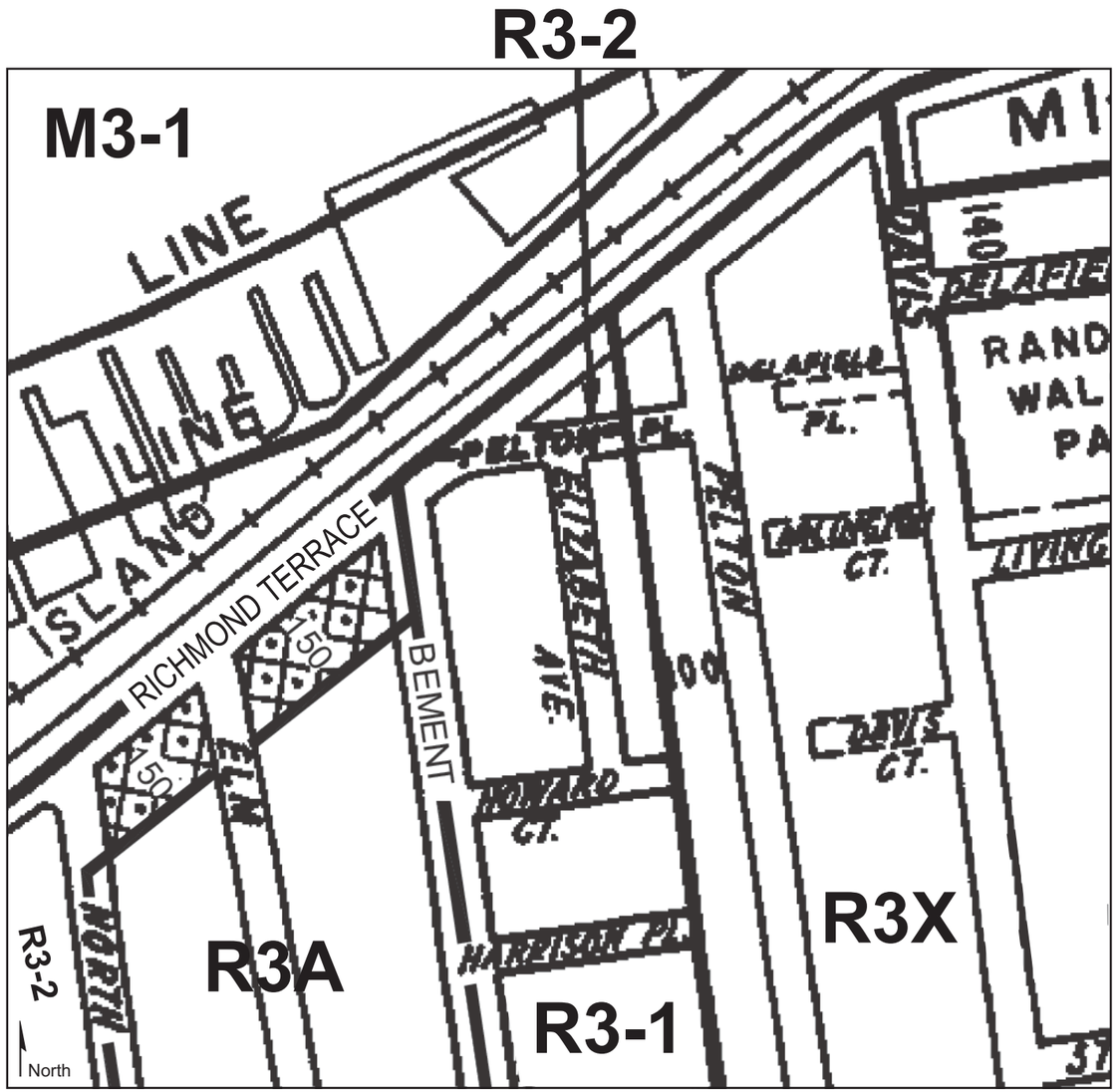
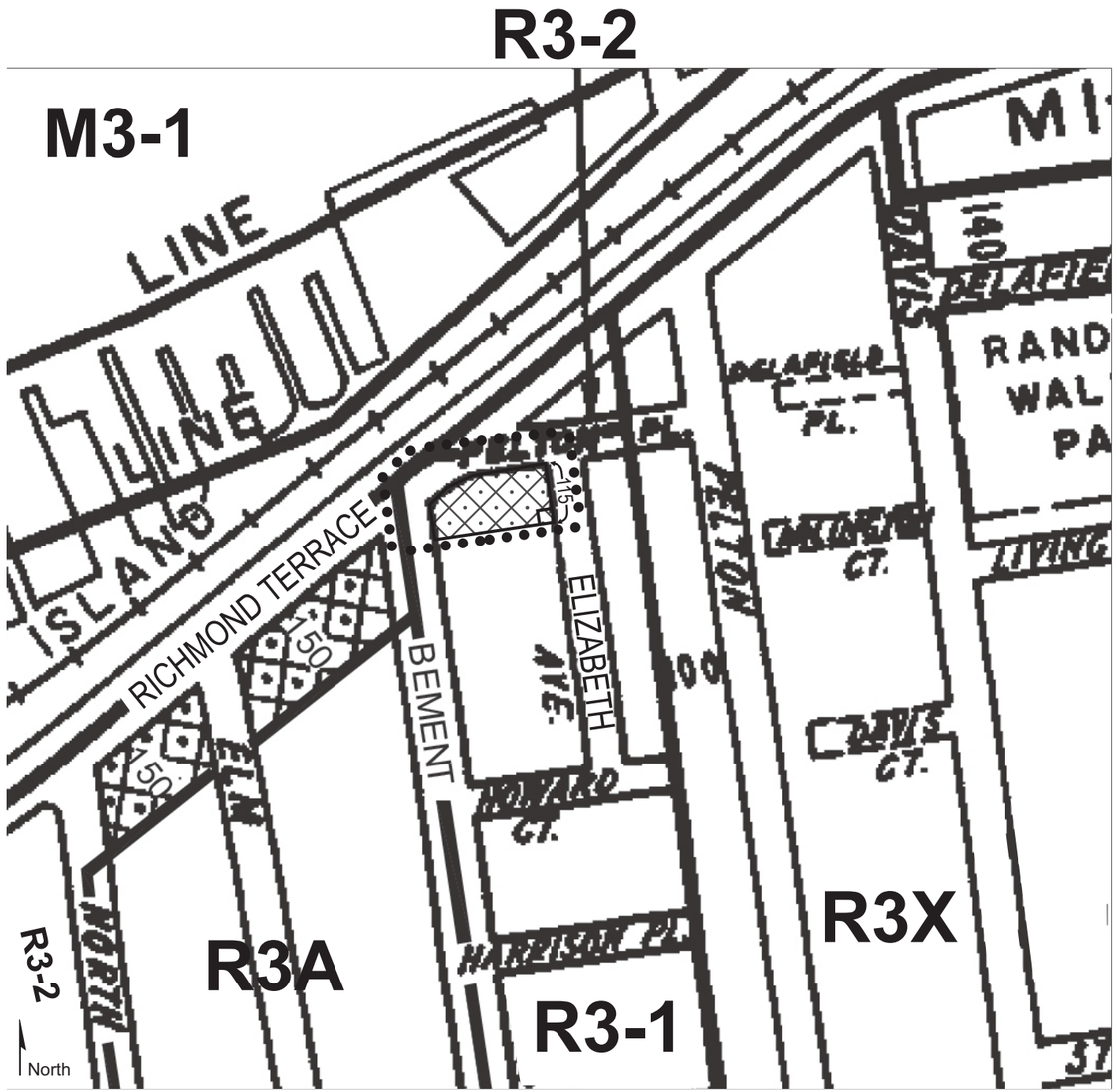


Figure 6 : Zoning Change Map

Zoning Change Map



Current Zoning Map (21a)



Proposed Zoning Map (21a)

Rezoning from R3-1 to R3-1/C2-2 zoning districts.

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5



1. View of the sidewalk along the east side of Bement Avenue facing north (Site ahead at right).



2. View of Bement Avenue facing north (Site at right).



3. View of the side of Bement Avenue facing southwest from the Site.





4. View of the side of Bement Avenue facing west from the Site.



5. View of the sidewalk along the east side of Bement Avenue facing south from Richmond Terrace (Site at left).



6. View of the side of Richmond Terrace facing northwest from the Site.





7. View of the sidewalk along the south side of Richmond Terrace facing east from Bement Avenue (Site at right).



8. View of the side of Richmond Terrace facing north from the Site.



9. View of the side of Richmond Terrace facing northeast from the Site.





10. View of the sidewalk along the south side of Richmond Terrrace facing west (Site ahead at left).



11. View of the side of Richmond Terrace facing south.



12. View of Richmond Terrace facing west (Site at left).





13. View of the Site facing southwest from Richmond Terrace.



14. View of the Site facing south from Richmond Terrace.



15. View of the intersection of Bement Avenue and Richmond Terrace facing southwest (Site at left).





16. View of Richmond Terrace facing east from Bement Avenue (Site at right).



17. View of the Site facing southeast from the intersection of Richmond Terrace and Bement Avenue.



18. View of the Site facing southeast from Bement Avenue.





19. View of the side of Bement Avenue facing southeast (Site at left).



20. View of the Site facing northeast from Bement Avenue.



PROJECT DESCRIPTION

Proposed Actions

The project is identified as 5 Bement Avenue (Block 150, Lot 1) located in the West Brighton section of Staten Island Community District 1. The applicant, Pelton Place LLC, is seeking a Zoning Map Amendment from R3-1 to R3-1/C2-2 (hereafter, the "Proposed Action") to facilitate the development of a commercial building at 5 Bement Avenue (hereafter, the "Development Site"). In addition to the Development Site, Lot 9 and a small portion of Lot 154 would be rezoned (hereafter, the "Rezoning Area"). While the Proposed Action is intended to primarily facilitate the redevelopment of the Development Site, a second site is assumed for development on Lot 9.

(**See Figure 1 - Site Location, Figure 2 – Tax Map, Figure 3 – Zoning Map, Figure 4 – Land Use Map; Figure 5 – Aerial Map; and Figure 6 – Zoning Change Map).**

Existing Conditions

The Project Area affects the northern portion of a single block (Block 150) located between Bement Avenue and Richmond Terrace in the West Brighton neighborhood of Staten Island, Community District #1. The proposal affects two whole lots (1 & 9) as well as portions of Lot 154.

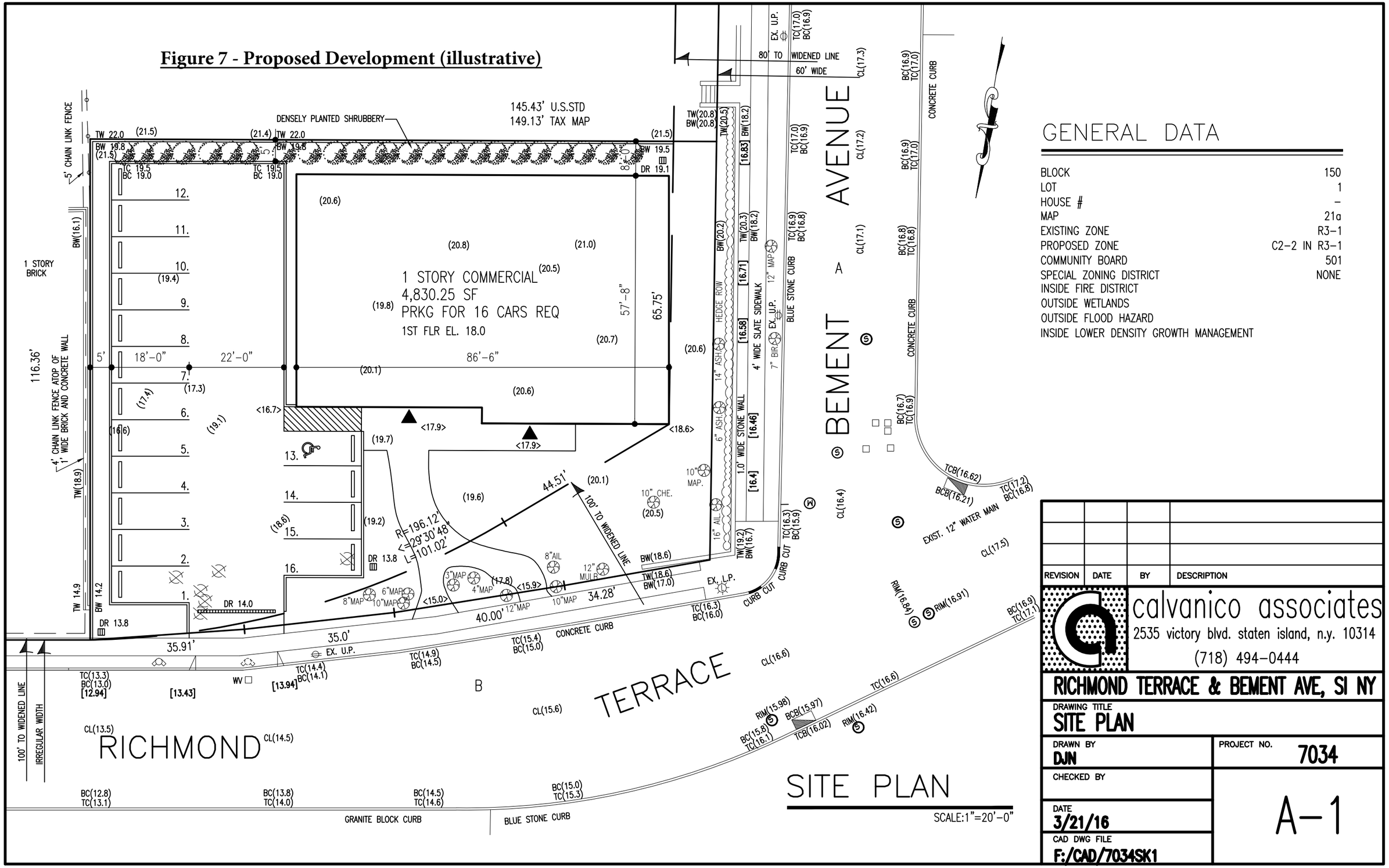
Lot 1 (the Development Site) contains approximately 15,655 square feet of lot area. A survey measured 2,406 sf of that area in an adopted street area. A portion of that area is in the bed of Bement Avenue and another portion is in the bed of Richmond Terrace. This lot area could be utilized to calculate floor area, however, measurements would be utilized from the street widening lines, which would then consist of 13,249 square feet of zoning lot area (see attached notes on schematic plan, **Figure 9**). The proposed development site has a street frontage on Richmond Terrace of approximately 150 feet and a depth of 116.36 feet.

Lot 9 contains approximately 10,608 square feet of lot area and is improved with a vacant automotive service station (Use Group 16), constructed in approximately 1967 pursuant to a variance granted by the Board and Standards and Appeals (BSA 1562-A &643-60BZ).

Lot 154 (partially affected) contains 3,876 square feet of lot area and is improved with a two-family residential building containing 1,312 square feet (0.34 FAR).

The Project Area is currently zoned R3-1. R3-1 is the lowest density contextual residential district that allows for semi-detached and detached houses commonly found in Staten Island. Pursuant to ZR Section 23-20, the maximum FAR for R3-1 is 0.5, however most residential developments utilize an attic allowance of up to 20% for the inclusion of space beneath a pitched roof with a maximum building height of 35 feet (ZR 23-60). In R3-1 districts, the minimum lot width for detached houses is 40 feet; semi-detached buildings must be on zoning lots that are at least 18 feet wide (ZR 23-30 and 23-40). For both detached and semi-detached houses, the maximum lot coverage is 35%. Semi-detached lots have a minimum lot size of 1,700 feet, while detached lots have a minimum lot zie of

Figure 7 - Proposed Development (illustrative)



SITE PLAN

SCALE:1"=20'-0"

GENERAL DATA

BLOCK	150
LOT	1
HOUSE #	–
MAP	21a
EXISTING ZONE	R3-1
PROPOSED ZONE	C2-2 IN R3-1
COMMUNITY BOARD	501
SPECIAL ZONING DISTRICT	NONE
INSIDE FIRE DISTRICT	
OUTSIDE WETLANDS	
OUTSIDE FLOOD HAZARD	
INSIDE LOWER DENSITY GROWTH MANAGEMENT	

REVISION	DATE	BY	DESCRIPTION

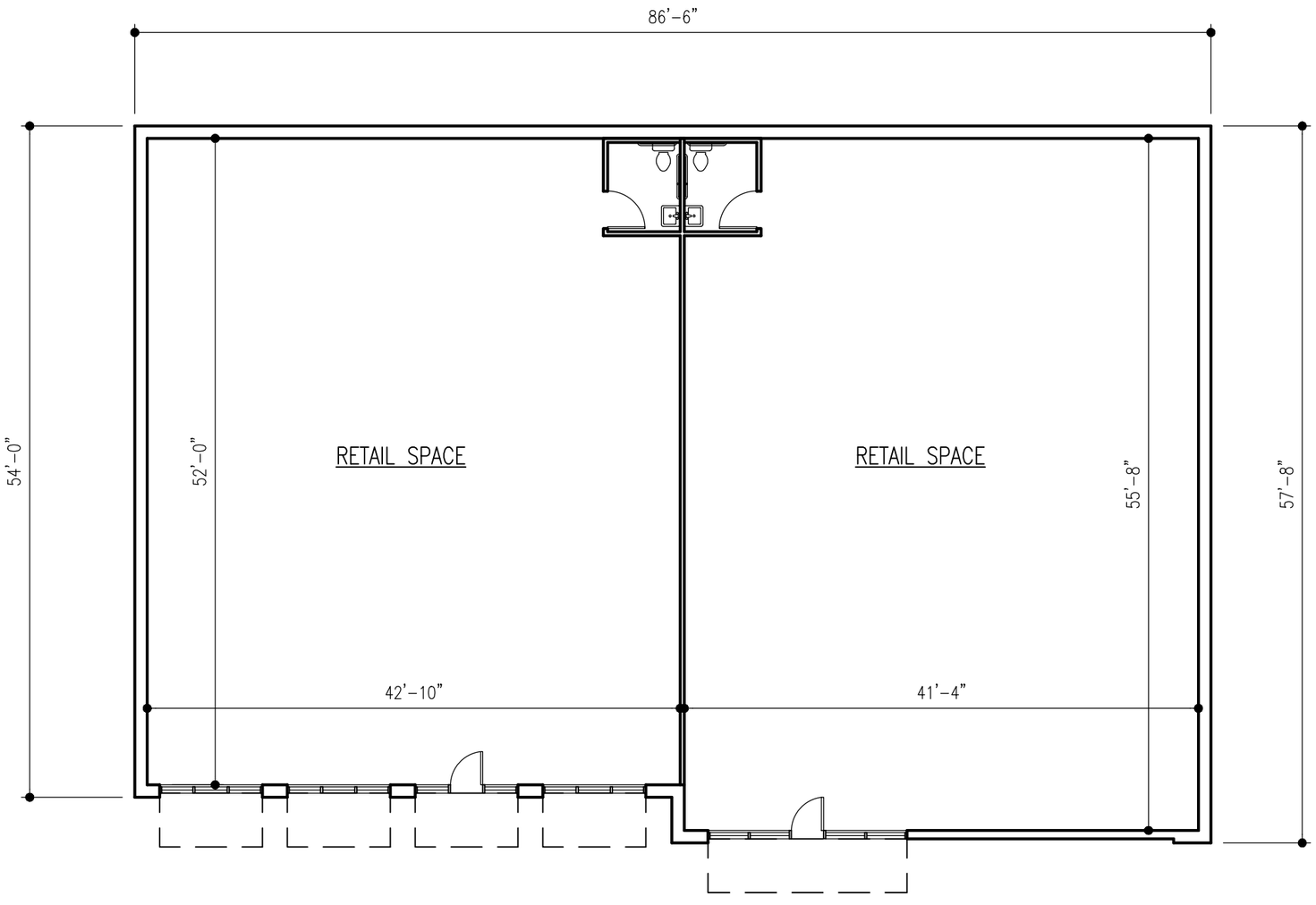
calvanico associates
2535 victory blvd. staten island, n.y. 10314
(718) 494-0444

RICHMOND TERRACE & BEMENT AVE, SI NY

DRAWING TITLE: **SITE PLAN**

DRAWN BY: DJN	PROJECT NO.: 7034
CHECKED BY:	A-1
DATE: 3/21/16	
CAD DWG FILE: F:/CAD/7034SK1	

Figure 7b - Proposed Development (illustrative)



FLOOR PLAN

SCALE: 3/32"=1'-0"

REVISION	DATE	BY	DESCRIPTION

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(718) 494-0444

RICHMOND TERRACE & BEMENT AVE, SI NY

DRAWING TITLE
BUILDING PLAN

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DJN	7034
CHECKED BY	A-2
DATE 3/21/16	
CAD DWG FILE C:\CAD\	

Figure 7c - Proposed Development (illustrative)



FRONT ELEVATION

SCALE: 3/32"=1'-0"

REVISION	DATE	BY	DESCRIPTION

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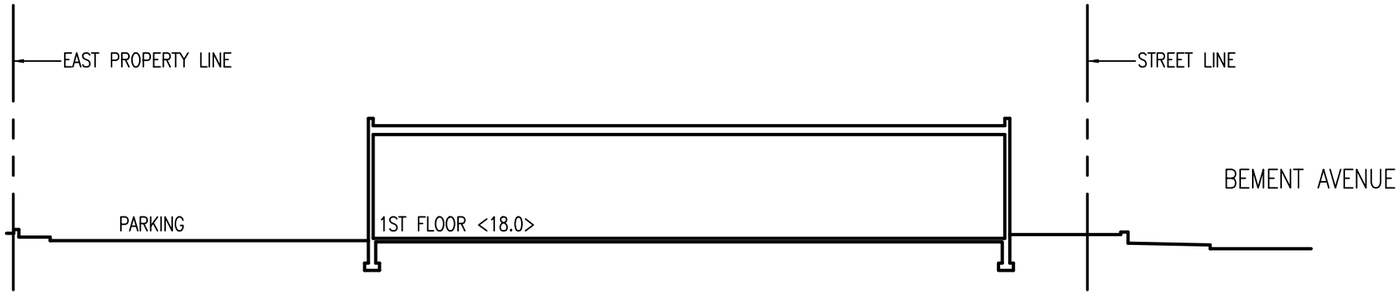
(718) 494-0444

RICHMOND TERRACE & BEMENT AVE, SI NY

DRAWING TITLE
BUILDING ELEVATION

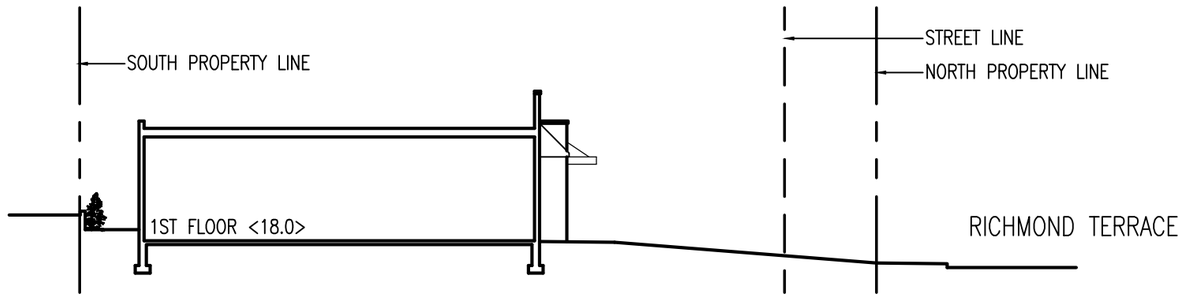
DRAWN BY: DJN	PROJECT NO.: 7034
CHECKED BY:	A-3
DATE: 3/21/16	
CAD DWG FILE: C:\CAD\	

Figure 7d - Proposed Development (illustrative)



SECTION A

SCALE:1"=20'-0"



SECTION B

SCALE:1"=20'-0"

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RICHMOND TERRACE & BEMENT AVE, SI NY

DRAWING TITLE
SITE SECTIONS

DRAWN BY	PROJECT NO.
DJN	7034
CHECKED BY	A-4
DATE 3/21/16	
CAD DWG FILE F:/CAD/7034SK1	

3,800 square feet. All parking must be located in the side or rear yard or in the garage. An enclosed garage is permitted in a semi-detached house, or in a detached house if the lot is 40 feet or wider. One off-street parking space is required for each dwelling unit (ZR 25-20).

In terms of rear yards, the Development Site is both a corner lot (within 100' of a corner) and an interior lot and therefore pursuant to ZR 23-741, a rear yard is required with a minimum depth of eight feet from where the rear lot line meets the side yard lot line of the adjacent lot.

Background

According to historical land use records, the Development Site has never been developed upon, and was potentially part of an 18th-19th Century burial ground (the Kreuzer Family Burial Ground) [1]. It is assumed the remainder of the Project Area was utilized as residential or vacant land up until its current development with residential and commercial properties dating from the early 20th century.

In November of 2003, the City Planning Commission (CPC) certified a rezoning application (C 020538) which rezoned the adjacent area to the southwest of the Project Area from R4, R3-2 and R3-1 to R3A and R3X districts. The Northwest North Shore Rezoning consisted of an approximately 181 block area approximately bounded by Richmond Terrace, Bennet Avenue, and Forest Avenue in the communities of Arlington, Port Richmond, and West Brighton in Community District 1 of Staten Island. The Staten Island Borough President's Office proposed the rezoning in response to community concerns that the R4, R3-2 and R3-1 districts allowed semi-detached and attached development that was not in character with the predominant detached existing housing within the area.

In December 2011, the Department of City Planning ("DCP") and the City's Economic Development Corporation released a study entitled *North Shore 2030: Improving and Reconnecting the North Shore's Unique and Historic Assets*. This publication marked the culmination of a collaborative two-year effort among City and State agencies, over 200 local experts—residents, business leaders and civic stakeholders—to craft a vision for the North Shore of Staten Island. The final report detailed long-term recommendations necessary to meet the 2030 Vision that would guide public and private investment and land use decisions over the next 20 years. In regards to the West Brighton neighborhood (where the Project Area is located), the study called for: (1) A vibrant, active working waterfront and compatible industrial uses, with additional maritime support services on an improved shoreline; (2) A new waterfront park, overlooks, signage, and visual access along Richmond Terrace celebrating the maritime and cultural history of the North Shore; (3) A safer and more efficient Richmond Terrace which accommodates pedestrians, local traffic, and transit with improved pedestrian crossings, intersections, and bus stops; and (4)

[1] According to correspondence from NYC LPC (05/27/2015)

Expanded commercial amenities and other compatible uses which support the new park, encourage the re use of existing buildings and serve nearby residents and businesses. No site-specific recommendations were made for the Project Area but the overall plan notes that a zoning, infrastructure and urban design analysis of the Richmond Terrace corridor should be undertaken that would create "an inviting, pedestrian-friendly retail corridor and [that] support[s] residential uses".

In 2012, the Board of Standards and Appeals ("BSA"), under BSA Calendar No.: 122-11-A, approved the owner's application to develop a residential building on the Development Site in the bed of a mapped street pursuant to General City Law 35. Said approval allowed for a residential development that was permitted as-of-right under the applicable R3-1 district regulations, but was in a mapped but unbuilt portion of Richmond Terrace. This approval does not expire and absent the proposed action the Applicant would utilize the approval.

Most recently, DCP has partnered with the West Brighton Local Development Corporation (WBLDC) to work with the community and stakeholders through the summer of 2014 to craft a strategic plan for the West Brighton area with the goals of improving public access to waterfront and upland open space, supporting new and existing maritime industrial uses, expanding retail and community services and providing a safe, multi modal transportation network along Richmond Terrace. The study area boundaries for the project include both waterfront and upland properties, stretching from Westervelt Avenue in the east to Rector Street in the west and including the neighborhoods of New Brighton and West Brighton. At this time, there is no timeline for when recommendations from this project would be made public.

Proposed Development

The applicant proposes a one-story commercial/retail building with accessory parking on the Development Site. The proposed building would include 4,830 square feet of floor area, which equates to an FAR of 0.30. The accessory parking area for the building would include 16 parking spaces, and be accessed from a new curb cut located on Richmond Terrace. There is an existing legal curb-cut and driveway that leads to the neighboring house that would be eliminated, as the house has other access from Bement Avenue.

The proposed R3-1/C2-2 district permits a commercial FAR of 1.0 and permits a wide range of commercial retail (Use Groups 1 through 9 and 14). While the proposed rezoning would allow a maximum commercial FAR of 1.0, the applicant would not utilize the maximum allowed floor area due to parking regulations.

Purpose and Need

The Development Site was the subject of a 2012 BSA application (Calendar No. 122-11-A) that approved the owner's request to develop a residential building in the bed of a mapped street (Richmond Terrace). The BSA approval was restricted to the site plan. However, the applicant has chosen not to develop the site as a residential building and seeks to develop a

one-story commercial (retail) building instead to provide a more desirable use along this predominantly non-residential thoroughfare.

The proposed rezoning would permit uses ranging from Use Groups 1–9 and 14. These include local retail uses, a wide variety of commercial uses, and some light manufacturing uses. With respect to bulk, the R3-1/C2-2 district allows an increase in permitted FAR of the Rezoning Area 0.5 to 1.0. As noted above, the proposed building does not take full advantage of the increased floor area potential due to parking requirements for the proposed R3-1/C2-2 district.

Required Approvals

The proposed development requires a zoning map amendment from an R3-1 to and R3-1/C2-2 district. The rezoning would serve to permit the proposed development. The granting of the zoning map amendment is a discretionary action that is subject to both the Uniform Land Use Review Procedure (ULURP) as well as the City Environmental Quality Review (CEQR). ULURP is a process that allows public review of the proposed action at four levels: the Community Board; the Borough President; the City Planning Commission; and, if applicable, the City Council. CEQR is a process by which agencies review discretionary actions for the purpose of identifying the effects those actions may have on the environment.

Restrictive Declaration

To avoid any potential significant adverse impacts related to historic and cultural resources, applicant has entered into a Restrictive Declaration for archaeology for their property at Block 150, Lot 1. As detailed in the Historic and Cultural Resources discussion and in **Appendix B**.

Figure 8 - Illustrative No-Action Site Plan

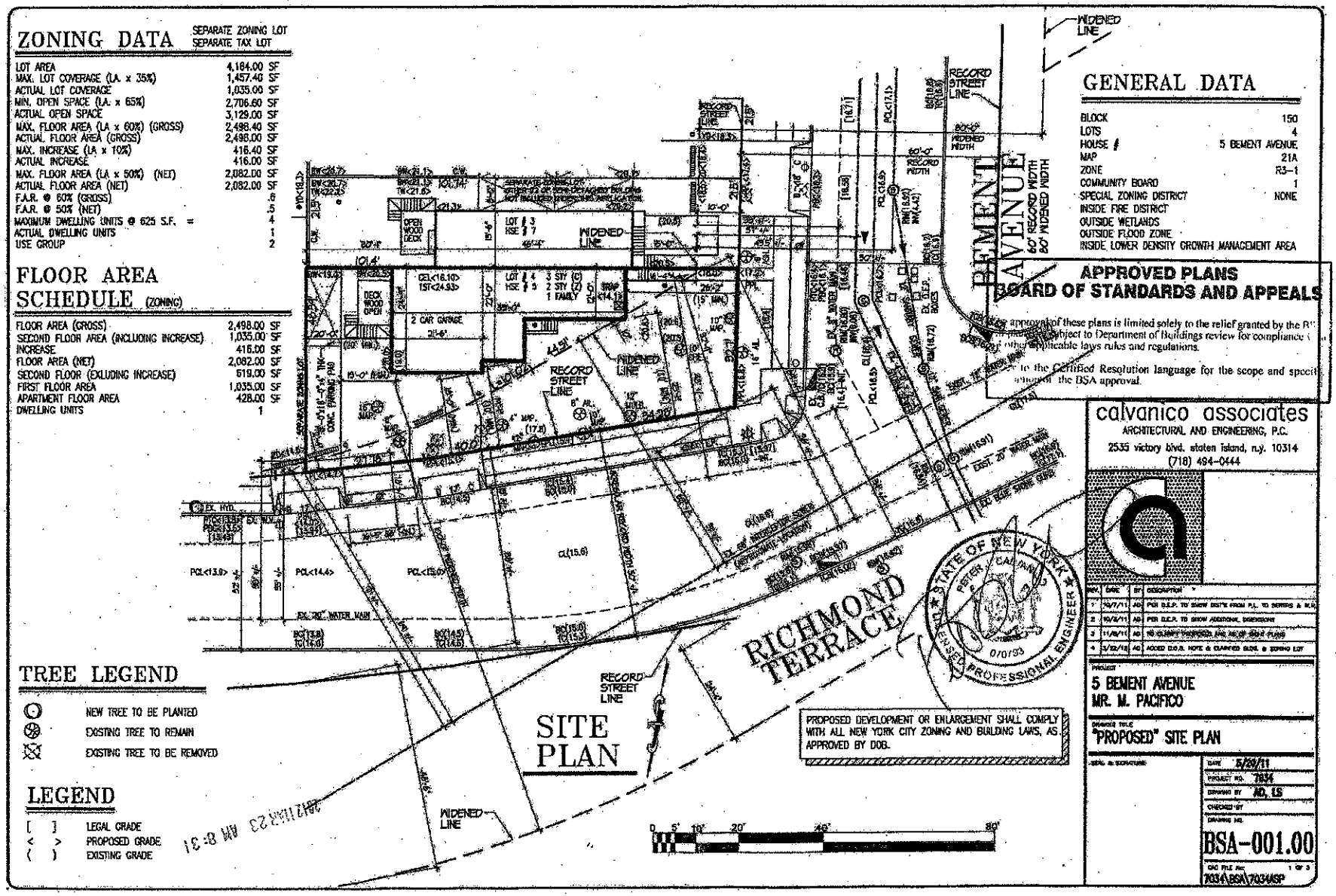

Figure 9 - With Action Illustrative Site Plan

Total Lot Area 15,655

Lot Area Utilized for Floor Area 13,249
(Minus Adopted Street Area)

Adopted Street Area: 2,406

145.43' U.S.STD
149.13' TAX MAP

1 STORY COMMERCIAL
4,830.25 SF
PRKG FOR 16 CARS REQ

65.75'

86'-6"

57'-8"

8'-0"

116.36'

50.0'

35.91'

35.0'

40.00'

34.28'

44.51'

100' TO WIDENED LINE

R=196.12'
Δ=29°30'48"
L=101.02'

BEMENT AVENUE

TERRACE

RICHMOND

GENERAL DATA

BLOCK	150
LOT	1
HOUSE #	-
MAP	21a
ZONE	R3-1
COMMUNITY BOARD	501
SPECIAL ZONING DISTRICT	NONE
INSIDE FIRE DISTRICT	
OUTSIDE WETLANDS	
OUTSIDE FLOOD HAZARD	
INSIDE LOWER DENSITY GROWTH MANAGEMENT	

REVISION	DATE	BY	DESCRIPTION

calvanico associates
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(718) 494-0444

RICHMOND TERRACE & BEMENT AVE, SI NY

DRAWING TITLE
SCHEMATIC SITE PLAN

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CHECKED BY:	
DATE: 12/5/12	
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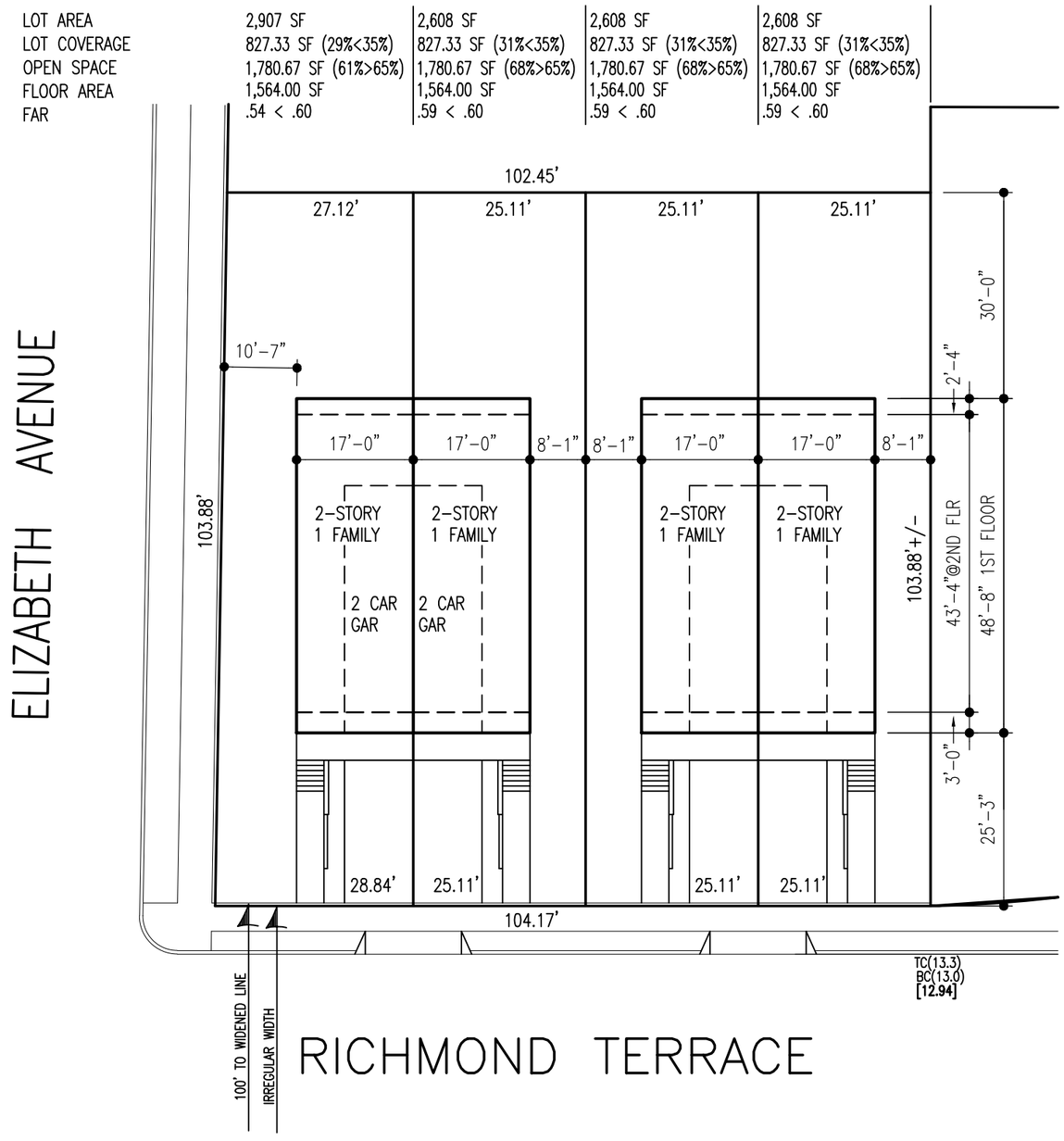


SITE PLAN

SCALE:1"=20'-0"

Projected Development Site (Lot 9)
Future No-Action Scenario
Illustrative Site Plan

GENERAL DATA

BLOCK	150
LOT	9
HOUSE #	–
MAP	21a
EXISTING ZONE	R3-1
PROPOSED ZONE	C2-2 IN R3-1
COMMUNITY BOARD	501
SPECIAL ZONING DISTRICT	NONE
INSIDE FIRE DISTRICT	
OUTSIDE WETLANDS	
OUTSIDE FLOOD HAZARD	
INSIDE LOWER DENSITY GROWTH MANAGEMENT	

APPROXIMATE LOT AREA – 10,731 SF

*PURSUANT TO ZR 36-231, FEWER THAN 15 REQUIRED PARKING SPACES ARE WAIVED

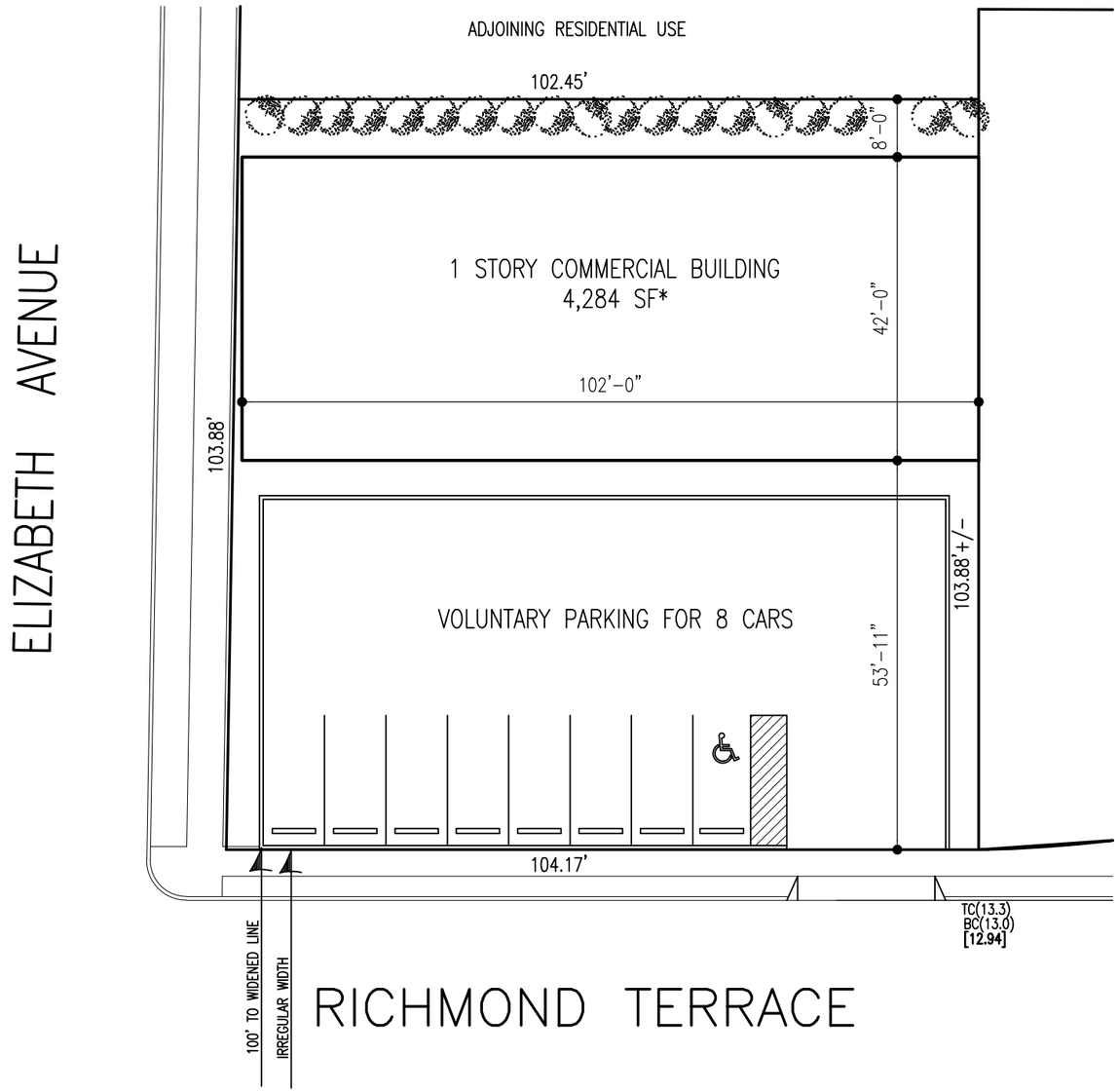
REVISION	DATE	BY	DESCRIPTION

calvanico associates
2535 victory blvd. staten island, n.y. 10314
(718) 494-0444

RICHMOND TERRACE & ELIZABETH AVE, SI NY

DRAWING TITLE
AS-OF-RIGHT SITE PLAN

DRAWN BY: DJN	PROJECT NO.: 7034
CHECKED BY:	A-5
DATE: 1.11.18	
CAD DWG FILE: F:/CAD/7034SK1	



SITE PLAN

SCALE:1"=20'-0"

Projected Development Site (Lot 9)
Future With-Action Scenario
Illustrative Site Plan

GENERAL DATA

BLOCK	150
LOT	9
HOUSE #	–
MAP	21a
EXISTING ZONE	R3-1
PROPOSED ZONE	C2-2 IN R3-1
COMMUNITY BOARD	501
SPECIAL ZONING DISTRICT	NONE
INSIDE FIRE DISTRICT	
OUTSIDE WETLANDS	
OUTSIDE FLOOD HAZARD	
INSIDE LOWER DENSITY GROWTH MANAGEMENT	

APPROXIMATE LOT AREA – 10,731 SF

*PURSUANT TO ZR 36-231, FEWER THAN 15 REQUIRED PARKING SPACES ARE WAIVED

REVISION	DATE	BY	DESCRIPTION

calvanico associates
2535 victory blvd. staten island, n.y. 10314
(718) 494-0444

RICHMOND TERRACE & ELIZABETH AVE, SI NY

DRAWING TITLE
COMMERCIAL SITE PLAN

DRAWN BY: DJN	PROJECT NO.: 7034
CHECKED BY:	A-6
DATE: 1.11.18	
CAD DWG FILE: F:/CAD/7034SK1	

REASONABLE WORST-CASE DEVELOPMENT SCENARIO

Future No-Action Scenario

Absent the proposed action, it is assumed that the Proposed Development Site, identified as Block 150, Lot 1 in Staten Island, would be developed under the previously approved BSA proposal. This would entail a single-family residential building constructed to 2,498 gross square feet (gsf) or an FAR of 0.13. The building would contain an enclosed garage with two accessory spaces (see attached illustrative no-actin site plan).

Due to the vacant status of the automotive use on Lot 9 (hereafter, "the Projected Development Site"), which is not permitted as-of-right in the underlying residential zoning district, the parcel would be redeveloped with an as-of-right residential use. This would entail two semi-detached residential buildings totaling 6,256 gross square feet and 4 dwelling units. The buildings would rise to two-stories (with cellar spaces) and contain four required accessory parking spaces (see attached no-action illustrative site plan).

Lot 154 (partially affected) contains 3,876 square feet of lot area and is improved with a two-family residential building containing 1,312 square feet (0.34 FAR) and is expected to remain. R3-1 districts require detached houses on a minimum lot size of 3,800 square feet, a minimum width of 30 feet and maximum lot coverage of 35% (ZR 23-30), preventing additional development on this lot.

Future With-Action Scenario

In the future with proposed action, it is anticipated that the Proposed Development Site (Block 150, Lot 1) would be redeveloped with a one-story commercial/retail building. The proposed building would include 4,830 square feet of floor area, which equates to an FAR of 0.30. The accessory parking area for the building would include 16 parking spaces and be accessed from a new curb cut located on Richmond Terrace. The proposed R3-1/C2-2 zoning district would allow a maximum FAR of 1.0, however off-street parking requirements and the amount of space on the zoning lot can facilitate only 16 accessory parking spaces, thereby limiting the site to a maximum FAR of 0.30 (attached illustrative with-action site plan).

Block 150, Lot 9 (The Projected Development Site) is anticipated for redevelopment with a one-story commercial retail building, pursuant to the proposed R3-1/C2-2 zoning district. This would include 4,282 square feet and 8 accessory parking spaces (see attached illustrative with-action site plan).

Lot 154 (partially affected) is anticipated to remain as a two-family house. The proposed R3-1/C2-2 zoning district would only affect an area of approximately 1,500 square feet, which would account for less than 50% of the lot area of 3,876 square feet. As noted above,

R3-1 districts require detached houses on a minimum lot size of 3,800 square feet, a minimum width of 30 feet and a maximum lot coverage of 35% (ZR 23-30), preventing additional development on Lot 154.

BUILD YEAR

Based on a 12-month approval process and 12-month construction period for each site, an analysis year of 2021 is assumed.

ANALYSIS FRAMEWORK

As noted in Table 1 below, the increment between the No-Action and the Future With-Action would therefore include 9,114 gsf of commercial use (and total) floor area with 24 accessory parking spaces. The incremental development would add 22 new workers.

Table 1: DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS (RWCDS)

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
LAND USE				
Residential	☐ YES ☒ NO	☒ YES ☐ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Describe type of residential structures		Single-family		
No. of dwelling units		5		-5
No. of low- to moderate-income units				
Gross floor area (sq. ft.)		8,754		-8,754
Commercial	☐ YES ☒ NO	☐ YES ☒ NO	☒ YES ☐ NO	
If "yes," specify the following:				
Describe type (retail, office, other)			Retail	
Gross floor area (sq. ft.)			9,114	+9,114
Manufacturing/Industrial	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
Community Facility	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)				
Vacant Land	☒ YES ☐ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:	15,655 square feet of undeveloped land			
Other Land Uses	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				
Garages	☐ YES ☒ NO	☒ YES ☐ NO	☐ YES ☒ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces	0	6	0	-6
Lots	☐ YES ☒ NO	☐ YES ☒ NO	☒ YES ☐ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces	0	0	24	+24
ZONING				
Zoning classification	R3-1	R3-1	R3-1/C2-2	
Maximum amount of floor area that can be developed	0.50	0.50	1.0	+0.50
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	Manufacturing, Transportation/Utility, Residential, and Vacant Land	Manufacturing, Transportation/Utility, Residential, and Vacant Land	Manufacturing, Commercial, Transportation/Utility, Residential, and Vacant Land	

5 BEMENT AVENUE, STATEN ISLAND

ENVIRONMENTAL ASSESSMENT STATEMENT (EAS)

INTRODUCTION

Based on the analysis and the screens contained in the Environmental Assessment Statement Short Form, the analysis areas that require further explanation include land use, zoning, and public policy, historic resources, urban design, hazardous materials, air quality, and noise as further detailed below.

1. LAND USE, ZONING AND PUBLIC POLICY

I. INTRODUCTION

The analysis of land use, zoning and public policy characterizes the existing conditions of the Development Site and the surrounding study area; anticipates and evaluates those changes in land use, zoning and public policy that are expected to occur independently of the proposed project; and identifies and addresses any potential impacts related to land use, zoning and public policy resulting from the project. Various sources have been used to prepare a comprehensive analysis of land use, zoning and public policy characteristics of the area, including field surveys, studies of the neighborhood, census data, and land use and zoning maps.

The proposal involves the extension of a R3-1/C2-2 commercial overlay to facilitate the development of a vacant lot with a commercial building on the Development Site. The proposed development would include 4,830 square feet of commercial floor area, which equates to an FAR of 0.30. The accessory parking area for the building would include 16 parking spaces and be accessed from a new curb cut located on Richmond Terrace. There is an existing legal curb cut and driveway that leads to the neighboring house that would be eliminated.

Land Use Study Area

In order to assess the potential for project related impacts, the land use study area has been defined as the area located within a 400-foot radius of the Project Area, which is an area within which the proposed project has the potential to affect land use or land use trends. The 400-foot radius study area is bounded by an area with Bergen Point to the north; Elm

Street to the west; Howard Court to the south; and Pelton Avenue to the east (See **Figure 4 – Land Use Map**).

II. Land Use

Site Description

The proposed development is located in the West Brighton section of Staten Island Community District 1. It includes a single development (the "Development Site") located at 5 Bement Avenue (Block 150, Lot 1), which contains a 15,655 square foot vacant lot. The Development Site contains 150 feet of frontage along Richmond Terrace and a depth of 116.36 feet (along Bement Avenue). The affected area is currently zoned R3-1.

Land Use Study Area

The area within 400-feet of the Development Site contains a mix of residential properties (single and two-family houses), industrial uses and automotive service uses, as well as some vacant parcels of land. Residential uses are contained to the south of Richmond Terrace within the interior blocks while industrial and automotive uses line Richmond Terrace, which is an east-west arterial roadway that lines the north shore of Staten Island.

The adjacent property to the south of the proposed project area is developed with a 1,386 gsf single-family detached home constructed to an FAR of 0.37, built in approximately 1920. The adjacent properties to the east and west of Lot 1 contain automotive service stations (Use Group 16). The property to the west (Block 157, Lot 9) is developed with a gas station, while Block 150, Lot 9 is developed with a vacant automotive repair shop. Lots 154 and 156 to the east of Lot 114 are developed with single-family detached houses constructed approximately the 1920s-30s. Across Richmond Terrance and to the north contain a mixture of vacant land and docking facilities for maritime industrial uses. Additionally, to the east and west (outside the study area) are a number of commercial retail establishments along Richmond Terrace. Immediately to the west of the Project Area is an automotive service station with a small convenience store at 1320 Richmond Terrace. Further to the west is a musical instrument store, as well as a religious community center (Christian Community Center), a landscaping business and a convenience store.

Future No-Action Scenario

In the future and absent the proposed action, the Site (Block 150, Lot 1) would be developed with a residential building pursuant to a previously approved BSA application. The residential building This would entail a single-family residential building constructed to 2,498 gross square feet (gsf) or an FAR of 0.13. The building would contain an enclosed garage with two accessory spaces.

Due to the vacant status of the automotive use on Lot 9 (the Projected Development Site), which is not permitted as-of-right in the underlying residential zoning district, the parcel would be redeveloped with an as-of-right residential use. This would entail two semi-detached residential buildings totaling 6,256 gross square feet and 4 dwelling units. The

buildings would rise to two-stories (with cellar spaces) and contain four required accessory parking spaces.

The surrounding land uses within the immediate study area are expected to remain largely unchanged by the Projected Build Year of 2021. No new development is anticipated to occur within the 400-foot study area by 2021.

Future With-Action Scenario
The proposed action would extend an existing C2-2 commercial overlay from the east to include Block 150, Lots 1, 9 and portions of 154. This would facilitate the development of Lot 1 with a commercial retail building.

In addition to the Proposed Development, Block 150, Lot 9 (Projected Development Site) is anticipated for redevelopment with a one-story commercial retail building, pursuant to the proposed R3-1/C2-2 zoning district. This would include 4,282 square feet and 8 accessory parking spaces.

Conclusion
The proposed rezoning is necessary to facilitate the proposed commercial property with frontage along Richmond Terrace, which is otherwise lined with commercial, automotive and industrial uses. Allowing a commercial retail property on the affected area would serve to provide the surrounding residential community with necessary retail space, as illustrated by the North Shore 2030 study and West Brighton Brownfield Opportunity Area ("BOA") which recommended expanded commercial uses along Richmond Terrace to increase the vibrancy of the corridor and provide additional services.

No potentially significant adverse impacts related to land use are expected to occur as a result of the proposed action. Therefore, further analysis of land use is not warranted.

III. Zoning

Existing Conditions
The Development Site is entirely located within an R3-1 district. The surrounding 400-foot radius also includes R3-1, R3A, and R3X residential districts, as well as C2-2 commercial overlays and an M3-1 heavy manufacturing district. The R3 districts are south of Richmond Terrace, while the C2-2 commercial overlay lines Richmond Terrace and the M3-1 district is north along the waterfront.

R3-1, R3A and R3X are contextual residential districts that primarily permit detached and semi-detached houses at a maximum FAR of 0.5, with an attic allowance of 20%. They all require one parking space per dwelling unit and have a maximum building height of 35 feet. Otherwise, the districts generally vary with requirements for lot coverage and yards.

The affected area is within a Lower Density Growth Management Areas (LDGMAs), which place additional development regulations in R3 districts, as well as any developments accessed via private road in lower density zoning districts. Additional regulations affect parking, building bulk and lot size; yards, open space and landscaping; private road development; commercial development; medical offices and community facilities.

For R3 districts within the surrounding area, the LDGMA requires additional parking (1.5 spaces per dwelling unit) as well as increases the maximum perimeter wall height to accommodate a parking garage, and provides a floor area exemption of up to 500 square feet for a parking garage. Furthermore, for an irregular shaped lot, the LDGMA requires a rear yard of least 30 feet.

R3-1/C2-2 is a commercial overlay district. C2 districts permit an expanded range of commercial uses (Use Groups 1 through 9 and 14). The maximum FAR for both districts within R3 districts is 1.0.

M3-1 is a heavy manufacturing/industrial district and is typically mapped along waterfronts and other isolated areas away from residential areas. Uses primarily include public utilities, waterfront manufacturing uses, waste transfer stations, fuel depots and recycling centers. M3-1 districts permit a maximum FAR of 2.0 and a maximum base height of 60 feet. A waterfront-related manufacturing use is located directly across Richmond Terrace along the water, which consists of a large dry-dock facility.

Future No-Action Scenario
In the future without the proposed action, the provisions of the existing R3-1 would continue to apply and no further actions would be sought from the CPC. The property would be developed with a residential property pursuant to a previously approved BSA application. In addition, Block 150, Lot 9 would be redeveloped with a conforming residential use, pursuant to the underlying R3-1 zoning district.

The surrounding zoning districts within the immediate study area are expected to remain largely unchanged by the Project analysis year of 2021. The properties lining Richmond Terrace are developed with commercial and automotive-related uses and the neighborhood to the south is developed with a stable residential community.

Future With-Action Scenario
In the future with the proposed action, the northern portion of Block 150 would be mapped with a C2-2 commercial overlay at a depth of approximately 115 feet. The surrounding R3 and M3-1 districts would remain unchanged.

The proposed extension of the R3-1/C2-2 zoning district would permit the proposed development plan for the applicant owned property on the Development Site. This development would consist of a one-story commercial/retail building. The proposed

building would include 4,830 square feet of floor area, which equates to an FAR of 0.30. The accessory parking area for the building would include 16 parking spaces and would be accessed from a new curb cut located on Richmond Terrace. The proposed C2-2 zoning district would allow a maximum FAR of 1.0, however space limitations on the Site would only allow 16 accessory parking spaces, thereby limiting the site to a maximum FAR of 0.30. Within C2-2 districts, one parking space is required for every 200 square feet of retail space for developments over 2,000 square feet. Encroaching into the required rear yard is possible on this site, pursuant to ZR 33-23(b)(3). One new curb cut would be located along Richmond Terrace to access the proposed development.

In addition, the vacant automotive use on Block 150, Lot 9 (Projected Development Site) would be redeveloped with a one-story commercial retail building pursuant to the proposed C2-2 zoning district. This would include 4,282 square feet and 8 accessory parking spaces. Since the property waives out of accessory parking requirements, the 8 accessory parking spaces would be provided as voluntary spaces.

Therefore, the proposed rezoning action and the resulting proposed development are not expected to result in any significant adverse impacts or conflicts with the zoning in the study area.

Conclusion
No significant impacts to zoning patterns in the area would be expected. The proposed commercial overlay and proposed development of the Development Site would not result in any new non-conforming or complying development and not affect the underlying Lower Density Growth Management provisions of the Zoning Resolution. The proposed action would therefore not have a significant impact on the extent of conformity with the current zoning in the surrounding area, and it would not adversely affect the viability of conforming uses on nearby properties.

No significant adverse impacts related to zoning are expected to occur as a result of the proposed action, and a further assessment of zoning is not warranted.

IV. Public Policy

Existing Conditions
The West Brighton neighborhood of Staten Island, which is located in Staten Island Community District 1, is a mixed residential and commercial/manufacturing area. According to the 2010 U.S. Census, the population of the neighborhood increased by 4.3% between 2000 and 2010 from 32,154 people to 33,551 people.

Waterfront Revitalization Program (WRP)
The proposed development is located within the coastal zone boundary and therefore is subject to the City's Waterfront Revitalization Program (see Appendix C). The Project Area

is not located in any industrial business zones (IBZs). Additionally, the rezoning area is not governed by a 197a Plan, nor does the proposed action involve the siting of any public facilities (Fair Share). The Project Area is also not subject to the New Housing Marketplace Plan. Finally, the Development Site is not located within a critical environmental area, a significant coastal fish and wildlife habitat, a wildlife refuge, or a special natural waterfront area.

North Shore Empire Zone

The Development Site is within the boundaries of the North Shore Empire Zone. Staten Island contains two New York State Empire Zones, along the north and south shore, comprising of over 1900 acres. The program offers a set of incentives designed to stimulate business growth in economically distressed areas. The program offers incentives in the form of employment, investment, real property, sales and wage tax credits and utility discounts. At the time of this application, the Empire Zone is no longer accepting new applications.

Future No-Action Scenario

In the future without the proposed action, any new development on the Development Site would continue to be governed by the provisions of the underlying zoning district. The No-Action residential development scenario would however not qualify for incentives under the North Shore Empire Zone. No other public policy initiatives would pertain to the Development Site or to the 400-foot study area around the property by the project analysis year of 2021. In addition, no changes are anticipated to the zoning districts and zoning regulations or to any public policy documents related to the Development Site or the surrounding study area by the project build year.

Future With-Action Scenario

No impact to public policies would occur as a result of the proposed action. The proposed development would be in accordance with the proposed R3-1/C2-2 zoning provisions applicable to the affected properties. The proposed commercial development would qualify for incentives under the North Shore Empire Zone, as noted above. Additionally, the proposed action would be consistent with the City's Waterfront Revitalization Program (as further detailed in **Appendix C**). Additionally, the proposed development would stimulate commercial investment in the North Shore of Staten Island and create new jobs, a noted objective of the Empire Zone. The proposed commercial development would also be consistent with recommendations of the *North Shore 2030* study, as well as the goals of the West Brighton Local Development Corporation (WBLDC), to provide additional services and improve the overall vibrancy of Richmond Terrace. The proposed actions would otherwise not alter conditions on any adjoining or nearby properties.

Conclusion

In accordance with the stated public policies within the study area, the proposed action would be a suitable development on the Development Site and support the objectives of the North Shore Empire Zone. Additionally, proposed rezoning would be consistent with the policies and objectives of the City's Waterfront Revitalization Program.

No potential significant adverse impacts related to public policy are anticipated to occur as a result of the proposed action and further assessment of public policy is not warranted.

V. Conclusion

No significant adverse impacted related to land use, zoning and public policy are anticipated to occur as a result of the proposed action. The action is not expected to result in any of the conditions that would warrant the need for further assessment of land use, zoning, or public policy.

2. HISTORIC AND CULTURAL RESOURCES

Research into the history of the property reveals that the Development Site has been an undeveloped, wooded lot from at least 1917 to the present time. No indications of past on-site development were identified at the Development Site and the parcel is not in or substantially contiguous to a designated historic district or landmark. However, in the letter dated June 2, 2015 (see **Appendix B**), The NYC Landmarks Preservation Commission (LPC) determined that the site (Block 150, Lot 1) may be archeologically significant and that Phase 1A archaeological testing would be required in order to determine if the site contains Early or (or Colonial) remains from 19th Century occupation of the Development Site. As such, the applicant has entered into a Restrictive Declaration, which requires that prescribed archaeological work be conducted in accordance with CEQR Technical Manual and LPC Guidelines for Archaeological Work in New York City. Subsequently a Restrictive Declaration was submitted and approved by LPC on December 1st, 2015 (see **Appendix B).**

The Restrictive Declaration is binding upon the property's successors and assigns. The declaration serves as a mechanism to assure the archaeological testing be conducted and that any necessary mitigation measures be undertaken prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction). The Restrictive Declaration was prepared in a form acceptable to the LPC and Restrictive Declaration was executed and recorded on November 9, 2016 in the Borough of Staten Island, City Clerk's office.

With the Restrictive Declaration in place, no significant adverse impacts related to historic and cultural resources would occur as a result of the Proposed Action.

While new development is anticipated to occur on the Projected Development Site (Block 150, Lot 9), the Proposed Action is not anticipated to result in increased ground disturbance for this property. In the future without the proposed action, Lot 9 is anticipated for as-of-right development with a residential use that would contain cellar space. In the future with-action scenario, the parcel is anticipated for redevelopment with a commercial retail building and accessory parking lot. As such, the Proposed Action would not result in increased ground disturbance on this parcel and would not be considered for archaeological impacts.

3. URBAN DESIGN AND VISUAL RESOURCES

Introduction

An assessment of urban design is needed when a project may have effects on any of the elements that contribute to the pedestrian experience of public space. A preliminary assessment is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. An assessment would be appropriate for the following:

1. Projects that permit the modification of yard, height, and setback requirements; and

2. Projects that result in an increase in built floor area beyond what would be allowed 'as-of-right'.

No-Action Scenario

Absent the proposed action, it is assumed that the Proposed Development Site, identified as Block 150, Lot 1 in Staten Island, would be developed under the previously approved BSA proposal (See **Figures 10-1 through 10-3)**. This would entail a single-family residential building constructed to 2,498 gross square feet (gsf) or an FAR of 0.13. The building would contain an enclosed garage with two accessory spaces. This development would be consistent with adjacent as-of-right residential houses developed to the south of Richmond Terrace pursuant to the underlying R3-1 zoning district.

Due to the vacant status of the automotive use on Lot 9 (the Projected Development Site), which is not permitted as-of-right in the underlying residential zoning district, the parcel would be redeveloped with an as-of-right residential use (See **Figures 10-1 through 10-3)**. This would entail two semi-detached residential buildings totaling 6,256 gross square feet and 4 dwelling units (See Figure 10-2. The buildings would rise to two-stories (with cellar spaces) and contain four required accessory parking spaces.

With-Action Scenario

In the future with proposed action, it is anticipated that the Proposed Development Site (Block 150, Lot 1) would be redeveloped with a one-story commercial/retail building. The proposed building would include 4,830 square feet of floor area, which equates to an FAR of 0.30. The accessory parking area for the building would include 16 parking spaces, and be accessed from a new curb cut located on Richmond Terrace. The proposed R3-1/C2-2 zoning district would allow a maximum FAR of 1.0, however space limitations can facilitate only 16 accessory parking spaces, thereby limiting the site to a maximum FAR of 0.30 (See **Figures 10-1 through 10-3**).

Richmond Terrace facing east (Site at right)



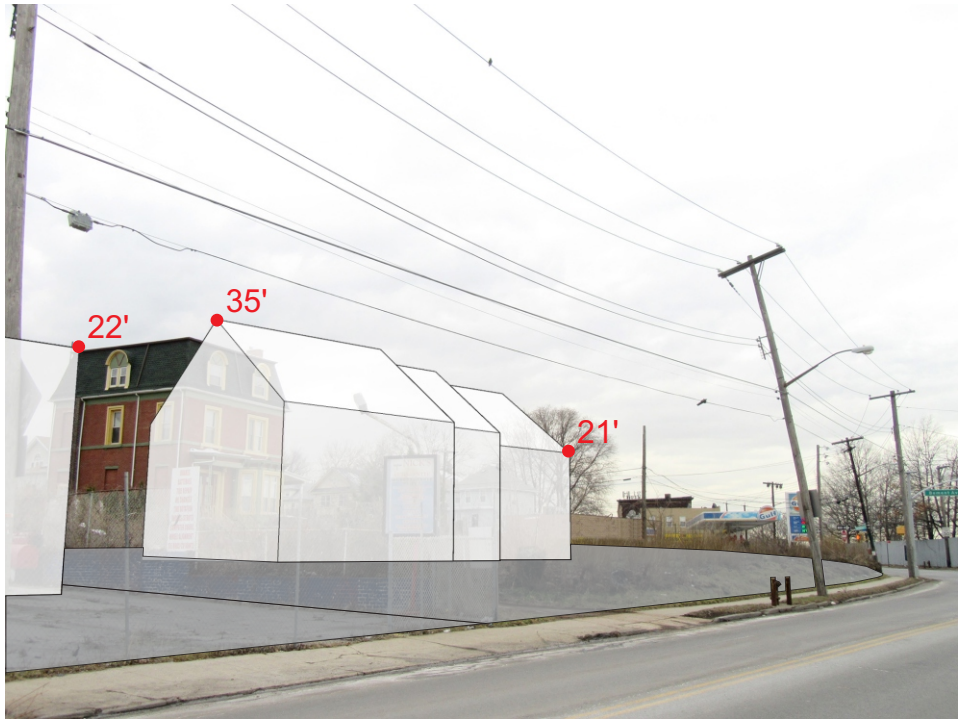
No-Action Scenario

Richmond Terrace facing east (Site at right)



With-Action Scenario

Richmond Terrace facing west (Site at left)



No-Action Scenario

Richmond Terrace facing west (Site at left)



With-Action Scenario

Richmond Terrace facing west (Site at left)



No-Action Scenario

Richmond Terrace facing west (Site at left)



With-Action Scenario

In addition, Block 150 Lot 9 is anticipated for redevelopment with a one-story commercial retail building, pursuant to the proposed R3-1/C2-2 zoning district. This would include 4,282 square feet and 8 accessory parking spaces (**Figures 10-1 through 10-3)**.

While the underlying yard, height and setback requirements of the district would remain unchanged, the renderings illustrate how the proposed commercial buildings would be consistent with the bulk of adjacent developments, such as the fuel station immediately to the west and a segment of two-story commercial buildings along the Richmond Terrace frontage of Block 158 near Elm Street. Additionally, the maximum permitted floor area of 1.0 would remain unchanged, as community facilities (such as medical office) are permitted at the same FAR as-of-right compared to the proposed commercial retail and would be nearly identical to the proposed development.

The proposed action would facilitate the development of vacant land with a commercial building, which is not currently permitted within the R3-1 zoning district. Any development incurred by the proposed action would continue to adhere to the underlying floor area, yard, height, and setback regulations of the existing R3-1 district in regard to what would be visible from the pedestrian level.

Based on the above, no urban design or visual resources impacts would occur and further analysis is not warranted.

4. HAZARDOUS MATERIALS

A hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include but are not limited to, heavy metals, volatile and semivolatile organic compounds, methane, polychlorinated biphenyls, and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive, or toxic). According to the *CEQR Technical Manual*, the potential for significant adverse impacts from hazardous materials can occur when: a) hazardous materials exist on a site and b) an action would increase pathways to their exposure; or c) an action would introduce new activities or processes using hazardous materials.

In accordance with the *CEQR Technical Manual* guidelines, an assessment was conducted to determine whether the proposed action could lead to increased exposure of people or the environment to hazardous materials and whether the increased exposure would result in significant adverse public health impacts or environmental damage.

The proposed rezoning would facilitate the development of the Development Site (Block 150, Lot 1), which is currently vacant. Development is also projected for the adjacent facility (Lot 9) which was develoed with an automotive facility. Prior to any soil disturbance on the Development Site and adjacent parcel (Lot 9), an (E) designation related to hazardous materials would be assigned to the property as described below.

While new development is anticipated to occur on the adjacent parcel (Block 150, Lot 9), the Proposed Action is not anticipated to result in increased ground disturbance for this property. In the future without the proposed action, Lot 9 is anticipated for as-of-right development with a residential use that would contain cellar space. In the future with-action scenario, the parcel is anticipated for redevelopment with a commercial retail building and accessory parking lot. As such, the Proposed Action would not result in increased ground disturbance on this parcel and would not be considered for impacts related to hazardous materials.

A Phase I Environmental Site Assessment (ESA) was performed for the property located at 5 Bement Avenue, in the Borough of Staten Island in the City of New York. The ESA was prepared in accordance with the ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Designation E 1527-13).

The subject property consists of a 15,600 +/-square foot parcel of undeveloped, wooded land. The lot contains several mature trees, and dense vegetation (bushes, vines, weeds, etc.) covered most of the surface of the site. No buildings or structures, pavement, building

foundations, concrete slabs or other indications of past on-site buildings or structures were observed during the site visit. There is a narrow, unpaved driveway located along the eastern portion of the site which leads to a residential dwelling located adjacent and to the south of the project site. Small quantities of bricks, concrete, wood and other debris were observed on the lot at the time of the site visit, however, there were not any visible indications of the past on-site storage, use or disposal of hazardous materials or petroleum products found, such as chemical/oil stained surfaces, chemical or petroleum odors, discarded drums or chemical containers, dead or dying vegetation, etc.

Research into the history of the property reveals that the site has remained mostly undeveloped since at least the early 1900s. With the exception of a small (one or two-car) garage located on the southeast portion of the site from 1930 to the 1960s, no indications of past on-site development or operations were identified at the project site. It is likely that the garage formerly located on the southeast corner of the site was an accessory structure to the residential dwelling located adjacent and to the south of the project site. No past operations or uses which typically involve the storage or use of hazardous materials or petroleum products were identified at the property.

No indications of the presence of underground or aboveground tanks, such as fillports, vent lines, supply or return lines, etc. were observed at the property during the site visit. The property is not identified in the NYSDEC Petroleum Bulk Storage database, which lists all registered facilities with a petroleum storage capacity in excess of 1,100 gallons. Additionally, no Oil Burner applications were found on file for the site in the New York City Department of Buildings records reviewed.

No suspected asbestos-containing materials, lead-based paints or equipment suspected of containing PCBs were observed at the subject property during the site visit.

The site does not appear in any of the Federal or State environmental databases reviewed including the USEPA's Superfund, CERCLIS or ERNS databases, the RCRA Hazardous Waste Handlers list or hazardous waste Treatment/Storage/Disposal Facilities list, or the NYSDEC's Solid Waste Facilities database, PBS or Spill Logs databases, or the Registry of Inactive Hazardous Waste Disposal Sites.

A review of Sanborn historical maps shows that land uses in the immediate vicinity of the site have consisted of a mix of residential and commercial/retail uses, shipyards (along the Kill Van Kull), and auto related uses since at least the early 1930s. The 1937 through 2007 Sanborn maps show a gasoline filling station at 1320 Richmond Terrace, which is located adjacent and to the west of the project site. This site is currently occupied by a Gulf gasoline filling station and convenience store. The 1977 through 1995 Sanborn maps show a gasoline filling station at 45 Elizabeth Avenue, which is located adjacent and to the east of the project site. This location is currently occupied by an auto repair garage. There are not any NYSDEC-reported spill incidents, PBS registrations or other regulatory information regarding this site identified in the database report.

There is one "Open" spill incident identified at 1320 Richmond Terrace. According to information in the database report, this spill incident was reported when soil contamination was discovered during the removal of an underground storage tank (UST) at this location in 2001. Subsequent investigations revealed the presence of groundwater contamination at the site. The latest site investigation referenced in the spill report was performed in 2007. This investigation revealed the presence of contamination in the groundwater downgradient of the spill area (former UST location). Additional investigations were recommended to determine if the contamination had migrated off the property. No information regarding additional investigations or remedial activities for this spill incident after 2007 was present in the spill report.

Given the "Open" spill incident identified at 1320 Richmond Terrace, and the historic presence of a gasoline filling station at 45 Elizabeth Avenue, it is possible that the groundwater below the project site has been impacted from these adjoining uses. Based on correspondence with DEP, an (E) designation is recommended on the Development Site (See **Appendix D**).

To avoid any potential impacts associated with hazardous materials, the proposed action would place an (E) designation (E-441) for hazardous materials on the following property:

Block 150, Lots 1 & 9

The text of the (E) designation (E-441) is as follows:

Task 1
The applicant submits to OER, for review and approval, a Phase 1A of the site along with a soil and groundwater 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 OER. 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 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 OER upon request.

Task 2
A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results

indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from the test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

An OER-approved construction-related health and safety plan would be implemented during evacuation and construction and 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 OER for review and approval prior to implementation.

All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos-containing materials. For all projected and potential development sites where no E-designation is recommended, in addition to the requirements for lead-based paint and asbestos, requirements (including those of NYSDEC) should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed.

With the implementation of the above (E) designation, no significant adverse impacts related to hazardous materials would occur. Therefore, there is no potential for the proposed action to result in significant adverse impacts related to hazardous materials.

5. AIR QUALITY

Introduction

Under CEQR, two potential types of air quality impacts are examined. These are mobile and stationary source impacts. Potential mobile source impacts are those that could result from an increase in traffic in the area, resulting in greater congestion and higher levels of carbon monoxide. Potential stationary source impacts are those that could occur from stationary sources of air pollution, such as major industrial processes or heat and hot water boilers of major buildings in close proximity to the proposed project. Both the potential impacts of buildings surrounding the proposed project and potential impacts of the proposed project on surrounding buildings are considered in this assessment.

Air Quality Standards

The U.S. Environmental Protection Agency (EPA) has identified six pollutants, known as criteria pollutants which are being of concern nationwide, and established threshold concentration based upon adverse effect on human health. As required by the Clean Air Act, National Ambient Air Quality Standards (NAAQS) have been established for the criteria pollutants by EPA, and New York State has adopted the NAAQS as the State ambient air quality standards.

As mentioned, New York State has adopted the national standard, NAAQS. In addition, the New York State Department of Environmental Conservation (NYSDEC) has established guidelines for maximum allowable concentration of "noncriteria pollutants," which are potentially toxic or carcinogenic pollutants. The maximum allowable guidelines set a maximum 1-hour and annual averaging time concentrations and are published in the DAR-1 AGC/SGC Table, where AGC/SGC refers to Annual and Short-term Guideline Concentrations. The most recent DAR-1 guidelines were created on August 10, 2016. NYSDEC also regulates pollutants that produce discomfort due to odors, where significant discomfort is evaluated on quantity, characteristic or duration.

In addition to the NAAQS, the *CEQR Technical Manual* requires that projects subject to CEQR apply a $PM_{2.5}$ significant impact criteria (based on concentration increments). These criteria are called *de minimis* and they are more stringent than the NAAQS and the state standards, as the criteria set a maximum increase of pollutant concentration that is below the national standard. If the estimated impacts of a proposed project are less than the *de minimis* criteria, the impacts are not considered to be significant. As outlined in the *CEQR Technical Manual,* $PM_{2.5}$ significant impacts are evaluated as follows:

- Predicted 24-hour maximum $PM_{2.5}$ concentration increase of more than half the difference between the 24-hour background concentration and the 24-hour standard; or
- Predicted annual average $PM_{2.5}$ concentration increments greater than 0.3 µg/m^3 at any receptor location for stationary sources.

Background Concentrations

Determination of significant impact criteria is evaluated by adding the background concentrations at the nearest NYSDEC monitoring station to the concentrations of criteria pollutants in the ambient air of the existing and planned land uses.

Background concentrations of NO_2, SO_2, and $PM_{2.5}$—the criteria pollutants of main concern for the sources in the study area—were obtained from the NYSDEC's annual report for 2016 at the nearest monitoring stations. **Table 5-1** shows the background concentrations.

Table 5-1. Background Concentration at the Nearest Monitoring Stations (NYSDEC 2016 Report).

Pollutant	Averaging Period	Background Concentration	Monitoring Station
NO_2	Maximum 1-Hour Concentration	120.9 µg/m^3	Queens College
	Annual Arithmetic Average	33.0 µg/m^3	
$PM_{2.5}$	24-Hour Concentration	19.4 µg/m^3	Port Richmond
	Average of 3 Consecutive Annual Means	8.1 µg/m^3	
SO_2	1-Hour Concentration	24.8 µg/m^3	Queens College
	Annual Arithmetic Mean	2.96 µg/m^3	

The *de minimis* criteria for $PM_{2.5}$ was evaluated as described in the NYC Interim Guidelines. The concentrations increments are presented below:

- 24-hour $PM_{2.5}$ 7.80 µg/m^3
- Annual $PM_{2.5}$ 0.3 µg/m^3

NO_2 NAAQS

Nitrogen oxide (NO_x) emissions from gas combustion consist predominantly of nitric oxide (NO) at the source. The NO_x in these emissions are then gradually converted to NO_2, which is the pollutant of concern, in the atmosphere (in the presence of ozone and sunlight as these emissions travel downwind of a source).

The 1-hour NO_2 NAAQS standard of 0.100 ppm (188 ug/m^3) is the 3-year average of the 98th percentile (8th Highest) of daily maximum 1-hour average concentrations in a year. For determining compliance with this standard, the EPA has developed a modeling approach for estimating 1-hour NO_2 concentrations that is comprised of 3 tiers: Tier 1, the most conservative approach, assumes a full (100%) conversion of NO_x to NO_2; Tier 2 applies a

conservative ambient NOx/NO_2 ratio of 80% to the NO_x estimated concentrations; and Tier 3, which is the most precise approach, employs AERMOD's PVMRM module. The PVMRM accounts for the chemical transformation of NO emitted from the stack to NO_2 within the source plume using hourly ozone background concentrations. When Tier 3 is utilized, AERMOD generates 8th highest daily maximum 1-hour NO_2 concentrations or total 1-hour NO_2 concentrations if hourly NO_2 background concentrations are added within the model.

Per the *CEQR Technical Manual*, a Tier 1 approach is initially applied, followed by a Tier 2 application of NOx/NO_2 ratio of 80% to the NOx modeled concentration to determine whether violation of the NAAQS is likely to occur. A less conservative Tier 3 approach is then applied if exceedances of the 1-hour NO_2 NAAQS were estimated.

Mobile Source

Under guidelines contained in the *CEQR Technical Manual,* and in this area of New York City, projects generating fewer than 170 additional vehicle trips in any given hour are considered as unlikely to result in significant mobile source impacts, and do not warrant detailed mobile source air quality studies. Therefore, no detailed air quality mobile source analysis would be required per the *CEQR Technical Manual***,** and no significant mobile source air quality impacts would be generated by the proposed action.

Stationary Source

The stationary air quality impacts that were addressed in this analysis include air toxics and the potential for emissions from the heating, ventilation and air conditioning (HVAC) systems of the proposed development to significantly impact nearby existing land uses.

Industrial Source

The area surrounding Development Site is primarily residential with some commercial uses. North of the Development Site (across Richmond Terrace) is a manufacturing/industrial area containing dry dock facilities within an M3-1 zoning district. Due to the presence of these uses, a survey was performed of potential industrial source permits within a 400-foot radius of the Development Site.

The results of the survey (See **Appendix A**) indicate permits for two automotive service facilities located at 45 Elizabeth Avenue (Block 150, Lot 9) and 1320 Richmond Terrace (Lot 157, Lot 9). These facilities are not known to contain spray booths or any other industrial use that would warrant additional analysis to evaluate the potential for an industrial source impact on the proposed new use (a commercial building). With the exception of the above two facilities, there are no other industrial source permits within a 400-foot radius of the Development Site. The above-referenced dry dock facility and shipyard (Caddell Dry Dock) is a heavy industrial use that involves carpentry, electrical work, plating,

sandblasting, welding and some painting. However, this facility is primarily centered around the area to the west of the Development Site near Broadway and this portion of their facility does not contain an industrial source permit (nor within 1,000 feet) and is not considered to have operations that would affect the proposed commercial use. Therefore, further analysis of industrial sources is not warranted.

Heating, Ventilation and Air Conditioning (HVAC)

A screening analysis was performed, using the methodology described in the *CEQR Technical Manual*, to determine if the heat and hot water systems of the proposed buildings would result in potential air quality impacts to another building in the area. This methodology determines the threshold of development size below which the action would not have a significant impact.

Impacts from boiler emissions are a function of fuel type, stack height, minimum distance from the source to the nearest building of similar or greater height, and the square footage size of the building.

The anticipated development within the proposed rezoning area would consist of two buildings. The proposed commercial development (Proposed Development Site) would be approximately 17 feet in height and would contain 4,830 gsf of floor area. Block 150, Lot 9 (The Projected Development Site) is anticipated for redevelopment with a one-story, 17 feet high, commercial retail building, containing 4,282 square feet. The zoning regulations of commercial overlay require buildings to have at least 8 feet setback from the lot line. As such, this configuration was applied in the air quality analysis as a conservative assumption.

The screening analysis is only applicable to a single smokestack. However, for purpose of a cumulative analysis, emissions from multiple stacks could be combined in a single stack situated as close as possible to the receiving building. As such, the following screening analyses were conducted:

1. The impact of the Proposed Development on existing or planned land uses that are at least 17 feet tall.
2. The impact of the Projected Development on existing or planned land uses that are at least 17 feet tall.
3. The cumulative impact of the Proposed and Projected Developments on existing or planned land uses that are at least 17 feet tall.

The *CEQR Technical Manual* Stationary Source Screen graph Figure 17-3 was utilized for the analysis using the 30-foot stack height curve, since the Proposed Development Site and the Projected Development Site buildings would be less than 30 feet in height. **Figure 5.1** shows the screening analysis.

Figure 5-1. The Proposed Development and the Projected Development Stationary Source Screens

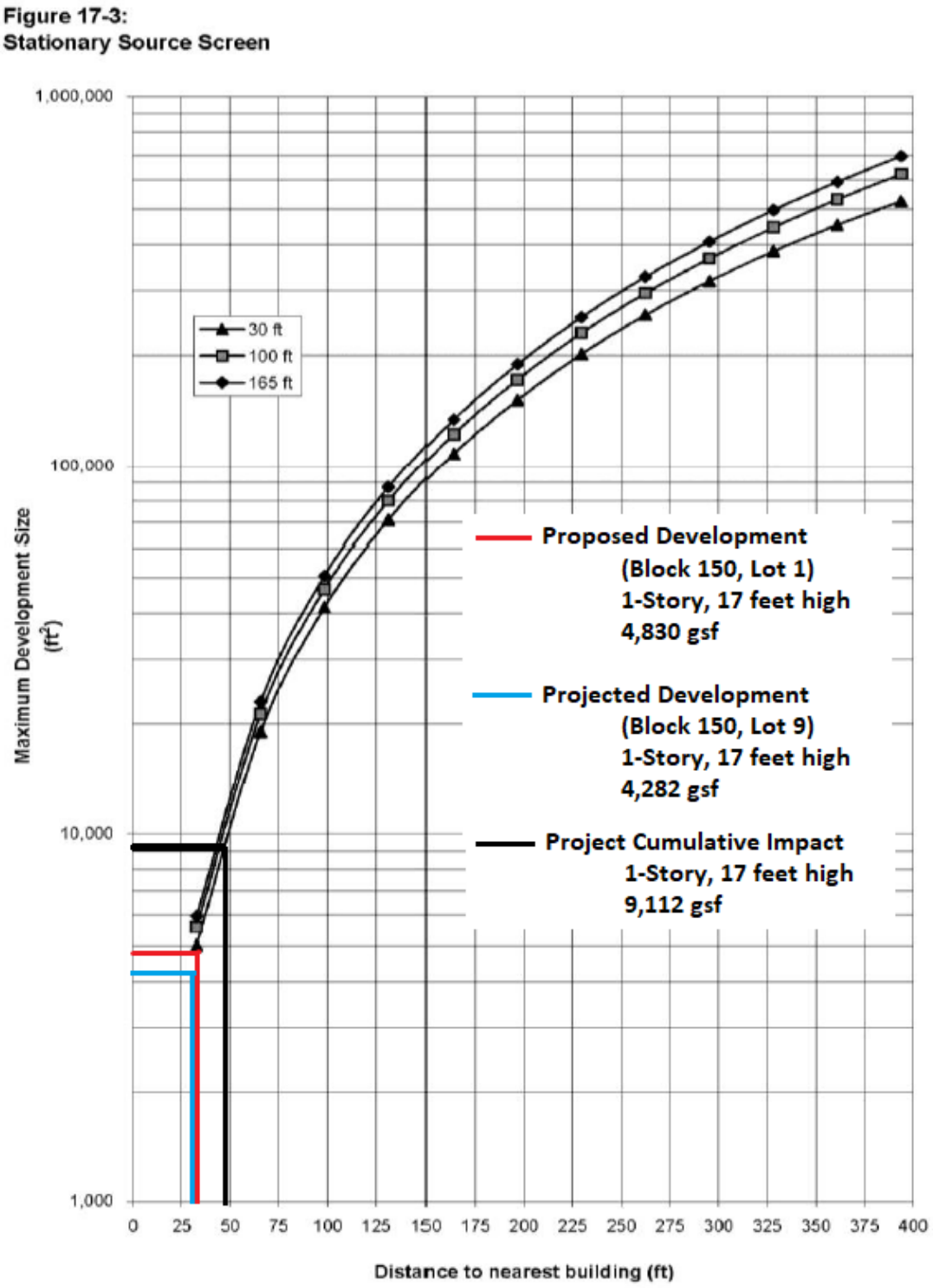


Table 5-2 depicts the screening analyses results, where "Use AERMOD" indicate that a detailed analysis using AERMOD dispersion analysis is required.

Table 5-2. Screening Analysis Results.

Development Site ID	Building Height (ft.)	Heated Area (sq. ft.)	Screen Distance (ft.)	Receptor Building (Site ID or Block/Lot)	Receiving Building Distance (ft.)	Pass/ Fail
Proposed Development	17	4,830	30	Projected Development	8	Use AERMOD
				15 Bement Avenue (Block 150, Lot 144)	27	Use AERMOD
				37 Elizabeth Avenue (Block 150, Lot 154)	52	Pass
Projected Development	17	4,282	30	Proposed Development	47	Use AERMOD
				37 Elizabeth Avenue (Block 150, Lot 154)	8	Use AERMOD
				15 Bement Avenue (Block 150, Lot 144)	71	Pass
Proposed Project	17	9,112	48	15 Bement Avenue (Block 150, Lot 144), and 37 Elizabeth Avenue (Block	< 48	Use AERMOD

As seen in **Table 5-2**, the screening analysis of the project-on-existing, and the Proposed Development Site on the Projected Development Site and vice versa failed. As such, detailed analyses were conducted.

Detailed Analysis (HVAC)

AERMOD dispersion analyses was run to predict the developments potential impact on the 3-story, 45 feet high, residential building at 15 Bement Avenue (Block 150, Lot 144), the 2-story residential building at 37 Elizabeth Avenue (Block 150, Lot 154), and the Proposed Development Site on the Projected Development Site and vice versa. In accordance with CEQR guidance, this analysis was conducted assuming stack tip downwash, urban dispersion surface roughness length of 1.0-meter, elimination of calms, population of 2,000,000, and the Building Profile Input Program (BPIP) was run with the downwash effect enabled. As previously mentioned, the Proposed and Projected Development Sites buildings were situated 8 feet from the lot lines closest to the receiving building modeled.

The Proposed Development Site and the Projected Development Site are expected to be heated by natural gas or fuel oil #2 with a sulfur content of 0.2 percent per *CEQR Technical Manual*. Per *CEQR Technical Manual*, the pollutants of concern for natural gas fueled boilers are NO_2 and $PM_{2.5}$; the pollutants of concern for fuel oil #2 are SO_2, $PM_{2.5}$. Boiler heat capacities were calculated for natural gas and oil #2. The boilers heating capacities were calculated from the annual fuel usage, the developments gross floor areas, and the commercial usage of the buildings. Pertinent values were obtained from the *CEQR Technical Manual Appendix* for non-mall buildings, and the assumption that all fuel was consumed during the 100-day (or 2,400 hour) heating season. **Table 5-3** shows the short-term and annual emission rates of the HVAC system of the developments.

Table 5-3. Estimated Short-term and Annual Emission Rates of The Developments.

Fuel Type / CEQR Fuel Factor	Fuel Annual Consumption	Pollutant	AP-42 Emission Factor	Short term emission factor g/sec	Annual emission factor g/sec
Proposed Development Site					
Oil #2 / 0.21 (gal/ft^2)	1,014 (gal/yr)	SO_2	28.4 (lb/10^3 gal)	1.51E-03	4.14E-04
		$PM_{2.5}$	2.13 (lb/10^3 gal)	1.13E-04	3.11E-05
		NO_2	20.0 (lb/10^3 gal)	1.06E-03	2.92E-04
Natural Gas/ 45.2 (ft^3/ft^2-yr)	218,316 (ft^3/yr)	$PM_{2.5}$	7.6 (lb/10^6 ft^3)	8.71E-05	2.39E-05
		NO_2	100 (lb/10^6 ft^3)	1.15E-03	3.14E-04
Projected Development Site					
Oil #2 / 0.21 (gal/ft2)	1,014 (gal/yr)	SO2	28.4 (lb/103 gal)	1.34E-03	3.67E-04
		PM2.5	2.13 (lb/103 gal)	1.01E-04	2.75E-05
		NO2	20.0 (lb/103 gal)	1.12E-03	3.08E-05
Natural Gas/ 45.2 (ft3/ft2-yr)	193,546 (ft3/yr)	PM2.5	7.6 (lb/106 ft3)	7.72E-05	2.12E-05
		NO2	100 (lb/106 ft3)	1.02E-03	2.78E-04

As seen it **Table 5-3**, the NO_2 emission rates of the natural gas fired boiler are greater than for the oil #2 fueled boiler, and the $PM_{2.5}$ emission rates are greater for fuel oil #2 fired boiler. As such, the analysis assumed NO_2 emission rates corresponding to natural gas fired boiler, and $PM_{2.5}$ emission rates for oil #2 fired boiler.

The diameter of the stack and the exhaust's exit velocity was estimated based on values obtained from the NYCDEP "CA Permit" database for the corresponding boiler sizes (i.e., rated heat input or million Btu per hour). The stack exit temperature was assumed to be 300°F (423°K), which is appropriate for boilers. The New York City Building Code (Building Code) requires that a rooftop stack should be at least 10 feet away from the edge of the roof and at least 3 feet higher than the roofline. As such, the HVAC stack of the proposed buildings were located on the buildings' highest levels, 10 feet from the edge of the roof, and as close as possible to the receiving building.

Receptors on the 3-story residential building, located at 15 Bement Avenue (Block 150, Lot 144), were placed 6 feet above each floor level at 6, 21, and 36 feet high. Receptors on the 2-story residential building, located at 37 Elizabeth Avenue (Block 150, Lot 154), were placed 6 feet above grade and 6 feet above each floor level at 15, and 24 feet high. Receptors on the Proposed Development Site and the Projected Development Site were placed 6 feet above grade and 2 feet above the roof, as a conservative measure. Receptors in each level were placed all around the receiving buildings envelopes in 10 feet increments.

All analyses were conducted using the latest five consecutive years of meteorological data (2012-2016). Surface data was obtained from La Guardia Airport and upper air data was obtained from Brookhaven station, New York. These meteorological data provide hour-by-

hour wind speeds and directions, stability states, and temperature inversion elevations over the 5-year period. Meteorological data were combined to develop a 5-year set of meteorological conditions, which was used for the AERMOD modeling runs and Anemometer height of 9.4 meters was specified per Lakes Environmental Software Inc.

For simplicity, yet more conservative analysis, AERMOD models were run with a generic 1 gram per second emission rate for the 1-hour, 24-hour, and annual averaging times, and maximum output concentrations. This approach is conservative as the NO_2 1-hour is the highest value, rather than the National Ambient Air Quality Standard, NAAQS, of 98 percentile (8th highest), the SO_2 1-hour is the highest value, rather than the NAAQS 99 percentile (4th highest), and $PM_{2.5}$ does not average annual concentrations for each receptor (AERMOD special procedure). The predicted concentrations of the 1 gram per second emission rate were multiplied by the boiler calculated emission rates. For the cumulative analysis, the project-on-existing scenario, the independent impact from each stack were added.

Results of Dispersion Analysis

As stated in the Detailed Analysis (HVAC) section, the 1 gram per second emission were modeled twice—with building wake effect enabled/disabled. The predicted concentrations (1-hour, 24-hour, and annual averaging times) are the highest concentrations of these two building wake effect options. The predicted concentrations were then multiplied by the calculated emission rates. The results are compared with the 24-hour/annual $PM_{2.5}$ significant impact criteria, and the 1-hour/annual NO_2 and SO_2 NAAQS. Result of the HVAC dispersion analysis are shown in **Table 5-4**.

Table 5-4. Detailed HVAC Analysis Results.

Source Building	Receiving Building	24-hr $PM_{2.5}$	Annual $PM_{2.5}$	1-hr NO_2	Annual NO_2	1-hr SO_2	Annual SO_2
		µg/m³	µg/m³	µg/m³	µg/m³	µg/m³	µg/m³
Proposed Development Site	**Projected Development Site**	0.18	0.003	125.1	33.1	30.3	3.00
Projected Development Site	**Proposed Development Site**	0.11	0.002	123.7	33.0	28.5	2.99
Project	**Block 150, Lot 144**	0.99	0.02	149.2	33.2	62.1	3.24
Project	**Block 150, Lot 154**	3.62	0.10	178.3(1)	34.1	119.5	4.34
Threshold		**7.80**	**0.3**	**188**	**100**	**196**	**80**

Note: 1. Impact concentration modeled with a Tier 2 approach.

The $PM_{2.5}$ impacts are less than the significant impacts criteria, and both the 1-hour and annual NO_2 and SO_2 concentrations estimated are less than the 1-hour and annual NAAQS.

Therefore, with (E) Designations in place, the emissions of the HVAC systems of the Proposed Development Site and Projected Development Sites would not significantly impact any existing land uses or each other.

(E) Designation

The HVAC analysis for the Proposed Actions concluded that the stack location would have to be restricted.

The (E-411) Designation language is as follows:

Block 150, Lot 1
Any new commercial development must ensure that the heating, ventilating and air conditioning stack(s) is located at the building's highest level and at a minimum of 20 feet above grade, and at least 18 feet away from the lot line of Block 150, Lot 144 and at least 20 feet away from the lot line of Block 150, Lot 9, to avoid any potential significant air quality impacts.

Block 150, Lot 9
Any new commercial development must ensure that the heating, ventilating and air conditioning stack(s) is located at the building's highest level and at a minimum of 20 feet above grade, and at least 18 feet away from the lot line of Block 150, Lot 154 and at least 20 feet away from the lot line of Block 150, Lot 1, to avoid any potential significant air quality impacts.

Conclusion

There would be no significant air quality impacts from existing industrial sources or the proposed project's heat and hot water systems on surrounding uses. Therefore, no stationary source impacts would occur as a result of the project.

6. NOISE

INTRODUCTION

Two types of potential noise impacts are considered under CEQR. These are potential mobile source and stationary source noise impacts. Mobile source impacts are those that could result from a proposed project adding a substantial amount of traffic to an area. Potential stationary source noise impacts are considered when a proposed action would cause a stationary noise source to be operating within 1,500 feet of a receptor, with a direct line of sight to that receptor, or if the project would include unenclosed mechanical equipment for building ventilation purposes.

Mobile Source

Relative to mobile source impacts, a noise analysis would be required if a proposed project would at least double existing passenger car equivalent (PCE) traffic volumes along a street on which a sensitive noise receptor (such as a residence, a park, a school, etc.) is located. The surrounding area is principally developed with residential and commercial uses. The proposed development is commercial retail.

Pursuant to CEQR methodology, no mobile source noise impacts would be anticipated since traffic volumes would not double due to the proposed project. Therefore, the proposed project would not result in a mobile source noise impact.

Stationary Source

The project would not locate a new sensitive receptor within 1,500 feet of a substantial stationary source noise generator, and there is not a substantial stationary source noise generator close to the Development Site. Additionally, the proposed project would not include any unenclosed heating or ventilation equipment that could adversely impact other sensitive uses in the surrounding area. Therefore, the project would not have any potentially adverse stationary source noise impacts.

Conclusion

A detailed noise analysis is not required for the proposed action, as the action would not result in the introduction of new sensitive receptors near a substantial stationary source noise generator. In addition, the proposed development would not introduce significant mobile or stationary source noise into the surrounding area.

APPENDIX A:

Industrial Source Permit Information

Urban Cartographics

112 West 34th Street 18th Floor New York, NY 10120
718.427.5299 www.urbancartographics.com urbancartographics@gmail.com

May 4, 2015

Kit Liang
Director of Engineering
NYC Department of Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11373

Re: 5 Bement Avenue, Staten Island

Dear Mr. Liang:

In connection with an environmental assessment being performed for the above referenced property, and pursuant to CEQR process, we are writing to request Air Permit search information for the sites listed on the following page.

Please advise us as soon as the files are available for our review. If you have any questions or require any additional information, please feel free to contact me directly at rasmussen.ian@gmail.com or 917.902.6840.

Respectfully submitted,

Ian Rasmussen

5 Bement Avenue, Staten Island Emissions - Air Permit Search Locations

Block	Lot(s)	Address
150	9	45 ELIZABETH AVENUE, STATEN ISLAND 10310
184	80, 400, 100, 360, 33, 142	RICHMOND TERRACE, STATEN ISLAND 10310
157	9	1320 RICHMOND TERRACE, STATEN ISLAND 10310
157	4	1380 RICHMOND TERRACE, STATEN ISLAND 10310
157	1	1388 RICHMOND TERRACE, STATEN ISLAND 10310

All other lots in the 400ft radius have no evidence of manufacturing or other uses on the hot list.

BLOCK	LOT	ADDRESS	INDUSTRIAL INSTALLATION NUMBERS
5 BEMENT AVENUE, STATEN ISLAND 10310			
150	9	45 ELIZABETH AVENUE	GA0050-90
184	80	RICHMOND TERRACE	NO RECORD
184	400	RICHMOND TERRACE	NO RECORD
184	100, 142	RICHMOND TERRACE	NO RECORD
184	360	RICHMOND TERRACE	NO RECORD
184	33	RICHMOND TERRACE	NO RECORD
157	9	1320 RICHMOND TERRACE	GB000506
157	4	1380 RICHMOND TERRACE	CANCELLED
157	1	1388 RICHMOND TERRACE	NO RECORD

Environmental Protection
Carter H. Strickland Jr.
Commissioner

THE CITY OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Environmental Compliance
59-17 Junction Boulevard, 9th Floor, Flushing, New York 11373
Records Control (718) 595-3855

Michael Gilsenan
Assistant Commissioner
Environmental Compliance

REGISTRATION
GASOLINE DISPENSING SITES AR-522

DISPLAY REGISTRATION ON PREMISES NEAR EQUIPMENT

BUSINESS INFORMATION

Full Business Name / *If individual then* Owner's Name	NAICS Code	Business Representative / Agent's Name	Telephone
HYLAN 7-11FOOD MART, INC.		KULDIP SINGH	(718) 984-9551
Business' Address / Owner's Address	**Telephone**	**Business Representative / Agent's Address**	
4668 AMBOY ROAD		4668 AMBOY ROAD	
City / Borough / **State** / **Zip Code**		**City / Borough** / **State** / **Zip Code**	
STATEN ISLAND / NY / 10312		STATEN ISLAND / NY / 10312	

Select type of ownership: ☐ Sole Proprietorship ☐ Partnership ☐ LLC ☐ Corporation ☐ Other:_____

Title: ☐ Owner ☐ President ☐ Treasurer ☐ Partner ☐ Secretary ☐ Other:_____

FACILITY INFORMATION
(Location where gasoline dispensing site is located)

FACILITY BUILDING NUMBER	FACILITY STREET NAME	BOROUGH	ZIP	BLOCK	LOT	BIN
1320	RICHMOND TERRACE	Staten Island	10312	157	9	

FACILITY'S OPERATOR NAME: | FACILITY'S OPERATOR TELEPHONE:

17. TANK #	18. DATE INSTALLED (MO/YR)	19. DIESEL GASOLINE UNLEADED	20. TANK CAPACITY (GALLONS)	21. ANNUAL THROUGHPUT (GALLONS)	22. SUBM (FILL) (Yes/No)	23. VAPOR BALANCE SYSTEM (Yes/No)	24. INTER CONNECTIONS
11	04/01	DSL	6,000	60,000	Y	N	N
12	04/01	UNL	8,000	300,000	Y	Y	N
13	04/01	UNL	6,000	300,000	Y	Y	N

25. TOTAL ANNUAL THROUGHPUT: GASOLINE UNLEADED: 600,000 DIESEL: 60,000

26. NUMBER OF NOZZLES: <18> 27. NYS SALES TAX ID: _____

The holder of this Registration is responsible for the use of the equipment in accordance with all applicable requirements and provisions of the New York City Air Pollution Control Code. The Commissioner may suspend or revoke this Registration for willful or continued violation of the Air Code. Any purported or attempted transfer of a Registration from one location to another or from one piece of equipment to another automatically revokes the Registration. Section 24-135 NYC Air Pollution Code.

FOR DEPARTMENT USE ONLY

Application #: ☐ GA ☒ GB 0005-06J

ENGINEER'S USE ONLY

Review Date: 05/31/2013	ID & Initials: A.G./E047
Issuance Date: 05/31/2013	Exp. Date: 05/18/2016
Remarks:	

R. Radhakrishnan

R. Radhakrishnan, P.E.
Director of Engineering / For the Commissioner

AR 521
(Rev. 10/91)

DEP

Samuel Stempler, P.E.,
Assistant Commissioner

REGISTRATION CERTIFICATE FOR GAS STATIONS

P O S T C O P Y O N S I T E

New York City
Department of
Environmental
Protection

Installation #: GA50-901
Issued Date: 9/1/93
Expiration Date: 07-03-96

OWNER'S NAME	FACILITY OPERATOR'S NAME
PALMAN REALTY	GASETERIA OIL CORP.
ADDRESS, NUMBER & STREET	FACILITY NAME(If Any)
45 ELIZABETH AVE	GASETERIA 45 ELIZABETH
TOWN OR BORO STATE ZIP	FACILITY ADDRESS
STATEN ISLAND N.Y. 10310	45 ELIZABETH AVE, S.I. 10310

59 - 17 Junction Blvd.
Elmhurst, New York
11373 - 5107
718 - 595 - 6579

ALBERT F. APPLETON
Commissioner

Recovery lines must be hooked up to the dispensing vehicle when delivering product. Any Purported or attempted transfer...of a Certificate...from one location to another or one piece of equipment to another automatically revokes...the Certificate. Sec. 24-135 New York City Air Pollution Control Code.

Tank #	Installed (Mo/Yr)	DSL/Lead Unleaded	CAP. (Gals)	SUBM Fill	Vapor Balance System	Interconnects
1	3/66	UNL	550	Y	N	—
2	3/66	UNL	550	Y	N	—
3	3/66	UNL	550	Y	N	—
4	3/66	UNL	550	Y	N	—
5-10	3/66	UNL	550	Y	N	—
11-12	3/66	D	550	Y	N	—
X	/					

Total Annual Throughput: **Leaded:** NONE **Unleaded:** 639,286 (532,860) **Diesel:** 10,196

Number of Nozzles: <8>

The holder of this Certificate is responsible for the use of the equipment in accordance with all applicable requirements and provisions of the New York City Air Pollution Control Code. The Commissioner may suspend or revoke this Certificate for willful or continued violation of the Code. Application for Renewal of this Certificate must be filed at this Division no later than ninety(90) days prior to its expiration date.

R. Hodge, P.E.
Raphael A. Hodge, P.E.,
Deputy Director of Engineering

Benjamin C. Radzka, P.E.,
Director of Engineering
(For The Commissioner)

M-T/E093
08-23-93

Printed on recycled paper

Appendix B:

LPC Correspondence & Restrictive Declaration

Landmarks Preservation Commission

1 Centre Street
9th Floor North
New York, NY 10007

Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

ARCHAEOLOGY

Project number: DEPARTMENT OF CITY PLANNING / LA-CEQR-R
Project:
Address: BEMENT AVENUE, **BBL:** 5001500001
Date Received: 11/24/2015

This document only contains Archaeological review findings. If your request also requires Architecture review, the findings from that review will come in a separate document.

[ ] No archaeological significance

[ ] Designated New York City Landmark or Within Designated Historic District

[ ] Listed on National Register of Historic Places

[ ] Appears to be eligible for National Register Listing and/or New York City Landmark Designation

[X**] May be archaeologically significant; requesting additional materials**

Comments:

The LPC is in receipt of an amended restrictive declaration and we note that the requested changes have been made so can concur with this document.

12/1/2015

SIGNATURE DATE
Amanda Sutphin, Director of Archaeology

File Name: 30525_FSO_ALS_12012015.doc

Landmarks Preservation Commission

1 Centre Street
9th Floor North
New York, NY 10007

Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / LA-CEQR-R
Project:
Address: BEMENT AVENUE, **BBL:** 5001500001
Date Received: 5/27/2015

[X] No architectural significance

[ ] No archaeological significance

[ ] Designated New York City Landmark or Within Designated Historic District

[ ] Listed on National Register of Historic Places

[ ] Appears to be eligible for National Register Listing and/or New York City Landmark Designation

[X] May be archaeologically significant; requesting additional materials

Comments:
LPC review of archaeological sensitivity models, reports and historic maps indicates that there is potential for the recovery of remains from 18th - 19th Century cemetery from the Kreuzer Family Burial Ground on the project site. Accordingly, the Commission recommends that an archaeological documentary study be performed for this site to clarify these initial findings and provide the threshold for the next level of review, if such review is necessary (see CEQR Technical Manual 2014).

Gina Santucci 6/2/2015

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 30525_FSO_DNP_06022015.doc

Office of the
Richmond County Clerk
130 Stuyvesant Place
Staten Island, NY 10301

Hon. Stephen J. Fiala, County Clerk

ACS-000000000534599-000000000710997-014

Recording and Endorsement Cover Page

Document Type: DECLARATION
Document Page Count: 14

PRESENTER:
PRINCETON ABSTRACT, INC.
3925 HYLAN BOULEVARD

STATEN ISLAND,NY 10308

RETURN TO:
AMIR ALISHAHI, ESQ.
3925 HYLAN BOULEVARD

STATEN ISLAND,NY 10308

PROPERTY DATA # OF BLOCKS 1 # OF LOTS 1

Block	Lot	Unit
150	1	Entire Lot

PARTIES

GRANTOR
PELTON PLACE LLC
3925 HYLAN BOULEVARD

STATEN ISLAND,NY 10308

GRANTEE
THE CITY OF NEW YORK

PAYMENT DETAIL

Make Checks Payable to:

Richmond County Clerk: 58.00 Recording Fees

Total Payments For This Document: 58.00

FEES PAID

EXAM ____ DATE 11/9/16

LAND DOC# 628204
27-DECL,CONT,WAIVER

11/09/2016 11:20:37 A.M.
RECEIPT: 51379 FEE: $58.00
RICHMOND COUNTY CLERK

RECORDED IN RICHMOND COUNTY

NOV 09 2016

COUNTY CLERK

DECLARATION

This DECLARATION made as of the 8th day of November, 2016 by Pelton Place LLC, having an address at 3925 Hylan Boulevard, Staten Island, NY 10308 (hereinafter referred to collectively as "Declarant");

WITNESSETH

WHEREAS, Declarant is the fee owner of certain real property located in Richmond County, City and State of New York, designated for real property tax purposes as Lot 1 of Tax Block 150 (the "Project Site") on the Tax Map of the City of New York and is more particularly described in Exhibit A, annexed hereto and made part hereof; and

WHEREAS, Princeton Abstract, Inc. ("Title Company"), has issued a Certification of Parties In Interest, annexed hereto as Exhibit B and made a part hereof, that as of September 2, 2016, Declarant is the only Party-in-Interest (as defined in subdivision (c) of the definition of "zoning lot" set forth in Section 12-10 of the New York City Zoning Resolution) in the Project Site (the "Certification"); and

WHEREAS, all Parties-in-Interest to the Project Site have executed this Declaration; and

WHEREAS, Declarant filed the application designated 160401 ZMR ("the Application") with the Department of City Planning ("DCP"), for approval by City Planning Commission ("CPC"), pursuant to Section 197-c of the New York City Charter (the Uniform Land Use Review Procedure or "ULURP") seeking: a change in the zoning map; and

WHEREAS, the Applications would facilitate the development of the Project Site; and

WHEREAS, an environmental assessment statement concerning the Project Site prepared pursuant to the City Environmental Quality Review (the "CEQR") is under review in connection with the Application (CEQR 17DCP055R) and, pursuant to CEQR, the Landmarks Preservation Commission (the "LPC"), among others, has reviewed the environmental assessment, including the historic land use of the Project Site; and

WHEREAS, the results of such review, as documented in LPC's May 27, 2015 notice, attached hereto as Exhibit C and made a part hereof, indicate the potential presence of significant archaeological resources on the Project Site; and

WHEREAS, Declarant desires to identify the existence of any potential archaeological resources and mitigate any potential damage to any such archaeological resources found in connection with the development or redevelopment of the Project Site and has agreed to follow and adhere to all requirements for archaeological identification,

investigation and mitigation set forth in the CEQR Technical Manual and LPC's Guidelines for Archaeological Work in NYC, including without limitation, the completion of an archaeological documentary study, archaeological field testing, excavation, mitigation and curation of archaeological resources as required by the LPC (collectively, the "Archaeological Work"); and

Whereas, the Declarant acknowledges that the site specifically has the potential to contain burials related to the Kreuzer Family Burial Ground. Therefore, the declarant will make a good faith effort to identify and consult with likely descendants about the treatment and ultimate disposition of any remains that may be identified as part of the archaeological effort, and that after such consultation a plan for the disposition of any remains that may be on the site- including reinterment and memorialization- will be submitted to the LPC for approval. The Declarant acknowledges that should human remains be discovered, additional time and expense will likely be incurred

WHEREAS. Declarant agrees to restrict the manner in which the Project Site may be developed or redeveloped by having implementation of the Archaeological Work, performed to the satisfaction of the LPC, as evidenced by writings described and set forth herein, be a condition precedent to any soil disturbance for any such development or redevelopment (other than soil disturbance necessitated by Declarant's performance of the Archaeological Work); and

WHEREAS, Declarant intends this Declaration to be binding upon all successors and assigns; and

WHEREAS, the Declarant intends this Declaration to benefit all the City of New York ("the City") and consents to the enforcement of this Declaration by the City.

NOW, THEREFORE, Declarant does hereby declare and agree that the Project Site shall be held, sold, transferred, and conveyed, subject to the restrictions and obligations which are for the purpose of protecting the value and desirability of the Project Site and which shall run with the land, binding the successors and assigns of Declarant so long as they have any right, title or interest in the Project Site or any part thereof:

1. Declarant covenants and agrees that no application for grading, excavation, foundation, alteration building or other permit respecting the Project Site which permits soil disturbance shall be submitted to or accepted from the Department of Buildings (the "DOB") by the Declarant until LPC has issued to DOB, as applicable, either a Notice of No Objection, as set forth in Paragraphs 2(a) and 2(c), a Notice to Proceed, as set forth in Paragraph 2(b), a Notice of Satisfaction, as set forth in Paragraph 2(d), or a Final Notice of Satisfaction, as set forth in Paragraph 2(e). Declarant shall submit a copy of the Notice of No Objection, Notice to Proceed, Notice of Satisfaction or Final Notice of Satisfaction, as the case may be, to the DOB at the time of filing of any application set forth in this Paragraph 1.

2. (a) Notice of No Objection – LPC shall issue a Notice of No Objection after the Declarant has completed the work set forth in the LPC-approved Archaeological Documentary Study and LPC has determined that the results of such assessment demonstrate that the site does not contain potentially significant archaeological resources.

(b) Notice to Proceed with LPC-Approved Field Testing and/or Mitigation – LPC shall issue a Notice to Proceed after it approves a Field Testing Plan and, if necessary, a Mitigation Plan. Issuance of a Notice to Proceed shall enable the Declarant to obtain a building permit solely to perform excavation or other work necessary to implement the Field Testing and/or Mitigation Plan. The LPC shall review and approve the scope of work in all permits prior to field testing or mitigation work commencing on the Project Site.

(c) Notice of No Objection After Field Work – LPC shall issue a Notice of No Objection After Field Work if Declarant has performed required LPC-approved field testing and, as a result of such testing, the LPC determines that the Project Site does not contain potentially significant archaeological resources. The notices described in subparagraphs (a) and (c) of this paragraph shall each hereafter be referred to as a "Notice of No Objection." Issuance of a Notice of No Objection shall be sufficient to enable Declarant to obtain a full building permit for the performance of excavation or construction on the Project Site.

(d) Notice of Satisfaction – LPC shall issue a Notice of Satisfaction after the Mitigation Plan has been prepared and accepted by LPC and LPC has determined in writing that all significant identified and archaeological resources have been documented and removed from the Project Site. Issuance of a Notice of Satisfaction shall enable Declarant to obtain a building permit for excavation and construction on the Project Site.

(e) Final Notice of Satisfaction – LPC shall issue a Final Notice of Satisfaction after the mitigation has been completed and the LPC has set forth in writing that the Mitigation Plan, including but not limited to the Final Archaeological Report and a curation plan for any archaeological resources found on the Project Site, has been completed to the satisfaction of LPC.

3. No temporary certificate of occupancy ("TCO") or permanent certificate of occupancy ("PCO") shall be granted by the Buildings Department or accepted by Declarant until the Chairperson of the LPC shall have issued a Final Notice of Satisfaction or a Notice of No Objection.

4. The Director of Archaeology of the LPC shall issue all notices required to be issued hereunder reasonably promptly after Declarant has made written request to the LPC and has provided documentation to support each such request, and the Director of

Archaeology of the LPC shall in all events endeavor to issue such written notice to the DOB, or inform Declarant in writing of the reason for not issuing said notice, within thirty (30) calendar days after Declarant has requested such written notice.

5. Declarant represents and warrants with respect to the Project Site that no restrictions of record, nor any present or presently existing estate or interest in the Project Site nor any lien, encumbrance, obligation, covenant of any kind preclude, presently or potentially, the imposition of the obligations and agreements of this Declaration.

6. Declarant acknowledges that the City is an interested party to this Declaration and consents to the enforcement of this Declaration solely by the City, administratively or at law or at equity, of the obligations, restrictions and agreements pursuant to this Declaration.

7. The provisions of this Declaration shall inure to the benefit of and be binding upon the respective successors and assigns of the Declarant, and references to the Declarant shall be deemed to include such successors and assigns as well as successors to their interest in the Project Site. References in this Declaration to agencies or instrumentalities of the City shall be deemed to include agencies or instrumentalities succeeding to the jurisdiction thereof.

8. Declarant shall be liable in the performance of any term, provision, or covenant in this Declaration, except that the City and any other party relying on this Declaration will look solely to the fee estate interest of the Declarant in the Project Site for the collection of any money judgment recovered against Declarant, and no other property of the Declarant shall be subject to levy, execution, or other enforcement procedure for the satisfaction of the remedies of the City or any other person or entity with respect to this Declaration. The Declarant shall have no personal liability under this Declaration.

9. The obligations, restrictions and agreements herein shall be binding on the Declarant or other parties in interest only for the period during which the Declarant and any such Party-in-Interest holds an interest in the Project Site; provided,however, that the obligations, restrictions and agreements contained in this Declaration may not be enforced against the holder of any mortgage unless and until such holder succeeds to the fee interest of the Declarant by way of foreclosure or deed in lieu of foreclosure.

10. Declarant shall indemnify the City, its respective officers, employees and agents from all claims, actions or judgments for loss, damage or injury, including death or property damage of whatsoever kind or nature, arising from Declarant's performance of its obligations under this Declaration, including without limitation, the negligence or carelessness of the Declarant, its agents, servants or employees in undertaking such

performance; provided, however, that should such a claim be made or action brought, Declarant shall have the right to defend such claim or action with attorneys reasonably acceptable to the City and no such claim or action against the City shall be settled without the written consent of the City.

11. If Declarant is found by a court of competent jurisdiction to have been in default in the performance of its obligations under this Declaration, and such finding is upheld on a final appeal by a court of competent jurisdiction or by other proceeding or the time for further review of such finding or appeal has lapsed, Declarant shall indemnify and hold harmless the City from and against all reasonable legal and administrative expenses arising out of or in connection with the enforcement of Declarant's obligations under this Declaration as well as any reasonable legal and administrative expenses arising out of or in connection with the enforcement of any judgment obtained against the Declarant, including but not limited to the cost of undertaking the Mitigation Plan, if any.

12. Declarant shall cause every individual or entity that between the date hereof and the date of recordation of this Declaration, becomes a Party-in-Interest (as defined in subdivision (c) of the definition of "zoning lot" set forth in Section 12-10 of the Zoning Resolution of the City of New York) to all or a portion of the Project Site to waive its right to execute this Declaration and subordinate its interest in the Project Site to this Declaration,. Any mortgage or other lien encumbering the Project Site in effect after the recording date of this Declaration shall be subject and subordinate hereto as provided herein. Such waivers and subordination shall be attached to this Declaration as Exhibits and recorded in the Office of the County or City Register.

13. This Declaration and the provisions hereof shall become effective as of the date of this Declaration. Declarant shall record or shall cause this Declaration to be recorded in the Office of the County or City Register, indexing it against the Project Site within five (5) business days of the date hereof and shall promptly deliver to the LPC and the CPC proof of recording in the form of an affidavit of recording attaching a copy of the filing receipt and a copy of the Declaration as submitted for recording. Declarant shall also provide a certified copy of this Declaration as recorded to LPC and CPC as soon as a certified copy is available.

14. This Declaration may be amended or modified by Declarant only with the approval of LPC or the agency succeeding to its jurisdiction and no other approval or consent shall be required from any other public body, private person or legal entity of any kind. A statement signed by the Chair of the LPC, or such person as authorized by the Chair, certifying approval of an amendment or modification of this Declaration shall be annexed to any instrument embodying such amendment or modification.

15. Any submittals necessary under this Declaration from Declarant to LPC shall be addressed to the Director of Archaeology of LPC, or such other person as may from time to time be authorized by the Chair of the LPC to receive such submittals. As of the date of this Declaration, LPC's address is:

Landmarks Preservation Commission
1 Centre Street, 9N
New York, New York 10007

Any notices sent to Declarant shall be sent to the address hereinabove first set forth and shall be sent by personal delivery, delivery by reputable overnight carrier or by certified mail.

16. Declarant expressly acknowledges that this Declaration is an essential element of the environmental review conducted in connection with the Application and, as such, the filing and recordation of this Declaration may be a precondition to the determination of significance pursuant to CEQR, which implements the State Environmental Quality Review Act ("SEQRA") and the SEQRA Regulations, Title 6 New York Code of Rules and Regulations ("NYCRR") Part 617.7 within the City of New York.

17. Declarant acknowledges that the satisfaction of the obligations set forth in this Declaration does not relieve Declarant of any additional requirements imposed by Federal, State or Locals laws.

18. This Declaration shall be governed by and construed in accordance with the laws of the State of New York.

19. Wherever in this Declaration, the certification, consent, approval, notice or other action of Declarants, LPC or the City is required or permitted, such certification, consent, approval, notice or other action shall not be unreasonably withheld or delayed.

20. In the event that any provision of this Declaration is deemed, decreed, adjudged or determined to be invalid or unlawful by a court of competent jurisdiction, such provision shall be severable and the remainder of this Declaration shall continue to be in full force and effect.

21. This Declaration and its obligations and agreements are in contemplation of Declarant receiving approvals or modified approvals of the Application. In the event that the Declarant withdraws the Application before a final determination or the

Application is not approved, the obligations and agreements pursuant to this Declaration shall have no force and effect and Declarant may request that LPC issue a Notice of Cancellation upon the occurrence of the following events: (i) Declarant has withdrawn the Application in writing before a final determination on the Application; or (ii) the Application was not approved by the CPC, and/or the City Council, as the case may be in accordance with Charter Section 197-c (ULURP); or (iii) LPC has issued a Notice of No Objection or Final Notice of Satisfaction. Upon such request, LPC shall issue a Notice of Cancellation after it has determined, to LPC's reasonable satisfaction, that one of the above has occurred. Upon receipt of a Notice of Cancellation from LPC, Declarant shall cause such Notice to be recorded in the same manner as the Declaration herein, thus rendering this Restrictive Declaration null and void. Declarant shall promptly deliver to LPC and the CPC a certified copy of such Notice of Cancellation as recorded.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the day and year first above written.

Pelton Place LLC

By: _____, member

Name, Amir Alishah title member

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF NEW YORK)
) .ss.:
COUNTY OF Richmond)

On the 8th day of November in the year 2016 before me, the undersigned, personally appeared Amir Alishah, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

_____
Notary Public

KONRAD DRAZYK
Notary Public, State of New York
No. 01DR6227695
Qualified in Richmond County
Commission Expires September 7, 2018

EXHIBIT A

DESCRIPTION OF SITE

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Staten Island, County of Richmond, City and State of New York, being more particularly bounded and described as follows:

BEGINNING the intersection of the easterly side of Bement Avenue and the southerly side of Richmond Terrace;

RUNNING THENCE along the southerly side of Richmond Terrace, north 70 degrees 42 minutes 58 seconds east 34.28 feet to a point;

THENCE continuing on the southerly side of Richmond Terrace, north 71 degrees 32 minutes 58 seconds east 40.00 feet to a point;

THENCE continuing along the southerly side of Richmond Terrace, north 74 degrees 17 minutes 38 seconds east 35.00 feet to a point;

THENCE continuing along the southerly side of Richmond Terrace, north 76 degrees 39 minutes 57 seconds east 35.91 feet to a point;

THENCE south 9 degrees 21 minutes 40 seconds east 116.36 feet to a point;

THENCE south 80 degrees 52 minutes 18 seconds west 145.43 feet US Standard (149.13 feet tax map) to a point on the easterly side of Bement Avenue;

THENCE along the easterly side of Bement Avenue, north 8 degrees 26 minutes 40 seconds west 97.20 feet to the point or place of BEGINNING.

EXHIBIT B

TITLE COMPANY CERTIFICATION

PRINCETON ABSTRACT, INC. , a title insurance company licensed to do business in the State of New York, and having its principal office at 3925 HYLAN BLVD., STATEN ISLAND, NEW YORK 10308, hereby certifies that as to the land hereafter described being a tract of land, either unsubdivided or consisting of two or more lots of record, contiguous for a minimum of ten linear feet, located within a single block in the ownership of PELTON PLACE LLC, that all the parties in interest, constituting a "party in interest" as defined in Section 12-10, subdivision (c) of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, are the following:

NAME	ADDRESS	NATURE OF INTEREST
PELTON PLACE LLC	**C/O 3925 Hylan Blvd. Staten Island, NY 10308**	**Fee Owner**

The subject tract of land with respect to which the foregoing parties are the parties in interest as aforesaid is known as **BLOCK 150 TAX LOT 1** Tax Map of the City of New York, Richmond County and more particularly described as follows: *SEE ATTACHED TAX MAP AND SCHEDULE A DESCRIPTION*

CERTIFIED this 2nd day of Sept., 2016 to PELTON PLACE LLC, the applicants for this certification.

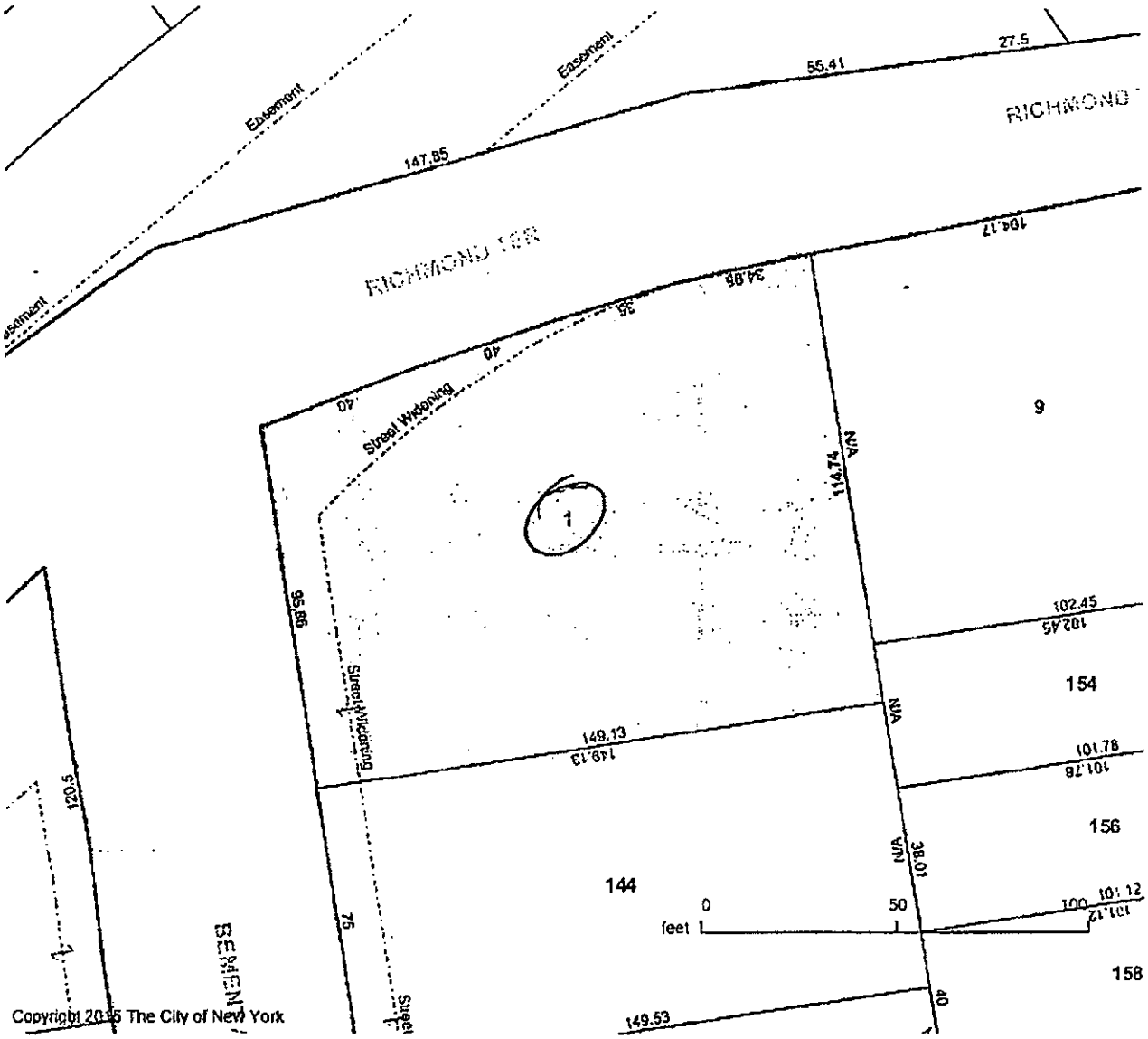
NOTE: A Zoning Lot may or may not coincide with a lot as shown on the Official Tax Map of the City of New York, or on any recorded subdivision plot or deed. A Zoning Lot may be subdivided into two or more zoning lots provided all the resulting zoning lots and all the buildings thereon shall comply with the applicable provisions of the zoning lot resolution.

THIS CERTIFICATION IS MADE FOR AND ACCEPTED BY THE APPLICANT UPON THE EXPRESS UNDERSTANDING THAT LIABILITY HEREUNDER IS LIMITED TO ONE THOUSAND ($1,000.00) DOLLARS.

PRINCETON ABSTRACT, INC.

BY: KONRAD DRAZYK

Digital Tax Map - New York City Dept. of Finance (8/6/2015)



Copyright 2015 The City of New York

— —	Borough Boundary	C50	Condo Flag/Condo Nunber
———	Tax Block Boundary	A50	Air Right Flag/Lot Number
50	Tax Block Number	S50	Subterranean Right Flag/Lot Number
———	Tax Lot Boundary	R	REUC Flag
50	Tax Lot Number	- - - - -	Under Water Tax Lot Boundary
~~50~~	Condo FKA Tax Lot Number	—·—·—	Other Boundary
50.5	Tax Lot Dimension		Possession Hook
+/-5.5	Approximate Tax Lot Dimension	Misc	Miscelaneous Text
1201 - 1330	Condo Units Range Label	O	Small Tax Lot Dimension
	Building Footprint		Surface Water

SCHEDULE "A" – OVERALL DESCRIPTION

Block 150 Lot 1

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Staten Island, County of Richmond, City and State of New York, being more particularly bounded and described as follows:

BEGINNING the intersection of the easterly side of Bement Avenue and the southerly side of Richmond Terrace;

RUNNING THENCE along the southerly side of Richmond Terrace, north 70 degrees 42 minutes 58 seconds east 34.28 feet to a point;

THENCE continuing on the southerly side of Richmond Terrace, north 71 degrees 32 minutes 58 seconds east 40.00 feet to a point;

THENCE continuing along the southerly side of Richmond Terrace, north 74 degrees 17 minutes 38 seconds east 35.00 feet to a point;

THENCE continuing along the southerly side of Richmond Terrace, north 76 degrees 39 minutes 57 seconds east 35.91 feet to a point;

THENCE south 9 degrees 21 minutes 40 seconds east 116.36 feet to a point;

THENCE south 80 degrees 52 minutes 18 seconds west 145.43 feet US Standard (149.13 feet tax map) to a point on the easterly side of Bement Avenue;

THENCE along the easterly side of Bement Avenue, north 8 degrees 26 minutes 40 seconds west 97.20 feet to the point or place of BEGINNING.

[SAID PREMISES ARE SHOWN ON THE FOLLOWING DIAGRAM]

STATE OF NEW YORK }
COUNTY OF RICHMOND } ss:

On Sept. 2nd, 2016 before me, the undersigned, personally appeared Konrad Dezyk, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

CYNTHIA D LUTZ
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01LU6265147
Qualified in Richmond County
Commission Expires July 9, 2020

Landmarks Preservation Commission

1 Centre Street
9th Floor North
New York, NY 10007

Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

EXHIBIT C

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / LA-CEQR-R
Project:
Address: BEMENT AVENUE, **BBL:** 5001500001
Date Received: 5/27/2015

[X] **No architectural significance**

[ ] No archaeological significance

[ ] Designated New York City Landmark or Within Designated Historic District

[ ] Listed on National Register of Historic Places

[ ] Appears to be eligible for National Register Listing and/or New York City Landmark Designation

[X] **May be archaeologically significant; requesting additional materials**

Comments:
LPC review of archaeological sensitivity models, reports and historic maps indicates that there is potential for the recovery of remains from 18th - 19th Century cemetery from the Kreuzer Family Burial Ground on the project site. Accordingly, the Commission recommends that an archaeological documentary study be performed for this site to clarify these initial findings and provide the threshold for the next level of review, if such review is necessary (see CEQR Technical Manual 2014).

Gina Santucci 6/2/2015

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 30525_FSO_DNP_06022015.doc

Appendix C:

Waterfront Revitalization Program (WRP)

FOR INTERNAL USE ONLY	WRP No. 14-033
Date Received: _____	DOS No. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)* which has been approved as part of the State's Coastal Management Program.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, the New York City Department of City Planning, or other city or state agencies in their review of the applicant's certification of consistency.

A. APPLICANT INFORMATION

Name of Applicant: Pelton Place LLC

Name of Applicant Representative: Justin Jarboe, EPDSCO Inc.

Address: 55 Water Mill Road - Great Neck, NY 11021

Telephone: 718-343-0026 Email: hrothkrug@epdsco.com

Project site owner (if different than above): _____

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

1. Brief description of activity

The applicant, Pelton Place LLC, seeks a zoning map amendment to extend an existing C2-2 commercial overlay in an R3-1 district to facilitate the development of a vacant parcel of land on Block 150, Lot 1 (hereafter the "Development Site:)") with a one-story commercial retail building with 4,830 gross square feet (gsf) of floor area (0.30 FAR) and 16 accessory parking spaces. The affected area is located in the West Brighton neighborhood of Staten Island Community District 1. The proposed zoning map amendment would extend the C2-2 overlay district mapped on the south side of Richmond Terrace to the west of Bement Avenue, to include the northern portion of Block 150, which also includes Lot 9 and a small portion of 154.

2. Purpose of activity

To facilitate the Proposed Development, this application would seek a zoning map amendment extending the C2-2 overlay district mapped on the south side of Richmond Terrace to the west of Bement Avenue to include Block 150, Lots 1 and 9, as well as a small portion of Lot 154.

Such rezoning would affect two major changes to what is permitted within the Project Area. With respect to use, the proposed change would permit uses within Use Groups 5–9 and 14. These include local retail uses, a wide variety of commercial uses, and some light manufacturing uses. With respect to bulk, the controls of the C2-2 district would supersede the controls underlying R3-1 district as applicable; increasing the permitted FAR of the Site from 0.5 to 1.0. However, the proposed building does not take advantage of the increased floor area potential, due to the accessory parking required for a commercial retail use and reflects a building with a proposed FAR of 0.3, which would be an FAR permitted under the existing R3-1 zoning.

C. PROJECT LOCATION

Borough: Staten Island Tax Block/Lot(s): Block 150, Lot 1

Street Address: 5 Bement Avenue

Name of water body (if located on the waterfront): _____

D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

City Actions/Approvals/Funding

City Planning Commission ☑ Yes ☐ No

- ☐ City Map Amendment
- ☑ Zoning Map Amendment
- ☐ Zoning Text Amendment
- ☐ Site Selection – Public Facility
- ☐ Housing Plan & Project
- ☐ Special Permit
  (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____
- ☐ Zoning Certification
- ☐ Zoning Authorizations
- ☐ Acquisition – Real Property
- ☐ Disposition – Real Property
- ☐ Other, explain: _____
- ☐ Concession
- ☐ UDAAP
- ☐ Revocable Consent
- ☐ Franchise

Board of Standards and Appeals ☐ Yes ☐ No

- ☐ Variance (use)
- ☐ Variance (bulk)
- ☐ Special Permit
  (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____

Other City Approvals

- ☐ Legislation
- ☐ Rulemaking
- ☐ Construction of Public Facilities
- ☐ 384 (b) (4) Approval
- ☐ Other, explain: _____
- ☐ Funding for Construction, specify: _____
- ☐ Policy or Plan, specify: _____
- ☐ Funding of Program, specify: _____
- ☐ Permits, specify: _____

State Actions/Approvals/Funding

- ☐ State permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☐ Funding of a Program, specify: _____
- ☐ Other, explain: _____

Federal Actions/Approvals/Funding

- ☐ Federal permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☐ Funding of a Program, specify: _____
- ☐ Other, explain: _____

Is this being reviewed in conjunction with a Joint Application for Permits? ☐ Yes ☑ No

E. LOCATION QUESTIONS

1.	Does the project require a waterfront site?	☐ Yes	☑ No
2.	Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters?	☐ Yes	☑ No
3.	Is the project located on publicly owned land or receiving public assistance?	☐ Yes	☑ No
4.	Is the project located within a FEMA 1% annual chance floodplain? *(6.2)*	☐ Yes	☑ No
5.	Is the project located within a FEMA 0.2% annual chance floodplain? *(6.2)*	☐ Yes	☑ No
6.	Is the project located adjacent to or within a special area designation? *See Maps – Part III of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).*	☐ Yes	☐ No

- ☑ Significant Maritime and Industrial Area (SMIA) (*2.1*)
- ☐ Special Natural Waterfront Area (SNWA) (*4.1*)
- ☐ Priority Martine Activity Zone (PMAZ) (*3.5*)
- ☐ Recognized Ecological Complex (REC) (*4.4*)
- ☐ West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (*2.2, 4.2*)

F. WRP POLICY ASSESSMENT

Review the project or action for consistency with the WRP policies. For each policy, check Promote, Hinder *or* Not Applicable (N/A). *For more information about consistency review process and determination, see* ***Part I*** *of the NYC Waterfront Revitalization Program. When assessing each policy, review the full policy language, including all sub-policies, contained within* ***Part II*** *of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).*

For those policies checked Promote *or* Hinder, *provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.*

		Promote	Hinder	N/A
1	**Support and facilitate commercial and residential redevelopment in areas well-suited to such development.**	☑	☐	☐
1.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	☑	☐	☐
1.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	☑	☐	☐
1.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	☑	☐	☐
1.4	In areas adjacent to SMIAs, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	☐	☐	☑
1.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	☐	☐	☑

		Promote	Hinder	N/A
2	**Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.**	☐	☐	☑
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	☐	☐	☐
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	☐	☐	☐
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	☐	☐	☐
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	☐	☐	☐
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.	☐	☐	☐
3	**Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.**	☐	☐	☑
3.1.	Support and encourage in-water recreational activities in suitable locations.	☐	☐	☐
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	☐	☐	☐
3.3	Minimize conflicts between recreational boating and commercial ship operations.	☐	☐	☐
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	☐	☐	☐
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	☐	☐	☐
4	**Protect and restore the quality and function of ecological systems within the New York City coastal area.**	☐	☐	☑
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	☐	☐	☐
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	☐	☐	☐
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	☐	☐	☐
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	☐	☐	☐
4.5	Protect and restore tidal and freshwater wetlands.	☐	☐	☐
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.	☐	☐	☐
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	☐	☐	☐
4.8	Maintain and protect living aquatic resources.	☐	☐	☐

		Promote	Hinder	N/A
5	**Protect and improve water quality in the New York City coastal area.**	☐	☐	☑
5.1	Manage direct or indirect discharges to waterbodies.	☐	☐	☐
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	☐	☐	☐
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	☐	☐	☐
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	☐	☐	☐
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	☐	☐	☐
6	**Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.**	☐	☐	☑
6.1	Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.	☐	☐	☐
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in *New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms*) into the planning and design of projects in the city's Coastal Zone.	☐	☐	☐
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	☐	☐	☐
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.	☐	☐	☐
7	**Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.**	☐	☐	☑
7.1	Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.	☐	☐	☐
7.2	Prevent and remediate discharge of petroleum products.	☐	☐	☐
7.3	Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.	☐	☐	☐
8	**Provide public access to, from, and along New York City's coastal waters.**	☐	☐	☑
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	☐	☐	☐
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	☐	☐	☐
8.3	Provide visual access to the waterfront where physically practical.	☐	☐	☐
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	☐	☐	☐

		Promote	Hinder	N/A
8.5	Preserve the public interest in and use of lands and waters held in public trust by the State and City.	☐	☐	☐
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	☐	☐	☐
9	**Protect scenic resources that contribute to the visual quality of the New York City coastal area.**	☐	☐	☑
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	☐	☐	☐
9.2	Protect and enhance scenic values associated with natural resources.	☐	☐	☐
10	**Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.**	☑	☐	☐
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	☐	☐	☑
10.2	Protect and preserve archaeological resources and artifacts.	☑	☐	☐

G. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Justin Jarboe

Address: 55 Water Mill Road - Great Neck, NY 11021

Telephone: 718-343-0026 Email: hrothkrug@epdsco.com

Applicant/Agent's Signature: 

Date: 10/07/16

WATERFRONT REVITALIZATION PROGRAM

Policy 1: Support and Facilitate Commercial and Residential Redevelopment in Areas Well-Suited to Such Development

1.1 Encourage commercial and residential redevelopment in appropriate Coastal zone areas.

A. Criteria that should be considered to determine areas appropriate for reuse through public and private actions include: compatibility with the continued functioning of the designated Special Natural Waterfront Areas, the Arthur Kill Ecologically Sensitive Maritime and Industrial Area, or Significant Maritime and Industrial Areas, where applicable; the absence of unique or significant natural features or, if present, the potential for compatible development; the presence of substantial vacant or underused land; proximity to existing residential or commercial areas and for opening up the waterfront to the public; transportation access; the maritime and industrial jobs potentially displaced or created; and the new opportunities created by redevelopment.

The proposed development consistent with Policy 1, as further detailed below. The proposed action affects two parcels within the Coastal Zone Boundary. The affected area is within an R3-1 residential district. The proposed action would extend an existing C2-2 commercial overlay to permit commercial use and facilitate a commercial retail building. The adjacent and surrounding area contains a mix of residential, automotive and maritime-related uses (a dry-dock facility). The Development Site is currently vacant.

The Development Site is upland and underutilized, and contains the potential for compatible commercial development that exists adjacent to existing residential, commercial and semi-industrial uses. As such, the proposed development is appropriately located and is not needed for other purposes as prescribed by the policy above. The new use would adhere to the underlying zoning regulations of the R3-1/C2-2 district otherwise adhere to Policy 1.

1.2 Encourage non-industrial development with uses and design features that enliventhe waterfront and attract the public.

A. Residential, commercial, and other non-industrial projects that comply with Article 6 Chapter 2 of the New York City Zoning Resolution satisfy the consistency requirements for Policy 1.2. If the project is not subject to the Zoning Resolution, the standards of Article 6 Chapter 2 of the Zoning Resolution should be used as guidelines for development and the inclusion of open space, visual access, upland connections, and water-related uses.

The Proposed Development would comply with Article 6 Chapter 2 of the Zoning Resolution.

1.3 Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.

A. Encourage development at a density compatible with the capacity of surrounding roadways, mass transit, and essential community services such as public schools. Lack of adequate local

infrastructure need not preclude development, but it may suggest the need to upgrade or expand inadequate or deteriorated local infrastructure.

The Proposed Development would be appropriate in scale and not strain existing infrastructure. The Proposed Development consists of a small commercial retail development below 1.0 FAR in an area with existing residential, industrial and commercial developments.

1.4 In areas adjacent to SMIAs, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.

A. Consider the use of best design practices for residential development that reduce noise, odor, dust, light, vibration, or other effects of existing nearby maritime and industrial uses.

B. New residential development within one block of an SMIA should, where feasible, incorporate measures for disclosure to potential residents that the development islocated within one block of an SMIA, and that active industrial uses are present in SMIAs consistent with City policy. In the event that the City Environmental Quality Review conducted for the new residential development determines there may be significant adverse impacts relating to industrial uses—including but not limited to noise, odor, dust, light, and vibration—which cannot be fully mitigated, disclosure should also be made of such impacts.

C. Site plans should be configured, to the extent practicable, to provide buffers between active industrial activities and residential uses.

The Development Site is adjacent to a Significant Maritime and Industrial Area (Kill Van Kull). However, the Proposed Development consists of commercial retail and would provide a buffer between existing residential development to the south and an existing SMIA to the north.

1.5 Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.

A. Projects should consider potential risks related to coastal flooding to features specific to each project, including, but not limited to, critical electrical and mechanical systems, residential living areas, and public access areas.

The Proposed Development is located upland and is a commercial development with no residential living area. Required electrical and mechanical systems will adhere to the underlying building code regulations.

10.2 Protect and preserve archaeological resources and artifacts.

A. Minimize potential adverse impacts to significant archaeological resources by redesigning the project, reducing the direct impacts on the resource, or recovering data prior to construction.

B. Conduct a cultural resource investigation when an action is proposed on an archaeological site, fossil bed, or in an area identified as potentially sensitive for archaeological resources.

As outlined in Section 2, **Historic and Cultural Resources** of the EAS, in the letter dated June 2, 2015 (see **Appendix B**), The NYC Landmarks Preservation Commission (LPC) determined that the site (Block 150, Lot 1) may be archeologically significant and that Phase 1A archaeological testing will be required in order to determine if the site contains Early or (or Colonial) remains from 19th Century occupation of the Development Site. As such, the applicant has entered into a Restrictive Declaration, which requires that prescribed archaeological work be conducted in accordance with CEQR Technical Manual and LPC Guidelines for Archaeological Work in New York City. With the Restrictive Declaration in place, no significant adverse impacts related to historic and cultural resources will occur.

Appendix D:

DEP Correspondence (Hazardous Materials)

NYC Environmental Protection

Vincent Sapienza, P.E.
Acting Commissioner

Angela Licata
Deputy Commissioner of Sustainability

59-17 Junction Blvd.
Flushing, NY 11373

Tel. (718) 595-4398
Fax (718) 595-4479
alicata@dep.nyc.gov

February 15, 2017

Robert Dobruskin
Director, Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: 5 Bement Avenue
Block 150, Lot 1
CEQR # 17DCP055R
Staten Island, NY

Dear Mr. Dobruskin:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the October 2016 Environmental Assessment Statement (EAS) and the January 2015 Phase I Environmental Site Assessment Report (Phase I) prepared by Environmental Project Data Statements Company on behalf of Pelton Place LLC (applicant) for the above referenced project. It is our understanding that the applicant is seeking a zoning map amendment from the New York City Department of City Planning (DCP) to extend an existing C2-2 commercial overlay in an R3-1 district to facilitate the development of a vacant parcel of land (Block 150, Lot 1) with a one-story commercial retail building with 4,830 gross square feet of floor area and 16 accessory parking spaces. The proposed zoning map amendment would extend the C2-2 overlay district mapped on the south side of Richmond Terrace to the west of Bement Avenue, to include the northern portion of Block 150, which also includes Lot 9 and a small portion of 154. The subject property is located at the southeast corner of the intersection of Bement Avenue and Richmond Terrace in the West Brighton neighborhood of Staten Island Community District 1.

The January 2015 Phase I report revealed that historical on-site and surrounding area land uses consisted of a variety of residential and commercial/retail uses that includes undeveloped land, shipyards, a ship and marine service and repair operation, auto repair garages, gasoline filling stations, residential buildings, retail uses, a construction and demolition debris processing facility, a vehicle dismantling facility, cleaners, etc. The New York State Department of Environmental Conservation database identified 6 NY Leaking Tanks (LTANKS) within 1/2 mile, 8 NY underground storage tank sites and 6 NY aboveground storage tank sites within 1/4 mile, and 12 NY Spills sites within 1/8 mile from the subject site.

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

- Based on prior on-site and/or surrounding area land uses which could result in environmental contamination, DEP concurs with the EAS recommendation that an "E" designation for hazardous materials should be placed on the zoning map pursuant to Section 11-15 of the New York City Zoning Resolution for the subject property. The "E" designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance. Further hazardous materials assessments should be coordinated through the Mayor's Office of Environmental Remediation.

Future correspondence and submittals related to this project should include the following CEQR number **17DCP055R**. If you have any questions, you may contact Mohammad Khaja-Moinuddin at (718) 595-4445.

Sincerely,

Wei Yu
Acting Deputy Director, Hazardous Materials

c: R. Weissbard
M. Khaja-Moinuddin
T. Estesen
M. Wimbish
A. Meunier – DCP
O. Abinader – DCP
M. Bertini – OER

Appendix E:

Phase I ESA Summary

PHASE I ENVIRONMENTAL SITE ASSESSMENT

A. INTRODUCTION

EPDSCO has performed a Phase I Environmental Site Assessment (ESA) of the property located at 5 Bement Avenue, in the Borough of Staten Island in the City of New York. This ESA was prepared in accordance with the ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Designation E 1527-13).

The purpose of this ESA is to identify, to the extent feasible in accordance with ASTM E 1527-13, recognized environmental conditions in connection with the properties with regard to hazardous materials as defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and petroleum products. Additionally, several ASTM "Non-Scope" items including asbestos-containing materials, lead-based paints and radon are also discussed. Recognized Environmental Conditions are identified through research into the history and uses of the site and surrounding area, an inspection of the subject property and a survey of adjoining and nearby uses, and a review of available regulatory agency records and environmental databases. A detailed scope of work is included in Section IV of this report. Sanborn atlases, aerial photographs and other pertinent figures are included as Attachment A. Photographs are located in Attachment B, and regulatory agency database information from Environmental Data Resources, Inc. is included in Attachment C. The City Directory Abstract report from EDR is included in Attachment D, and the Environmental Liens report from EDR is included in Attachment E.

B. EXECUTIVE SUMMARY

The subject property consists of a 15,600 +/-square foot parcel of undeveloped, wooded land. The lot contains several mature trees, and dense vegetation (bushes, vines, weeds, etc.) covered most of the surface of the site. No buildings or structures, pavement, building foundations, concrete slabs or other indications of past on-site buildings or structures were observed during the site visit. There is a narrow, unpaved driveway located along the eastern portion of the site which leads to a residential dwelling located adjacent and to the south of the project site. Small quantities of bricks, concrete, wood and other debris were observed on the lot at the time of the site visit, however, there were not any visible indications of the past on-site storage, use or disposal of hazardous materials or petroleum products found, such as chemical/oil stained surfaces, chemical or petroleum odors, discarded drums or chemical containers, dead or dying vegetation, etc.

Research into the history of the property reveals that the site has remained mostly undeveloped since at least the early 1900s. With the exception of a small (one or two-car) garage located on the southeast portion of the site from 1930 to the 1960s, no indications of past on-site development or operations were identified at the project site. It is likely that the garage formerly located on the southeast corner of the site was an accessory structure to the residential dwelling located adjacent and to the south of the project site. No past operations or uses which typically involve the storage or use of hazardous materials or petroleum products were identified at the property.

No indications of the presence of underground or aboveground tanks, such as fillports, vent lines, supply or return lines, etc. were observed at the property during the site visit. The property is not identified in the NYSDEC Petroleum Bulk Storage database, which lists all registered facilities with a petroleum storage capacity in excess of 1,100 gallons. Additionally, no Oil Burner applications were found on file for the site in the New York City Department of Buildings records reviewed.

No suspected asbestos-containing materials, lead-based paints or equipment suspected of containing PCBs were observed at the subject property during the site visit.

The site does not appear in any of the Federal or State environmental databases reviewed including the USEPA's Superfund, CERCLIS or ERNS databases, the RCRA Hazardous Waste Handlers list or hazardous waste Treatment/Storage/Disposal Facilities list, or the NYSDEC's Solid Waste Facilities database, PBS or Spill Logs databases, or the Registry of Inactive Hazardous Waste Disposal Sites.

A review of Sanborn historical maps shows that land uses in the immediate vicinity of the site have consisted of a mix of residential and commercial/retail uses, shipyards (along the Kill Van Kull), and auto related uses since at least the early 1930s. The 1937 through 2007 Sanborn maps show a gasoline filling station at 1320 Richmond Terrace, which is located adjacent and to the west of the project site. This site is currently occupied by a Gulf gasoline filling station and convenience store. The 1977 through 1995 Sanborn maps show a gasoline filling station at 45 Elizabeth Avenue, which is located adjacent and to the east of the project site. This location is currently occupied by an auto repair garage. There are not any NYSDEC-reported spill incidents, PBS registrations or other regulatory information regarding this site identified in the database report.

There is one "Open" spill incident identified at 1320 Richmond Terrace. According to information in the database report, this spill incident was reported when soil contamination was discovered during the removal of an underground storage tank (UST) at this location in 2001. Subsequent investigations revealed the presence of groundwater contamination at the site. The latest site investigation referenced in the spill report was performed in 2007. This investigation revealed the presence of contamination in the groundwater downgradient of the spill area (former UST location). Additional investigations were recommended to determine if the contamination had migrated off the property. No information regarding additional investigations or remedial activities for this spill incident after 2007 was present in the spill report.

Given the "Open" spill incident identified at 1320 Richmond Terrace, and the historic presence of a gasoline filling station at 45 Elizabeth Avenue, it is possible that the groundwater below the project site has been impacted from these adjoining uses.

Conclusions

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-13 of 5 Bement Avenue, Staten Island, N.Y., the property. Any exceptions to or deletions from this standard are described in section A of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the property, with one exception:

- The possible presence of groundwater contamination at the project site from potential off-site sources of contamination.

Environmental Professional Statement

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in 312.1 of 40 CFR 312 and we have the specified

qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. We have developed and performed the all appropriate inquires in conformance with the standards and practices set forth in 40 CFR Part 312.

Respectfully Submitted,

_____

Hiram A. Rothkrug

Director, EPDSCO, Inc.