A. INTRODUCTION

This chapter assesses the potential for the presence of hazardous materials in soil and/or groundwater at both the projected and potential development sites identified in the reasonable worst-case development scenario (RWCDS) under the proposed Rheingold Development Rezoning project. The rezoning encompasses an approximately 6-block area in the Bushwick neighborhood in Brooklyn, Community District 4. There are a total of 11 development sites, of which 8 are considered projected development sites and 3 are considered potential development sites (refer to Figure 1-4 in Chapter 1, "Project Description").

As described in the *CEQR Technical Manual*, the goal of a hazardous materials assessment is to determine whether a proposed action would lead to a potential increased exposure of hazardous materials to people or the environment or whether the increased exposure would lead to significant public health impacts or environmental damage. The objective of the hazardous materials assessment is to determine which, if any, of the projected and potential development sites identified as part of the RWCDS may have been adversely affected by current or historical uses at or adjacent to the sites, such that the property would require an (E) designation.

An (E) designated site is an area designated on a zoning map within which no change of use or development requiring a New York City Department of Buildings permit may be issued without approval of the New York City Office of Environmental Remediation (OER). Redevelopment of these sites requires OER review to ensure protection of human health and the environment from any known or suspected hazardous materials associated with the site. Regardless of the type of planned redevelopment, a hazardous materials (E) designation may be placed on a site based on past use. The OER oversees the (E) designation Environmental Review Program. For properties where existing buildings will be converted with no intrusive soil work, the owner will need to contact the OER and provide them with the development plans. OER will issue a Notice of No Objection, which will enable the New York City Department of Buildings to issue the conversion permit. The (E) designation for the site remains and must be satisfied if any future redevelopment involves excavation and/or soil disturbance.

Phase I Environmental Site Assessments (ESA) were performed for the four Applicant-owned projected development sites and a preliminary screening of potential hazardous materials impacts was performed for the remaining four projected and three potential development sites. This assessment was undertaken to determine whether additional investigations are necessary and whether an (E) designation should be placed on privately-held projected or potential development sites under the Proposed Action to avoid the potential for impacts pertaining to hazardous materials. As discussed below, the hazardous materials assessment presented herein has identified that each of the projected and potential development sites has some associated concern regarding environmental conditions. As a result, the proposed zoning map actions include (E) designations for all projected and potential development sites. In addition, an (E) designation would also be mapped on the portion of Stanwix Street proposed to be mapped. Therefore the Proposed Action is not expected to result in significant adverse impacts for hazardous materials.

B. PRINCIPAL CONCLUSIONS

Phase I Environmental Site Assessments were prepared for projected development sites 1-4 (Applicant owned sites) and a preliminary screening of potential hazardous materials impacts was performed for projected development sites 5-8, all of the potential development sites, and the portions of Stanwix Street and Noll Street proposed to be mapped. The hazardous materials assessment identified that all of the projected development sites, two of the potential development sites, and the portion of Stanwix Street proposed to be mapped has some associated concern regarding environmental conditions. As a result, the proposed zoning map actions include (E) designations for all projected and potential development sites. Therefore the Proposed Action is not expected to result in significant adverse impacts for hazardous materials.

With the requirements of the (E) designation on projected and potential development sites, there would be no impact from the potential presence of contaminated materials. The implementation of the preventative and remedial measures outlined above would reduce or avoid the potential that significant adverse hazardous materials impacts would result from potential construction in the rezoning area resulting from the Proposed Action. Following such construction, there would be no potential for significant adverse impacts.

C. METHODOLOGY

The methodology for the hazardous materials assessments was determined by the current zoning of each development site (i.e., manufacturing, commercial or residential). As per Chapter 24 of Title 15 of the Rules of the City of New York, reviews of the regulatory database and/or Sanborn maps and city directories were used to determine past uses of the property and enable an assessment of whether the lot should receive an (E) designation.

Chapter 24 of Title 15 of the Rules of the City of New York specifies the process for determining if an (E) designation should be placed on a specific site. Section 24-04 describes the preliminary screening process, which includes reviewing historical documentation for past or current uses that may have affected or be affecting a projected or potential development site or an adjacent site. Appendix A of the Hazardous Materials Appendix 5 (Chapter 24 of Title 15 of the Rules of the City of New York) provides a list of types of facilities, activities or conditions which would lead to a site receiving an (E) designation.

Phase I Environmental Site Assessments were conducted for the Applicant's properties (Sites 1-4). A limited environmental study was performed for Sites 5-11, not owned by the Applicant, using the following parameters:

- *Historical Land Use* – The land use history was evaluated using available historical Sanborn fire insurance maps. Sanborn Maps from the years 1887 through 1996 were obtained and reviewed for the projected and potential development sites, as well as the adjacent and surrounding areas.

- *Regulatory Agency List Review* – A review of the federal and state hazardous materials databases, maintained by the United States Environmental Protection Agency (US EPA) and New York State Department of Environmental Conservation (NYSDEC), respectively, was performed. This review identified the sites where storage, handling, emission, and /or spill cleanup of hazardous or toxic materials have been performed in order to determine whether they may have impacted the projected and potential development sites.

- *Site and Surrounding Area Reconnaissance* – A visual inspection was performed on the sites and nearby properties within the search radius. The properties were evaluated for potential contamination from on- and off-site sources. Additionally, the site inspection provided confirmation of the information identified in the regulatory databases (i.e., the presence of fill pipes, vent ports, transformer vaults, etc.). The visual inspection was limited to observations from the sidewalks in front of buildings – the interiors, roofs, and basements were not examined.

D. EXISTING CONDITIONS

Projected Development Sites

Site 1 – (Block 3139)

Lots 18-21 and 23-27: These lots are located on the northern side of Montieth Street, at the northeast corner of the intersection formed by Stanwix Street and Montieth Street. These lots are currently asphalt-paved and are occupied by a small trailer on the southwest portion, which is utilized as office space for the tenant. The current tenant is a charter bus company that utilized these lots to park and wash buses. ATC observed large plastic containers with soap that is utilized in the washing of these buses.

Lots 28-36: These lots are located on the northern side of Montieth Street approximately 40 feet to the north-northeast of the T-shaped intersection formed by Bushwick Avenue and Montieth Street. These lots are asphalt-paved and have previously been utilized to park cars, but are now vacant.

From at least 1988, Block 3139 consisted of stores along Flushing Avenue and residences along Montieth Street. The southwestern portion of Block 3139 was developed with a structure labeled Brooklyn City H.R.R. Stables. From 1907 until 1986, this block was developed with residences and commercial stores. A painting and office supply store is depicted on the southeastern portion of Block 3139 on Lot 23 in the 1951 and 1965 maps. It appears as years passed these structures were demolished. From 1987 until 1995, Block 3139 was depicted in the historical Sanborn maps as vacant land and was labeled "parking".

Adjoining Properties: A gasoline station was noted to the west of Block 3139 across Bushwick Avenue approximately 191 feet to the west-northwest of Site 1 from at least 1947 until 1996. ATC's Site reconnaissance revealed that this gasoline station is no longer in operation. Elevated levels of petroleum-related compounds were confirmed in both soil and groundwater during a March 1997 environmental investigation at this former Getty/Mobil Gasoline Station located at 864 Flushing Avenue in Brooklyn, NY. The available information states that three 4,000-gallon underground storage tanks (USTs) were removed from the Site in July 1998. Two 12,000-gallon USTs were installed in their place.

A petroleum release was reported at this facility on April 2, 2007 following a groundwater sampling event associated with a prior NYSDEC Spill report at this former gasoline station. A Subsurface Investigation and Closure Request Report dated January 2008 reported that low-level concentrations of gasoline constituents in groundwater at this facility. However, this report stated that groundwater flow at this facility was to the south and prior reports had documented that groundwater flow was to the north. The NYSDEC suspected that the pumping of groundwater at a significant withdrawal rate may be taking place in the vicinity of this release. Until this discrepancy is resolved, the NYSDEC is requiring additional information and the file on this release remains open. Based on its close proximity and confirmed groundwater contamination, this Spills listing is considered a recognized environmental condition with respect to Site 1.

Phase I ESA Results

A Phase I Environmental Site Assessment (ESA) was conducted for Site 1 by ATC Associates in May of 2008. The Phase I cites the presence of the historical painting supply facility as a potential environmental concern. The assessment also found that oil burner permits were issued for Block 3139 Lots 20, 32, 34 and 36. No further information regarding the oil burner permits and the potential for historic heating oil tanks to be present at the Site was provided. The potential presence of historic heating oil tanks at Site 1 is considered a potential environmental concern. ATC recommended the performance of a Phase II Environmental Site Investigation (ESI) to assess soil and groundwater conditions beneath the Site that may have been impacted as a result of historical uses on Site 1 and surrounding property operations.

Site 2 – (Block 3141)

Lots 21 and 22: These lots are located on the southern side of Montieth Street. These lots are utilized as an asphalt-paved parking area for the adjoining ambulance company located at 930 Flushing Avenue.

Lots 1, 5, 7, 8, 10-12, 14, 18, 20, 23 and 36: These lots are currently undeveloped and unpaved and are currently utilized to park large trucks and the automobiles of the truck drivers. These lots are enclosed by a chain link fence.

In 1888, Lot 1 was developed with a structure labeled "ice house" and in 1907 Lot 1 was developed with structures associated with Henry Claus Brewing Co., which also occupied the lots to the east. The 1933 Sanborn maps depicts Lot 1 as developed with a two-story building that occupies the entire lot and is labeled "garage" with a capacity of 110 cars. According to the 1933 Sanborn map, this structure was constructed in 1923. This same structure is labeled as "loft" from at least 1951 through 1968 and appears to be utilized for manufacturing purposes from at least 1977 through 1980. The exact manufacturing operations are not depicted. Lot 1 is depicted as undeveloped from at least 1981 until 1995, which concurs with observations made during the Site reconnaissance.

From at least 1888 through 1907 Lot 15 was developed with a residence. The 1933 Sanborn map depicts Lot 15 as developed with a one-story garage with a capacity for 40 cars. From at least 1951 through 1982 Lot 15 is developed with the previously mentioned one-story structure that is now labeled as a paper products manufacturer. From 1986 through 1995, Lot 15 is depicted as undeveloped which concurs with observations made during the Site reconnaissance.

Lot 21 was developed with a dwelling and Lot 22 was developed with a store from at least 1888 through 1933. In the 1951 Sanborn map, Lot 22 appears to be undeveloped and Lot 22 is developed with a three-story residential building. From at least 1965 though 1997, both Lots 21 and 22 are vacant and are labeled "parking."

A structure labeled "iron works" is depicted on the northwestern portion of lot 3141 identified as 479 Bushwick Avenue from at least 1965 through 1995. A manufacturing facility occupied a portion of Block 3141, adjoining to lots 1 and 15 from at least 1977 until 1982. Adjoining properties to the south appear to be generally commercial with a brewery operation and associated structures present from at least 1888 through 1980.

Adjoining Properties: Surrounding properties to the north along Flushing Avenue and to the west along Bushwick Avenue were primarily depicted with commercial, retail, apartment buildings with stores and dwellings. From at least 1935 until 1965 four gasoline tanks are depicted across Bushwick Avenue on the

western adjoining property to Block 3141 Lot 1. This adjoining property to the west is also labeled as a Used Auto Storage and Sales from 1981 until 1996.

Phase I ESA Results

A Phase I Environmental Site Assessment (ESA) was conducted for Lots 5, 7, 8, 10-12, 14, 18, 20, 23 and 36 by IVI International, Inc. in July of 2005. The report details that these lots were occupied in 1888 by small dwellings and accessory uses to the Liebmann & Sons Brewery. In 1907 the lots were occupied by Henry Claus Brewing Company and additional residences. In 1965 the residences are gone and the site continues as accessory space to a brewing facility until 1987 when all of the lots are identified as vacant. The Phase I concludes that there are not recognized environmental conditions in connection with the subject lots.

A Phase I Environmental Site Assessment (ESA) was conducted for Lots 1, 15, 21 and 22 by ATC Associates in May of 2008. The Phase I cites the presence of the historical painting supply facility as a potential environmental concern. The assessment also found that oil burner permits were issued for Block 3141 Lots 1, 15 and 21. No further information regarding the oil burner permits and the potential for historic heating oil tanks to be present on the Lots was provided. The potential presence of historic heating oil tanks at Site 2 is considered a potential environmental concern. The historical usage of portions of Site 2 for manufacturing purposes is also considered a potential environmental concern. The historical usage of the surrounding properties for automotive repair, a filling station and manufacturing usage is also considered a recognized environmental condition in connection with Site 2. ATC recommended the performance of a Phase II Environmental Site Investigation (ESI) to assess soil and groundwater conditions on Site 2 that may have been impacted as a result of historical uses on the Site and surrounding property operations.

Site 3 – (Block 3152)

Lot 3: This approximately 98,000sf lot is located between Stanwix Street and Evergreen Avenue, north of Melrose Street. This lot contains a 76,400 square foot warehouse occupied by three wholesale companies. The northern portion of the lot is utilized for parking and loading for the wholesale businesses.

In 1933 Lot 3 was occupied by dwellings, sheds and stores. It remained in this use until 1965 when the sheds were torn down and the space was used for parking. In 1980 the stores are replaced by more parking and the Lot remains listed as used for parking and apartments until 1995.

Phase I ESA Results

Singer Environmental Group conducted a Phase I Environmental Site Assessment (ESA) for Site 3 in January of 2005. Although the Phase I did not recommend any further actions, based on historical uses, the New York City Department of Environmental Protection (DEP) is requiring that a Phase II ESI be prepared for this site.

Site 4– (Block 3152)

Lots 1, 2, 45, 48, 56, 58, 62-64, 66: These lots are located on the northern side of Melrose Street between Stanwix Street and Evergreen Avenue. They are currently used as parking for vehicles and trucks and storage of lumber, scrap metal and other construction materials.

In 1933 Lots 1, 2, 56, 58 and 62-64 were occupied by dwellings, Lot 45 had a paint storage and glass works facility and Lot 66 was occupied by a store. In 1951 Lot 6 had a toiletry manufacturing facility until 1965 when it is labeled as parking. Lots 1, 2, 45, 56, 58 and 62-64 were occupied by dwellings in 1951 and are afterwards labeled as parking. Lot 48 was occupied by a garage from 1933 until about 1965 and was later used for beverage storage from 1968 until 1990 when it also was used for parking.

Phase I ESA Results

Singer Environmental Group also conducted a Phase I Environmental Site Assessment (ESA) for Site 4 in January of 2005. The Phase I found evidence that the site had been used for manufacturing and/or storage of fuel supplies as historic maps for Lot 48 show a gasoline tank on Lot 48 from 1933 through 1989. The report recommended that a Ground Penetrating Radar (GPR) survey be conducted around the property to determine the presence of any underground tanks.

A GPR survey was completed for Lot 48 in February of 2008. The survey and visual reconnaissance inspection revealed no evidence of a tank, vent or fill at the site. The report concluded that an underground storage tank does not exist at that location and no further action is required. Although the Phase I did not recommend any further actions, based on historical uses, DEP is requiring that a Phase II ESI be prepared for this site.

Site 5– (Block 3152)

Lots 36-38, 41 and 43: These lots are located on the southeastern corner of the intersection of Melrose Street and Evergreen Avenue. Lots 36, 37, 38, 41 and 43 encompass approximately 7,255 square feet of land. The NYC Department of Finance (NYCDOF) identifies the owner of these five parcels as 135 Melrose Street Corp. These lots are asphalt-paved and are developed with a small canopy structure on the northern portion. It appears that automotive repair activities occur beneath the canopied area and the remainder of the lot is utilized for automotive parking of vehicles that have been towed. A six-foot fence was constructed along the exterior boundaries of these parcels along Evergreen Avenue and Melrose Street, which precluded an unobstructed view of these parcels. The occupant of this lot, as identified during the area reconnaissance is Citi Towing & Recovery, Inc. No fill ports or vent pipes as associated with petroleum storage tanks were observed on these lots.

Prior to 1888, Site 5 was developed with a two-story store (Lot 41), a three-story dwelling (Lot 38). A three-story commercial structure, housing two stores, and a shed (Lot 43), and a collection of sheds and one-story structures (Lots 37 and 36). By 1907, Lot 41 was an undeveloped parcel of land and Lots 37 and 36 were each developed with three-story commercial structures. No changes were noted to Lots 38 and 43. During 1933 through 1951, Lots 38, 43, 37 and 36 remained unchanged from their previous development. However, during this timeframe, Lot 41 was developed with a single-story store and parking for three cars. From 1965 through 1977, Lots 41, 38 and 43 were used as a parking lot. The remaining lots remained unchanged. During 1979 through 1995, all Site lots, with the exception of Lot 37, remained unchanged from the previous development. During that timeframe, Lot 37 was an undeveloped parcel of land. By 1995, the Site was developed with a three- and four-story manufacturing building and a three-story residential building with the remainder of the Site identified as parking areas.

Adjoining Properties: Between 1933 and 1988, the westerly adjoining property was developed with a parking garage structure. The Sanborn maps note the presence of a buried gasoline tank at this property during those years. By 1992, the structure on this lot had been demolished and the lot was then identified as a parking lot. No other changes to this lot were identified on subsequent historical maps.

Assessment

The site reconnaissance coupled with the investigation of historical uses on the site and adjoining properties as well as a review of regulatory agency databases revealed no evidence of conditions considered to be significant or to represent a material threat of a release at Site 5. Although the Screening Assessment did not recommend any further actions, based on historical uses, DEP is requiring that a Phase II ESI be prepared for this site.

Site 6– (Block 3138)

Lot 20: This lot encompasses approximately 3,300 square feet of land and situated on the southeast corner of intersection of Flushing Avenue and Garden Street. The NYCDOF identifies the owner of this parcel as Milltown Corp. Lot 20 is developed with a single-story automotive transmission repair shop, constructed between 1935 and 1947. This structure occupies the southern portion of this Site lot. The remainder of the lot is asphalt-paved land. The occupant of this lot, as identified during the area reconnaissance and through a review of available references, is M&J Auto Center Inc. A 275-gallon aboveground storage tank (AST) was observed on the southwestern portion of Lot 20, which fronts on Garden Street. This AST was surrounded by numerous car tires and other debris, which precluded a clear observation of the tank. According to the regulatory agency database report, no fuel storage tanks are registered to this parcel with the NYSDEC PBS unit.

In 1887, this lot was an undeveloped parcel of land. Between 1904 and 1935, this lot was developed with a three-story store, situated at the corner of Garden Street and Flushing Avenue, with a single-story addition fronting on Garden Street. The Sanborn maps covering the period of 1947 through 1996 show this lot developed a single story building used for automobile repair and greasing. During 1947 through 1979, three buried gasoline tanks were noted on this lot, situated along the west side of the building. These tanks were not noted on subsequent Sanborn maps.

Lot 22: This lot contiguously adjoins the northeastern boundary of Lot 20, encompassing approximately 2,275 square feel of land and is situated approximately 55 feet east-northeast of the intersection of Flushing Avenue and Garden Street. The NYCDOF identifies the owner of this parcel as Milltown Corp. Lot 22 is developed with a single-story automotive repair shop that occupies the southern portion of this lot. The remainder of the lot is asphalt-paved land. A review of NYC Department of Buildings (NYCDOB) records revealed this structure was built in 2000 as an addition to the structure on Lot 20. The occupant of this lot, as identified during the area reconnaissance, is R.R. Auto repair. No fill ports or vent pipes were observed from Flushing Avenue on this parcel. However, based upon its usage as an automotive repair shop, the presence of a fuel storage tank or other containers of materials associated with this usage, including (but not limited to) motor oil, waste oil or transmission fluid, can not be discounted. The results of the regulatory agency database review revealed that Lot 22 was not identified in the federal or state agency databases.

In 1887, this lot was an undeveloped parcel of land. Between 1904 and 1981, this lot was developed with a three-story store. No structures were noted on this lot during the 1982 through 1996 Sanborn maps coverage years. No significant findings pertaining to the historical use of select adjoining properties was found.

Assessment

The use of Lot 20 as an automotive repair shop from at least 1947 to the present, coupled with the identification on historic maps of three buried gasoline tanks from 1947 through 1979 plus the use of Lot

22 from 2000 to the present as an automotive repair shop necessitating the use and subsequent disposal of various petroleum products, reveals evidence of conditions considered to be significant or to represent a material threat of a release at Site 6. Based on historical uses, DEP is requiring that a Phase II ESI be prepared for this site.

Site 7– (Block 3138)

Lot 32: This lot encompasses approximately 10,600 square feet of land and is situated on the southwestern corner of the intersection of Flushing Avenue and Bushwick Avenue. The NYCDOF identifies the owner of this parcel as Mobil Oil Corporation. According to historical maps, this lot was previously utilized as a gasoline station since at least 1947. A single-story commercial building had been situated at the southwestern portion of this lot and a canopy covering the fuel pumps had been situated at the northern portion. No structures were observed on this lot during the reconnaissance. Further, no vent pipes or fuel pumps were observed. Concrete pads with approximately four manways were noted on the eastern portion of the lot and a stormwater drain was noted on the northeastern portion of the lot. In addition, several groundwater monitoring wells were observed on this lot. Two cars were parked on the lot, which precluded thorough observation. The results of the regulatory agency database review revealed that Lot 32 was identified in several state agency databases.

From 1887 to 1935, this lot was developed with several multi-story dwellings and stores. From 1947 through 1965, the portion of the lot located at the intersection of Flushing Avenue with Bushwick Avenue was developed with a single-story structure containing automobile service operations. While the presence of buried gasoline tanks was not specified, this location was identified as a filling station. A four-story residential building was also located on this Site lot during 1947 through 1965. According to the 1977 through 1996 Sanborn maps coverage years, this lot was developed with a single concrete block structure and the entire lot was identified as a "filling station".

Adjoining Properties: From 1935 through 1950, the property adjoining Lot 32 to the north was identified as a gasoline station at which five buried gasoline tanks were also noted. From 1935 through 1947, the property adjoining Lot 32 to the northwest was identified as an automobile garage at which two buried gasoline tanks were also noted. Subsequent Sanborn maps note that this northerly adjoining property was subsequently redeveloped for construction of the Bushwick Houses, a residential development.

Assessment

The following reveals evidence of conditions considered to be significant or to represent a material threat of a release at Site 7. The use of Lot 32 as gasoline station since at least 1935, coupled with the NYSDEC PBS registration documenting the current presence of two 12,000-gallon out-of-service USTs. A NYSDEC Spill record states these tanks may be the potential source of the continued groundwater exceedances for petroleum-related compounds. This NYSDEC Spill record remains active with the NYSDEC.

Historical maps note that between 1935 and 1950 buried gasoline tanks were located at two properties that adjoin Lot 32 to the north and northeast of Lot 32 from 1935 until 1950. In addition, the property located at the southern end of the Site block had been used as a gasoline station from 1935 until 1965. Subsequently, this lot was used as an automobile storage yard. Based on historical uses, the DEP is requiring that a Phase II ESI be prepared for this site.

Site 8– (Block 3137)

Lot 56: This lot encompasses approximately 6,000 square feet of land and is situated approximately 90 feet to the east-northeast of the intersection of Flushing Avenue and Beaver Street. The NYCDOF identifies the owner of this parcel as Progressive Realty Co. Lot 56 is developed with a single-story grocery store that was constructed between 1950 and 1965. The occupant of this lot, as identified during the area reconnaissance and through a review of available references, is C-Town Supermarket. No fill ports or vent pipes, items typically associated with fuel storage tanks, were observed on either lot during the perimeter reconnaissance.

From 1887 until 1935, this lot was developed with three three-story dwellings fronting Flushing Avenue. A fourth three-story dwelling was located south of the eastern-most dwelling. The three three-story dwellings fronting Flushing Avenue remained from 1947 through 1950; however, the fourth dwelling was not present. From 1965 to 1996, this Site lot was developed with the current structure, described as a single-story L-shaped store building; however, no occupants were noted during this time. None of the Sanborn maps identified the presence of buried tanks at this Site lot.

Adjoining Properties: Between 1935 and 1950, a single-story structure contiguously adjoined the southern boundary of Lot 56. The 1935 map identified this building as a garage and automobile repair facility. From 1947 until 1950, this structure was used as a furniture warehouse. The 1935, 1947 and 1950 Sanborn maps all noted the presence of a buried gasoline tank at this property. By 1965, this adjoining property and the land further south had been redeveloped for use as a public playground and school.

Assessment

The site reconnaissance coupled with the investigation of historical uses on the site and adjoining properties as well as a review of regulatory agency databases revealed no evidence of conditions considered to be significant or to represent a material threat of a release at Site 8. Although the Screening Assessment did not recommend any further actions, based on historical uses, DEP is requiring that a Phase II ESI be prepared for this site.

Potential Development Sites

Site 9– (Block 3152)

Lot 44: This lot is the western parcel Site 9 and encompasses approximately 2,500 square feet of land. The NYCDOF identifies the owner of this parcel as 131 Melrose Street Corp. This lot is developed with a two-story commercial warehouse that was constructed between 1907 and 1918. The occupant of this lot, as identified during the area reconnaissance, is City General Builders. No fill ports or vent pipes as associated with petroleum storage tanks were observed on Lot 44.

Prior to 1888 a 2.5-story dwelling occupied this lot. In 1907 the dwelling unit remained on the lot. During 1933 through 1951 Lot 44 was developed with a three- and four-story manufacturing building used to manufacture iceboxes. The site remained unchanged until in 1995 it was identified as a parking area.

Adjoining Properties: Between 1933 and 1988, the westerly adjoining property was developed with a parking garage structure. The Sanborn maps note the presence of a buried gasoline tank at this property

during those years. By 1992, the structure on this lot had been demolished and the lot was then identified as a parking lot. No other changes to this lot were identified on subsequent historical maps.

Assessment

The site reconnaissance coupled with the investigation of historical uses on the site and adjoining properties as well as a review of regulatory agency databases revealed no evidence of conditions considered to be significant or to represent a material threat of a release at Site 9. Although the Screening Assessment did not recommend any further actions, based on historical uses, DEP is requiring that a Phase II ESI be prepared for this site.

Site 10– (Block 3138)

Lot 11: This lot is encompasses approximately 4,000 square feet of land and is situated approximately 250 feet of the southeast intersection of Flushing Avenue and Garden Street. The NYCDOF identifies the owner of this parcel as Judith Maisonave. Lot 11 is developed with two three-story residential buildings that were constructed prior to 1887. Two sets of fill ports and vent pipes, were observed at the southwest boundary of this lot, which fronts Garden Street. The vent pipes were mounted on the exterior walls of each of the on-Site buildings. No leaks or spills were observed in the areas of these vent pipes or fill ports. According to the regulatory agency database report, no fuel storage tanks are registered to this parcel with the New York State Department of Environmental Conservation (NYSDEC) Petroleum Bulk Storage (PBS) unit.

From 1887 through 1996, this lot was developed with two three-story dwellings.

Adjoining Properties: From 1935 through 1965, the lot at the southern end of the Block on which the Site 10 is located (Block 3138) was developed with a gasoline station at which four buried gasoline tanks were noted. From 1981 through 1996, no structures were noted on this lot; however, the land was used as an automobile storage yard.

Assessment

The site reconnaissance coupled with the investigation of historical uses on the site and adjoining properties as well as a review of regulatory agency databases revealed no evidence of conditions considered to be significant or to represent a material threat of a release at Site 10. Although the Screening Assessment did not recommend any further actions, based on historical uses, DEP is requiring that a Phase II ESI be prepared for this site.

Site 11– (Block 3137)

Lot 51: This lot encompasses approximately 2,880 square feet of land and situated at the southeast corner of the intersection of Flushing Avenue and Beaver Street. The New York City Department of Finance (NYCDOF) identifies the owner of this parcel as Lydia Delucia. Lot 51 is developed with a single-story commercial store that was constructed in approximately 1918. The occupants of this structure, as identified during the area reconnaissance and through a review of available references, are Hernandez Grocery Store, S&D Pizzeria and No. 1 Chinese Restaurant. No fill ports or vent pipes, items typically associated with fuel storage tanks, were observed on either lot during the perimeter reconnaissance.

In 1887, the northwestern corner of this lot was developed with a two-story structure, occupied by a bakery. A two-story dwelling occupied the land east of the bakery and a two-story store fronted Beaver Street. By 1904, the bakery was identified only as a store. By 1918, this Site lot was entirely developed with the current structure, described as a single-story commercial building. In 1918, it was occupied by a paper box manufacturer. From 1935 until 1950, this Site lot was occupied as an automobile repair facility. From 1965 until 1986, this Site lot was used as a plumbing wholesale warehouse. Between 1987 and 1991, the lot remained developed with the current structure; however, no occupants were noted during this time. Between 1993 and 1996, the current structure was described as a commercial building, occupied by four unidentified commercial tenants. None of the Sanborn maps identified the presence of buried tanks at this Site lot.

Adjoining Properties: Between 1935 and 1996, the property west of Lot 51, across Beaver Street, was developed with a single-story building, occupied by an automobile body building business. The maps further note the presence of a 1,500-gallon buried fuel oil tank on this property. In addition, between 1986 and 1996, the property southwest of Lot 51, across Beaver Street, was used as an auto repair business. None of the Sanborn maps identified the presence of buried tanks at this southwesterly adjoining lot.

Assessment

The site reconnaissance coupled with the investigation of historical uses on the site and adjoining properties as well as a review of regulatory agency databases revealed no evidence of conditions considered to be significant or to represent a material threat of a release at Site 11.

Proposed Mapped Streets

As two new street segments are proposed to be built and formally bestowed to the City on properties currently owned by the Applicant, a Phase I ESA was conducted for the two lots (Block 3140, Lot 50 and Block 3152, Lot 100).

Block 3140, Lot 50: This lot is located on the southern side of Montieth Street. It is utilized as an asphalt-paved parking area for the adjoining ambulance company located at 930 Flushing Avenue.

From at least 1888 through 1907, this lot was a portion of Bremen Street, which ran north-south from Flushing Avenue. The street was renamed Stanwix Street somewhere between 1907 and 1933. Lot 50 appears to be a portion of Stanwix Street between Monteith Street and Forrest Street until 1951. The 1965 through 1995 Sanborn maps indicated that the portion of Stanwix Street that make up Lot 50 is now considered a “private drive” and is no longer a public roadway.

A Phase I Environmental Site Assessment (ESA) was conducted for Block 3140, Lot 50 by ATC Associates in May of 2008. ATC recommended the performance of a Phase II Environmental Site Investigation (ESI) to assess soil and groundwater conditions beneath the Lot 50 that may have been impacted as a result of historical uses on surrounding properties.

Block 3152, Lot 100: Lot 100 currently consists of an asphalt-paved roadway. This roadway can be accessed from Evergreen Avenue and allows access to the commercial warehouses located on the adjoining properties to the north and the south.

ATC’s review of historical Sanborn maps identified as Prospect Street in 1888 and Noll Street from 1907 through 1995. Surrounding properties to the north, northwest and southwest were developed with

breweries, vacant lots and dwellings in 1888. With the exception of the southern adjacent property identified as beer storage and shipping in 1982 through 1995, the remaining surrounding properties associated with the brewery were identified as vacant lots in 1982. The property was developed with Mademoiselle Knit Wear in 1988 through 1995. The surrounding properties to the east were identified with dwellings, vacant lots, tailors, an iron works, school, playground, a private garage, and manufacturing use. The block to the southwest was developed with a private filling station from at least 1951 through 1981 when brewery operations ceased. There was a historical gasoline tank identified at the location of a garage from at least 1933 through 1990. Based on the available information, no recognized environmental conditions were identified in connection with the Site and surrounding properties historical usages.

A Phase I Environmental Site Assessment (ESA) was conducted for Block 3152, Lot 100 by ATC Associates in May of 2008. The site was not listed on any of the federal agency databases reviewed. ATC recommended no further action on this site.

E. FUTURE CONDITIONS WITHOUT THE PROPOSED ACTIONS

The future conditions of the proposed rezoning area without the proposed actions could involve building construction, additions and conversions. Construction of new buildings for as-of-right uses under the current zoning would not require examination of environmental conditions at these sites. Residual contamination could be encountered by construction workers without their knowledge. The use of new buildings for manufacturing would have workers potentially exposed to petroleum and non-petroleum compounds. Worker exposures to these chemicals are regulated by the Occupational Safety and Health Administration (OSHA), which publishes acceptable exposure levels for chemicals in the workplace.

Without the proposed rezoning and mapping actions, the land use in the study area is likely to remain as it is today, a mixed commercial, manufacturing and residential area.

F. FUTURE CONDITIONS WITH THE PROPOSED ACTION

In the future with the proposed action, the rezoning would convert the area to a residential district and residential structures could be built as-of-right. In ground excavation would be required for the cellar garages on Sites 1-4. Excavation for utilities will be required on the proposed new streets (Block 3152, Lot 100 and Block 3140, Lot 50).

Phase I ESAs were conducted for all of the sites owned by the Applicant (Sites 1-4). The sites not owned or controlled by the Applicant and expected to be developed as a result of the proposed rezoning were reviewed for possible hazardous material contamination. The assessments above established that all of the projected and potential development sites and the portions of Stanwix Street and Noll Street proposed to be mapped have some potential of hazardous material contamination.

As a result, the proposed zoning map actions include (E) designations for eight of the projected development sites, three of the potential development sites and the portions of Stanwix Street and Noll Street proposed to be mapped. By placing (E) designations on sites where there is a known or suspect environmental concern, the potential for an adverse impact to human health and the environment resulting from the Proposed Action would be reduced or avoided. The (E) designation provides the impetus to identify and address environmental conditions so that significant adverse impacts during site development would be reduced. The New York City OER would provide the regulatory oversight of the environmental investigation and remediation during this process. Building permits are not issued by the Department of

Buildings without prior OER approval of the investigation and/or remediation pursuant to the provisions of Section 11-15 of the NYC Zoning Resolution (Environmental Requirements).

The (E) designation would require that the fee owner of such a site conduct a testing and sampling protocol and have an approved remediation plan where appropriate, to the satisfaction of the OER. The NYC Department of Buildings will typically issue the foundation permits when OER approves the remedial action work plan – the actual remediation is usually done concurrently with the construction. The remediation plan provided to OER to satisfy the (E) designation must also include a mandatory construction-related health and safety plan, which must also be approved by OER.

The (E) designation requirements related to hazardous materials would apply to all lots associated with all projected and potential development sites:

Projected Development Sites:
Block 3139, Lots 18-21, 23-26 (Projected Development Site 1; Applicant Owned)
Block 3141, All Lots (Projected Development Site 2; Applicant Owned)
Block 3152, Portion of Lot 3 (Projected Development Site 3; Applicant Owned)
Block 3152, Lots 1, 2, portion of Lot 3, 45, 48, 56, 62-64, 66 (Projected Development Site 4; Applicant Owned)
Block 3152, Lots 36-38, 41, 43 (Projected Development Site 5)
Block 3138, Lots 20, 22 (Projected Development Site 6)
Block 3138, Lot 32 (Projected Development Site 7)
Block 3137, Lot 8 (Projected Development Site 8)

Potential Development Sites:
Block 3152, Lot 9 (Potential Development Site 9)
Block 3138, Lot 11 (Potential Development Site 10)
Block 3137, Lot 51 (Potential Development Site 11)

Proposed Streets to be Mapped:
Block 3140, Lot 50 (Proposed Stanwix Street to be mapped)
Block 3152, Lot 100 (Proposed Noll Street to be mapped)

The (E) designation text related to hazardous materials is as follows:

Task 1

The applicant must submit to the New York City Office of Environmental Remediation (OER), for review and approval, a Phase 1 Environmental Site Assessment (ESA) 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 (CHASP) would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to 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 the New York State Department of Environmental Conservation (NYSDEC)) should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed.