Douglaston Parkway & Northern Boulevard Rezoning

241-15 Northern Boulevard & 43-80 Douglaston Parkway, Queens, New York

Block 8092, Tax Lots 5 & 39

and portions of Lots 205, 25, 28 & 33

Application for a Zoning Map Amendment

from R1-2 to R6A and R6A/C1-2

to Zoning Sectional Map 11a

CEQR Reference Number: 06DCP092Q

ULURP Reference Number: 060432ZMQ

Environmental Assessment Statement

Lead Agency:
Department of City Planning
120 Broadway, 31St Floor
New York, NY 10271

Prepared for:
241-15 Northern, LLC & North Shore Realty Group, Corp

Prepared by:
Equity Environmental Engineering, LLC
500 International Drive, Suite 150
Mount Olive, NJ 0782

August 16, 2018

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

FOR UNLISTED ACTIONS ONLY • *Please fill out and submit to the appropriate agency* (see instructions)

Part I: GENERAL INFORMATION

1. *Does the Action Exceed Any Type I Threshold in 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)?* ☐ YES ☒ NO

If "yes," **STOP** and **complete the FULL EAS FORM**.

2. *Project Name* Douglaston Parkway & Northern Boulvard Rezoning

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
06DCP092Q	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
060432ZMQ	

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY			NAME OF APPLICANT		
Department of City Planning			241-15 Northern, LLC and North Shore Realty Group		
NAME OF LEAD AGENCY CONTACT PERSON			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON		
Robert Dobruskin			Kevin Williams, Equity Environmental Engineering		
ADDRESS 120 Broadway, 31st Floor			ADDRESS 500 International Drive #150		
CITY New York	STATE NY	ZIP	CITY Mount Olive	STATE NJ	ZIP 07828
TELEPHONE 212-720-3423	EMAIL rdobrus@planning.nyc.gov		TELEPHONE 973-527-7451x301	EMAIL kevin.williams@equityenvironmental.com	

5. *Project Description*

The Applicants, 241-15 Northern, LLC and North Shore Realty Group, Corp are seeking a Zoning Map Amendment from R1-2 to R6A for Tax Block 8092; Lot 5, 205 (part), 25 (part), 28 (part), 33 (part) and to R6A/C1-2 Tax Block 8092, Lot 39.

Additionally, a Zoning Text Amendment to Appendix F of the Zoning Resolution is proposed to designate the Affected Area a Mandatory Inclusionary Housing Designated Area ("MIH"). The applicants propose mapping MIH Option 2 within the Affected Area. A percentage of the proposed dwelling units would be affordable independent residences for seniors (AIRS) pursuant to Option 2 of the Mandatory Inclusionary Housing program, resulting in an affordable housing set-aside for 30 percent of the residential floor area at an average of 80 percent AMI. This would result in the production of approximately 34 total affordable units on the two development sites.

The proposed actions would facilitate a proposal by the applicant North Shore Realty Group to construct an 8 story, 51,128 gross square foot residential building containing 24 residential units and 17 accessory parking spaces at 43-80 Northern Boulevard (Block 8092, Lot 25, "Proposed Development Site 1") and a proposal by 241-15 Northern, LLC to construct a 5-story 81,860 gross square foot mixed use building containing a 12,678-square foot ground floor restaurant and 59 residential units, with 89 accessory parking spaces at 241-15 Northern Boulevard (Block 8092, Lot 39, "Proposed Development Site 2").

Project Location

BOROUGH Queens	COMMUNITY DISTRICT(S) 11	STREET ADDRESS 241-15 Northern Blvd and 44-10 Douglaston Parkway
TAX BLOCK(S) AND LOT(S) Block 8092, Lots 25 and 39 (Applicant Owned) Block 8092, Lots 5, 205 (part), 28 (part), 33 (part) (non-applicant owned)		ZIP CODE 11363
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS west side of Douglaston Parkway north of Northern Boulevard		

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R1-2 | ZONING SECTIONAL MAP NUMBER 11a

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

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

- ☐ 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 AUTHORIZATION
- ☐ ACQUISITION—REAL PROPERTY
- ☐ DISPOSITION—REAL PROPERTY
- ☐ OTHER, explain:
- ☐ CONCESSION
- ☐ UDAAP
- ☐ REVOCABLE CONSENT
- ☐ FRANCHISE

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION Appendix F: Inclusionary Housing Designated Areas for CD11 Queens

***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:

7. *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
- ☒ TAX MAP
- ☒ PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP
- ☒ ZONING MAP
- ☐ FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)
- ☒ SANBORN OR OTHER LAND USE MAP

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 112,895

Roads, buildings, and other paved surfaces (sq. ft.): approx. 50,000

Waterbody area (sq. ft) and type:

Other, describe (sq. ft.): approx 62,895 landscaping and vacant lots

8. *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): 132,988

NUMBER OF BUILDINGS: 2

GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 51,128; 81,860

HEIGHT OF EACH BUILDING (ft.): 83.5; 75.6

NUMBER OF STORIES OF EACH BUILDING: 8; 5

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: 23,133

The total square feet not owned or controlled by the applicant: 89,762

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 permanent and temporary disturbance (if known):

AREA OF TEMPORARY DISTURBANCE: 20,000 sq. ft. (width x length)

VOLUME OF DISTURBANCE: 240,000 cubic ft. (width x length x depth)

AREA OF PERMANENT DISTURBANCE: 18,000 sq. ft. (width x length)

Description of Proposed Uses (please complete the following information as appropriate)

	Residential	***Commercial***	***Community Facility***	***Industrial/Manufacturing***
Size (in gross sq. ft.)	120,310	12,678		
Type (*e.g.,* retail, office, school)	83 units	restaurant		

Does the proposed project increase the population of residents and/or on-site workers? ☒ YES ☐ NO

If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: 220 NUMBER OF ADDITIONAL WORKERS: 38

Provide a brief explanation of how these numbers were determined: based on CD11 average household size of 2.65 persons, three workers for every 1,000 square feet of restaurant space

Does the proposed project create new open space? ☐ YES ☒ NO If "yes," specify size of project-created open space: sq. ft.

Has a No-Action scenario been defined for this project that differs from the existing condition? ☐ YES ☒ NO

If "yes," see Chapter 2, "Establishing the Analysis Framework" and describe briefly:

9. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2020

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 18-24

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

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

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

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

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 Short 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.		
(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 200 or more residential units?	☐	☒
○ Generate a net increase of 200,000 or more square feet of commercial space?	☐	☒
○ Directly displace more than 500 residents?	☐	☒
○ Directly displace more than 100 employees?	☐	☒
○ Affect conditions in a specific industry?	☐	☒
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, hospitals and other health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
○ **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)	☐	☒
○ **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)	☐	☒
○ **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)	☐	☒
○ **Health Care Facilities and Fire/Police Protection:** Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the proposed 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?	☐	☒
○ If "yes," would the proposed project generate more than 50 additional residents or 125 additional employees?	☐	☐
(c) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☒	☐
○ If "yes," would the proposed project generate more than 350 additional residents or 750 additional employees?	☐	☒
(d) If the project in located an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	☐	☒

	YES	NO
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?	☐	☒
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?	☐	☒
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 proposed 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: historic use of Lot 39 for a gas station	☒	☐
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?	☐	☒
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13?	☐	☒
(d) Would the proposed 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	☐	☒

	YES	NO
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 generate contaminated stormwater in a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
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): 12,162		
○ 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?	☐	☒
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): 15,036,833		
(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 screening analyses, attach appropriate 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 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?	☐	☒
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) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18?	☐	☐
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?	☐	☒
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		

	YES	NO
(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. E Designations have been identified that will prevent significant AQ and Noise Impacts		
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. No adverse impacts would occur to any of the elements that contribute to neighborhood character.		
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. All construction activity would be performed in compliance with DOT and DOB regulations		

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	DATE
Kevin Williams	August 12, 2018

SIGNATURE

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
Deputy Director, EARD	Department of City Planning
NAME	DATE
Olga Abinader	August 17, 2018

SIGNATURE



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Appendices

1: WRP Forms

2: Landmarks Letter

3. Restrictive Declarations

Figure 1: Site Location Map



Figure 2: Tax Map

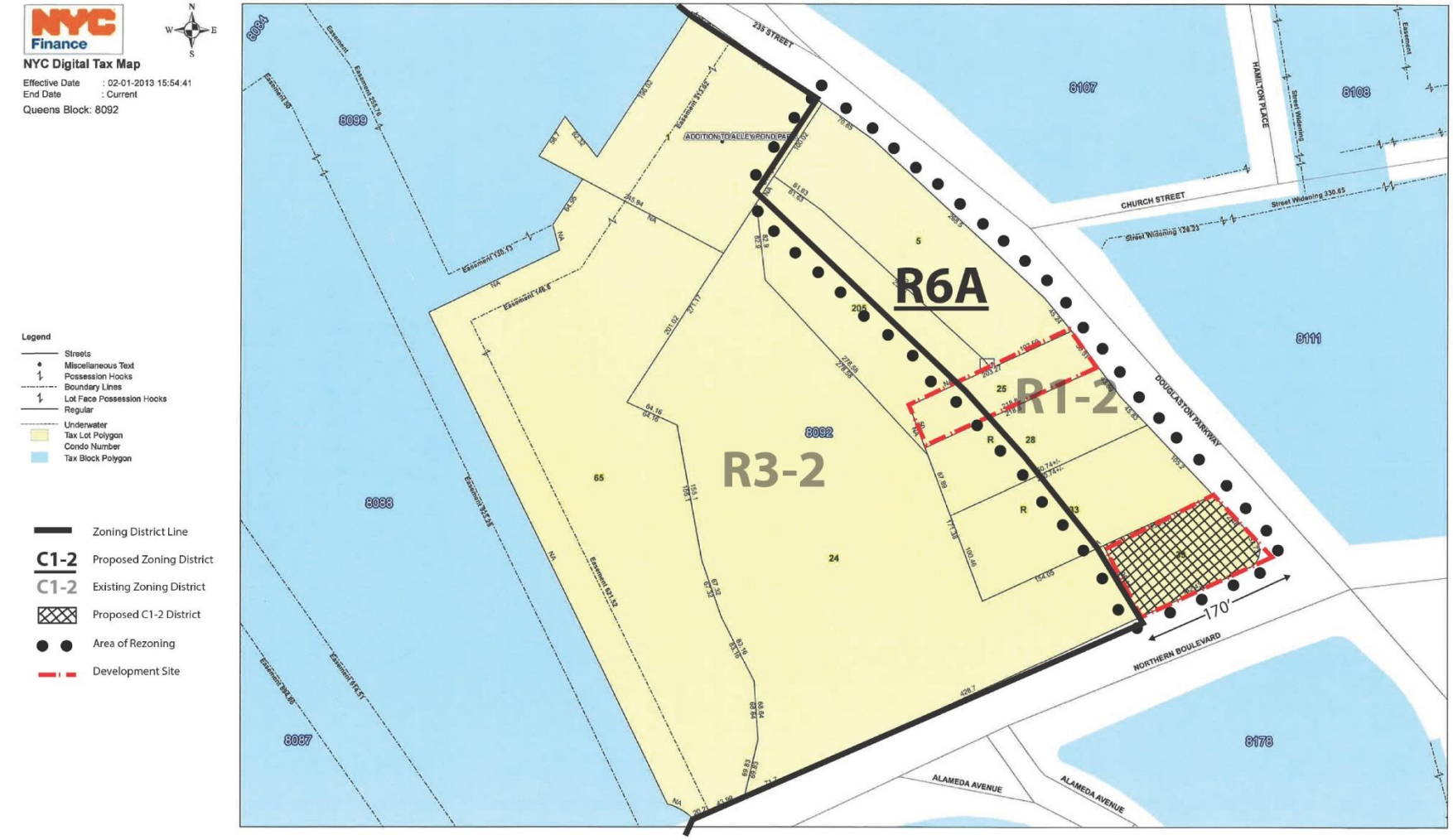


Figure 3: Zoning Map

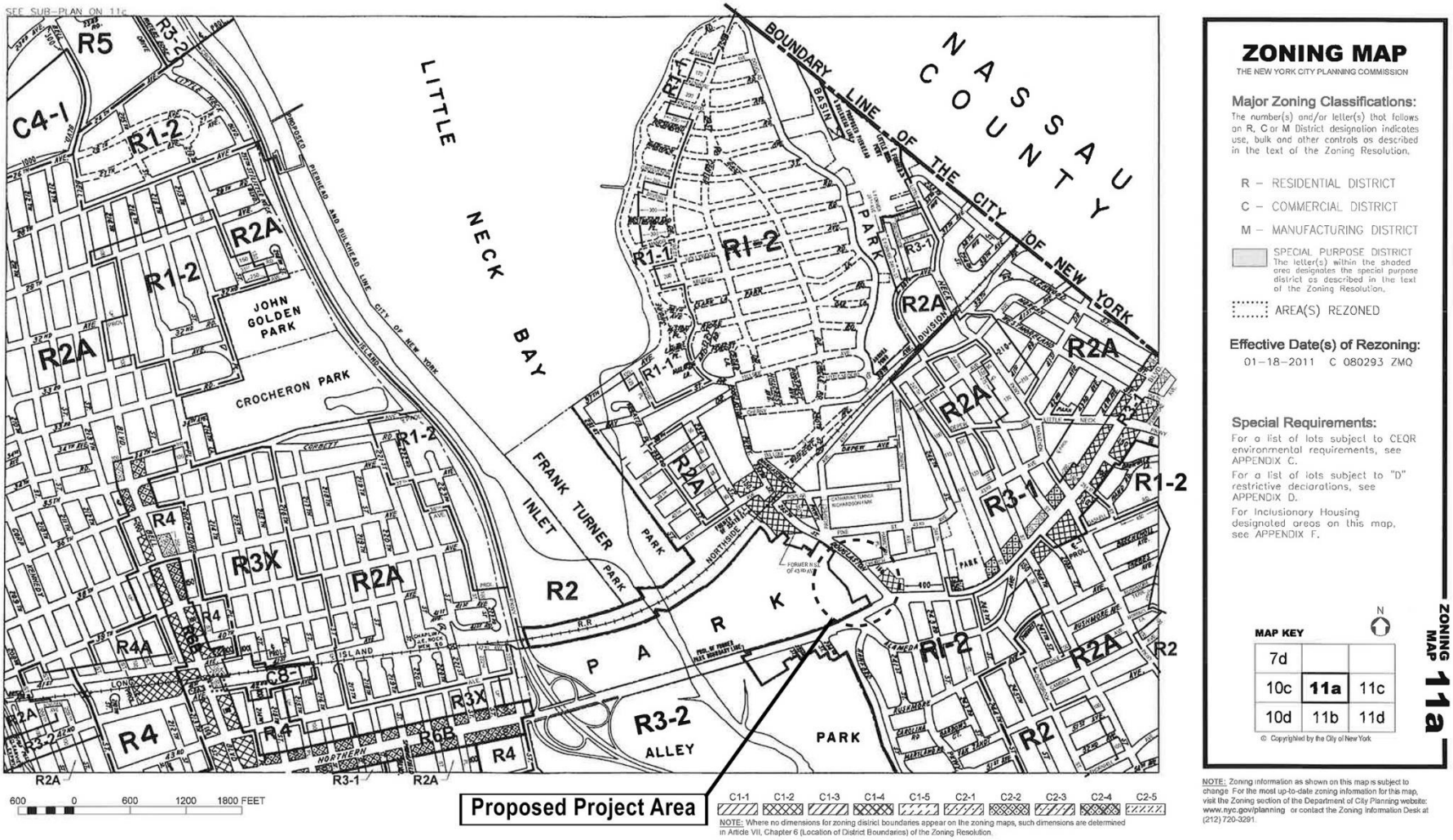


Figure 4: Zoning Change Map

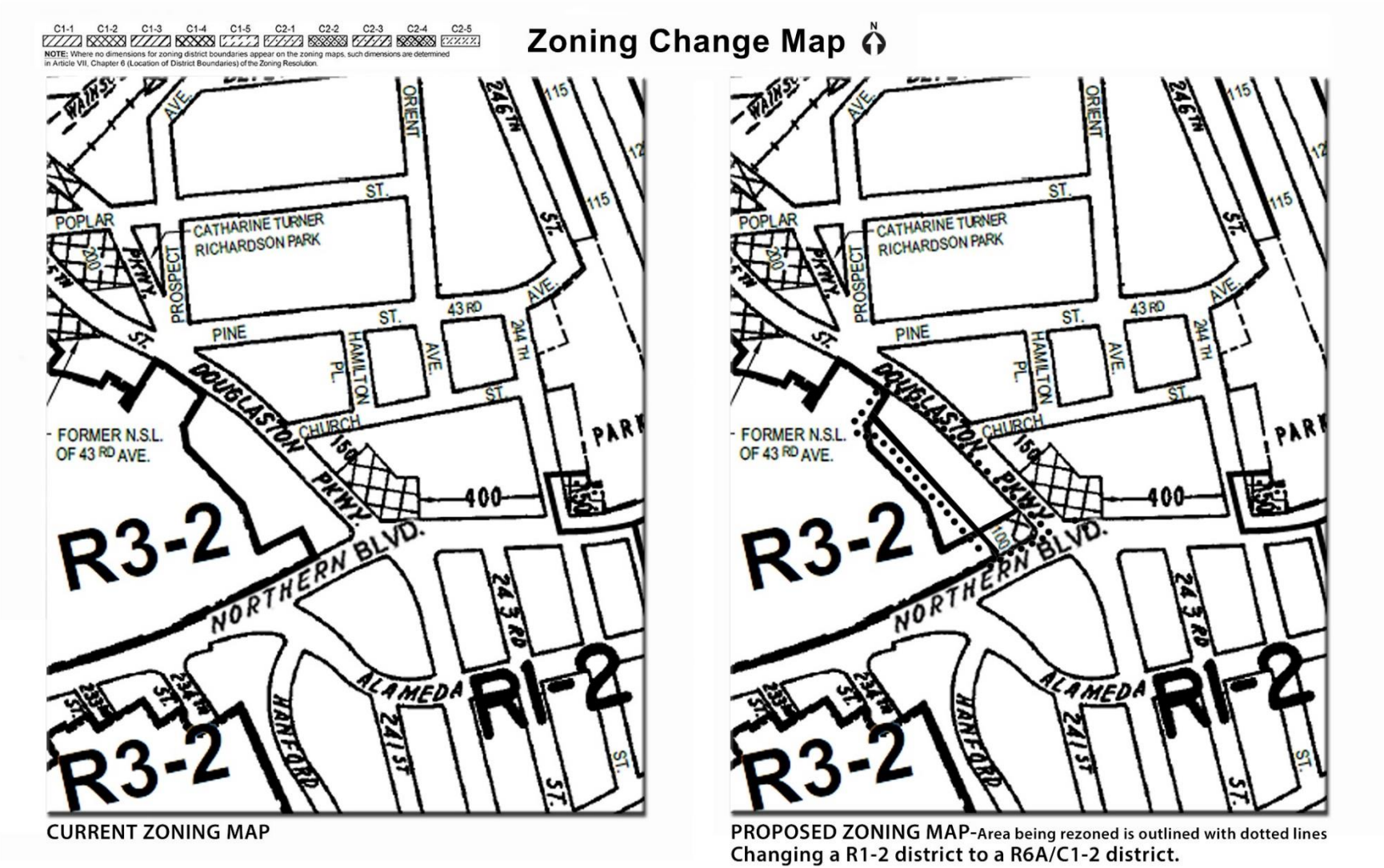


Figure 5: MIH Text Amendment Map

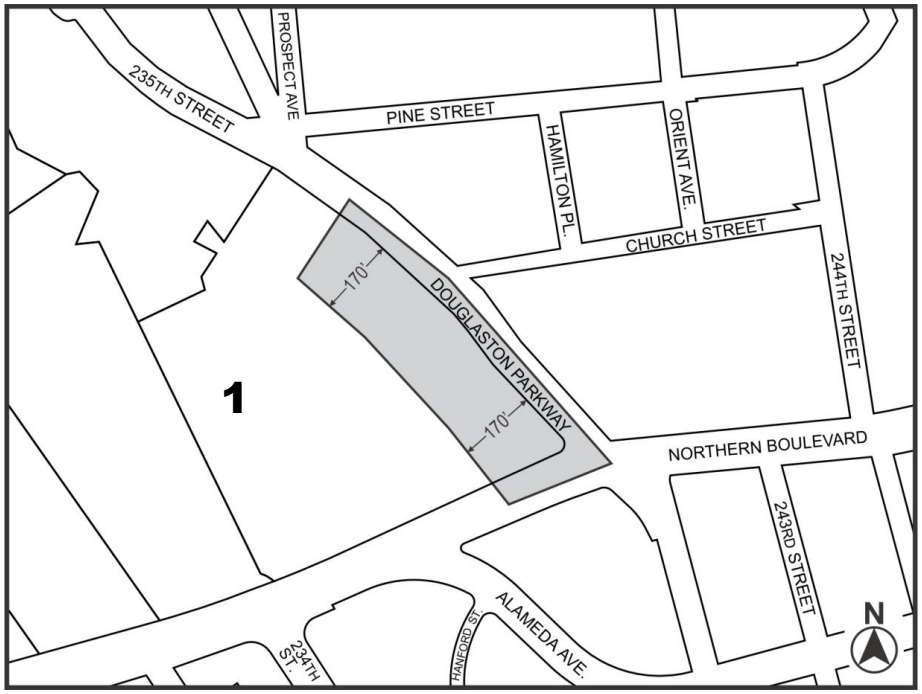
APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas
Queens Community District 11

In the R6A District within the area shown on the following Map 1:

Map 1 - [date of adoption]

[PROPOSED MAP]



Mandatory Inclusionary Housing Area (MIHA)- see Section 23-154(d)(3)

1 Area 1 – [date of adoption] – MIH Program
Option 1 and Option 2

Portion of Community District 11, Queens

* * *

Figure 6: Land Use and Radius Diagram

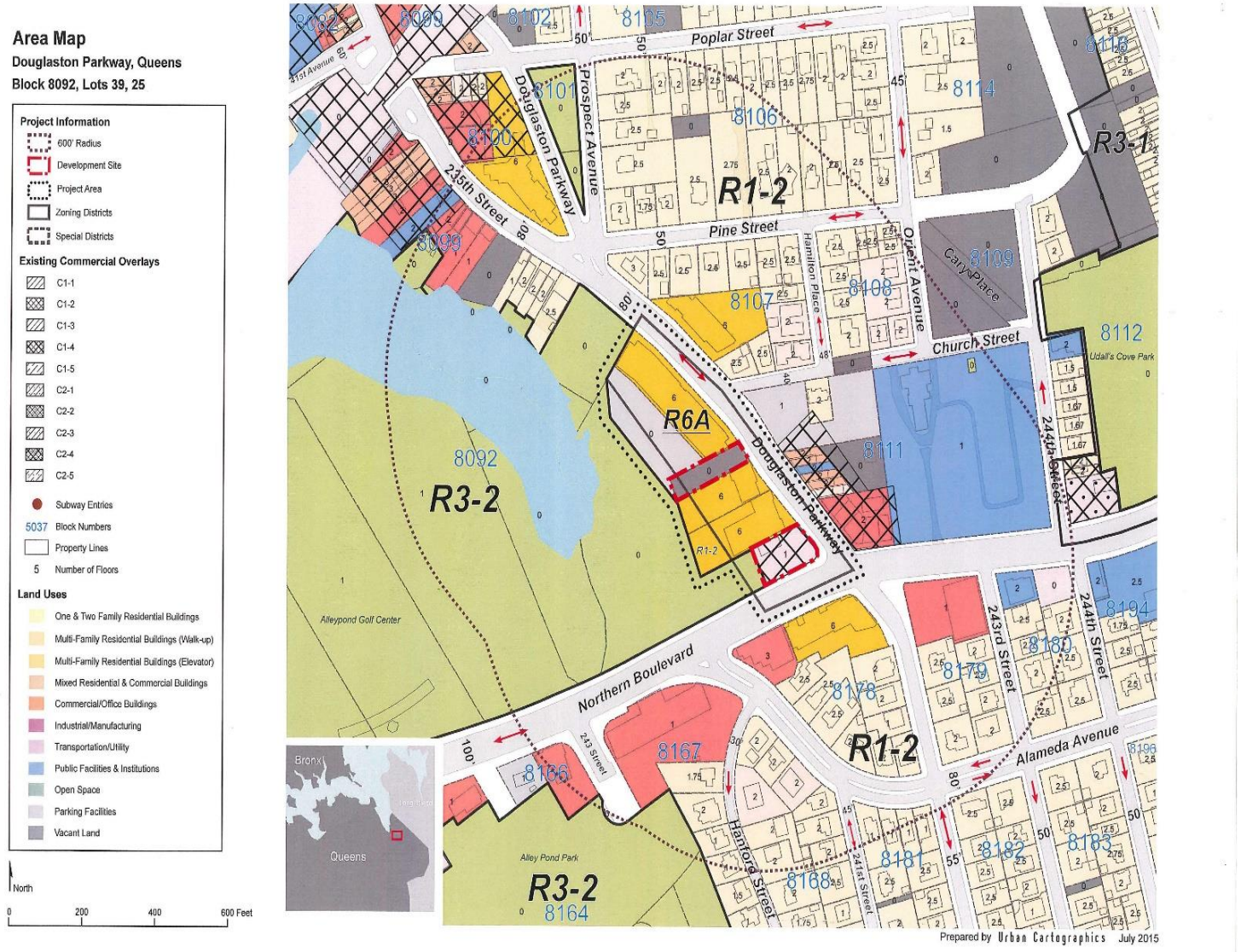


Figure 7: Site Photo Location Map and Site Photographs (1-12)



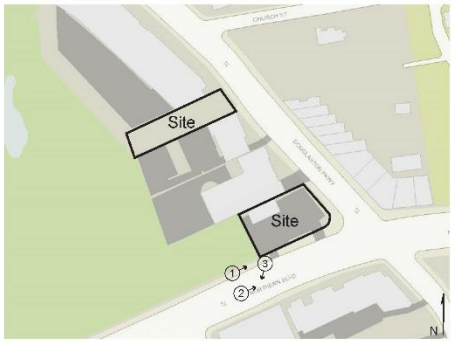
1. View of the sidewalk along the north side of Northern Boulevard facing northeast (Site at left).



2. View of Northern Boulevard facing northeast (Site at left).



3. View of the side of Northern Boulevard facing southwest from the Site.



Photographs Taken on August 9, 2018

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Douglaston Parkway, Queens



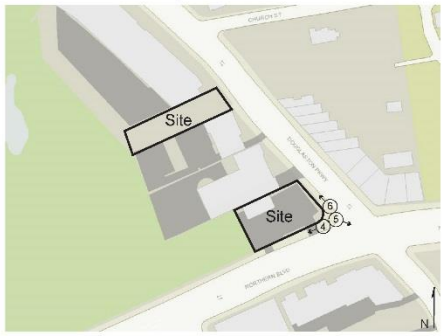
4. View of the sidewalk along the north side of Northern Boulevard facing southwest (Site at right).



5. View of the intersection of Northern Boulevard and Douglaston Parkway facing east from the Site.



6. View of the sidewalk along the south side of Douglaston Parkway facing west from Northern Boulevard (Site at left).



Photographs Taken on August 9, 2018

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Douglaston Parkway, Queens



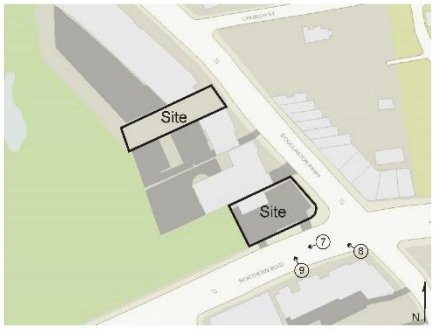
7. View of Northern Boulevard facing west from Douglaston Parkway (Site at right).



8. View of the Site facing northwest from Northern Boulevard.



9. View of the Site facing north from Northern Boulevard.





10. View of the Site facing northeast from Northern Boulevard.



11. View of Northern Boulevard facing west from Douglaston Parkway (Site at right).



12. View of the Site facing southwest from Douglaston Parkway.





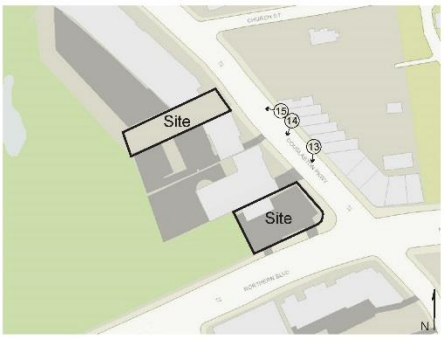
13. View of the Site facing south from Douglaston Parkway.



14. View of the side of Douglaston Parkway facing south.



15. View of the Site facing west from Douglaston Parkway.





16. View of the Site facing west from Douglaston Parkway.



17. View of the Site facing southwest from Douglaston Parkway.



18. View of the Site facing south from Douglaston Parkway.





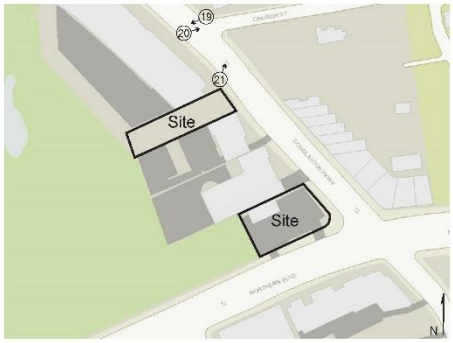
19. View of the side of Douglaston Parkway facing southwest.



20. View of Church Street facing east from Douglaston Parkway.



21. View of the side of Douglaston Parkway facing north.



Photographs Taken on August 9, 2018

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Douglaston Parkway, Queens



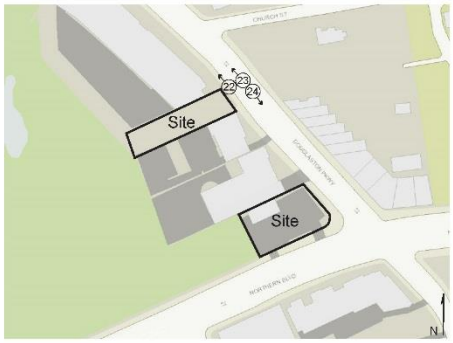
22. View of the sidewalk along the south side of Douglaston Parkway facing west (Site at left).



23. View of Douglaston Parkway facing northwest from the Site.



24. View of Douglaston Parkway facing southeast from the Site.



Photographs Taken on August 9, 2018

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Douglaston Parkway, Queens



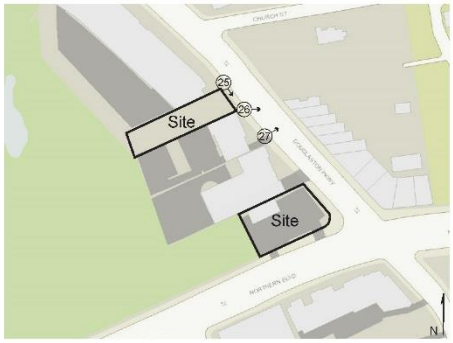
25. View of the sidewalk along the south side of Douglaston Parkway facing east (Site at right).



26. View of the side of Douglaston Parkway facing east from the Site.



27. View of the side of Douglaston Parkway facing northeast.

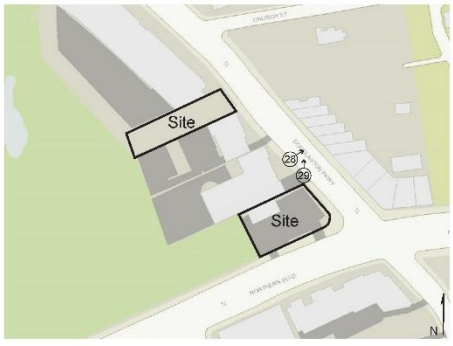




28. View of the side of Douglaston Parkway facing northeast.



29. View of the side of Douglaston Parkway facing north from the Site.



1.0 PROPOSED ACTION

1.1 Introduction

241-15 Northern, LLC and North Shore Realty Group, Corp. (the "Applicants") request approval of the following two actions:

1. A Zoning Map Amendment to Block 8092, Lots 5, 39 and p/o Lots 205, 25, 28 and 33 ("the affected area") to change the existing zoning designation of R1-2 to R6A and R6A/C1-2 (**Refer to Figures 3 and 4**); and

2. A Zoning Text Amendment to Appendix F of the Zoning Resolution to designate the Affected Area a Mandatory Inclusionary Housing Designated Area ("MIH"). The applicants propose mapping MIH Option 2 within the Affected Area (**Refer to Figure 4**). A percentage of the proposed dwelling units would be affordable independent residences for seniors ("AIRS") pursuant to Option 2 of the Mandatory Inclusionary Housing program, resulting in an affordable housing set-aside for 30 percent of the residential floor area at an average of 80 percent AMI. This would result in the production of approximately 34 total affordable units on the two development sites.

Pursuant to the proposed actions, North Shore Realty Group would construct an 8-story, approximately 51,128 gross square foot (34,068 zoning square feet) residential building containing 24 residential units, 14 of which would be affordable senior housing ("AIRS") under MIH Option 2, with 17 accessory parking spaces at 43-80 Northern Boulevard (Block 8092, Lot 25, "***Proposed Development Site 1***"). Additionally, 241-15 Northern, LLC would construct a 5-story 81,860 gross square foot (55,380 zoning square feet) mixed-use commercial and residential building containing a 12,678-square foot ground floor Use Group 6 eating and drinking establishment. The building would contain 59 residential units, 20 of which would be affordable senior housing under MIH Option 2, with 89 accessory parking spaces at 241-15 Northern Boulevard (Block 8092, Lot 39, "***Proposed Development Site 2***").

The proposed R6A zoning district permits residential and community facility uses. Under the MIH program, a FAR of 3.6 is permitted for providing on-site affordable housing. However, the maximum FAR is 3.9 for residential developments that provide affordable senior housing pursuant to the program requirements. The maximum permitted base height before setback is 65 feet and the maximum building height is 80 feet with a non-qualifying ground floor or 85 feet with a qualifying ground floor. Commercial development of 2.0 FAR would be permitted by the proposed C1-2 overlay.

Background

Development Site 2 has been subject to four actions by the Board of Standards and Appeals. On February 15, 1961, under BSA Cal. No. 603-37-BZ, the Board granted a variance for the construction of a gasoline service station with accessory uses, which grant was subsequently amended and extended at various times. On May 14, 1991, under BSA Cal. No. 216-88-BZ, the Board granted a variance to permit the construction of a three-story and penthouse office building (Use Group 6) contrary to use, floor area, open space ratio, maximum dwelling units, front yard setback, wall height, and sky-exposure plane regulations. However, construction pursuant to the variance never commenced and it expired on May 14, 1995. On September 8, 2008, under 134-06-BZ, the Board granted a variance to permit the proposed construction of a three-story residential building with 24 dwelling units and 34 accessory parking spaces (with three additional

reservoir spaces). On November 15, 2012, under 134-06-BZ, the Board granted an extension of the time to complete construction for a term of four years. However, the three-story building permitted by the most recent Board actions has not been constructed and the variance expired in 2016.

1.2 Description of the Affected Area

The area proposed for rezoning (the "Affected Area") is located within Queens Community District 11 and consists of a 112,895.26 square foot portion of an R1-2 zoning district. The affected area is located at the northwest corner of the intersection of Douglaston Parkway and Northern Boulevard extending to 702 feet north from said intersection, with an irregular depth ranging from 170 at its northern most boundary to 166 feet at its southern boundary.

The Affected Area consists of the following Tax Lots on Block 8092 (*Refer to Figure 1 for Lots affected by the Proposed Action, Figure 2 for identification of the tax lots associated with affected area and Figure 3 for the Affected Rezoning Area Boundary*):

- A portion of Tax Lot 25 (***Proposed Development Site 1***) at 43-80 Douglaston Parkway, Queens;
- Tax Lot 39 (***Proposed Development Site 2***) at 241-15 Northern Boulevard, Queens;
- Tax Lot 5 and a portion of Tax Lot 205 utilized as a single zoning lot; and
- Portions of Tax Lots 28 (***Potential Development Site 1***) and 33.

1.3 Description of the Affected Sites

The applicants control the development sites within the affected area that consists of Block 8092, Lot 25 (***Proposed Development Site 1***) and Block 8092, Lot 39 (***Proposed Development Site 2***). The proposed zoning map change would affect the entirety or portions of six tax lots within Tax Block 8092, including, from north to south:

•**Tax Lot 205 and 5**: Located immediately to the north of Development Site 1, have been declared to be a single zoning lot with a combined lot area of 67,752 square feet. Tax Lot 5 is a 35,596.4-square foot, irregularly-shaped interior lot containing a 6-story, 114,402 square foot (1.69 FAR with Tax Lot 5 and 205 combined; 3.21 FAR when calculated with just Tax Lot 5) residential building with 148 dwelling units which includes a doctor's office on the ground floor. The proposed rezoning would include the entirety of Tax Lot 5. Tax Lot 205 is a 32,156-square foot, irregularly-shaped parcel which is used as an accessory off-street parking lot for the building on Tax Lot 5. The proposed rezoning would include the central and eastern portions of Tax Lot 205. 21,185 square feet would be rezoned to R6A, and 10,970 square feet would remain R1-2.

•**Tax Lot 25 (*Proposed Development Site 1*)**: The property is a 10,432-sf vacant lot characterized by a steep downward grade change of approximately 20 feet at the rear portion of the lot. The proposed rezoning would include 8,615 sf of the central and eastern portions of Tax Lot 25. The remaining 1,816.2 square feet would remain R1-2.

•**Tax Lot 28 (Potential Development Site):** 20,232 sf lot currently contains a 7-story, 29,388 sf (1.45 FAR) residential building with 44 dwelling units. The proposed rezoning would include the central and eastern portions of Tax Lot 28, consisting of 15,158 square feet of lot area. The remaining 5,074 square feet would remain R1-2.

•**Tax Lot 33:** 27,011 sf lot currently contains a 6-story, 66,342 square foot (2.46 FAR) residential building with 66 dwelling units. The proposed rezoning would include the central and eastern

portions of Tax Lot 33, consisting of 17,822 sf of lot area. The remaining 9,189 sf would remain R1-2.

•**Tax Lot 39 (*Proposed Development Site 2*):** Located at the northwest corner of the intersection of Northern Boulevard and Douglaston Parkway. Development Site 2 consists of Block 8092, Tax Lot 39 in its entirety. The 14,517.7-sf lot, currently serves as a private parking lot for the restaurant Giardino by Russo's on the Bay, which occupies a portion of the ground floor in a leased property across Douglaston Parkway. Lot 39 contains open parking, as well as a one-story, 1,600-square foot structure formerly used for auto repair and currently used as a parking attendant's station.

The Affected Area is located immediately west of a Coastal Storm Impact Zone and lies within the Alley Creek-Little Neck Bay Watershed Area and the WRP Coastal Zone. Alley Pond Park, to the immediate west, is designated as a Special Natural Waterfront Area (SNWA); however, the Development Sites are not designated as a SNWA.

Table 1-1: Affected Lots- Existing Conditions

Lot	Address	Ownership	Lot Size (ft^2)	# buildings	# Floors	Use	Zoning Floor Area	FAR	Maximum Allowable FAR Under Proposed Action	Built FAR as percentage of proposed FAR
5	43-60 Douglaston Pkwy	Non-Applicant	35,596.4	1	6	residential/ dentist office	115,202	3.21	3.6; 3.9 for AIRS	89%; 82% for AIRS
205	43-60 Douglaston Pkwy	Non-Applicant	32,156	0	0	accessory parking for Lot 5	0	0^	2.54; 2.74 for AIRS	0
25	Douglaston Pkwy	Applicant	10,432	0	0	vacant	0	0	3.06; 3.3 for AIRS	0
28	44-20 Douglaston Pkwy	Non-Applicant	20,232	1	6	residential	29,388	1.45	2.82; 3.05 for AIRS	51%; 48% for AIRS
33	44-30 Douglaston Pkwy	Non-Applicant	27,011	1	6	residential	66,342	2.46	2.54; 2.74 for AIRS	97%; 90% for AIRS
39	241-15 Northern Blvd	Applicant	14,517.7	1	1	Accessory parking for Block 8111, Lot 1	1,624	0.1	3.6; 3.9 for AIRS	3%; 2.5% for AIRS

1.4 Description of Surrounding Area

The affected area is in the Douglaston section of Queens Community District 11, within an R1-2 zoning district that contains a mix of single-family homes as well as non-complying multi-family residential buildings, commercial uses, and parkland. The R1-2 district extends generally from Alley Pond Park in the west to 247th Street in the east, from Horace Harding Parkway in the south

to Long Island Sound in the north. A C1-2 commercial overlay is mapped on the northeast corner of Northern Boulevard and Douglaston Parkway, across the street from the affected area. An additional C1-2 overlay is mapped around the Douglaston LIRR station, located approximately two blocks north of the affected area.

The affected area is situated along the northeastern boundary of Alley Pond Park, which is operated by the New York City Department of Parks and Recreation. At approximately 657 acres, this park is the second largest in Queens and encompasses a diverse ecosystem comprised of meadows, forests and both fresh and saltwater wetlands. The park is home to numerous athletic fields, courts, and facilities, and provides opportunities for residents to hike, cycle, fish and bird watch. The park separates Douglaston, to the east, and Bayside, to the west, and is itself intersected by both the Long Island Expressway (running east and west) and the Cross Island Expressway (generally running north and south). The park extends on the north to Little Neck Bay and on the south to just south of the Grand Central Parkway. The portion of Alley Pond Park to the west of the affected area is unimproved for public use and contains overgrown vegetation. Farther west within the park is a golf driving range. Across Northern Boulevard to the south of the affected area is 6-story residential building that is a non-complying use in the R1-2 zoning district. To the east of the affected area across Douglaston Parkway are a six-story residential building that is a non- complying use in the R1-2 district, a two-family detached residence that is a non-complying use in the R1-2 district, and a series of two-story structures with ground floor commercial and upper residences within an R1-2 district mapped with a C1-2 commercial overlay.

1.5 Description of Proposed Development

Pursuant to the proposed Zoning Map Amendment, the proposed development of ***Development Site 1 (Lot 25)*** will consist of an eight-story residential building containing 24 dwelling units, 14 of which would be affordable independent housing for seniors. This building would have a base height of 60 feet and a maximum height of 80 feet and would contain 51,128 gross square foot (34,068 zoning square feet) of floor area. The proposed Floor Area Ratio (FAR) would be 3.26, which would be permitted under the proposed R6A district provisions (which permits a 3.9 FAR for residential developments that provide affordable senior housing pursuant to the program requirements). The building would contain two levels of unattended below-grade accessory parking for 17 vehicles. The parking facility would be served by a new curb cut on Douglaston Parkway.

Development Site 2 (Lot 39) will consist of a five-story mixed use development containing a 12,678 square foot Use Group 6 eating and drinking establishment on the first floor along with 59 residential units on floors 2 through 5. 20 of the 59 units will be affordable senior housing (“AIRS”). There would be 42,702 square feet of residential floor area on the upper floors, for an average unit size of approximately 1,000 square feet. The proposed building would contain a total of 81,860 gross square feet (55,380 zoning square feet) and 89 accessory parking spaces. 63 of these spaces are provided to satisfy the requirement of 1 space per 200 square feet of the proposed 12,678.21 square feet of commercial space. Of these 89 spaces, 60 will be in the sub-cellar level garage. An additional 29 commercial spaces will be in the cellar level garage. The parking garage would be accessed from a two-way curb cut on Northern Boulevard. The building’s total gross floor area, inclusive of an attended 89-space accessory parking garage in the cellar and sub cellar, would be 81,860 gross square feet, with a proposed FAR of 3.82.

The proposed R6A district will extend along Douglaston Boulevard, beginning at the northwest corner of the intersection of Northern Boulevard and Douglaston Parkway extending to a distance of 702 feet from said intersection, with a depth from Douglaston Parkway generally of 170 feet, except for the Lot 39 portion of the affected area, which has an approximate depth of 140 feet. The proposed C1-2 commercial overlay will include the area within 138.94 feet from Douglaston Parkway measured along Lot 39's northern lot line, 142.42 feet from Douglaston Parkway measured along Lot 39's southern lot line and 95.11 feet from Northern Boulevard measured along Lot 39's western lot line. The affected area is approximately 112,895.26 square feet, which includes 8,615.36 square feet of lot area in ***Proposed Development Site 1*** and 14,517.7 square feet of lot area in ***Proposed Development Site 2***.

Renderings of the proposed development for Proposed Development Sites 1 and 2 respectively are shown below:



Rendering- Proposed Development Site 1



Rendering- Proposed Development Site 2

Build Year

Factoring the ULURP process, closing for financing sources, and an 18-24-month construction schedule, the projected build year will be 2020.

1.6 Actions Necessary to Facilitate the Proposal

The applicants (241-15 Northern, LLC and North Shore Realty Group, Corp.) seek a rezoning from R1-2 to R6A and R6A/C1-2 affecting Tax Block 8092; Lot 5, 205 (part), 25 (part), 28 (part), 33 (part), and 39 and a Zoning Text Amendment to Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas for Community District 11, Queens to establish the

Affected Area as a Mandatory Inclusionary Housing ("MIH") Area. The approval of the proposed action would facilitate:

1. The development of an approximately 51,128 gross square foot (34,068 zoning square feet) 8-story residential building containing 24 dwelling units, 14 of which would be affordable senior housing ("AIRS") under Option 2 of the MIH and 17 accessory parking spaces on ***Proposed Development Site 1*** (Tax Block 8092, Tax Lot 25); and

2. The development of an 81,860 gross square foot (55,380 zoning square feet) 5-story mixed-use commercial and residential building containing a 12,678 square foot Use Group 6 eating and drinking establishment on the ground floor. The proposed building would contain 59 dwelling units, 20 of which would be affordable senior housing under MIH Option 2, with 89 parking spaces on ***Proposed Development Site 2*** (Tax Block 8092, Tax Lot 39).

The Zoning Change Map (**Figure 4**) shows the proposed zoning for the Affected Area. In addition to facilitating the development described above, the proposed zoning districts would bring existing apartment buildings in the Affected Area into conforming status. The existing R1-2 district permits only single-family detached residences.

1.7 Purpose and Need

The affected area's existing R1-2 zoning precludes development that would be consistent with the established built form of the area, and appropriate for the location near a commuter railroad station and a major arterial road with local and express bus service. The proposed action would change the existing R1-2 zoning district to R6A and R6A/C1-2. Under the proposed rezoning and text amendment, allowable residential FAR for AIRS housing would be 3.9 with the Inclusionary Housing Bonus with a maximum base height before setback of 65 feet with a maximum building height of 80 feet with a non-qualifying ground floor and 85 feet with a qualifying ground floor. Commercial development of 2.0 FAR would be permitted by the proposed C1-2 overlay. Approval of the proposed action would bring existing multi-family buildings into conformance with use regulations and closer into compliance with bulk regulations and would allow new development that is consistent with established land use patterns. The proposed R6A/C1-2 and R6A zoning would allow for the development of multi-family housing, including affordable housing, as well as a restaurant use that would serve local residents.

Lots 5/205, 28, and 33, which are all partially within the area proposed for rezoning are developed with Use Group 2 multi-family residences, which are not a permitted use within the existing R1-2 zoning district. Lot 5/205 is built at a FAR of 1.7, and the proposed rezoning of a portion of this parcel would allow development at 3.3 FAR for AIRS Lot 28 is built at a FAR of 1.45, and the proposed rezoning of a portion of this lot would allow development at 2.8 FAR for AIRS. Lot 33 is built at a FAR of 2.46, and the proposed rezoning of a portion of this lot would allow development at 2.5 FAR for AIRS.

A zoning text amendment to Appendix F is requested to designate the Affected Area an MIH for AIRS. The Applicant proposes to provide 30% of the residential floor area at both Proposed Development Sites 1 and 2 as affordable income units that will be AIRS units for seniors that are 62 and over. Through this zoning text amendment, the Development Sites will have increased FAR and the ability to provide more senior affordable units on-site. The City is in need of dwelling units at all income levels but is particularly short of senior affordable housing units. By making

the Affected Area a MIHA, the Applicants and all future owners will be required to provide a percentage of permanently affordable senior housing units.

1.8 Analysis Framework

This EAS studies the potential for individual and cumulative environmental impacts related to the Proposed Action. As shown above in **Figure 1: Site Location Map** the area affected by the proposed rezoning action consists of Block 8092, Lots 5, 39 and p/o Lots 205, 25, 28 and 33.

This environmental assessment considers the potential effects of the Proposed Action compared to future conditions without the approvals sought by the project sponsor. The use of these lots is presented in **Table 1 – Affected Lots – Existing Conditions** above.

RWCDS Future No-Action Assumptions

Under the affected area's existing R1-2 zoning, development would be limited to single-family detached houses. The existing multi-family residential buildings within the affected area would remain non-complying uses in a district where residential use is limited to single family detached houses.

RWCDS Future With-Action Assumptions

As discussed above in Section 1.5, the Proposed Action(s) would allow the intended redevelopment of the applicant owned properties (Proposed Development Site 1 and Proposed Development Site 2) with a total of 83 dwelling units, 34 of which would be affordable senior housing units, along with a 12,678 square foot eating and drinking establishment on Lot 39. The proposed development would nearly maximize the floor area permitted under the proposed R6A and R6A/C1-2 zoning.

Proposed Development Site 1 (Lot 25) would be partially rezoned from R1-2 to R6A. Proposed Development Site 1 would have an FAR of 3.26, which is permitted based on the sites proposed R6A district (which permits a 3.9 FAR for residential developments that provide affordable independent residences for seniors (AIRS) housing pursuant to the program requirements) and the area to remain R1-2 (which permits a 0.5 FAR for residential development). Combined allowable FAR for the split zoning lot would be 3.3 for a project providing AIRS. The development would contain approximately 51,128 gross square foot (34,068 zoning square feet) including approximately 17,000 square feet of below-grade parking. Due to the lot's narrow width, all windows would have to face the street or the rear yard. The approximately 34,068 square feet of above-grade residential floor area would produce twenty-four (24) residential units, of which fourteen (14) would be affordable AIRS pursuant to Option 2 of the MIH. The building would contain unattended below-grade accessory parking for seventeen (17) vehicles.

Proposed Development Site 2 (Lot 39) would be developed with a mixed residential and commercial building containing 81,860 gross square feet (55,380 zoning square feet) of floor area. The proposed FAR of 3.82 is permitted under the site's proposed R6A/C1-2 zoning district. The development would contain a 12,678-square foot restaurant and fifty-nine (59) dwelling units, of which twenty (20) would be affordable pursuant to MIH. The development would include an attended 89-space accessory parking garage in the cellar and sub cellar.

Potential Development Site 1: **Lot 28** is occupied by an existing 7-story residential building containing 44 dwelling units that is built to a FAR of 1.45 FAR. This is approximately 51% of the allowable FAR for the lot under the proposed rezoning of a portion of the lot, or 48% of allowable

FAR for an AIRS development. While redevelopment of this site under the proposed rezoning is not considered likely, it will be considered a potential development site. Such development is assumed to consist of a two-story vertical addition over the existing building, as well as the creation of a second double-loaded wing at the rear of the existing building. The proposed rezoning of a portion of this lot would allow new residential development at a FAR of 3.05 for an AIRS project. An enlargement that maximizes allowable development under the proposed action would contain 61,653 square feet of zoning floor area. Maximum building height would be 85 feet.

Other Affected Sites

The proposed zoning map amendment would affect multiple properties not under the applicants' control, as described above. The residential buildings which occupy Lots 5, 28, and 33 would become conforming uses. Owners of sites that are currently underdeveloped with respect to the proposed zoning may take advantage of the expanded floor area and uses allowed under the proposed R6A zoning. Pursuant to 2014 *CEQR Technical Manual* methodology, sites may be considered 'soft' if they are built to substantially less than the maximum allowable floor area ratio and are of a sufficient size or could be assembled into a parcel of sufficient size, to support a feasible development. The minimum size for an economically viable development site is typically considered to be approximately 5,000 square feet pursuant to *CEQR Technical Manual* methodology. Sites that have recently been developed or redeveloped are considered less likely to be soft, due to the significant recent investment in the current use.

Under the MIH program, a FAR of 3.6 is permitted for providing on-site affordable housing. However, the maximum FAR is 3.9 for residential developments that provide affordable independent residences for senior (AIRS) housing pursuant to the program requirements. The C1-2 overlay proposed for Lot 39 allows a FAR of 2.0 for commercial/community facility uses. As noted, the proposed rezoning would affect only a portion of lots 205, 28 and 33, as well as all of lot 5 and the applicants' properties on Lot 25 and Lot 39. Based on these criteria, the lots within the affected area that are not controlled by the project sponsors are unlikely to be developed under the proposed action:

- The existing 6- and 7-story residential/community facility buildings on lots 5/205 and 33 would become more closely conforming and complying with the proposed R6A zoning. These buildings are developed to 1.7 FAR (lots 5/205), and 2.46 FAR (lot 33). Because these buildings are built at or above 50% of the permitted FAR under the proposed zoning and are built to a height of sixty feet or greater, it is not expected that the proposed action would encourage additional development on these sites. The building on Lot 5/205 contains 148 dwelling units, and the building on Lot 33 has 66 dwelling units
- Lot 5 is developed with a six-story residential building containing 148 dwelling units built to a FAR of 3.21, which is 85% of the allowable FAR under the proposed rezoning of a portion of the site. Therefore, it is considered unlikely to be redeveloped.
- Lot 205 shares the same zoning lot as tax Lot 5, so it would get additional FAR, however it is impractical to expand the existing building located on Lot 5 due to legal window requirements (at least 30 feet of no obstruction) and parking.
- Lot 33 is developed with a six-story residential building containing 66 dwelling units built to a FAR of 2.46 FAR, which is 89% of the allowable FAR under the proposed rezoning of a portion of the site.

Total Induced Development within the Affected Area under Future-Build Scenario

Induced development on Proposed Development Site 1 (Lot 35) under the RWCDS Future Build Scenario:

- 38 residential units - of which 20% would be affordable or 8 units;
- 38,085 GSF (30,085 ZSF) of residential floor area and 6,500 ZSF/GSF SF of ground floor commercial space;
- A total development size of 44,585 GSF (36,585 ZSF); and
- 9 parking spaces.

Induced developed on Proposed Development Site 2 (Lot 39) under the RWCDS Future Build Scenario:

- 41 residential units - of which 20% would be affordable or 8 units;
- 41,044 GSF (33,835 ZSF) of residential floor area;
- 5,500 ZSF/GSF of ground floor commercial space; and
- Parking for 10 cars.

The Total Induced Development pursuant to the Proposed Action(s) is as follows:

- A total of 91,129 Gross Square Feet including 79,129 GSF of residential and 12,000 SF of commercial development;
- 79 dwelling units of which 20% or 16 would be affordable under MIH; and
- Parking for 19 cars.

Incremental Development Scenario

The No-Action Development would be equal to the existing condition, or 8-units on Lot 43 in a 12,800 GSF building and 17,840 GSF of commercial office space at Lot 39, and a vacant lot on the Projected Development Site 1. As shown in the attached worksheets, there would be a net reduction in commercial land use by 5,840 GSF and a net increase in the residential land use of 79,129 GSF and 79 units – (16 affordable and 63 market rate).

The existing, No-Action and With-Action Conditions on the lots within the Affected Area are presented in **Table 1-2: Existing, No-Action and With Action Programs for Lots in the Proposed Rezoning Area.** The comparative evaluation of zoning and incremental development comparison between the existing, No-Action and With Action Programs is contained in **Table 1-3**.

Table 1-2: Comparison of Building, No-Build and Build Conditions

BLOCK/ LOT #	Lot Area	EXISTING					NO-ACTION						WITH-ACTION					
		Residential Floor Area	Commercial Floor Area	Community Facility Area	Manufacturing Floor Area	Vacant Land	Residential Floor Area	Commercial Floor Area	Community Facility Area	Manufacturing Floor Area	Vacant Land	FAR	Residential Floor Area	Commercial Floor Area	Community Facility Area	Manufacturing Floor Area	FAR	note
8092/5	35,596	114,402		800			114,402		800			3.21	114,402				3.21	
8092/205	32,156											0.0					0.0	Accessory parking for lot 5
8092/25	10,432											0.0	51,128				3.26	Proposed Development Site 1
8092/28	20,232	29,388					29,388					1.45	29,388				1.45	Potential Development Site
8092/33	27,012	66,342					66,342					2.46	66,342				2.46	
8092/39	14,518		1,624					1,624				0.1	69,182	12,678.21			3.82	Proposed Development Site 2
TOTAL	**139,945**	**210,132**	**1,624**	**800**	**0**	**0**	**210,132**	**1,624**	**800**	**0**	**0**		**330,442**	**12,678**	**800**	**0**		

Table 1-3: Comparative Incremental Assessment of Build Conditions

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
LAND USE				
Residential	X YES NO	X YES	X YES NO	
If "yes," specify the following:				
Describe type of residential	Apartment buildings	Apartment buildings	Apartment buildings	
No. of dwelling units	258	258	341	83
No. of low- to moderate-income units	Unknown	Unknown	Unknown	
Gross floor area (sq. ft.)	210,132	210,132	330,442	120,310
Commercial	YES X	YES X NO	X YES	
If "yes," specify the following:				
Describe type (retail, office, other)			Restaurant	
Gross floor area (sq. ft.)			12,678.21	12,678.21
Manufacturing/Industrial	YES X NO	YES X	YES X NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities,				
Community Facility	X YES NO	X YES	X YES NO	
If "yes," specify the following:				
Type	medical office	medical office	medical office	
Gross floor area (sq. ft.)	800	800	800	
Vacant Land	X YES NO	X YES NO	YES X NO	
If "yes," describe:	Vacant lot (lot 25)	Vacant lot (lot 25)		
Other Land Uses	YES NO	YES NO	YES NO	
If "yes," describe:				
PARKING				
Garages	X YES NO	X YES NO	X YES NO	
If "yes," specify the following:				
No. of public spaces	0	0	0	
No. of accessory spaces	Unknown ^	Unknown ^	111 new	106
Lots	X YES NO	X YES NO	X YES NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces	Unknown ^	Unknown ^		0
ZONING				
Zoning classification	R1-2	R1-2	R6A and R6A/C1-2	
Maximum amount of floor area that can be developed	0.5 FAR of residential or community facility	0.5 FAR of residential or community facility	3.6 FAR of residential or 3.9 for AIRS; 3.0 of community facility; C1-2 in R6A allows 2.0 FAR of commercial	

Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	R1-2; R1-2/C1-2; multi-family and lower density residential; local retail	R1-2; R1-2/C1-2; multi-family and lower density residential; local retail	R1-2; R1-2/C1-2; R6A; R6A/C1-2 multi-family and lower density residential; local retail	

^ private accessory parking for building occupants

2.0 ENVIRONMENTAL REVIEW

The following technical sections are provided as supplemental assessments to the Environmental Assessment Statement ("EAS") Short Form. Technical Analyses of the EAS form a series of technical thresholds for each analysis area in the respective chapter of the *CEQR Technical Manual*. If the proposed project was demonstrated not to meet or exceed the threshold, the 'NO' box in that section was checked; additional analyses were not needed. If the proposed project was expected to meet or exceed the threshold, or if this was not able to be determined, the 'YES' box was checked on the EAS Short Form, resulting in a preliminary analysis to determine whether further analyses were needed. For those technical sections, the relevant chapter of the *CEQR Technical Manual* was consulted for guidance on providing additional analyses (and supporting information, if needed) to determine whether detailed analysis was needed.

A 'YES' answer was provided in the following technical analyses areas on the EAS Short Form:

- ***Land Use, Zoning, and Public Policy:*** The Proposed Action would facilitate a development that is consistent with the surrounding land use pattern would not create conflicts with existing land uses and would not alter the overall land use pattern in the area. The proposed Zoning Map amendment would bring existing multi-family residential buildings within the affected area into conformance. The proposed action would not create a conflict with established zoning patterns or the intent of the Zoning Resolution. Lastly, the proposed development will not adversely impact the neighborhood, impair the appropriate use or development of adjacent property or be detrimental to the public welfare.
- ***Historic and Cultural Resources:*** To determine whether the Proposed Development has the potential to affect nearby off-site historic or architectural resources, the Study Area was screened for historic, cultural and architectural resources. No resources were found within the affected area that would be considered historic or significant. The LPC was contacted for their initial review of the project's potential to impact nearby historic, archeological and cultural resources, and a response was received on September 14, 2016, indicating that the Proposed Development Sites are located within radius of the Douglaston Hill Historic District, S/NR listed and LPC designated. However, the LPC indicated that no adverse impacts are anticipated as a result of this project. (see **Appendix B**).
- ***Shadows:*** The proposed Action would induce development that would cast new shadows on an unimproved, wooded section of Alley Pond Park. The shadows would be similar in extent and duration to shadows cast by existing buildings within the Affected Area and would not affect vegetation growth or public use of the park.
- ***Urban Design and Visual Resources:*** The proposed action would induce the development of multi-family residential buildings within an area where such development is a predominant element of existing built form, as well as the potential enlargement of an existing multi-family apartment building. The development proposed for Projected Development Site 2, at the corner of Douglaston Parkway and Northern Boulevard, would include a restaurant use that would provide an active ground floor use that would create a more engaging pedestrian environment and would be consistent with commercial development located across Douglaston Parkway. The proposed development would be similar in scale and bulk to existing development within the Affected Area and surrounding neighborhood and would not negatively impact view sheds, natural features, open space,

or the pedestrian experience. Therefore, the proposed action would not result in impacts to urban design or visual resources.

- ***Hazardous Materials:*** Both the Proposed Development Site 1 (Lot 25) owned by North Shore Realty Group, Corp. and the Proposed Development Site 2 (Lot 39) owned by 241-15 Northern, LLC and are the subject of Restrictive Declarations (**Appendix C**), which require that no application for any activity which permits soil disturbance will be submitted to or accepted from the Department of Buildings (DOB) until DEP has issued to DOB appropriate notice that such activity is acceptable. These Restrictive Declarations are binding on the property owners and any successors. With these Declarations in place, the proposed developments under the proposed action would not result in significant impacts related to hazardous materials. There is the potential for additional development on the Potential Develompent Site (Lot 28). An [E] Designation on this site would ensure that no impacts related to hazardous materials would occur if such development occurs.
- ***Transportation:*** Development under the proposed action would not generate in excess of 200 pedestrian or transit trips during any peak hour. In addition, no intersection would experience over 50 additional vehicular trips during any hour under the with-action scenario. Therefore, no significant adverse impacts related to transportation are anticipated as a result of the proposed action.
- ***Air Quality:*** A screening analysis conducted using Figure 17-7 of the *2014 CEQR Technical Manual* demonstrates that the proposed development of Proposed Development Site 2 (Lot 39) under the proposed action would not create significant impacts related to HVAC emissions. An assessment of potential 'project-on-project' impacts between Proposed Development Site 1 (Lot 25) and the Potential Development Site (Lot 28) was conducted and demonstrates that no adverse impacts would occur. In addition, the proposed action would not result in significant increases in tailpipe emissions from vehicular traffic and there are no nearby emissions sources within 400 feet of the Affected Area that would adversely affect occupants of new developments at the Proposed and Potential Development Sites. Additionally, a survey of the affected area was completed to identify any potential Industrial or Manufacturing sources. There are no Industrial/Manufacturing sources within 400 feet of the affected area. Therefore, the proposed project would have no significant adverse impacts on air quality.
- ***Noise*****:** The peak noise level recorded for the L10 at the Northern Boulevard monitoring location was 77.8 dB(A) in the a.m. peak period, and the peak noise level at the Douglaston Parkway monitoring location was 72.3, also during the a.m. peak period. Pursuant to Table 19-3 of the CEQR Technical Manual, these noise levels are considered Marginally Unacceptable for residential use. Table 19-3 of the CEQR Technical Manual identifies an attenuation level of 33 dB(A), based on the Outdoor Indoor Transmission Class (OITC) values of individual façade components, as necessary to ensure an acceptable interior noise level for residential occupancy where the ambient noise level is between 76 and 78 dB(A), as is the case at the Northern Boulevard monitoring location. 28 dB(A) is required where the ambient noise level is between 70 and 73 dB(A), as at the Douglaston Parkway monitoring location. To ensure this level of noise attenuation, the proposed developments would include the placement of an (E) designation mandating appropriate window/wall noise attenuation.
- ***Neighborhood Character:*** The Proposed Action(s) would not create significant impacts to any of the aspects of the environment that contribute to Neighborhood Character such

that, alone or cumulatively, they would not result in significant adverse impacts to Neighborhood Character.

- ***Construction:*** All construction activites would be completed within 18-24 months and would be performed subject to relevant NYC Department of Transporation ("DOT") and Department of Buildings ("DOB") regulations to ensure minimal construction related impacts.

In the following technical sections, where a preliminary or more detailed assessment was necessary, the discussion is divided into Existing Conditions, the Future No-Action Scenario (The Future without the Proposed Action), and the Future With-Action Scenario (The Future with the Proposed Action).

2.1 LAND USE, ZONING AND PUBLIC POLICY

The *CEQR Technical Manual* recommends procedures for analysis of land use, zoning and public policy to ascertain the impacts of a project on the surrounding area. Land use, zoning and public policy are described in detail below.

Methodology

Existing land uses were determined by reference the New York City Zoning and Land Use (Zola) database and PLUTOTM 16v2 shapefiles. These uses were then confirmed through site visits. Existing zoning districts within the 400-foot Study Area were identified by reference to New York City Zoning Maps and the Zoning Resolution of the City of New York and served as the basis for the zoning evaluation of the Future No Action and Future With-Action Conditions. Public Policy research was performed through an evaluation of New York City Department of City Planning (NYCDCP) and other city agencies programs and documentation.

2.1.1 Land Use

Existing Conditions

Affected Area

The Affected Area as shown in **Figure 1**, is located at the northwest corner of the intersection of Douglaston Parkway and Northern Boulevard. The applicants control the development sites within the affected area that consists of Block 8092, Lot 25 (***Proposed Development Site 1***) and Block 8092, Lot 39 (***Proposed Development Site 2***). The proposed zoning map change would affect the entirety or portions of six tax lots within Tax Block 8092, including, from north to south:

•Tax Lot 205 and 5: Located immediately to the north of Proposed Development Site 1, have been declared to be a single zoning lot with a combined lot area of 67,752 square feet. Tax Lot 5 is a 35,596.4-square foot, irregularly-shaped interior lot containing a 6-story, 114,402 square foot (1.69 FAR with Tax Lot 5 and 205 combined; 3.21 FAR when calculated with just Tax Lot 5) residential building which includes a doctor's office on the ground floor. The proposed rezoning would include the entirety of Tax Lot 5. Tax Lot 205 is a 32,156-square foot, irregularly-shaped parcel which is used as an accessory off-street parking lot for the building on Tax Lot 5. The proposed rezoning would include the central and eastern portions of Tax Lot 205. 21,185 square feet would be rezoned to R6A, and 10,970 square feet would remain R1-2.

•Tax Lot 25 (***Proposed Development Site 1***): The property is a 10,432-sf vacant lot characterized by a steep downward grade change of approximately 20 feet at the rear portion of the lot. The proposed rezoning would include 8,615 sf of the central and eastern portions of Tax Lot 25. The remaining 1,816.2 square feet would remain R1-2.

•Tax Lot 28 **(Potential Development Site)**: 20,232-sf lot currently contains a 7-story, 29,388 sf (1.45 FAR) residential building containing 44 dwelling units. The proposed rezoning would include the central and eastern portions of Tax Lot 28, consisting of 15,158 square feet of lot area. The remaining 5,074 square feet would remain R1-2.

•Tax Lot 33: 27,011 sf lot currently contains a 6-story, 66,342 -f (2.46 FAR) residential building. The proposed rezoning would include the central and eastern portions of Tax Lot 33, consisting of 17,822 sf of lot area. The remaining 9,189 sf would remain R1-2.

• Tax Lot 39 (***Proposed Development Site 2***): The 14,517.7-sf lot, currently serves as a private parking lot for the restaurant Giardino by Russo's on the Bay, which occupies a portion of the ground floor in a leased property across Douglaston Parkway. Lot 39 contains open parking, as well as a one-story, 1,600-square foot structure formerly used for auto repair and currently used as a parking attendant's station. Previously this tax lot was utilized as an automotive repair service station that has since closed with the original structure still remaining and boarded up. Lot 39 was the subject of a Zoning Variance permitting the development of a 24-unit, three-story residential building with 34 accessory parking spaces. This variance expired on November 15, 2016. As a condition of the granting of this variance, a Restrictive Declaration was placed on the property, requiring investigation and remediation of potentially hazardous materials subject to DEP oversight. A Phase 1 Environmental Assessment Statement (ESA) has been prepared for the project site and was submitted to the DEP for review. As requested by the DEP, a Phase II Work Plan and Health and Safety Plan was prepared and submitted for approval in January 2009 and was found acceptable (09DEPTECH063Q). The proposed rezoning would include the entirety of Tax Lot 39.

The western portions of the tax lots that are proposed to remain zoned as R1-2 would provide a lower density buffer between an unimproved portion of Alley Pond Park to the west and the adjacent affected area. While the total square footage of tax lots 5, 205, 25, 28, 33 and 39 is approximately 139,945.2 sf, the applicants propose to rezone only 112,895.3 sf of those lots. This would leave approximately 27,049.9 sf of the tax lots to remain zoned as R1-2.

Surrounding Area

The affected area is located in the Douglaston section of Queens Community District 11, within an R1-2 zoning district that contains a mix of single-family homes as well as non-complying multi-family residential buildings. The R1-2 district extends generally from Alley Pond Park in the west to 247th Street in the east, from Horace Harding Parkway in the south to Long Island Sound in the north. A C1-2 commercial overlay is mapped on the northeast corner of Northern Boulevard and Douglaston Parkway, across the street from the affected area. An additional C1-2 overlay is mapped around the Douglaston LIRR station, located approximately two blocks north of the affected area.

The surrounding area contains a mix of parkland, lower- and medium-density residential uses, and commercial uses (**Figure 5**). The portion of Alley Pond Park to the west of the affected area is unimproved for public use and contains overgrown vegetation. Farther west within the park is a golf driving range. Across Northern Boulevard to the south of the affected area is 6-story residential building that is a non-complying use in the R1-2 zoning district. To the east of the affected area across Douglaston Parkway are a six-story residential building that is a non-complying use in the R1-2 district, a two-family detached residence that is a non-complying use in the R1-2 district, and a series of two-story structures with ground floor commercial and upper residences within an R1-2 district mapped with a C1-2 commercial overlay.

Analysis

Future No-Action Scenario

Under the affected area's existing R1-2 zoning, development would be limited to single-family detached houses. Recent market trends would not support the construction of single-family houses, the cost of remediation would make it unlikely that a reasonable return can be made from

the development of single family houses. Therefore, it is expected that existing land uses would remain on the Development Sites and other sites within the affected area. The existing multi-family residential buildings within the affected area would remain non-complying uses in a district where residential use is limited to single family detached houses. Existing land use patterns in the vicinity of the Affected Area are expected to remain in the future without the proposed action and no zoning actions are known. No changes in land use and zoning are anticipated for the surrounding area.

Future With-Action Scenario

As discussed above, the proposed actions would allow the intended redevelopment of the applicant owned properties with a total of approximately 83 dwelling units, 34 of which would be affordable senior housing units, along with a 12,678 square foot eating and drinking establishment on Lot 39. The proposed development would nearly maximize the floor area permitted under the proposed R6A and R6A/C1-2 zoning.

Proposed Development Site 1 (Lot 25) would be partially rezoned from R1-2 to R6A. ***Proposed Development Site 1*** would have an FAR of 3.26, which is permitted based on the sites proposed R6A district (which permits a 3.9 FAR for residential developments that provide affordable independent residences for seniors (AIRS) housing pursuant to the program requirements) and the area to remain R1-2 (which permits a 0.5 FAR for residential development). Combined allowable FAR for the split zoning lot would be 3.3 for a project providing AIRS. The development would contain approximately 51,128 gross square foot (34,068 zoning square feet) including approximately 17,000 square feet of below-grade parking. Due to the lot's narrow width, all windows would have to face the street or the rear yard. The approximately 34,068 square feet of above-grade residential floor area would produce twenty-four (24) residential units, of which fourteen (14) would be affordable AIRS pursuant to Option 2 of the MIH. The building would contain unattended below-grade accessory parking for seventeen (17) vehicles.

Proposed Development Site 2 (Lot 39) would be developed with a mixed residential and commercial building containing 81,860 gross square feet (55,380 zoning square feet) of floor area. The proposed FAR of 3.82 is permitted under the site's proposed R6A/C1-2 zoning district. The development would contain a 12,678-square foot restaurant and fifty-nine (59) dwelling units, of which twently (20) would be affordable pursuant to MIH. The development would include an attended 89-space accessory parking garage in the cellar and subcellar.

Potential Development Site Lot 28 is occupied by an existing 7-story residential building containing 44 dwelling units that is built to a FAR of 1.45 FAR. This is approximately 51% of the allowable FAR for the lot under the proposed rezoning of a portion of the lot or 48% of allowable FAR for an AIRS development. Additionally, this is a co-op building and it seems unlikely that the owners/occupants of units within the building would approve an enlargement that would reduce or eliminate many units' waterfront views to the west. While redevelopment of this site under the proposed rezoning is not considered likely, it will be considered a potential development site. Such development is assumed to consist of a one-story vertical addition over the existing building, as well as the creation of a second double-loaded wing at the rear of the existing building. The proposed rezoning of a portion of this lot would allow new residential development at a FAR of 3.05 for an AIRS project. An enlargement that maximizes allowable development under the proposed action would contain 61,653 square feet of zoning floor area. Maximum building height would be 85 feet.

Other Affected Sites

The proposed zoning map amendment would affect multiple properties not under the applicants' control, as described above. The residential buildings which occupy Lots 5, 28, and 33 would become conforming uses. Owners of sites that are currently underdeveloped with respect to the proposed zoning may take advantage of the expanded floor area and uses allowed under the proposed R6A zoning. Pursuant to 2014 *CEQR Technical Manual* methodology, sites may be considered 'soft' if they are built to substantially less than the maximum allowable floor area ratio and are of a sufficient size or could be assembled into a parcel of sufficient size, to support a feasible development. The minimum size for an economically viable development site is typically considered to be approximately 5,000 square feet pursuant to *CEQR Technical Manual* methodology. Sites that have recently been developed or redeveloped are considered less likely to be soft, due to the significant recent investment in the current use.

Under the MIH program, a FAR of 3.6 is permitted for providing on-site affordable housing. However, the maximum FAR is 3.9 for residential developments that provide affordable independent residences for senior (AIRS) housing pursuant to the program requirements. The C1-2 overlay proposed for Lot 39 allows a FAR of 2.0 for commercial/community facility uses. As noted, the proposed rezoning would affect only a portion of lots 205, 28 and 33, as well as all of lot 5 and the applicants' properties on Lot 25 and Lot 39. Based on these criteria, the lots within the affected area that are not controlled by the project sponsors are unlikely to be developed under the proposed action:

- The existing 6- and 7-story residential/community facility buildings on lots 5/205and 33 would become more closely conforming and complying under the proposed R6A zoning. These buildings are developed to 1.7 FAR (lots 5/205), and 2.46 FAR (lot 33). Because these buildings are built at or above 50% of the permitted FAR under the proposed zoning and are built to a height of sixty feet or greater, it is not expected that the proposed action would encourage additional development on these sites. The building on Lot 5/205 contains 148 dwelling units, and the building on Lot 33 has 66 dwelling units
- Lot 5 is developed with a six-story residential building containing 148 dwelling units built to a FAR of 3.21, which is 85% of the allowable FAR under the proposed rezoning of a portion of the site. Therefore, it is considered unlikely to be redeveloped.
- Lot 205 shares the same zoning lot as tax Lot 5 so it would get additional FAR, however it is impractical to expand the existing building located on Lot 5 due to legal window requirements (at least 30 feet of no obstruction) and parking.
- Lot 33 is developed with a six-story residential building containing 66 dwelling units built to a FAR of 2.46 FAR, which is 89% of the allowable FAR under the proposed rezoning of a portion of the site.

Conclusion

Beyond the Affected Area, existing land use patterns and development trends are expected to continue in the future with the proposed action. The proposed and potential development is consistent with the surrounding land use pattern which includes local retail uses on the east side of Douglaston Parkway across from the Affected Area, and mid-rise apartment buildings to the south and to the northeast. The proposed development would not introduce a new land use into the area, would not create conflicts with existing land uses, and would not alter the overall land use pattern in the area. No other changes to land use within the Affected Area or within the 400-

foot Study Area are foreseen as a result of the action or resulting from other known actions in the area.

2.1.2 Zoning

The *New York City Zoning Resolution* dictates the use, density, and bulk of developments within New York City. The City has three basic zoning district classifications – residential (R), commercial (C), and manufacturing (M). These classifications are further divided into low, medium, and high-density districts.

Existing Conditions

Affected Area

The Affected Area is within an R1-2 district that covers a large area to the north, south, and east. R1-2 permits a maximum FAR of 0.5 for single-family detached residences on lots that are at least 60 feet wide. Use Group 2 multiple dwellings are not permitted. Permitted community facilities can be built at 0.5 FAR, or up to 1.0 FAR by City Planning Commission Special Permit, although ambulatory health care facilities are not permitted. The apartment buildings within the affected area are built well in excess of the permitted FAR, and the doctor's offices and multiple dwellings are not conforming uses under R1-2 zoning.

Surrounding Area

The R1-2 zoning district that includes the Affected Area extends to the north, south, and east. The area to the west is mapped parkland.

A C1-2 commercial overlay is mapped along the eastern side of Douglaston Parkway opposite the proposed development site. C1 zones accommodate the retail and service shops needed in residential neighborhoods. Typical uses include, but are not limited to, grocery stores, offices, restaurants, barbershops, and small dry-cleaning establishments.

Other surrounding zoning districts are lower density R2A, R3-1, R2, and R3-2. A C1-2 overlay is mapped on Douglaston Parkway near the Douglaston railroad station approximately two blocks north of the Affected Area, and C1-2 and C2-2 commercial overlays are mapped on Northern Boulevard beginning one block east of the Affected Area.

Table 2.1 below summarizes the existing zoning districts in the affected area.

Table 2.1-2 Summary of Existing Zoning Regulations

Zoning District	Type and Use Group (UG)	Floor Area Ratio (FAR)	Building Height	Parking (Required Spaces)
R1-2	Low Density Residential UGs 1, 3, 4	0.5 FAR – Residential 0.5 FAR – Community Facility	Governed by sky exposure plan: a sloping line begins at a height of 25 Feet above front yard line.	1 Per Dwelling Unit

Source: Zoning Handbook, New York City Department of City Planning, January 2006

Proposed R6A: The proposed R6A zoning district permits residential and community facility uses. Under the MIH program, a FAR of 3.6 is permitted for providing on-site affordable housing. The maximum FAR is 3.9 for residential developments that provide affordable independent residences for seniors (AIRS) housing pursuant to the program requirements. The maximum permitted base height before setback is 65 feet and the maximum building height is 80 feet with a non-qualifying ground floor or 85 feet with a qualifying ground floor. Pursuant to the Quality Housing Program, off street parking is required for 50 percent of the residential units. This parking requirement may be waived if 5 or fewer spaces are required. There is no parking requirement for affordable units built pursuant to MIH within the Transit Zone. Commercial development of 2.0 FAR would be permitted by the proposed C1-2 overlay within an R6A district.

Analysis

Future No-Action Scenario

No changes are expected in the zoning pattern in the affected area or surrounding area. No changes to city development policy are anticipated in the future without the proposed action.

Future With-Action Scenario

The proposed action would map an R6A district within the Affected Area and establish a C1-2 overlay within the proposed R6A district for the portion of the Affected Area consisting of Lot 39 (***Proposed Development Site 2***). The proposed C1-2 overlay affecting Lot 39 permits local commercial use at a FAR of 2.0. Under the MIH program, a FAR of 3.6 is permitted for providing on-site affordable housing. However, the maximum FAR is 3.9 for residential developments that provide affordable senior housing pursuant to the program requirements. R6A permits residential and community facility uses. Maximum base height is 65 feet and the maximum building height is 80 feet with a non-qualifying ground floor, or 85 feet with a qualifying ground floor. Pursuant to the Quality Housing Program, off street parking is required for 50 percent of the residential units. This parking requirement may be waived if 5 or fewer spaces are required.

The Applicant proposes a Zoning Text Amendment to Appendix F of the Zoning Resolution to designate the Affected Area a Mandatory Inclusionary Housing Designated Area ("MIH"). The applicants propose mapping MIH Option 2 within the Affected Area (**Refer to Figure 4**). A percentage of the proposed dwelling units would be affordable independent residences for seniors (AIRS) pursuant to Option 2 of the Mandatory Inclusionary Housing program, resulting in an affordable housing set-aside for 30 percent of the residential floor area at an average of 80 percent AMI. This would result in the production of approximately 34 total affordable units on the two development sites.

Pursuant to the proposed actions, North Shore Realty Group would construct an 8-story, approximately 51,128 gross square foot (34,068 zoning square feet) residential building containing 24 residential units, 14 of which would be affordable senior housing (“AIRS”) under MIH Option 2, with 17 accessory parking spaces at 43-80 Northern Boulevard (Block 8092, Lot 25, “***Proposed Development Site 1***”). Additionally, 241-15 Northern, LLC would construct a 5-story 81,860 gross square foot (55,380 zoning square feet) mixed-use commercial and residential building containing a 12,678-square foot ground floor Use Group 6 eating and drinking establishment. The building would contain 59 residential units, 20 of which would be affordable senior housing under MIH Option 2, with 89 accessory parking spaces at 241-15 Northern Boulevard (Block 8092, Lot 39, “***Proposed Development Site 2***”).

Conclusion

The proposed zoning map amendment to Zoning Sectional Map 11a from an R1-2 to an R6A district will make the existing buildings located within the affected area conforming and complying and will permit the development of both Development Sites. The proposed R6A/C1-2 district affecting Lot 39 (Proposed Development Site 2) will allow a local commercial use to be located on the more heavily trafficked Northern Boulevard. A commercial use at this location is consistent with those located in the C1-2 overlay directly across Douglaston Parkway from ***Proposed Development Site 2***. The rezoning will result in a zoning designation which reflects as-built conditions and will maintain the neighborhood's character.

The proposed rezoning will allow development with bulk and uses that are consistent with neighboring buildings. The current R1-2 zoning district does not reflect the existing built conditions. The proposed rezoning would allow the applicants to develop their sites in keeping with the character of the neighborhood. The existing 6- and 7-story residential and community facility buildings on Lots 5, 28 and 33 would become more closely complying under the proposed R6A zoning district with its FAR of 3.9, and the Use Group 2 multiple-family residences would become conforming uses. These buildings are developed to 1.7 FAR (Lots 5 & 205), 1.46 FAR (Lot 28, and 2.46 FAR (Lot 33).

Lastly, through the proposed zoning text amendment, the Development Sites will have increased FAR and the ability to provide on-site senior affordable units. The City is in need of dwelling units at all income levels but is particularly short of senior affordable housing units. By making the Affected Area a MIHA, the proposed action would require the applicants and all future owners to provide a percentage of permanently affordable senior housing units.

2.1.3 Public Policy

The project site is not part of, or subject to, an Urban Renewal Plan (URP), adopted community 197-a Plan, Solid Waste Management Plan, Business Improvement District (BID), Industrial Business Zone (IBZ), or the New York City Landmarks Law.

Public Policy for the affected area is defined by the NYC Zoning Resolution and the development sites' location within New York City Coastal Zone boundaries. The Affected Area is located adjacent to a Special Natural Waterfront Area (SNWA) and is entirely within the Coastal Zone boundaries of Little Neck Bay. Therefore, the proposed project is subject to review for consistency with the policies set forth in the Waterfront Revitalization Program (WRP).

New York City Coastal Zone

Because the Affected Area is located within the boundaries of the New York City Coastal Zone and is subject to CEQR discretionary review procedures, the proposed action must be reviewed and assessed for consistency with the policies and conditions set forth in the New York City Waterfront Revitalization Program (WRP). The WRP establishes the City's policies for waterfront planning, preservation and development projects to ensure consistency over the long term. The goal of the program is to maximize the benefits derived from economic development, environmental conservation and public use of the waterfront while minimizing any potential conflicts among these objectives. The WRP form was completed (***See Appendix A***) to determine if the proposed action is consistent with WRP policies.

Based on the information provided in the WRP Consistency Assessment, the project's consistency with Policies 1.1, 1.3 and 4.1 are addressed below:

Policy 1: SUPPORT AND FACILITATE COMMERCIAL AND RESIDENTIAL REDEVELOPMENT IN AREAS WELL-SUITED TO SUCH DEVELOPMENT

Policy 1.1: Encourage commercial & residential redevelopment in appropriate coastal zone areas.

The Proposed Action involves a rezoning from R1-2 to R6A and R6A/C1-2 affecting Tax Block 8092; Lot 5, 205 (part), 25 (part), 28 (part), 33 (part), and 39 and a Zoning Text Amendment to Zoning Resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas for Community District 11, Queens to establish the Affected Area as a Mandatory Inclusionary Housing ("MIH") Area. Under a Reasonable Worst-Case Development Scenario, The Proposed Action(s) would facilitate:

- The development of an approximately 51,128 gross square foot (34,068 zoning square feet) 8-story residential building containing 24 dwelling units, 14 of which would be affordable senior housing ("AIRS") under Option 2 of the MIH and 17 accessory parking spaces on ***Proposed Development Site 1*** (Tax Block 8092, Tax Lot 25); and

- The development of an 81,860 gross square foot (55,380 zoning square feet) 5-story mixed-use commercial and residential building containing a 12,678 square foot Use Group 6 eating and drinking establishment on the ground floor. The proposed building would contain 59 dwelling units, 20 of which would be affordable senior housing under MIH Option 2, with 89 parking spaces on ***Proposed Development Site 2*** (Tax Block 8092, Tax Lot 39).

Pursuant to the Proposed Actions, the currently underutilized Development Sites would be redeveloped to serve the local community addressing the City's growing need for housing, specifically through the provision of affordable housing for senior citizens. Additionally, Lot 39 would provide ground floor commercial use which would result in economic development and enhance the city's tax base. Additionally, the Proposed Development's would effectuate a more unified and consistent street wall and enhance the overall pedestrian ambiance of the area. In addition to facilitating the development described above, the proposed rezoning would bring existing apartment buildings in the Affected Area into conforming status. The existing R1-2 district permits only single-family detached residences.

The Project Area is located in the Douglaston section of Queens Community District 11, within an R1-2 zoning district that contains a mix of single-family homes as well as non-complying multi-family residential buildings. A C1-2 commercial overlay is mapped on the northeast corner of Northern Boulevard and Douglaston Parkway, across the street from the Project Area. An additional C1-2 overlay is mapped around the Douglaston LIRR station, located approximately two blocks north of the affected area. The proposed rezoning will allow development with bulk and uses that are consistent with neighboring buildings. The current R1-2 zoning district bears no relationship to existing built conditions. The proposed rezoning would allow the applicants to develop their sites in keeping with the character of the neighborhood and will result in a zoning

designation which better reflects as-built conditions. Therefore, the Project Site is well suited for commercial and residential use, and the Proposed Actions are consistent with this policy.

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

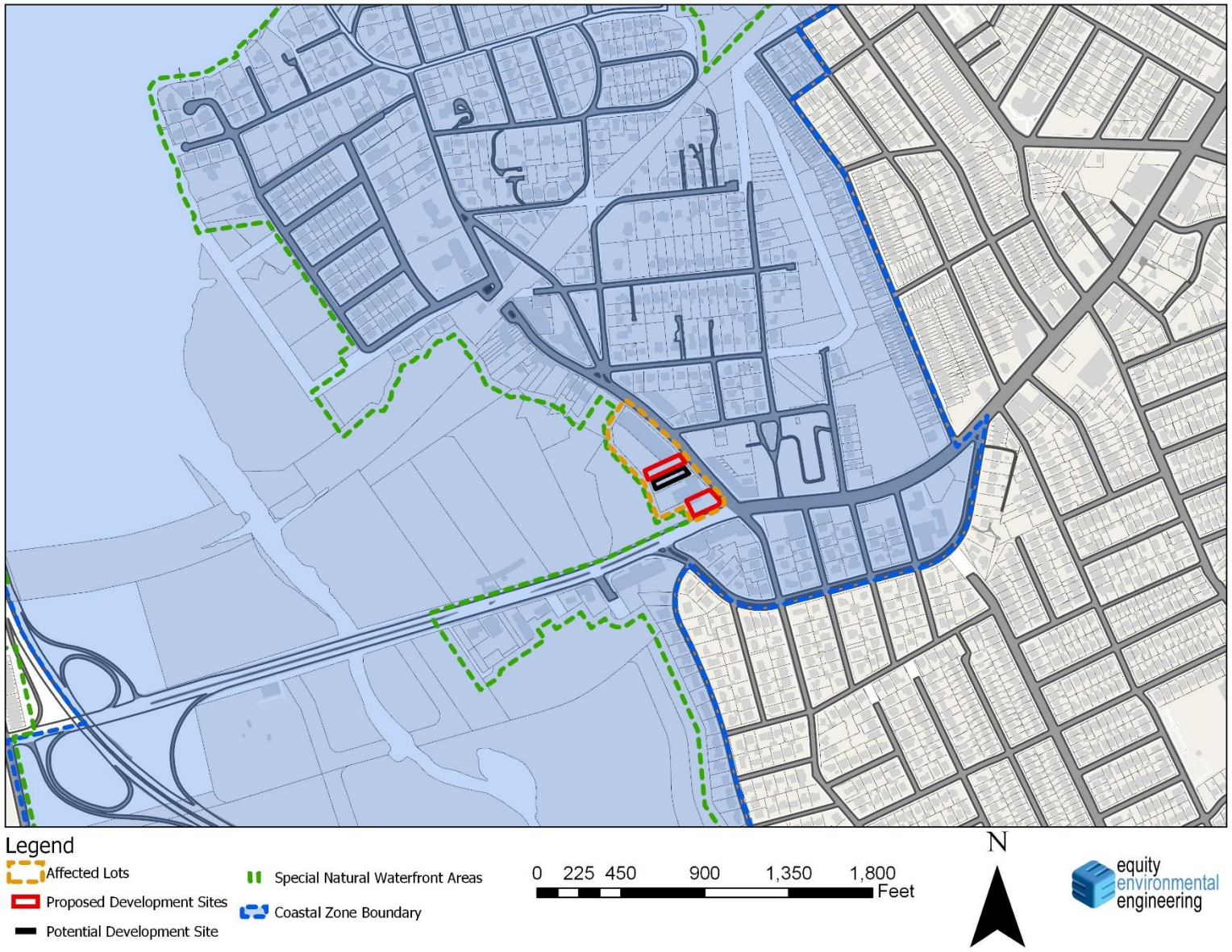
The Project Area is well served by mass transit and access to regional highways. The Proposed Development would serve local residents in the surrounding residential neighborhoods. Northern Boulevard is a major east and west bound commercial and residential corridor that provides access to the Cross-Island Parkway. The proposed R6A/C1-2 district affecting Lot 39 (Proposed Development Site 2) will allow a local commercial use to be located on the more heavily trafficked Northern Boulevard. A commercial use at this location is consistent with those located in the C1-2 overlay directly across Douglaston Parkway from Proposed Development Site 2. Additionally, the area is well-served by open space; the Project Area situated along the northeastern boundary of Alley Pond Park. The Proposed Action would facilitate development that is well suited for the area, as the surrounding area is developed with supportive public facilities and infrastructure. Therefore, the Proposed Actions are consistent with this policy.

Policy 4: ECOLOGICAL RESOURCES

The WRP sets forth five (5) types of special area designations: the Special Natural Waterfront Areas (SNWAs), the Significant Maritime and Industrial Areas (SMIAs), the Arthur Kill Ecologically Sensitive Maritime and Industrial Area (ESMIA), the Priority Marine Activity Zones (PMAZs), and the Recognized Ecological Complexes (RECs).

As indicated in **Figure 2.3-1** below, the Lots within the Affected Rezoning Area are located directly west of the Fort Totten/Alley Pond SNWA. SNWAs are large areas with significant open spaces and concentrations of the natural resources including wetlands, habitats, and buffer areas. Each of the SNWAs has a combination of important coast ecosystem features including the Significant Coastal Fish and Wildlife Habitats, Coastal Erosion Hazards Areas, and Tidal and Freshwater Wetlands.

Figure 2.3-1: Affected Lots - Ecological Resources



Priority Policy 4.1: Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas

A summary of the critical priorities of Policy 4.1 pursuant the 2016 Waterfront Revitalization Program are discussed below:

A. *Avoid activities that may cause or cumulatively contribute to permanent adverse changes to the ecological systems and their natural processes. When avoidance is not possible, minimize the impacts of the project to the extent feasible and mitigate any potential physical loss or degradation of the ecological elements. Use mitigation measures that are likely to result in the least environmentally damaging feasible alternative;*
B. *Avoid fragmentation of natural ecological communities and maintain corridors to facilitate the free exchange of biological resources within and among these communities. Protect those sites which have been identified as key to maintaining habitat connections within ecological systems.*
C. *To the extent practicable, remediate and restore ecological systems so as to ensure their continued existence as natural, self-regulating systems.*
D. *Utilize stormwater management best practices, industrial pollution prevention, and other sustainable development strategies to reduce impacts of development on natural resources.*
E. *Protect non-invasive plants from excessive loss or disturbance and encourage greater quantity and diversity of non-invasive plants to the extent practicable. Select plants that are resilient to current and future changes in climate. Avoid use of invasive plants except in ornamental gardens, as collector specimens, or for erosion control, filtration, or phytoremediation, provided that it is not feasible to use non-invasive species to perform the same functions. Avoid use of non-indigenous plants that are invasive species likely to alter existing natural community composition. Where destruction or significant impairment of non-invasive plants cannot be avoided, the potential impacts of land use or development should be minimized, and any resulting losses of non-invasive plants mitigated to the extent practicable.*
F. *For the planning and design of projects with disturbance over 1 acre—except for maintenance to existing facilities (including in-kind replacement of structures)—a natural resources assessment should be prepared whether or not the project meets the threshold criteria described in Chapter 11, Section 200 of the CEQR Technical Manual. This assessment should be used to guide site layout and design. The assessment methodology laid out in Chapter 11, Section 300 of the CEQR Technical Manual should be used as the basis for preparing the natural resources assessment.*
G. *Target public investment towards habitat protection and improvement. Avoid public investment which would interfere with the habitat functions of the area. Pursue acquisition of sites for habitat protection.*

As indicated in **Figure 2.3-1** above, while the Affected Area is located within the Coastal Zone Boundary, it is not within the adjacent Special Natural Waterfront Area. The Proposed Action would effectuate infill on a developed street with residential and commercial development that is consistent with surrounding built form and land use. Additionally, Proposed Development on Lot 39 would not increase impervious surface as the site is asphalt paved under existing conditions. The existing building on Lot 28 (Potential Development Site 1) could potentially be expanded under the reasonable worse case development scenario to include a two-story vertical addition over the existing building, as well as creation of a second double-loaded wing at the rear of the existing building; however, the rear portion of the building consists of an existing asphalt paved

parking lot. Additionally, the commercial use effected by the Proposed Action would not result in industrial pollution that would impact off-site resources. Therefore, the Proposed Action(s) would not significantly increase impervious surfaces, would not result in industrial pollution, would not result in habitat fragmentation or loss of habitat areas within the adjacent SNWA and would not facilitate development that would encroach on the adjacent SNWA, Significant Coastal Fish and Wildlife Habitats, Tidal or Freshwater Wetlands, or other endangered or critical natural resources.

Conclusion

The Proposed Actions would not conflict with any of the policies set forth in the WRP form. Therefore, it would not jeopardize the intent of the Waterfront Revitalization Program. Additionally, the proposed action would result in development that is consistent with many of the City's stated policy goals for affordable housing, job creation and provision of ground floor development that serves the needs of the local community. These actions would permit the development of underutilized land with new medium-density housing, including affordable housing, that is consistent in scale with surrounding development and would help to address the City's growing need for housing. Projections by the Department of City Planning and the New York Metropolitan Transportation Council ("NYMTC") predict continued growth in the City's population. NYMTC's draft project for 2050 forecasts a population of close to 9.2 million residents.

The shortage of affordable housing and housing, in general, has been highlighted by the City administration as an urgent issue that needs addressing. The proposed rezoning addresses the City's objectives in a number of ways. The proposed action would allow for the development of underutilized land for new development. Development of Proposed Development Sites 1 and 2 would create 83 new dwelling units, of which 34 would be AIRS housing units pursuant to the proposed MIH program, thereby ensuring that the proposed development addresses the need for housing to serve a broad range of the City's and Community District 11's diverse incomes. As such, the proposed action will not adversely impact the neighborhood, impair the appropriate use or development of adjacent property or be detrimental to the public welfare.

2.2 HISTORIC AND CULTURAL RESOURCES

An assessment of historic and cultural resources is usually necessary for projects that are located in close proximity to historic or landmark structures or districts, or for projects that require in-ground disturbance unless such disturbance occurs in an area that has been formerly excavated. The term "historic resources" defines districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, architectural and archaeological importance. In assessing both historic and cultural resources, the findings of the appropriate city, state, and federal agencies are consulted. Historic resources include: the New York City Landmarks Preservation Commission (LPC) designated landmarks, interior landmarks, scenic landmarks, and historic districts; locations being considered for landmark status by the LPC; properties/districts listed on, or formally determined eligible for, inclusion on the State and/or National Register (S/NR) of Historic Places; locations recommended by the New York State Board for Listings on the State and/or National Register of Historic Places and National Historic Landmarks.

Analysis

Future No-Action Scenario

Under the affected area's existing R1-2 zoning, development would be limited to single-family detached houses. Such use is not appropriate for the Development Sites and is considered unlikely. It is expected that existing land uses would remain on the Development Sites and other sites within the affected area. The existing multi-family residential buildings within the affected area would remain non-complying uses in a district where residential use is limited to single family detached houses. There would be no changes to the context of any archaeological or architectural resources.

Future With-Action Scenario

As discussed above, the proposed actions would allow the intended redevelopment of the applicant owned properties with a total of 83 dwelling units, 34 of which would be affordable senior housing units, along with a 12,678 square foot eating and drinking establishment on Lot 39. The proposed development would nearly maximize the floor area permitted under the proposed R6A and R6A/C1-2 zoning. Additionally, Lot 28 is considered a Potential Development Site which could be enlarged under the proposed action.

2.2.1 Architectural Resources

Per *CEQR Technical Manual* guidelines, impacts on historic resources are considered on those sites affected by the Proposed Action and in the area surrounding identified development sites. The historic resources Study Area is defined as the Development Site(s), plus an approximately 400-foot radius around the Development Site(s). To determine whether the Proposed Action has the potential to affect nearby off-site historic or architectural resources, the Study Area was screened for historic and architectural resources. The LPC was contacted for their initial review of the project's potential to impact nearby historic and cultural resources, and a response was received on September 14, 2016, indicating that the Proposed and Potential Development Sites are located within radius of the Douglaston Hill Historic District, S/NR listed and LPC designated. However, the LPC indicated that no adverse impacts to architectural resources are anticipated as a result of this project (see **Appendix B**).

2.2.2 Cultural and Archaeological Resources

Unlike the architectural evaluation of a Study Area that extends beyond the footprint of a project's block and lot lines, the analysis of potential and/or projected impacts to archaeological resources is controlled by the actual footprint of the limits of soil disturbance. Archeological resources are physical remains, usually subsurface, of the prehistoric and historic periods such as burials, foundations, artifacts, wells, and privies. The *CEQR Technical Manual* requires a detailed evaluation of a project's potential effect on the archeological resources if it would potentially result in an in-ground disturbance to an area not previously excavated. The Proposed Action would result in in-ground disturbance of the Projected Development Sites and could result in in-ground disturbance of the Potential Development Site. As noted, the LPC was contacted for their initial review of the project's potential to impact nearby historic and cultural resources, and a response was received on September 14, 2016 (see **Appendix B**). The LPC has indicated that the Proposed and Potential Development Sites are located within radius of the Douglaston Hill Historic District, S/NR listed and LPC designated. However, significant adverse impacts to archaeological or cultural resources are not expected as a result of the Proposed Action, and further analysis is not warranted.

2.3 SHADOWS

The *CEQR Technical Manual* defines a shadow as the condition that results when a building or other built structure blocks the sunlight that would otherwise directly reach a certain area, space or feature. An incremental shadow is an additional or new shadow that a building or other built structure resulting from a proposed project would cast on a sunlight-sensitive resource during the year. The sunlight-sensitive resources of concern are those resources that depend on sunlight or for which direct sunlight is necessary to maintain the resource's usability or architectural integrity, including public open space, architectural resources and natural resources. Shadows can have impacts on publicly accessible open spaces or natural features by adversely affecting their use and important landscaping and vegetation. In general, increases in shadow coverage make parks feel darker and colder, affecting the experience of park patrons. Shadows can also have impacts on historic resources whose features are sunlight-sensitive, such as stained-glass windows, by obscuring the features or details, which make the resources significant.

The duration and dimensions of Shadows are determined by the geographic location of the area from which the shadow is cast and the time of day and season. Shadows cast during the morning and evening, when the sun is low in the sky, are longer, while midday shadows are shorter in length. Shadows in winter, when the sun arcs low across the southern sky, are also longer throughout the day than at corresponding times in spring and fall seasons. In summer, the high arc of the sun casts shorter shadows than at any other time of year, and early and late shadows during the summer are cast more towards the south than shadows cast in early and late winter months.

The *CEQR Technical Manual* states that a shadow assessment considers projects that result in new shadows long enough to reach a sunlight-sensitive resource. Therefore, a shadow assessment is warranted only if the project would either result in: (a) new structures (or additions to existing structures including the addition of rooftop mechanical equipment) of 50 feet or more; or, (b) be located adjacent to, or across the street from, a sunlight-sensitive resource. However, a project located adjacent to or across the street from a sunlight-sensitive open space resource (which is not a designated New York City Landmark or listed on the State/National Registers of Historic Places, or eligible for these programs) may not require a detailed shadow assessment if the project's height increase is ten feet or less.

The sunlight-sensitive resources of concern are those resources that depend on sunlight or for which direct sunlight is necessary to maintain the resource's usability or architectural integrity, including public open space, architectural resources, and natural resources. In general, shadows on city streets and sidewalks or on other buildings are not considered significant. Some open spaces also contain facilities that are not sensitive to sunlight. These are usually paved such as handball or basketball courts, contain no seating areas and no vegetation, no unusual or historic plantings, or contain only unusual or historic plantings that are shade tolerant. These types of facilities do not need to be analyzed for shadow impacts. Additionally, it is generally not necessary to assess resources located to the south of projected development sites, as shadows cast by the action-generated development would not be cast in the direction of these resources. Furthermore, shadows occurring within one and one-half hour of sunrise or sunset generally are not considered significant in accordance with the *CEQR Technical Manual*.

Methodology

This preliminary analysis of shadows follows the guidelines set forth in the *2014 CEQR Technical Manual* for a preliminary assessment (**Section 310**). According to the *2014 CEQR Technical Manual*, a preliminary shadow assessment includes the development of a base map showing the site location in relationship to any sunlight-sensitive resources as per guidelines provided in the *2014 CEQR Technical Manual*. Following these guidelines, the longest shadow study area is determined, and a Tier 1 screening assessment is conducted to determine if any sunlight-sensitive resources fall within the study area. If no resources are identified, no further analysis would be required. If sunlight-sensitive resources lay within the longest shadow study area, the next tier of screening assessment should be conducted. This preliminary assessment includes a basic description of the proposed project that would be facilitated by the proposed action in order to determine whether a more detailed assessment would be appropriate.

The Proposed Action would result in development of an eight-story building on Block 8192 Lot 25 (***Proposed Development Site 1***) with a maximum building height of up to approximately 83.5 feet, and a five-story building on Block 8192, Lot 39 (***Proposed Development Site 2***) with a maximum building height of up to approximately 75.6 feet. Enlargement of the Potential Development Site (Block 8092, Lot 28) could result in a building of up to 85 feet in height. Accordingly, a preliminary assessment of shadows is warranted.

2.3.1 Preliminary Shadow Screening Assessment

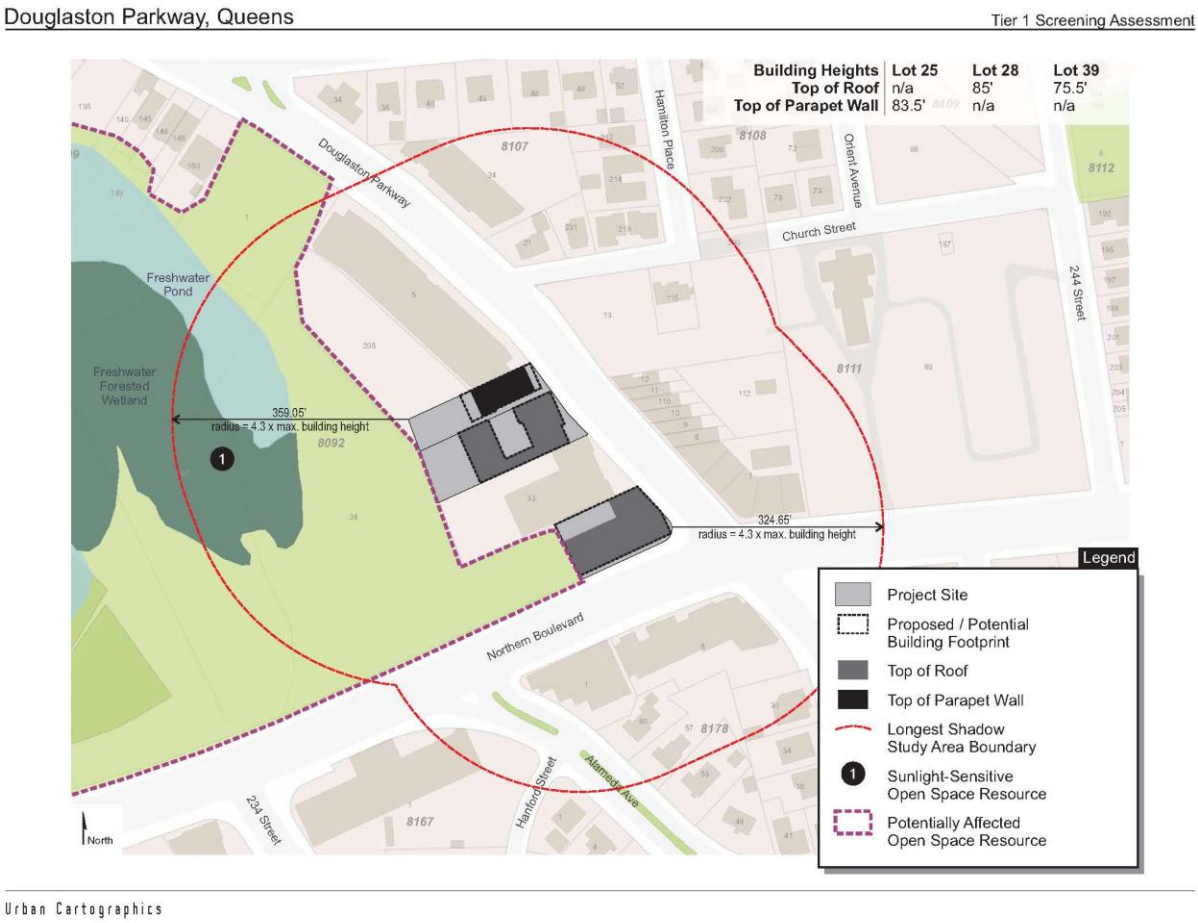
The shadow assessment begins with a preliminary screening assessment to ascertain whether a project's shadow may reach any sunlight-sensitive resources at any time of the year. If the screening assessment does not eliminate this possibility, a detailed shadow analysis may be warranted to determine the extent and duration of the net incremental shadow resulting from the project. The effects of shadows on a sunlight-sensitive resource are site-specific; therefore, as directed in the *CEQR Technical Manual*, the screening assessment was performed for the relevant Projected Development Sites to determine whether they fall within the range of maximum possible shadow cast on potential sunlight sensitive resources as described above.

To determine this, a Tier 1 Screening Assessment was performed in accordance with the *CEQR Technical Manual*. A base map is developed that illustrates the proposed site location in relationship to any sunlight-sensitive resources. The longest shadow study area is then determined, which encompasses the site of the proposed project(s) and a perimeter around the site's boundary with a radius equal to the longest shadow that could be cast by the proposed structure, which is 4.3 times the height of the structure that occurs on December 21st, the winter solstice. A map as shown in **Figure 2.3-1** was prepared using the following data sources: NYC Department of Parks Resources, Selected Facilities and Program Sites provided on NYC.gov Department of City Planning GIS portal, a list of park and public spaces provided from NYC.gov DOITT- GIS and Mapping Portal, as well as a screen of SHPO and NYC Landmark Listed Properties. After this, a buffer map was prepared to display the maximum possible shadow of Proposed Development Site 1 and 2 respectively.

The proposed 8-story building on Proposed Development Site 1 (Block 8092, Lot 25) would have a maximum height of 83.5' inclusive of the parapet wall and the longest action-induced shadow would be approximately 359.05 feet (4.3 x 83.5 feet) in length. The proposed 5-story building on the Proposed Development Site 2 (Block 8092, Lot 39) would have a maximum height of 75.6'. The longest action-induced shadow would be approximately 324.65 feet (4.3 x 75.6 feet) in length. The enlargement of Lot 28 could result in an eight-story building up to 85 feet in height. As shown

in **Figure 2.3-1 below**, the only sunlight-sensitive resource within this area is Alley Pond Park. Given that shadows from the buildings could occur in the park, a Tier 2 Assessment is warranted.

Figure 2.3-1 Tier 1 Shadow Analysis

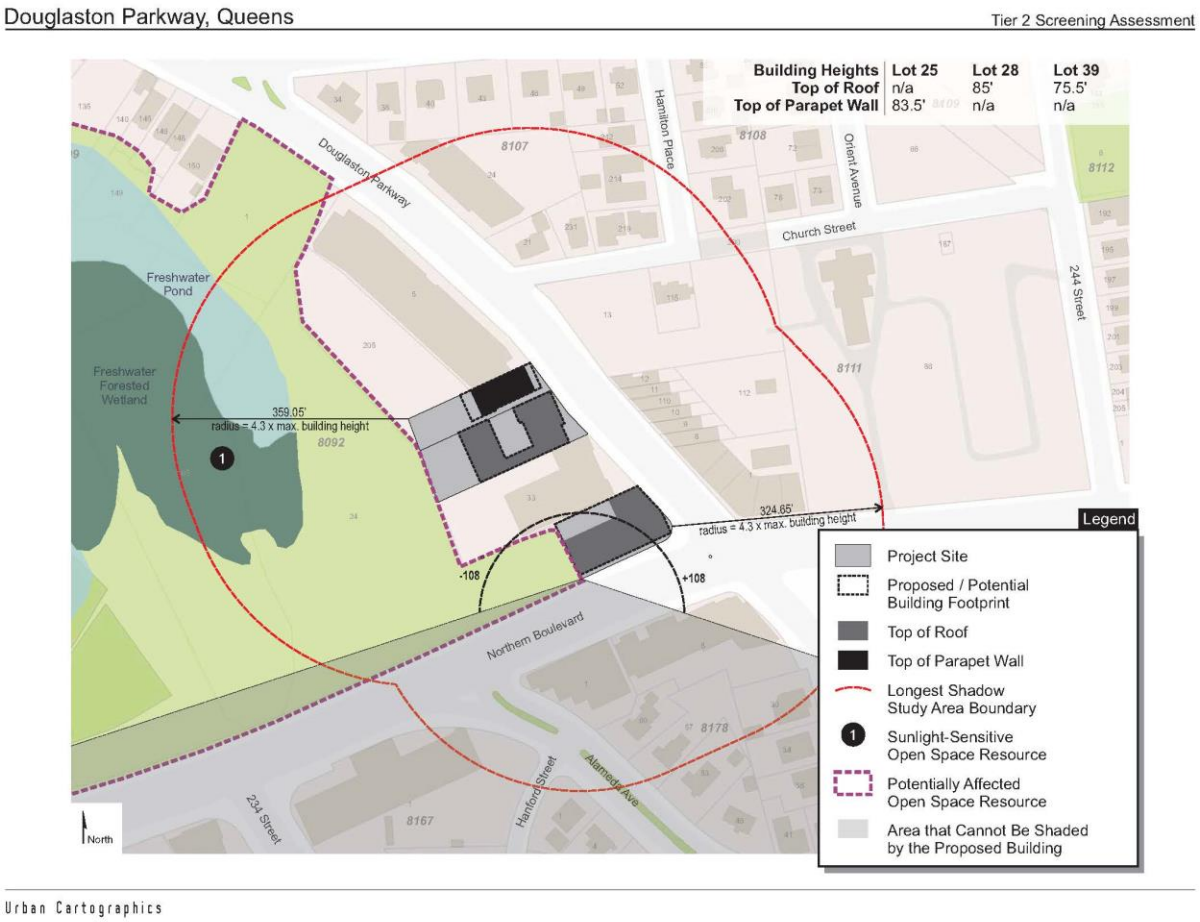


2.3.2 Tier 2 Screening Assessment

The CEQR Technical Manual states that if any portion of a sunlight-sensitive resource lies within the longest shadow study area, a Tier 2 screening assessment should be performed. Because of the path the sun travels across the sky in the northern hemisphere, no shadow can be cast in a triangular area south of any given project site. In New York City, this area lies between -108 and +108 degrees from true north. For a Tier 2 screening assessment, sunlight-sensitive resources within the triangular area cannot be shaded by new development sites and are screened out. The remaining portion to the north within the longest shadow study area is the area that can be shaded by the proposed project.

As shown in Figure 2.3-2, the Tier 2 screening assessment showed that the same open space resource identified under the Tier 1 analysis can still be reached by a potential shadow from the Projected Development Sites and Potential Development Site outside the triangular area where no shadow can be cast. Therefore, further analysis is required for this open space resource to determine the extent of the impact of shadows of these resources.

Figure 2.3-2 Tier 2 Screening Analysis



2.3.4 Tier 3 Screening Assessment

Based on the results of the Tier 2 screening assessment, a Tier 3 screening assessment should be performed if any portion of a sunlight-sensitive resource is within the area that could be shaded by the proposed project. Because the sun rises in the east and travels across the southern part of the sky to set in the west, a project's earliest shadows would be cast almost directly westward. Throughout the day, shadows shift clockwise (moving northwest, then north, then northeast) until sunset, when they would fall east. Therefore, a project's earliest shadow on a sunlight-sensitive resource would occur in a similar pattern, depending on the location of the resource in relation to the project site.

The CEQR Technical Manual states that for the New York City area, the months of interest for an open space resource encompass the growing season (March through October) and one month between November and February (usually December) representing a cold-weather month. Assessments of the incremental shadows cast during four representative dates were made in accordance with the CEQR Technical Manual to encompass a cold-weather month and months during the growing season. The four representative dates of the Tier 3 screening assessment are:

- December 21st
- March 21st
- May 6th
- June 21st

Figure 2.3-4 Below displays the Tier 3 Screening Analysis prepared for the proposed and potential development sites.

Figure 2.3-4a Tier 3 Screening Analysis December 21

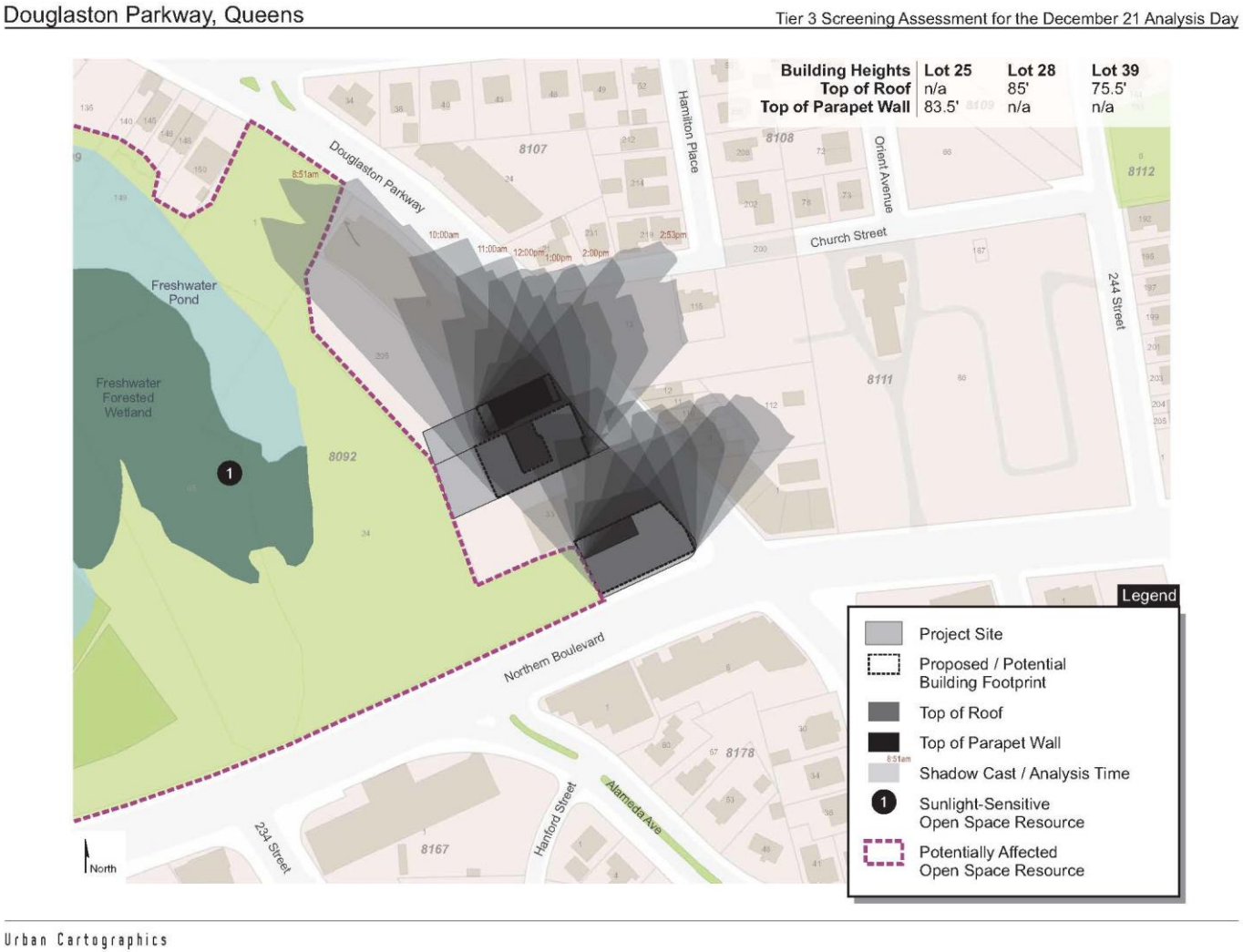


Figure 2.3-4b Tier 3 Screening Analysis March 21

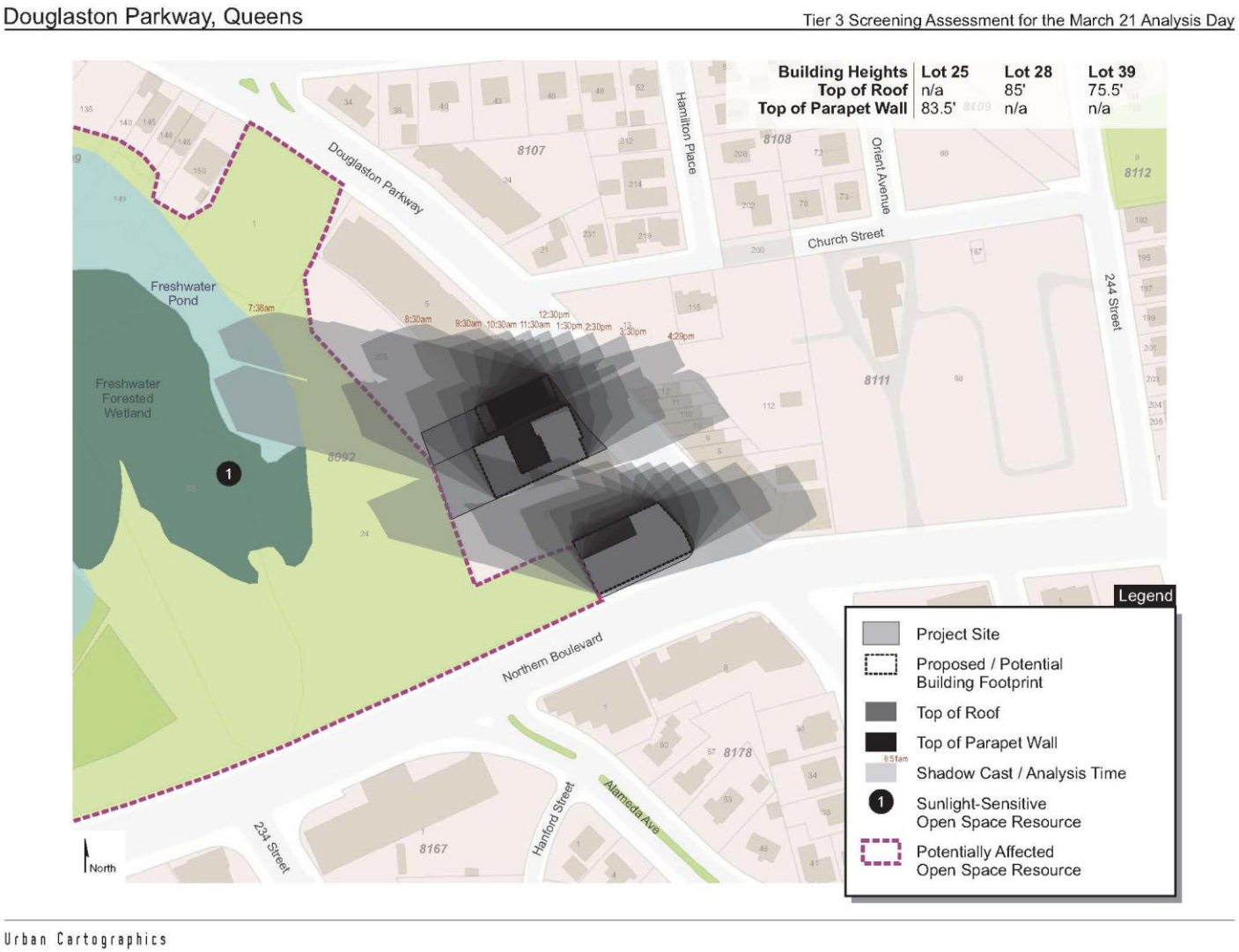


Figure 2.3-4c Tier 3 Screening Analysis May 6

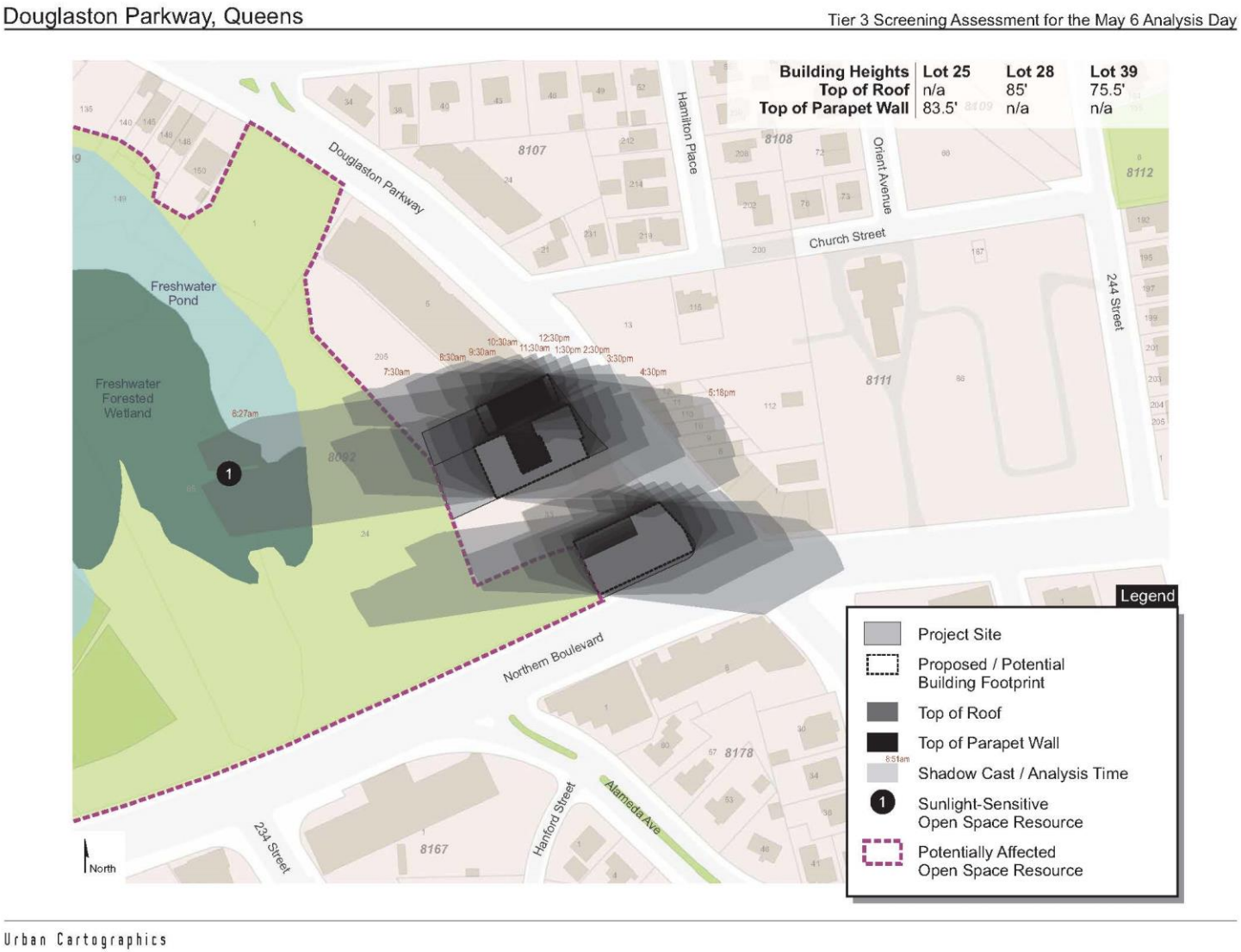
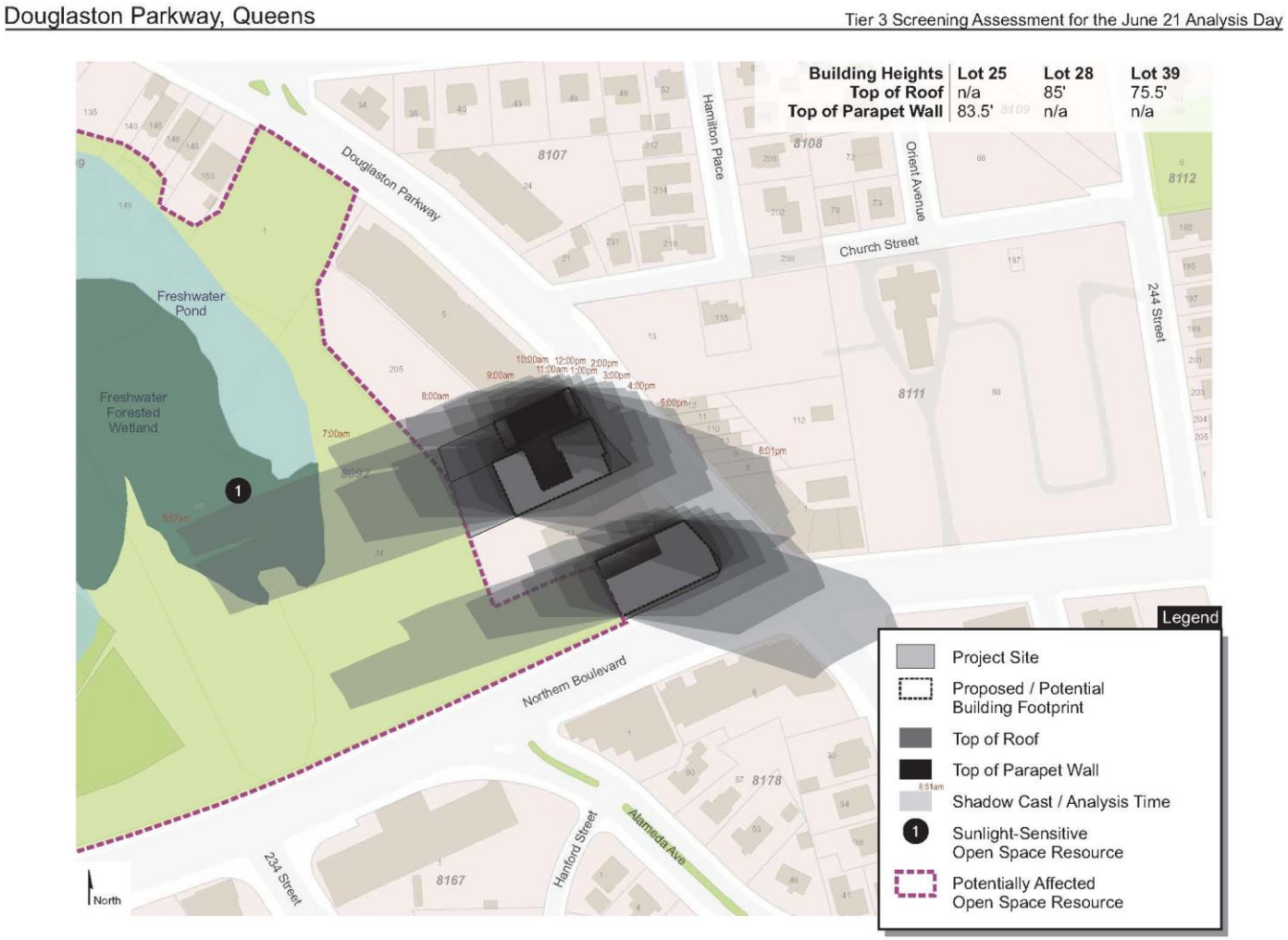


Figure 2.3-4d Tier 3 Screening Analysis June 21



As shown in the above Tier 3 screening assessment, project-generated shadows have the potential to reach a portion of Alley Pond Park during the early morning on the December 21 analysis day, and larger portions of the park during the early morning on the March 21, May 6, and June 21 analysis days. Based on the Tier 3 screening, a detailed shadow analysis was performed for these resources for the relevant days.

2.3.5 Detailed Shadow Analysis

The CEQR Technical Manual states that a detailed shadow analysis is warranted when the screening analyses does not rule out the possibility that project-generated shadows would reach any sunlight-sensitive resources. The purpose of the detailed analysis is to determine the extent and duration of new incremental shadows that fall on a sunlight-sensitive resource as a result of the proposed project. The results of the detailed shadow analyses on the identified resources of concern are summarized in Table Shadows-1 and visualized in Figures 2.3-5 below.

Table Shadows-1 Detailed Shadow Analysis Summary

Analysis Date	**December 21**	**March 21**	**May 6**	**June 21**
Analysis Period	**8:51 a.m. – 2:53 p.m.**	**7:36 a.m. – 4:29 p.m.**	**6:27 a.m. – 5:18 p.m.**	**5:57 a.m. – 6:01 p.m.**
Alley Pond Park				
Shadows Enter/ Exit Time	8:51 am – 10:00 am	7:36 am – 10:47 am	6:27 am – 11:05 am	5:57 am – 11:21 am
Shadow Duration	1:09	3:11	4:38	5:24

Note: Daylight Saving Time not used/applied (per CEQR)

Shadow enter/exit time and duration reflect total of new shadow coverage from both Development Sites

The entering and exiting shadows for Alley Pond Park are shown on the Tier 3 screening assessment figures. The following is an assessment of project-generated shadows on Alley Pond Park for each of the representative analysis dates:

Figure 2.3-5 Detailed Shadow Analysis

Douglaston Parkway, Queens

Tier 3 Incremental Impact for the December 21 Analysis Day



Urban Cartographics

Douglaston Parkway, Queens

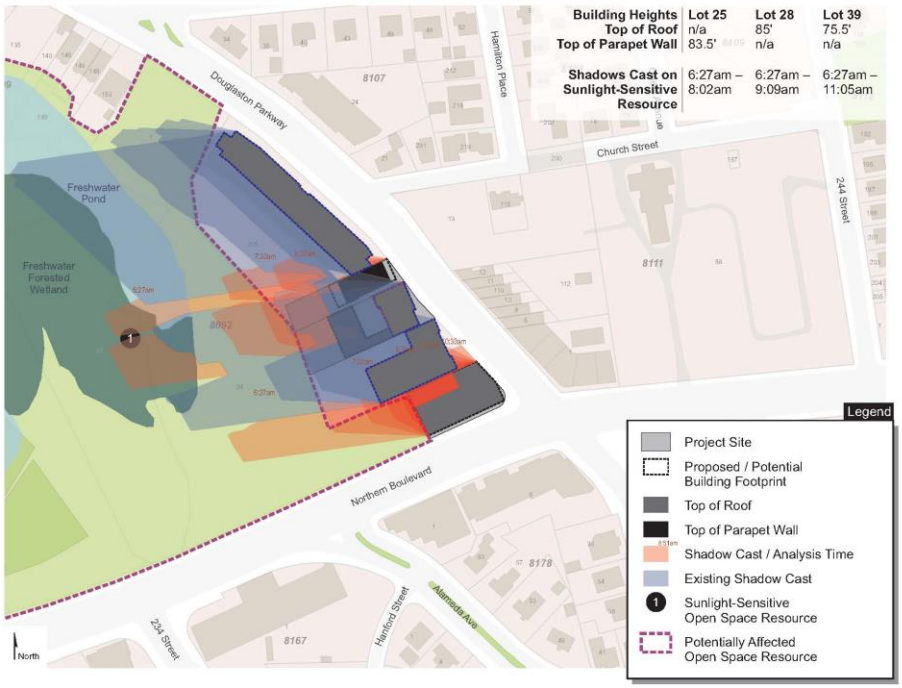
Tier 3 Incremental Impact for the March 21 Analysis Day



Urban Cartographics

Douglaston Parkway, Queens

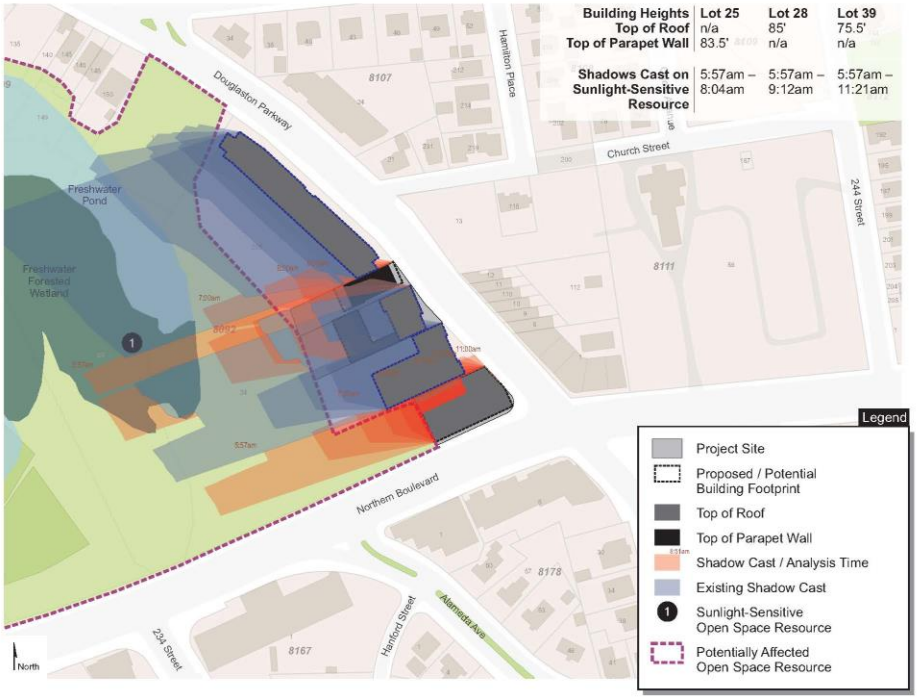
Tier 3 Incremental Impact for the May 6 Analysis Day



Urban Cartographics

Douglaston Parkway, Queens

Tier 3 Incremental Impact for the June 21 Analysis Day



Urban Cartographics

Sensitive Receptor Detailed Shadow Analysis

Alley Pond Park is a large regional park containing active recreational facilities including ballfields, play areas, tennis and basketball courts, and a golf driving range, as well as natural areas including upland forests and tidal wetlands. The portion of the park that would be affected by project-generated shadows consists primarily of scrub vegetation and is not developed for public access or recreation.



Photo: Alley Pond Park – rear of the affected area

As shown above in Figure 2.3-5:

•On December 21 the project-generated shadow from ***Proposed Development Site 1*** would enter an area of the park to the north of the affected area at 8:51 am (the beginning of the analysis period) and would exit at 8:56 am. There would be incremental shadow coverage compared to the shadows resulting from existing buildings within the affected area on lots 5 and 33. The project-generated shadow from the ***Potential Development Site*** would enter an area of the park immediately to the west at 8:51 am and would exit the park by 9:09 am. There are intervening shadows over this area of the park resulting from existing buildings within the affected area on lots 5 and 33, as well as the existing building on the Potential Development Site, Lot 28. The

project-generated shadow from ***Proposed Development Site 2*** would enter an area of the park immediately to the west of this development site at 8:51 am and would exit the park by 10:00 am.

•On March 21 the project-generated shadow from ***Proposed Development Site 1*** would enter an area of the park to the west of Lot 5 at 7:36 am (the beginning of the analysis period) and would exit 41 minutes later, at 8:17 am. There would be an incremental increase in shadow coverage of this area of the park resulting from existing buildings within the affected area. The project-generated shadow from the ***Potential Development Site*** would enter an area of the park immediately to the west at 7:36 am and would exit the park by 9:13 am. There would be an incremental increase in shadow coverage of this area of the park resulting from existing buildings within the affected area on lots 5 and 33, as well as the existing building on the Potential Development Site, Lot 28. The project-generated shadow from ***Proposed Development Site 2*** would enter the park at 7:36 am and would exit the park by 10:47 am. The incremental shadow from ***Proposed Development Site 2*** would be a narrow sliver added to the existing shadow generated by buildings within the affected area.

•On May 6 the project-generated shadow from ***Proposed Development Site 1*** would enter an area of the park to the west of Lot 5 at 6:27 am (the beginning of the analysis period) and would exit at 8:02 am. There would be an incremental increase in the shadow coverage of this area of the park resulting from existing buildings within the affected area. The project-generated shadow from the ***Potential Development Site*** would enter an area of the park immediately to the west at 6:27 am and would exit the park by 9:09 am. There would be an incremental increase to the shadow coverage of this area of the park resulting from existing buildings within the affected area on lots 5 and 33, as well as the existing building on the Potential Development Site, Lot 28. The project-generated shadow from ***Proposed Development Site 2*** would enter the park at 6:27 and would exit the park by 11:05 am. The incremental shadow from ***Proposed Development Site 2*** would affect the southeasternmost portion of the part of Alley Pond Park north of Northern Boulevard.

•On June 21 the project-generated shadow from ***Proposed Development Site*** 1 would enter an area of the park to the west of this Development Site at 5:57 am (the beginning of the analysis period) and would exit at 8:04 am. This would be a narrow sliver added to the existing shadow generated by buildings within the affected area. The project-generated shadow from the ***Potential Development Site*** would enter an area of the park immediately to the west at 5:57 am and would exit the park by 9:12 am. This would be an incremental increase in shadow coverage over this area of the park compared to the existing buildings within the affected area. The project-generated shadow from ***Proposed Development Site 2*** would enter the park at 5:57 and would exit the park by 11:21 am. The incremental shadow from ***Proposed Development Site 2*** would affect the southeasternmost portion of the part of Alley Pond Park north of Northern Boulevard.

2.3.6 Determination of Shadow Impact Significance

The CEQR Technical Manual states that the determination of the significance of shadows on a sunlight-sensitive resource is based on: (1) the information resulting from the detailed shadow analysis describing the extent and duration of incremental shadows; and (2) an analysis of the resource's sensitivity to reduced sunlight. The goal of the assessment is to determine whether the effects of incremental shadows on a sunlight-sensitive resource are significant under CEQR. A shadow impact occurs when the incremental shadow from a proposed project falls on a sunlight-sensitive resource or feature and reduces its direct sunlight exposure. Determining whether this

impact is significant or not, under CEQR, depends on the extent and duration of the incremental shadow and the specific context in which the impact occurs.

For open space and natural resources, the uses and features of a resource is an indicator of its sensitivity to shadows. Shadows occurring during the cold-weather months generally do not affect the growing season of outdoor vegetation; however, their effects on other uses and activities should be assessed. This sensitivity is assessed for warm-weather-dependent features (such as wading pools and sand boxes) or vegetation that could be affected by a loss of sunlight during the growing season, and for features (such as benches) that could be affected by a loss of winter sunlight. Vegetation requiring direct sunlight includes the tree canopy, flowering plants, and plots in community gardens. Generally, four to six hours a day of sunlight, particularly in the growing season, is often a minimum requirement. Where the incremental shadows from the project fall on sunlight-sensitive features or uses, the analysis assesses the loss of sunlight relative to sunlight that would be available without the project.

As stated in the CEQR Technical Manual, to determine impact significance, an incremental shadow is generally not considered significant when its duration is no longer than 10 minutes at any time of year and the resource continues to receive substantial direct sunlight. A significant shadow impact generally occurs when an incremental shadow of 10 minutes or longer falls on a sunlight-sensitive resource and results in one of the following:

- Vegetation - A substantial reduction in sunlight available to a sunlight-sensitive feature of the resource to less than the minimum time necessary for its survival (when there was sufficient sunlight in the future without the project). Or, a reduction in direct sunlight exposure where the sunlight-sensitive feature of the resource is already subject to substandard sunlight (i.e., less than minimum time necessary for its survival).
- Open Space Utilization - A substantial reduction in the usability of open space as a result of increased shadows.
- For Any Sunlight-Sensitive Feature of a Resource - Complete elimination of all direct sunlight on the sunlight-sensitive feature of the resource, when the complete elimination results in substantial effects on the survival, enjoyment, or, in the case of open space or natural resources, the use of the resource.

Conclusion

The portion of Alley Pond Park that would be affected by project-generated shadows consists of wooded areas located to the east of the Alley Pond Golf Center driving range. These wooded areas are not improved for recreational use. Incremental shadow coverage would only occur during the morning period, and this area would continue to receive a minimum of four to six hours of sunlight particularly during the growing season. The shadows generated by proposed development would be similar in size and duration to the shadows that are cast on this area of the park by existing buildings within the affected area. As the minimal amount of shadow cast does not affect vegetation or result in the elimination of light from the resource, no significant impact would occur from the proposed action.

2.4 URBAN DESIGN AND VISUAL RESOURCES

According to the *CEQR Technical Manual*, urban design is the totality of components that may affect a pedestrian's experience of public space. Elements that play an important role in the pedestrian's experience include streets, buildings, visual resources, open space, and natural features, as well as wind as it relates to channelization and downwash pressure from tall buildings. Pursuant to the 2014 *CEQR Technical Manual*, an assessment of Urban Design may be warranted when a Proposed Action may affect one or more of the elements that contribute to the pedestrian experience of an area, specifically the arrangement, appearance, and functionality of the built environment. As stated in the *CEQR Technical Manual*, the Study Area for urban design is the area where the project may influence land use patterns and the built environment and is generally consistent with the Study Area used for the land use analysis (i.e., 400 feet around the project sites). For visual resources, existing publicly accessible view corridors within the Study Area should be identified. The purpose of the preliminary assessment is to determine whether any physical changes proposed by a project may raise the potential to significantly and adversely affect elements of urban design, which would warrant the need for a detailed urban design and visual resources assessment.

2.4-1 Existing Conditions

Affected Area

The Affected Area is located at the northwest corner of the intersection of the Douglaston Parkway and Northern Boulevard. The applicants control the development sites within the affected area that consists of Block 8092, Lot 25 (***Proposed Development Site 1)*** and Block 8092, Lot 39 (***Proposed Development Site 2***). The proposed zoning map change would affect the entirety or portions of six tax lots within Tax Block 8092, including, from north to south:

•Tax Lot 205 and 5: Located immediately to the north of ***Proposed Development Site 1***, have been declared to be a single zoning lot with a combined lot area of 67,752 square feet. Tax Lot 5, is a 35,596.4-square foot, irregularly-shaped interior lot containing a 6-story, 114,402 square foot residential building which includes a doctor's office on the ground floor. Tax Lot 205 is a 32,156-square foot, irregularly-shaped parcel which is used as an accessory off-street parking lot for the building on Tax Lot 5.

•Tax Lot 25 (***Proposed Development Site 1***): The property is a 10,432 sf vacant lot characterized by a steep downward grade change of approximately 20 feet at the rear portion of the lot.

•Tax Lot 28 (**Potential Development Site**): 20,232 sf lot currently contains a 7-story, 29,388 sf (1.55 FAR) residential building.

•Tax Lot 33: 27,011 sf lot currently contains a 6-story, 66,342 square foot (2.46 FAR) residential building.

• Tax Lot 39 (***Proposed Development Site 2***): The 14,517.7-sf lot, currently serves as a private parking lot for the restaurant Giardino by Russo's on the Bay, which occupies a portion of the ground floor in a leased property across Douglaston Parkway. Lot 39 contains open parking, as well as a one-story, 1,600-square foot structure formerly used for auto repair and currently used as a parking attendant's station. Previously this tax lot was utilized as an automotive repair service station that has since closed with the original structure still remaining and boarded up.

Surrounding Area

The affected area is located in the Douglaston section of Queens Community District 11, within an R1-2 zoning district that contains a mix of single-family homes as well as non-complying multi-family residential buildings. The surrounding area contains a mix of parkland, lower- and medium-density residential uses, and commercial uses. The portion of Alley Pond Park to the west of the affected area is unimproved for public use and contains overgrown vegetation. Farther west within the park is a golf driving range. Across Northern Boulevard to the south of the affected area is 6-story residential building that is a non-complying use in the R1-2 zoning district. To the east of the affected area across Douglaston Parkway are a six-story residential building that is a non-complying use in the R1-2 district, a two-family detached residence that is a non-complying use in the R1-2 district, and a series of two-story structures with ground floor commercial and upper residences within an R1-2 district mapped with a C1-2 commercial overlay.

2.4-2 Future No-Action Scenario

Under the affected area's existing R1-2 zoning, development would be limited to single-family detached houses. Such use is not appropriate for the Development Sites and is considered unlikely. It is expected that existing land uses would remain on the Development Sites and other sites within the affected area. The existing multi-family residential buildings within the affected area would remain non-complying uses in a district where residential use is limited to single family detached houses. Existing land use patterns in the vicinity of the Affected Area are expected to remain in the future without the proposed action and no zoning actions are known. No changes in land use and zoning are anticipated for the surrounding area.

2.4-3 Future With-Action Scenario

As discussed above, the proposed actions would allow the intended redevelopment of the applicant owned properties with a total of approximately 83 dwelling units, 34 of which would be affordable senior housing units, along with a 12,678 square foot eating and drinking establishment on Lot 39. The proposed development would nearly maximize the floor area permitted under the proposed R6A and R6A/C1-2 zoning.

Proposed Development Site 1 (Lot 25) The proposed development on ***Proposed Development Site 1*** would have a FAR of 3.26. The development would be eight stories in height and contain approximately 51,128 gross square foot (34,068 zoning square feet) including approximately 17,000 square feet of below-grade parking. The building would contain unattended below-grade accessory parking for seventeen (17) vehicles accessible via a two-way curb cut on Douglaston Parkway.

Proposed Development Site 2 (Lot 39) would be developed with a five-story mixed residential and commercial building containing 81,860 gross square feet (55,380 zoning square feet) of floor area. The development would include an attended 89-space accessory parking garage in the cellar and subcellar accessible via a two-way curb cut on Northern Boulevard.

Other Affected Sites

The proposed zoning map amendment would affect multiple properties not under the applicant's control, as described above. The residential buildings which occupy Lots 5, 28, and 33 would become conforming uses. Their redevelopment under the proposed R6A zoning is not anticipated, although the potential enlargement of the building occupying Lot 28 is considered. Such an enlargement would consist of an approximately 10-foot vertical enlargement bringing total building height to 85 feet, and a horizontal enlargement to the rear. The proposed zoning district's bulk and use regulations more closely correspond to these building's built form than the existing R1-2 zoning.

The following Images and renderings show the proposed and potential building elevation in context with the surrounding area:

Figure 2.4-1 Existing Condition/No-Action Scenario Proposed Development Site 1

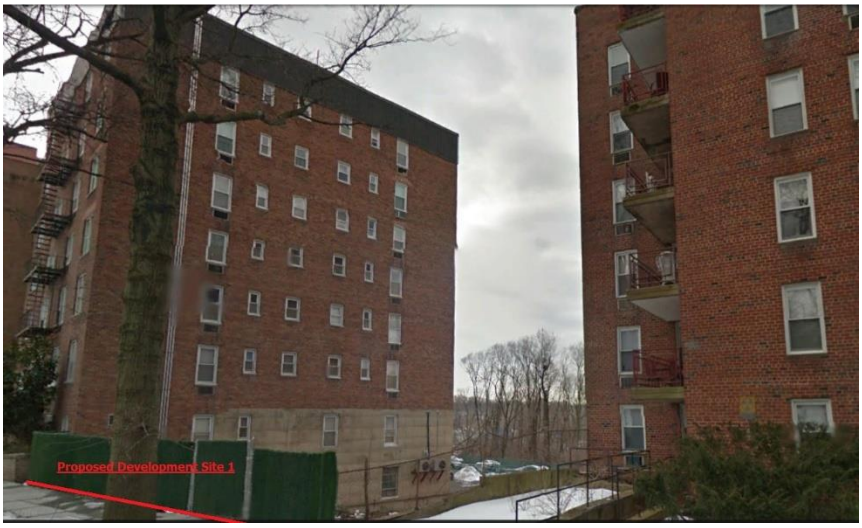
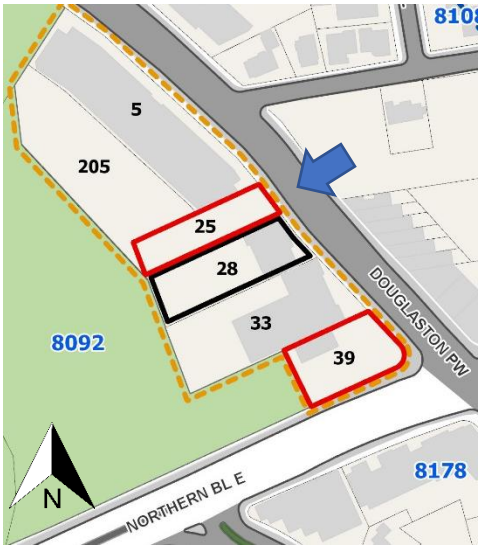


Figure 2.4-2 With-Action Scenario Illustrative massing of Proposed Development Site 1



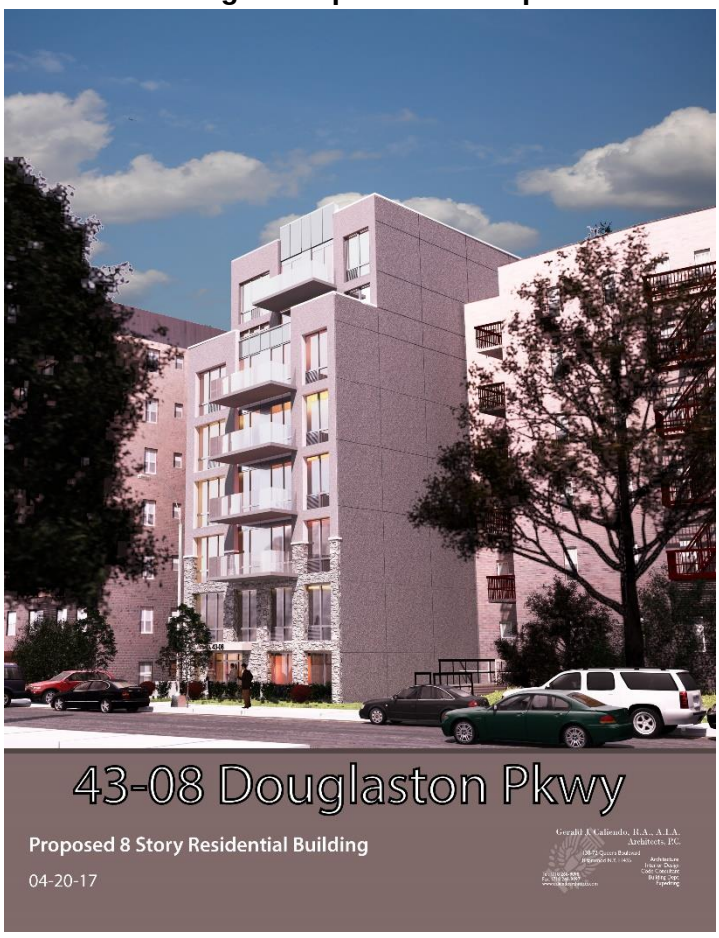


Figure 2.4-3 Existing Condition/No-Action Scenario Proposed Development Site 2



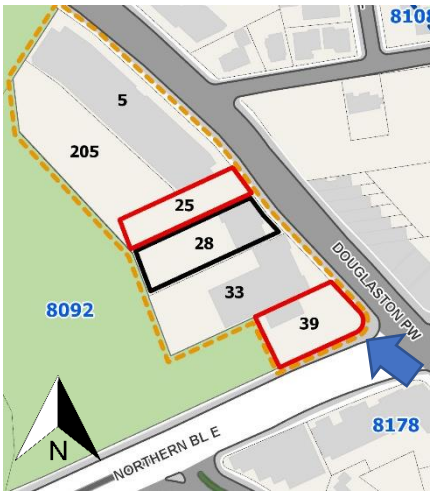


Figure 2.4-3 With-Action Scenario Illustrative Massing Proposed Development Site 2



The following bulk diagrams show the bulk of new development that would be allowed on the Proposed Develoment Sites and the Potential Development Site

Figure 2.4-4 With-Action Scenario Bulk – Proposed Development Site 1





Figure 2.4-5 With-Action Scenario Bulk - Proposed Development Site 2

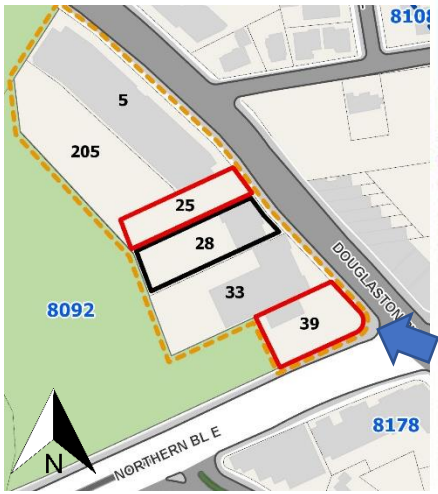


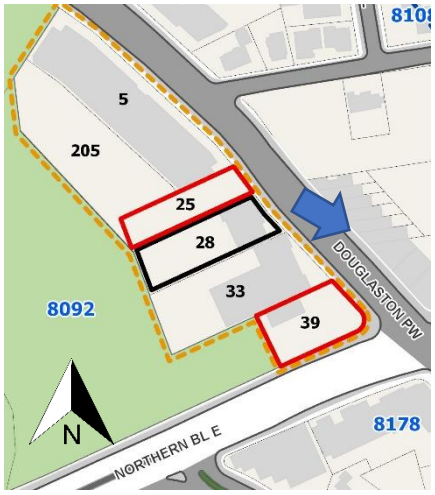


Figure 2.4-6 With-Action Scenario Bulk – Potential Development Site



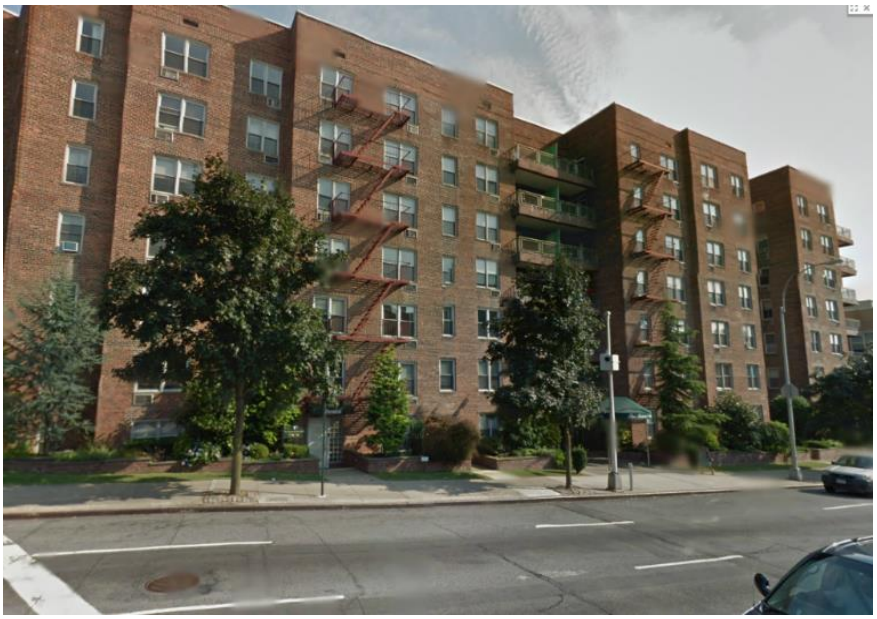
Figure 2.4-7 Surrounding Area

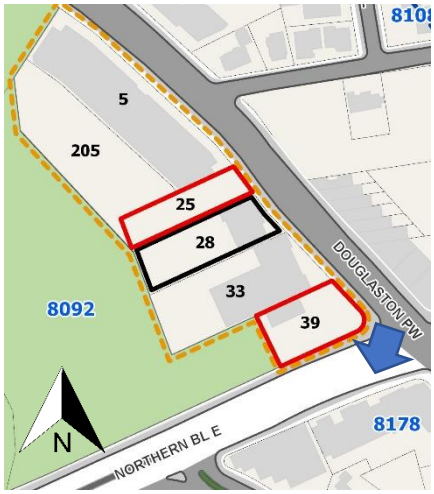




Two Story, mixed-use buildings located along the east side of Douglaston Parkway opposite Proposed Development Site 2

Figure 2.4-7 Surrounding Area





241-20 Northern Boulevard, south of the proposed development sites, contains ground floor community facility uses and upper residences

Conclusion

The development which would occur under the proposed action would not have an adverse impact on the area's urban design elements. It would not result in buildings which are substantially different in height, bulk, scale and/or use than currently exist. It would not adversely affect street hierarchy, street wall, curb cuts or pedestrian activity. As illustrated in the above renderings showing the proposed and projected buildings and surrounding development, the proposed action would result in development that is contextual with its surroundings.

Although the Affected Area is zoned R1-2, it contains 6- and 7-story multiple dwelling buildings that do not conform with the R1-2 district. Developing the projected development sites pursuant to the existing R1-2 zoning would result in the placement of lower-density, detached residences on lots that are flanked by large, multiple-dwelling buildings. The proposed R6A district is a contextual zoning district and is governed by the Quality Housing bulk regulations. The district typically produces a high lot coverage six- or seven-story apartment building which is set on or near the street line, a built form that is consistent with existing development within the Affected Area. C1-2 is a local commercial district with a relatively high parking requirement suited for lower-density areas where some travel is by vehicle and some is by foot or public transit. The proposed rezoning would allow the applicant to develop ***Proposed Development Site 2*** (lot 39) in a manner that is contextually consistent with the existing buildings within the affected area. The proposed development would not negatively impact view sheds, natural features, open space, or the pedestrian experience. The provision of ground floor commercial use would activate the sidewalks surrounding ***Proposed Development Site 2*** and would be appropriate for its location across the street from established commercial uses and at a high visibility location on Northern Boulevard. Additionally, while it is unlikely that Potential Development Site 1 would be redeveloped under the proposed action, such enlargement would be consistent with the area's built form.

The only significant visually accessible resource in the vicinity of the affected area is Alley Pond Park. The park is visually accessible from the proposed and potential development sites and other areas along Douglaston Parkway north of the affected area, as well as from Northern Boulevard west of the affected area. However, visual accessibility from the affected area is limited due to the existing multiple dwelling buildings. As with the existing residential buildings within the affected area, views of the park would be available from the rear dwelling units. Public views of the park would continue to be available from many locations adjacent to and within the park. The proposed action would not unduly block public view of a resource of significant aesthetic value. Therefore, the proposed action would not result in significant adverse impacts related to urban design and visual resources.

2.5 HAZARDOUS MATERIALS

For hazardous materials, the goal for CEQR is 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 or environmental damage.

According to the CEQR Technical Manual, the potential for significant impacts from hazardous materials can occur when: (a) hazardous material exists 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.

Both the ***Proposed Development Site 1*** (Lot 25) owned by North Shore Realty Group, Corp. and the ***Proposed Development Site 2*** (Lot 39) owned by 241-15 Northern, LLC and are the subject of Restrictive Declarations (**Appendix C**), which require that no application for any activity which permits soil disturbance will be submitted to or accepted from the Department of Buildings (DOB) until DEP has issued to DOB appropriate notice that such activity is acceptable. These Restrictive Declarations are binding on the property owners and any successors.

The proposed action may result in new development on the Potential Development Site (Block 8092, Lot 28). Such development would consist of the vertical and horizontal enlargement of the existing building on this site. To preclude the possibility that such potential development could result in adverse impacts assocated with hazardous materials, an E-Designation is proposed for the site.

E-494 designation requirements related to hazardous materials would apply to the following site:

Block 8092, Lot 28 (Potential Development Site)

E-494 designation text related to hazardous materials is as follows:

Task 1-Sampling Protocol

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

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must he 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 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. A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

Conclusion

With the restrictive declarations and E-Designation in place, the proposed developments under the proposed action would not result in significant impacts related to hazardous materials.

2.6 TRANSPORTATION

Pursuant to *CEQR Technical Manual* methodology, a transportation assessment may be necessary when a proposed action would alter the transportation network by closing, opening, or realigning an element of the transportation system such as a roadway, pedestrian way, or transit route, or if it would generate new trips on the transportation network. The objective of the transportation analyses is to determine whether a proposed project may have a potentially significant impact on traffic operations and mobility, public transportation facilities and services, pedestrian elements and flow, the safety of all roadway users (pedestrians, bicyclists and vehicles), on- and off-street parking, or goods movement.

The *CEQR Technical Manual* states that if an analysis is warranted, a preliminary trip generation assessment should be prepared to determine whether a quantified analysis of any technical areas of the transportation system is necessary. Except in unusual circumstances, a further quantified analysis would typically not be needed for a technical area if the proposed development would result in fewer than the following increments:

- 50 peak hour vehicle trips;
- 200 peak hour subway/rail or bus transit riders; or
- 200 peak hour pedestrian trips.

The *CEQR Technical Manual* also states that if the threshold for traffic is surpassed, a parking assessment may also be warranted. This chapter assesses the potential for project–generated vehicle, transit, and pedestrian trips to affect the local transportation network, as well as an assessment of transportation safety in the study area.

Project Description

The proposed action would not result in development that would directly affect any element of the transportation system. The affected area is in Traffic Zone 5, due to its location beyond one mile from the nearest subway station. It is noted that the affected area is within ¼ mile of the Douglaston station of the Long Island Rail Road. According to Table 16-1 of the 2014 *CEQR Technical Manual*, a residential development of fewer than 100 residential units or 10,000 square feet of restaurant space typically does not warrant further assessment of the potential for adverse effects on Transportation. The total induced development would consist of 83 dwelling units, of which 34 would be affordable to households at an average of 80% of AMI, and 12,678 square feet of restaurant space:

Proposed Development Site 1 would be developed with 24 residential units, fourteen (14) would be proposed affordable AIRS pursuant to MIH Option 2 and unattended below-grade accessory parking for seventeen (17) vehicles with access from Douglaston Parkway. The site is currently vacant and is expected to remain vacant in the future without the action.

Proposed Development Site 2 would be developed with a building containing 59 dwelling units, 20 of which would be affordable at pursuant to MIH, and a 12,678-square foot restaurant, and an 89-space attended parking facility in the cellar and sub-cellar with access from a curb cut on Northern Boulevard. Sixty-three (63) of the eighty-nine (89) spaces would be provided for the UG 6 Eating and Drinking Establishment. This site is currently used for valet parking for a restaurant located across Douglaston Parkway from ***Proposed Development Site 2***. This valet parking use is expected to continue to occupy ***Proposed Development Site 2*** in the future without the proposed action.

2.6.1 Preliminary Transportation Screening

The following Transportation Study assesses the incremental difference between the existing, proposed and as-of-right conditions to determine the potential effects of the proposed action on traffic conditions. The analysis assesses conditions such as traffic flow, parking, pedestrian conditions, ingress, egress, and circulation. Sources include field observations, U.S. Census Data and information provided by the project sponsor.

The initial step in determining the need for further analysis is to calculate a weighted average to determine if the total action-generated trips exceed the threshold for analysis. The incremental development of 83 dwelling units constitutes 83% of the threshold value. The incremental development of 12,678 square feet of restaurant space constitutes 127% of the threshold value. In total, action-induced development would be 210% of the threshold value. Therefore, a Level 1 traffic analysis is warranted to analyze the proposed trip generation characteristics. According to the *CEQR Technical Manual*, a proposed action that would generate over fifty vehicular trips during the peak travel hour, over 200 transit trips, or over 200 walking trips, would warrant more detailed study.

Transportation Planning Assumptions

The trip generation analysis below provides the estimated number of person trip-ends expected to be generated by the proposed project over the course of the entire day, as well as during the peak analysis hours. The classification of a proposed project's daily trip-ends by hour of the day is also referred to as its temporal distribution. Modal split refers to the travel modes likely to be used by persons going to and from the proposed project, including autos, taxis and delivery services, subways, buses, ferries, commuter rail, bicycles, and walking. These modes are considered in terms of percentages—i.e., what percent of the total number of people traveling to and from the site would travel by that particular mode. The modal split percentages are then applied to the hourly trip generation estimates to determine the number of persons traveling to and from the site by each mode for each of the analysis peak hours.

To assess the trip generation characteristics of the proposed development, the following sources were used:

Residential Assumptions

The sources for the daily residential trip rate and the peak hour temporal distributions and directional distribution for the residents living in the new DUs is the 2014 *CEQR Technical Manual*. Trips would be generated at a rate of 8.07 daily trips per dwelling unit on weekdays and 9.6 daily trips per dwelling units on Saturday. 10.0% of daily trips would occur during the AM peak hour, 5% during the midday peak hour, and 11.0% during the PM peak hour and 8% would occur during the Saturday peak hour. Truck assumptions were also sourced from table 16-2 of the 2014 CEQR Technical Manual. Directional Distribution and auto occupancy assumptions were drawn from the previously approved Jarome Avenue FEIS.

Travel mode for the residential component was based on the most recent available (2006-2010) U.S. Census Bureau American Community Survey (ACS) Five-Year-Estimates Total Workers 16 and Over, at Work in NYC by Means of Transportation to NYC Workplace (“Journey to Work” or JTW) data. In order to generate a reliable modal split, all bounding census tracts were included. Therefore, the resulting modal split is based on 2006-2010 JTW data for the subject census tract (1479), 1483, 1507.01, and 1507.02.

It was determined based on this data that 61.04% of area residents' travel is by private car, 5.62% travel by MTA bus, 26.1% travel by Subway, 2.8% walk, and 4.86% work from home or classified as "other". For the purposes of this analysis, the "work from home/other" was dispersed evenly between walk/transit for the following modal split breakdown:

A vehicle occupancy of 1.21 for the AM and PM peak hours, and 1.69 for the Saturday and Midday Peak hours was referenced from the previously approved *Jerome Avenue FEIS.*

Residential Modal Split:
Private Car: 61%
MTA Bus: 7%
Subway: 28%
Walk: 4%
Total: 100

Residential Journey Flows:
Based on the 2006-2010 JTW census data, of those residing in the census tracts identified as the sample population for data gathering purposes (1479, 1483, 1507.01 and 1507.02), 7% commute to Brooklyn, 40% commute to Manhattan, 52% commute within Queens, and 1% commute to the Bronx.

Restaurant Assumptions
The projected development would include 12,678 gross square feet of restaurant space. Directional distribution factors, daily trip rates, temporal distribution, and weekday vehicular occupancy for the restaurant component were taken from the previously approved *Jerome Avenue FEIS*. 0.9% of daily trips are anticipated to occur during the AM peak hour, 6.2% during the Midday peak hour, 8.3% during the PM peak hour, and 11% during the Saturday Peak Hour.

Truck Assumptions were sourced from the previously approved East New York FEIS. Pursuant to guidance from the Environmental Assessment and Review Division (EARD) of the Department of City Planning (DCP), Travel would be primarily by private car, with 75% by car and 30% by walk/other, with a Saturday vehicular occupancy of 2.5 to account for larger family-style outings that a restaurant use in this area is likely to generate on the weekends. To account for trips to the restaurant that are anticipated to be generated from pass-by trips, a 10% linked-trip credit was applied.

The Transportation Planning Assumptions for the project components are presented in the following Table ***Transportation-1****.*

Transportation-1: Transportation Planning Assumptions				
Land Use	**RESIDENTIAL**		**RESTAURANT**	
Size:	83	Dwelling Units	12,678	GSF
Trip Generation:	**(1)**		**(4)**	
Weekday	8.075		173	
Saturday	9.6		181	
	per d.u		per 1,000 g.s.f.	
Linked-Trip:	0%		10%	
Temporal Distribution:	**(1)**		**(4)**	
AM Peak Hour	10%		0.9%	
MD Peak Hour	5%		6.2%	
PM Peak Hour	11%		8.3%	
Saturday Peak Hour	8%		11%	
	(3)		**(5)**	
Modal Split :	**All**		**All**	
Auto	61%		75%	
Rail/Subway	28%		8%	
Bus	7%		2%	
Walk	4%		15%	
Total	100%		100%	
Vehicle Occupancy:	**(4)**		**(4) (5)**	
Auto	1.21	AM/PM	2.2	Weekday
	1.69	SAT/MD	2.5	SAT
		(4)		**(4)**
Directional Distribution:	**In**	**Out**	**In**	**Out**
(8-9) AM	0.15	0.85	0.94	0.06
(12N-1PM) Midday	0.50	0.50	0.50	0.50
(5-6) PM	0.70	0.30	0.67	0.33
Saturday Peak Hour	0.50	0.50	0.50	0.50
Truck Trip Generation:	**(1)**		**(2)**	
Weekday	0.06		3.6	
Saturday	0.02		3.6	
	per d.u		per 1,000 g.s.f.	
Truck Temporal Distribution:	**(1)**		**(2)**	
AM Peak Hour	12%		6%	
MD Peak Hour	9%		6%	
PM Peak Hour	2%		1%	
Sat Peak Hour	9%		0%	
Truck Directional Distribution:				
AM/MD/PM/Sat	50%	50%	50%	50%

Sources:
(1) CEQR TM Table 16-2

(2) East New York FEIS
(3) 2006-2010 U.S. Census Bureau American Community Survey (ACS) Five-Year-Estimates Total Workers 16 and Over, at Work in NYC by Means of Transportation to NYC Workplace for all bounding census tracts including the subject census tract (1483, 1507.01, 1479, 1507.02)* data on census tract 1385.02 was not available
(4) Jerome Avenue FEIS

(5) Per guidance from DCP EARD

2.6.2 Level 1: Trip Generation Screening Assessment

The preliminary screening thresholds in the March 2014 CEQR Technical Manual suggest that any project which generates 50 or more peak hour incremental vehicle trip-ends is likely to warrant a Level 2: Vehicular Assignment to the Local Network. Conversely, projects that are anticipated to generate fewer than 50 peak hour incremental vehicle trip-ends do not warrant detailed traffic assessments, and potential traffic impacts are not expected.

The March 2014 CEQR Technical Manual also indicates that a Level 2: Pedestrian Trip Assignment to the Local Network Assessment be performed for projects that are likely to generate 200 or more incremental pedestrian trips during any peak hour.

Lastly, pursuant to Section 313.2 of the 2014 CEQR Technical Manual, according to general thresholds used by MTA agencies, if the proposed project is projected to result in fewer than 200 peak hour subway/rail or bus transit riders, further transit analyses are not typically required as the proposed project is considered unlikely to create a significant transit impact.

With-Action Trip Generation Findings

Applying the trip generation assumptions from Table Transportation-1 to the Development Sites, as presented in Table **Transportation-2**, **Transportation-3**, and **Transportation-4** below, the proposed action has the potential to generate 41 vehicular trip-ends during the AM Peak Hour, 60 vehicular trip-ends during the midday peak hour, 92 vehicular trip-ends during the PM Peak Hour, and 92 vehicular trip-ends during the Saturday peak hour.

A total of 27 pedestrian trip-ends (19 subway, 5 bus, 3 walk) are projected during the AM peak hour; A total of 44 pedestrian trip-ends (19 subway, 5 bus, 20 walk) are projected during the midday peak hour; A total of 71 pedestrian trip-ends (34 subway, 9 bus, 28 walk) are projected during the PM peak hour; and a total of 82 pedestrian trip-ends (36 subway, 9 bus, 37 walk) are projected during the Saturday peak hour.

Pursuant to CEQR TM methodology, the project is below the threshold for further pedestrian or transit assessment and no impacts are anticipated. Based on the Trip Generation Assessment provided below, a Level 2: Assignment to the local network was conducted, as shown in Section 2.6.3 below, for the peak hours where greater than 50 vehicular trip-ends are projected (MD, PM, and Saturday peak hours).

Transportation-2: With-Action Person Trips

Land Use:	Residential		Restaurant		Combined (Residential and Restaurant)		
Size:	83		12,678				
Net Peak Hour Trips					Total Demand		
AM Peak Hour	67		2		69		
Midday Peak Hour	34		122		156		
PM Peak Hour	74		164		238		
Saturday Peak Hour	64		227		291		
Person Trips:							
AM Peak Hour	***Inbound***	***Outbound***	***Inbound***	***Outbound***	***Total Inbound***	***Total Outbound***	***Total AM Peak***
Auto	6	35	1	0	8	35	42
Subway	3	16	0	0	3	16	19
Bus	1	4	0	0	1	4	5
Walk	0	2	0	0	1	2	3
Total	10	57	2	0	12	57	69
Midday Peak Hour	***Inbound***	***Outbound***	***Inbound***	***Outbound***	***Total Inbound***	***Total Outbound***	***Total Midday Peak***
Auto	10	10	46	46	56	56	112
Subway	5	5	5	5	10	10	20
Bus	1	1	1	1	2	2	4
Walk	1	1	9	9	10	10	20
Total	17	17	61	61	78	78	156
PM Peak Hour	***Inbound***	***Outbound***	***Inbound***	***Outbound***	***Total Inbound***	***Total Outbound***	***Total PM Peak***
Auto	31	13	82	41	114	54	168
Subway	14	6	9	4	23	10	34
Bus	4	2	2	1	6	3	9
Walk	2	1	16	8	19	9	28
Total	52	22	110	54	161	76	237
Saturday Peak Hour	***Inbound***	***Outbound***	***Inbound***	***Outbound***	***Total Inbound***	***Total Outbound***	***Total Saturday Peak***
Auto	19	19	85	85	105	105	228
Subway	9	9	9	9	18	18	38
Bus	2	2	2	2	5	5	9
Walk	1	1	17	17	18	18	37
Total	32	32	114	114	145	145	291

Source: Transportation- 1
Note: Values are rounded to the nearest whole number.

Transportation-3: With-Action Pedestrian Trip-Ends

	AM Pedestrian Trips	MD Pedestrian Trips	PM Pedestrian Trips	SAT Pedestrian Trips
Subway	19	19	34	36
Bus	5	5	9	9
Walk	3	20	28	37
Total	**27**	**44**	**70**	**82**

Source: Transportation-1 and Transportation 2

Transportation-4: With-Action Vehicular Trips							
Vehicular Trips	Residential		Restaurant		Total Project Generated Vehicular Trips		
AM Peak Hour	Inbound	Outbound	Inbound	Outbound	Inbound	Outbound	Total Trip-Ends
Auto (Total)	5	29	1	0	6	29	35
Truck	0	0	1	1	2	1	3
Truck (Balanced)	1	0	3	3	3	3	6
Total	**6**	**29**	**4**	**3**	**9**	**32**	**41**
Midday Peak Hour							
Auto (Total)	6	6	21	21	27	27	54
Truck	0	0	1	1	2	2	3
Truck (Balanced)	0	0	3	3	3	3	6
Total	**6**	**6**	**24**	**24**	**30**	**30**	**60**
PM Peak Hour							
Auto (Total)	26	11	37	18	63	29	92
Truck	0	0	0	0	0	0	0
Truck (Balanced)	0	0	0	0	0	0	0
Total	**26**	**11**	**37**	**18**	**63**	**29**	**92**
Saturday Peak Hour							
Auto (Total)	12	12	34	34	46	46	92
Truck	0	0	0	0	0	0	0
Truck (Balanced)	0	0	0	0	0	0	0
Total	**12**	**12**	**34**	**34**	**46**	**46**	**92**

Source: Transportation-1 and Transportation-2

2.6.3 Level 2: Project Generated Trip Assignment

The preliminary screening thresholds in the March 2014 CEQR Technical Manual suggest that any project which generates 50 or more peak hour incremental vehicle trip-ends through a single intersection in any given peak hour is likely to warrant a detailed traffic operations analysis. Conversely, projects that are anticipated to generate fewer than 50 peak hour incremental vehicle trip-ends through a single intersection generally do not warrant detailed traffic assessments, and potential traffic impacts are not expected.

Vehicular Trip Assignment

The proposed action is anticipated to generate 41, 60, 92 and 92 vehicular trips-ends during the AM, Midday, PM and Saturday Peak hours, respectively. The Midday, PM and Saturday peak hours exceed the CEQR threshold of 50 hourly trips identified as warranting further assessment. Accordingly, the next step in CEQR methodology is to assign these trips to the surrounding road network to determine whether any individual intersection would experience an increase in traffic of fifty or more vehicles.

Roadway Network (See Figure 2.6-1 Transportation Study Area below)

The affected area is bounded by Northern Boulevard to the south and Douglaston Parkway to the east. Northern Boulevard is a major east-west through route from Long Island City into Nassau County. It operates in both directions, with two moving lanes, curbside parking, and left turn bays at most intersections, including at Douglaston Parkway. Douglaston Parkway is a two-way north-south street extending from Hillside Avenue in Douglas Manor in the north to the Grand Central Parkway in the south. In the vicinity of the affected area, it has one moving lane in each direction. Northern Boulevard provides access to the Cross-Island Parkway, located approximately 2/3 mile to the west, and Douglaston Parkway provides access to the Long Island Expressway approximately 2/3 mile to the south. Within the ½ mile Transportation Study Area, the Long Island Rail Douglaston Station serving the Port Washington Train is located to the northwest on 235th Street. The Northern Bl/244 St Bus Stop is located on northern boulevard east of the affected area and serves the Q12 bus. The Q12 bus runs east to Flushing and west to Little Neck.

Projected Traffic

The project, inclusive of the residential and restaurant components, would generate 30 inbound trips and 30 outbound trips during the midday peak hour, 63 inbound trips and 29 outbound trips during the PM peak hour, and 46 inbound and 46 outbound trips during the Saturday peak hour.

Arrival and Departure Patterns

The development on ***Proposed Development Site 1*** would be served by a 17-space accessory parking facility with a curb cut on the west side of Douglaston Parkway approximately 350 feet north of Northern Boulevard. The development on ***Proposed Development Site 2*** would be served by an 89-space parking facility, 63 of the 89 spaces would be designated for the commercial use. Access would be provided by a curb cut on the north side of Northern Boulevard approximately 130 feet west of Douglaston Parkway.

Regional trips to the east and west would be via the Long Island Expressway, accessed by traveling south on Douglaston Parkway. Regional trips to the north and south would be via the Cross-Island Parkway, accessed by traveling west on Northern Boulevard. Because of the affected area's location near the base of the Douglas Manor peninsula, it is assumed that a negligible number of auto trips to and from the Proposed Developments would be to the north on

Douglaston Parkway. Local trips would likely use Douglaston Parkway for destinations to the south, and Northern Boulevard for destinations to the east and west.

Based on the existing roadway layout and point of egress and ingress to the parking, inbound trips to Proposed Development Site 2 would arrive from the east on Northern Boulevard and proceed straight, arrive from the south on Douglaston Parkway and make a left-hand turn, or arrive from the west and make a left hand turning movement into the parking entrance. Departing trips for the restaurant use would consist of a west-bound right-hand turn out of the parking area onto northern boulevard. These vehicles would collect at the intersection of Alameda Avenue and Northern Boulevard and either proceed straight on Northern Boulevard towards the Cross-Island Parkway, or make a left-hand turn onto Alameda Avenue.

Figure 2.6-1: Transportation Study Area

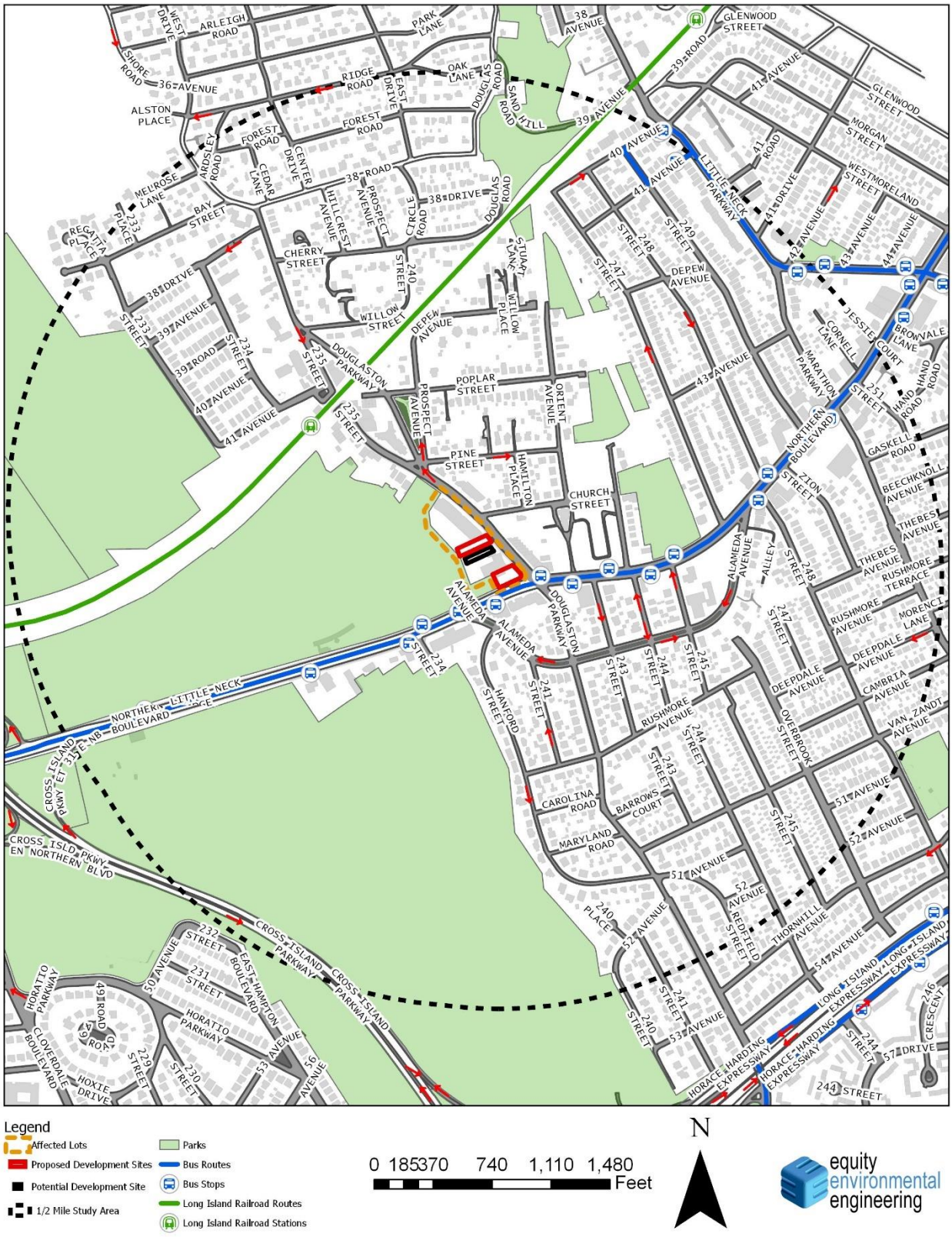


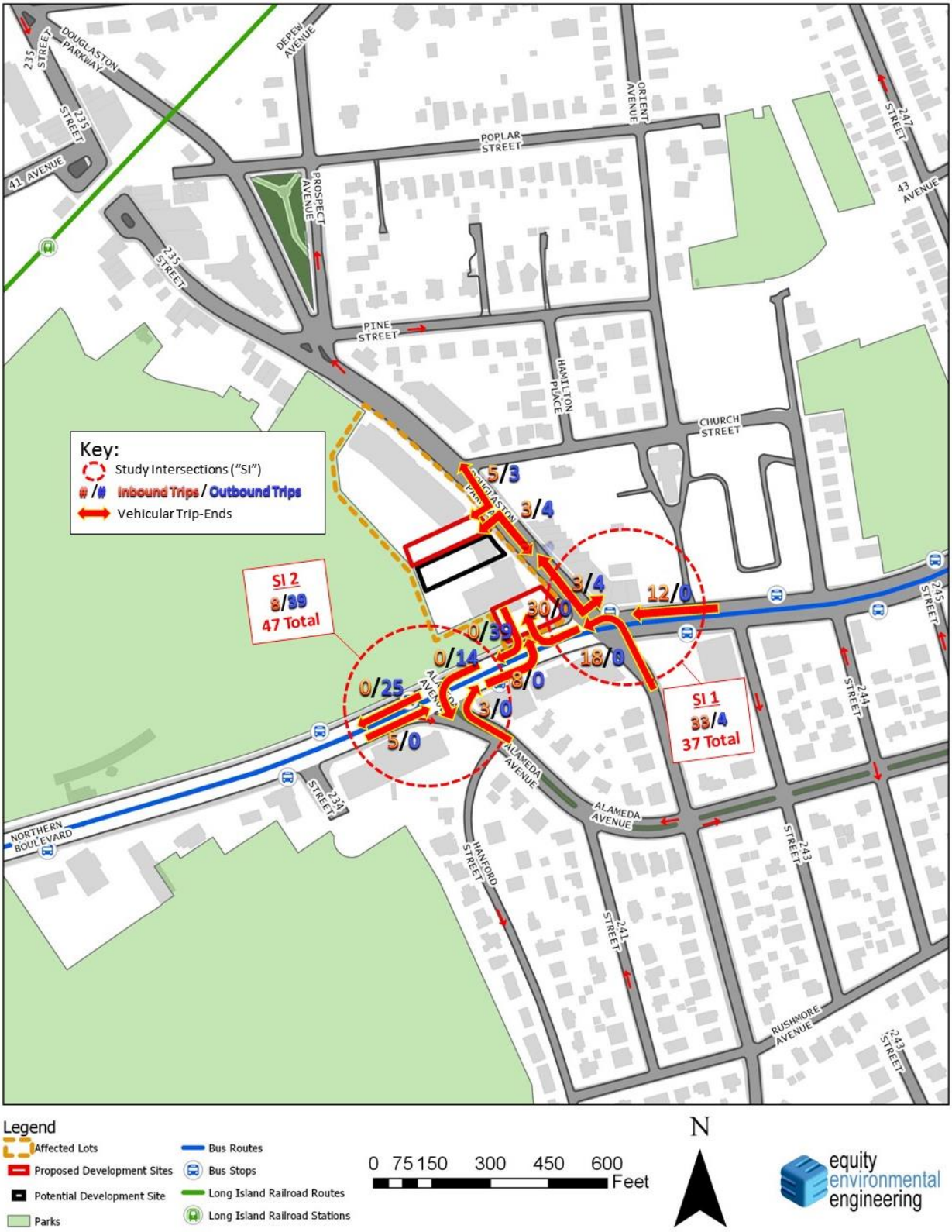
Figure 2.6-2: Midday Vehicular Trip Assignment



Figure 2.6-3: PM Vehicular Trip Assignment



Figure 2.6-4: Saturday Vehicular Trip Assignment



Based on the anticipated project generated travel patterns as shown in Figures 2.6-2 to 2.6-4, no one intersection is anticipated to result in greater than 50 peak hour project generated vehicular trip-ends pursuant to the Proposed Action. Therefore, no further assessment is warranted.

2.6.4 Accident Data Review

The two identified study intersections were assessed to determine if either intersection is considered a "high crash" location, where safety concerns related to increase pedestrian concentrations would result pursuant to the Proposed Action. Pursuant to Chapter 16 Section 341 of the *2014 CEQR Technical Manual*, a high crash area is one where there are 48 or more total crashes (reportable and non-reportable) or five or more pedestrian/bicycle injury crashes in any consecutive 12 months of the most recent 3-year period for which data is available. If any high crash locations are identified, practicable measures to enhance pedestrian/bicycle safety at these locations will be described.

New York Police Department (NYPD) crash data involving vehicles, pedestrians and/or cyclists at study area intersections was obtained from NYPD Motor Vehicle Crashes for the most recent three-year period available. The results of the Crash Data Review are shown below in *Table Transportation-5.*

Study Intersection One (1) and Study Intersection Two (2), as defined below, are not Considered high-crash locations. Additionally, both intersections are fully controlled from a pedestrian standpoint. Therefore, no safety impacts related to project generated pedestrian and/or vehicular activity is anticipated pursuant to the Proposed Action.

Study Intersection One (1): Douglaston Parkway and Northern Boulevard.
No motor vehicle crashes or injuries are reported at this intersection for the three-year period reviewed (August 15th, 2015 – August 15th, 2018)**.** Therefore, this intersection does not qualify as a high-crash location.

Study Intersection Two (2): Alameda Avenue and Northern Boulevard
A total of nine vehicular crashes and five motorist injuries occurred at this intersection over a consecutive three-year period as shown in Transportation-5. No pedestrian/bicycle injuries occurred at this intersection over the three-year period reviewed (August 15th, 2015 – August 15th, 2018). Therefore, this intersection does not qualify as a high-crash location.

Transportation-5: NYPD Crash Data													
DATE	BOROUGH	ON STREET NAME	CROSS STREET NAME	NUMBER OF PERSONS INJURED	NUMBER OF PERSONS KILLED	NUMBER OF PEDESTRIANS INJURED	NUMBER OF PEDESTRIANS KILLED	NUMBER OF CYCLIST INJURED	NUMBER OF CYCLIST KILLED	NUMBER OF MOTORIST INJURED	NUMBER OF MOTORIST KILLED	CONTRIBUTING FACTOR VEHICLE 1	CONTRIBUTING FACTOR VEHICLE 2
8/4/2018	QUEENS	DOUGLASTON PARKWAY	ALAMEDA AVENUE	0	0	0	0	0	0	0	0	Failure to Yield Right-of-Way	Unspecified
11/16/2017	QUEENS	DOUGLASTON PARKWAY	ALAMEDA AVENUE	2	0	0	0	0	0	2	0	Failure to Yield Right-of-Way	Unspecified
10/30/2017	QUEENS	DOUGLASTON PARKWAY	ALAMEDA AVENUE	0	0	0	0	0	0	0	0	Following Too Closely	Unspecified
9/28/2017	QUEENS	DOUGLASTON PARKWAY	ALAMEDA AVENUE	0	0	0	0	0	0	0	0	Following Too Closely	Unspecified
4/6/2016	QUEENS	DOUGLASTON PARKWAY	ALAMEDA AVENUE	3	0	0	0	0	0	3	0	Prescription Medication	Prescription Medication
4/3/2016	QUEENS	ALAMEDA AVENUE	DOUGLASTON PARKWAY	0	0	0	0	0	0	0	0	Pavement Defective	
2/20/2016	QUEENS	ALAMEDA AVENUE	DOUGLASTON PARKWAY	0	0	0	0	0	0	0	0	Unspecified	Unspecified
10/13/2015	QUEENS	DOUGLASTON PARKWAY	ALAMEDA AVENUE	0	0	0	0	0	0	0	0	Unspecified	
6/19/2015	QUEENS	ALAMEDA AVENUE	DOUGLASTON PARKWAY	0	0	0	0	0	0	0	0	Backing Unsafely	Unspecified

Source: NYPD Motor Vehicle Collision Data

2.6.5 Parking

Proposed Development Site 1 would be developed with a 24-unit residential building providing accessory parking for seventeen vehicles. ***Proposed Development Site 2*** would be developed with a mixed-use building containing 59 dwelling units and 12,698 square feet of restaurant space served by an 89-space accessory parking facility. New development would be subject to the parking requirements of the proposed R6A and R6A/C1-2 zoning districts.

Conclusion

This chapter presented an analysis of the effects of additional peak hour trips anticipated as a result of the Proposed Action on the transportation system, transit resources, road networks, and pedestrian elements within the vicinity of the Project Area. The following conclusions are drawn from this analysis:

- The Proposed Action would not result in an increase of 50 or more vehicular-trip ends to any one intersection within the study area. Therefore, the Proposed Action would not result in significant adverse impacts related to traffic, parking or circulation.
- The Proposed Action would not result in an increase of 200 or more total pedestrian trip-ends either cumulatively, or individually, to any one intersection within the study area. Therefore, no significant adverse pedestrian impacts are projected to occur at any of the crosswalks, street corners, or sidewalks.
- The Proposed Action would not lead to an increase of 200 or more subway or bus trips to any one transit line, stop, station, or platform. Therefore, the Proposed Action would not lead to any significant adverse subway or bus impacts related to circulation or capacity.
- Neither of the two study intersections are classified as “high crash locations” based on *CEQR Technical Manual* methodology.

2.7 AIR QUALITY

Ambient air quality describes pollutant levels in the surrounding environment to which the public has access. To assess potential health hazards due to ambient air quality, the impact of air pollutants emitted by motor vehicles (mobile source) and by fixed facilities (stationary source) are analyzed, where the effects of both the proposed project on ambient air quality and the ambient air quality effect on the proposed project are considered. The analysis frame work, as mandated by the State Environmental Review Act, follows the New York City Environmental Quality Review 2014 Technical Manual (CEQR TM). The potential air quality impacts of the following emissions are estimated following the procedures and methodologies prescribed in the CEQR TM:

The potential for changes in vehicular travel associated with proposed development activities to result in significant mobile source (vehicular related) air quality impacts.

The potential for emissions from the heating, ventilation and air conditioning (HVAC) systems of the proposed development to significantly impact nearby existing land uses.

The potential for air toxic emissions released from existing industrial facilities to significantly impact the proposed development within 400 feet of the proposed development.

The potential for significant air quality impacts from the emissions of existing HVAC systems with a 20 or more million Btu per hour (MMBtu/hr) design capacity to significantly impact the proposed development within 400 feet of the proposed development.

The potential for significant air quality impacts from the emissions of facilities that require Prevention of Significant Deterioration permits (Title V), and facilities which require a state facility permit to significantly impact the proposed development within 1,000 feet of the proposed development.

2.7.1 The Affected Area

The Affected Area is located in the Douglaston neighborhood of Queens, Community District #11. Six lots on Block 8092 are affected by the proposed action. Of these, Lots 5, 33, and 205 are existing uses not expected for developed as discussed above. The other three lots are: The Proposed Development Site 1 (Block 8092, Lot 25), the Proposed Development Site 2 (Block 8092, Lot 39), the Potential Development Site (Block 8092, Lot 28). The total anticipated development within the proposed rezoning area would consist of 194,641 gross square foot (gsf), of which 12,678 gsf are commercial space, and 106 attendant parking spaces.

The Proposed Development Site 1 (Block 8092, Lot 25)
Proposed Development Site 1, the Applicant owned property, located at 43-80 Douglaston Parkway would facilitate a residential, eight-story building. The building would contain 51,128 gsf of floor area and would rise to a height of 85 feet. The building would contain 17 attendance parking spaces. The building's HVAC system would operate on natural gas.

The Proposed Development Site 2 (Block 8092, Lot 39)
Proposed Development Site 2 located at 241-15 Northern Boulevard would facilitate a mixed-use, predominantly residential, five-story building. The building would rise to a height of 75 feet and would contain 81,860 gsf of floor area, of which 69,182 gsf are residential floor area and 12,678 gsf are commercial floor area, and 89 accessory parking spaces. The building's HVAC system

would operate on natural gas. The site terrain is such that the Proposed Development Site 2 roof height is lower than the existing building at 44-30 Douglaston Parkway (Block 8092, Lot 33).

The Potential Development Site (Block 8092, Lot 28)
The Potential Development Site located at 44-20 Douglaston Parkway is currently developed with a six-story residential building. The site reasonable worst-case development scenario (RWCDS) would facilitate an eight-story, 85 feet high building. The RWCDS would facilitate a horizontal expansion too, resulting in 61,653 gsf of residential floor area. The building's HVAC system would operate on natural gas.

2.7.2 Air Pollutants and Applicable Standards/Guidelines

National 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. The NO_2 and $PM_{2.5}$ standards together with their health-related averaging periods are presented in Table 17-1.

New York State 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.

NYC Interim Guidelines

In addition to the NAAQS, the *CEQR TM* 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 TM,* $PM_{2.5}$ significant impacts are evaluated as follow:

- 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 project area.

Background concentrations of relevant criteria pollutants were obtained from the NYSDEC's annual report for 2016 at the nearest monitoring stations. Table 17-1 shows the NO_2 and $PM_{2.5}$ standards together with their health-related averaging periods and the background concentrations.

Table 17-1. National and New York State Ambient Air Quality and Background Concentration (NYSDEC 2016 Report).

Pollutant	Averaging Period	National and State Standards	Background Concentration	Monitoring Station
NO_2	98th percentile of 1-hour daily maximum	188 µg/m^3	120.9 µg/m^3	Queens College
	Annual arithmetic mean	100 µg/m^3	33.0 µg/m^3	
$PM_{2.5}$	98th percentile of 24-Hour average	35 µg/m^3	19.7 µg/m^3	
	Average of last 3 years annual means	12 µg/m^3	7.5 µg/m^3	

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

- 24-hour $PM_{2.5}$ 7.65 µg/m^3
- Annual $PM_{2.5}$ 0.3 µg/m^3

2.7.3 PROJECTS HVAC SYSTEMS ANALYSIS

Per *CEQR TM*, the HVAC analysis considers the potential for emissions from the HVAC systems of the proposed development to significantly impact existing land uses (project-on-existing), and the potential of the Proposed Actions to significantly impact each other (project-on-project).

As outlined in the *CEQR TM*, the analysis of buildings' HVAC systems follows stationary sources methodology, and based on CEQR guidelines, a preliminary screening analysis is to be conducted as a first step to predict whether the potential impacts of the heat and hot water system boiler emissions can be significant. This CEQR screening procedure is applicable to buildings that are not less than 30 feet from the nearest building of similar or greater height. Otherwise, a detailed dispersion analysis is required.

The Affected Area comprises of six lots on Block 8092: The existing buildings on Lot 5 (43-60 Douglaston Parkway) and Lot 33 (44-30 Douglaston Parkway) are anticipated to remain in the future with the proposed actions; no development is anticipated on Lot 205 in the future with the

proposed project; and, the three anticipated for development buildings are the Proposed Development Site 1, Proposed Development Site 2, and Potential Development site

Screening Analysis

As outlined in the *CEQR TM,* the potential for stationary source emissions from heat and hot water systems to have a significant adverse impact on nearby receptors depends on the type of fuel that would be used, the height of the stack venting the emissions, the distance to the nearest building whose height is at least as great as the venting stack height, the building residential or non-residential use, and the square footage of the development that would be served by the system. The *CEQR TM* provides a screening analysis based on these factors, which was utilized to determine the potential for significant impacts from the proposed buildings' HVAC systems.

If the actual distance between a stack and the affected building is greater than the threshold distance for a building size, then that building passes the screening analysis (and no significant impact is predicted). However, if the actual distance is less than the threshold distance for a building, then there is a potential for a significant impact and a detailed analysis would be required.

The anticipated development within the proposed rezoning area would consist of three buildings, each with its own separate natural gas fueled heat and hot water system. As such, screening analyses were performed for natural gas use and environmental designations added to specify use of natural gas only.

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 Proposed Development Site 2 impact on existing and planned land uses that their roof heights are lower than the Proposed Development Site 2, accounting for terrain elevation.
2. The cumulative impact of the proposed project on existing land uses that are at least 85 feet high.

Per *CEQR TM*, the CEQR natural gas nomograph depicted on Figure 17-7 of the *CEQR TM Appendix* for a 30-foot stack height was applied (as the 30 feet curve height is closest to but not higher than the proposed stack height, as the CEQR screening procedure requires). This nomograph depicts the size of the development versus distance below which the potential impact can occur and provides a conservative estimate of the threshold distance. Figures 17-1 and 17-2 show the screening analyses.

Figure 2.7-1. Proposed Development Site 2 - HVAC Screen Natural gas Nomograph.

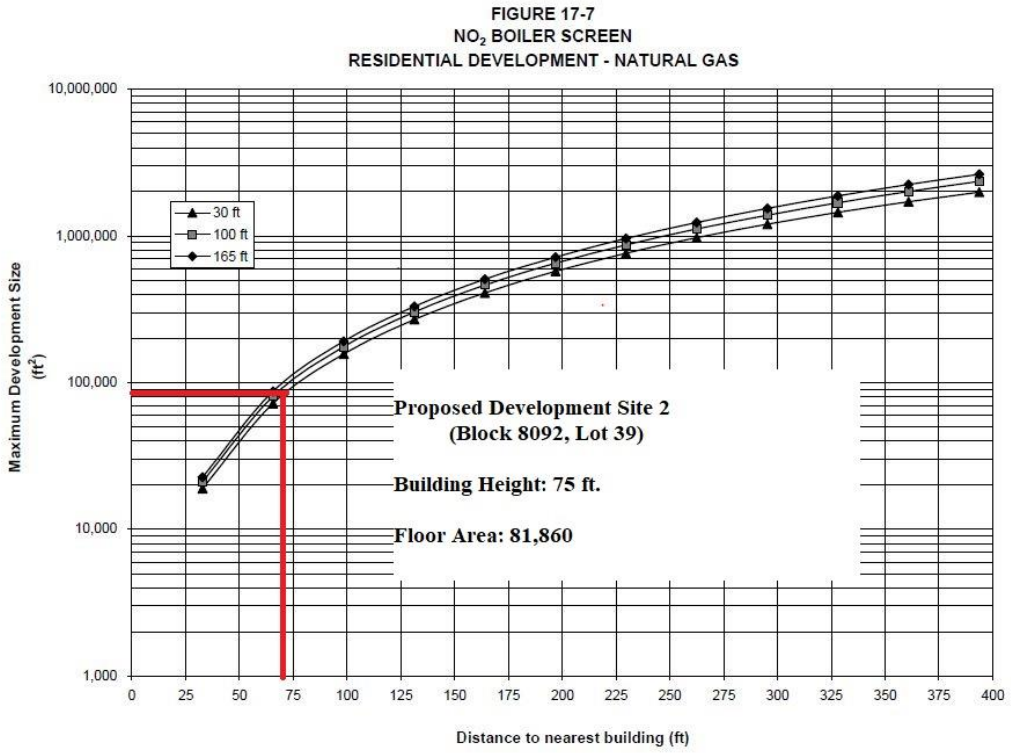


Figure 2.7-2. Proposed Development Site 1 - HVAC Screen Natural gas Nomograph.

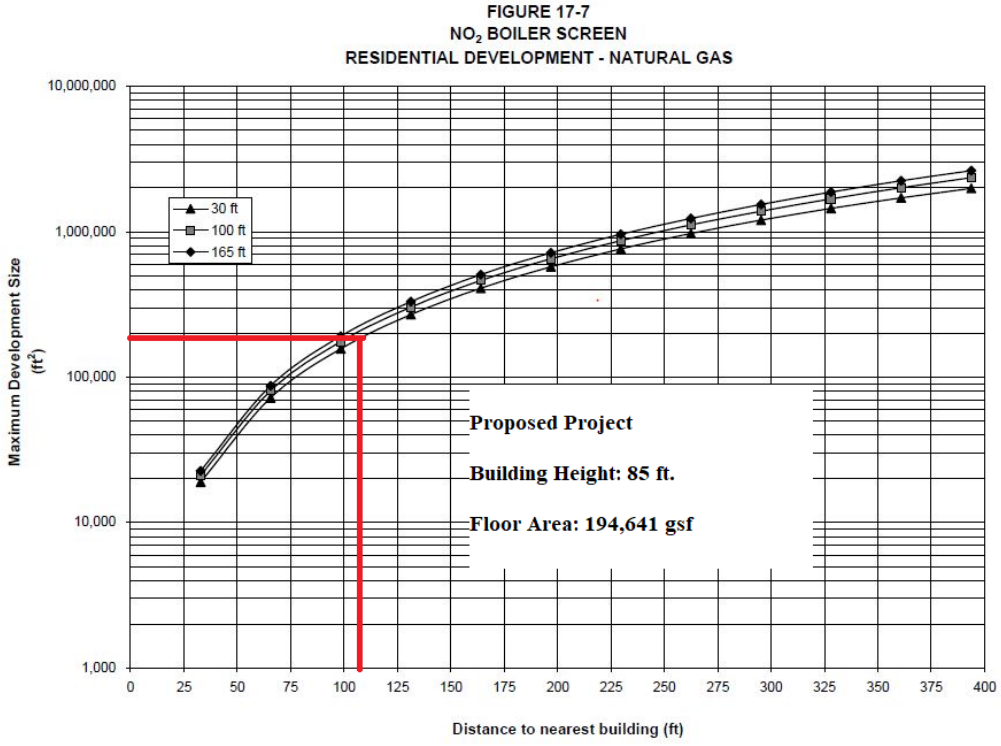


Table 2.7-3 depict the buildings' heights and the screening analyses results, where "Use AERMOD" indicate that a detailed analysis using AERMOD dispersion analysis is required.

Table 2.7-3. 17.2 Screening Analysis Results

`	Lot	Height (ft.)	Heated Area (sq. ft.)	Screen Distance (ft.)	Receptor Building (Site ID or Block/Lot)	Receiving Building Distance (ft.)	Pass/ Fail
Project-on-Project							
Proposed Development Site 1	25	85	51,128	N.A.	Potential Development Site	0	Use AERMOD
Potential Development Site	28	85	61,653	N.A.	Proposed Development Site 1	0	Use AERMOD
Proposed Development Site 2	39	75	81,860	N.A.	Existing (Block 8092, lot 33)	0	Use AERMOD
				72	Potential Development Site	105	Screens Out
Project-on-Existing							
Proposed Development Site 2	39	75	81,860	N.A.	Existing (Block 8092, lot 33)	0	Use AERMOD
Proposed Project	25, 28, 39	85	194,641	107	Existing buildings	0	Use AERMOD

Figure 2.7-1 screening analysis shows that a detailed analysis would be required for any existing or planned land uses that is at a distance of less than 72 feet from the Projected Development Site 2. The only building within 72 feet of the Proposed Development Site 2 is the 73.4 feet high existing building at 44-30 Douglaston Parkway (Block 8092, Lot 33). Accounting for terrain elevation, this building roof height would be above the Proposed Development Site 2 building. As such, a detailed analysis was required as shown in Table 2.7-3

Figure 2.7-2 screening analysis shows that a detailed analysis would be required for any existing or planned land uses that is at a distance of less than 107 feet from any of the proposed developments. The nearest buildings to the anticipated development buildings are the existing buildings in the Affected Area (buildings on Lot 5 and Lot 33). Per the Department of City Planning would require detailed analysis.

Therefore, detailed analyses for the five scenarios that failed the screening analysis were conducted.

Detailed Analysis

Five scenarios of dispersion modeling analyses were conducted to estimate the impacts from the buildings' stacks emissions as shown in Table -2. These analyses were conducted using the Lakes Environmental application of the EPA's AERMOD dispersion model version 16216r.

HVAC Emissions

Emission rates were estimated as follows:

- The Proposed Development Sites are expected to be heated by natural gas, emission rates of NOx and $PM_{2.5}$ were calculated based on annual natural gas usage corresponding to the gross floor area of the buildings, EPA AP-42 emission factors for natural gas combustion in small boilers, and gross heating values of natural gas (1,020 Btu per million cubic feet).

- $PM_{2.5}$ emissions from natural gas combustion accounted for both filterable and condensable particulate matter.

- The natural gas fuel usage factor (59.1 cubic foot per square foot per year) was used to estimate annual natural gas usage for residential use and was calculated by dividing the energy consumption rate of 60.3 thousand Btu/ft^2 by natural gas heating value of 1020 Btu/ft^3.

- The natural gas fuel usage factor of 45.2 cubic foot per square foot per year was used to estimate annual natural gas usage for non-residential use per *CEQR TM Appendix* Table C25. Natural gas Consumption and Conditional Energy Intensity by Census Region for Non-Mall Building, 2003.

Table 2.7-4 shows the development sites NO_x and $PM_{2.5}$ emission rates, both short-term and annual. The diameter of the stack and the exhaust's exit velocity were 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). Boiler sizes were estimated based on the assumption that all fuel was consumed during the 100-day (or 2,400 hour) heating season. The stack exit temperature was assumed to be 300°F (423°K), which is appropriate for boilers.

Table 2.7-4. Estimated Short-term and Annual Emission Rates of Each Building

Projected Development Site ID	Floor Area Residential	Floor Area Commercial	NO_x (2) g/sec		$PM_{2.5}$ (1) g/sec	
	ft^2	ft^2	1-hour	Annual	24-hour	Annual
Proposed Development Site 1	51,128	0	1.59E-02	4.35E-03	1.21E-03	3.30E-04
Proposed Development Site 2	69,182	12,678	2.45E-02	6.71E-03	1.86E-03	5.10E-04
Potential Development Site	61,653	0	1.91E-02	5.24E-03	1.45E-03	3.98E-04

Notes:
1. PM2.5 emission factor for natural gas combustion of 7.6 lb/10^6 cubic feet included filterable and condensable particulate matter, filterable PM2.5=1.9 lb/10^6 cubic feet and condensable PM2.5=5.7 lb/10^6 cubic feet (AP-42, Table 1.4-2).
2. NOx emission factor for natural gas of 100 lb/10^6 cubic feet for uncontrolled boilers with <100MMBtu/hr (AP-42, Table 1.4-1).
3. Boiler size was estimated based on a fuel consumption rate of 1,020 Btu/ft^3 and the assumption that all fuel is consumed in a 100-day (2,400 hours) heating season using the following equation: MMBtu/hr = X ft^3/yr / 2,400hrs/yr * 1020 Btu/ft^3/10^6 MMBtu/Btu.

HVAC Meteorological Data

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. Data was processed by Lakes Environmental Software, Inc. using the current EPA AERMET version (14134) and EPA procedures. 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.

Per Lakes Environmental Inc., $PM_{2.5}$ special procedure which is incorporated into AERMOD calculates concentrations at each receptor for each year modeled, averages those concentrations across the number of years of data, and then selects the highest values across all receptors of the 5-year averaged highest values.

HVAC AERMOD Setting

AERMOD calculates concentrations according to the dispersion option, pollutant and averaging time, and output specified in the model, where the model is capable of handling multiple sources in a single run. As such, each pollutant was modeled separately and two stacks, one for the short-term and the other for annual averaging times, were specified.

All dispersion analyses used the calculated emission rates, Building Profile Input Program (BPIP) was run with the downwash effect enabled, and all models specified elevated terrain and the default urban roughness coefficient of 1.0 meter with a population of 2,000,000. In addition, a Tier 1 approach was used for the NO_2 analysis.

HVAC Stack and Receptor Locations

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 stacks were located on the buildings' highest tiers, 10 feet from the edge of the roof, and as close as possible to the receiving building. If the modeled pollutant concentration exceeded the significant impact criteria, the stack distance from the receiving building was increased, until the dispersion model showed no significant impact.

Receptors on receiving buildings were placed all around the receiving building envelope, at 10 feet increments and at all floor levels. Ground floor receptors were placed at a height of 6 feet above grade. Receptors on all other floors were placed 5 feet above floor height, assuming 10-foot floor levels. Receptors were also placed 3 feet below the roof top of the modeled receiving building.

Terrain Elevation

The Proposed Development Site 1 impact on the Potential Development Site and vice versa specified stacks base elevations and receptors terrain elevations and hill heights of 0. These

models also placed receptors on the existing adjacent building downwind of the receiving building. The proposed project impact on the existing buildings located at 43-60 Douglaston Parkway (Lot 5) and at 44-30 Douglaston Parkway (Lot 33) interpolated the buildings base elevations from elevation points along Douglaston Parkway. The elevation geo metadata, used to assess buildings' base heights, was obtained from the NYC Open Data Elevation Points Planimetric mapping file[1]. The interpolated buildings' base elevations were specified for the buildings' stacks and receptors terrain elevations and hill heights.

In addition, the Proposed Development Site 2 impact on the existing building at 44-30 Douglaston Parkway (Block 8092, Lot 33) accounted for the difference in terrain elevation using the AERMOD AERMAP terrain processor application. Source base height (elevation), and receptors terrain elevations and hill heights were generated by AERMOD AERMAP terrain processor with the U.S. Geological Survey (USGS) Digital Elevation Model (DEM) data North American Datum of 1983 digital elevation file.

The USGS DEM NAD 1983 file was obtained from Lakes Environmental through the AERMOD extension incorporated into the application. Stacks, buildings, and receptors heights above grade were specified, and AERMAP was run with these and the NAD 1983 DEM. This produced the stacks and buildings base elevation, and the receptors terrain elevations and hill heights.

Results of Dispersion Analyses

The 1-hour NO_2 models were run using a Tier 1 approach, accounting for a full NOx to NO_2 conversion. Both NO_2 1-hour and annual averaging times modeled concentrations were added to the background concentration at the NYSDEC Queens College monitoring station. The $PM_{2.5}$ 24-hour and annual averaging times modeled concentrations were compared with the NYC Interim Guidelines threshold criterions. The results of the HVAC dispersion NO_2 and $PM_{2.5}$ analyses are shown in Table 2.7-5.

Table 2.7-5 The Proposed Project HVAC Dispersion Analyses Results

Project Development Site ID	Receptor Site	24-hr $PM_{2.5}$ Impact	Annual $PM_{2.5}$ Impact	1-Hour NO_2		Annual NO_2	
				Modeled Conc.	Impact with Background	Modeled Conc.	Impact with Background
		µg/m^3	µg/m^3	µg/m^3	µg/m^3	µg/m^3	µg/m^3
	Project-on-Project						
Proposed Development Site 1	Potential Development Site	0.43	0.02	18.0	139	0.3	33.3
Potential Development Site	Proposed Development Site 1	0.56	0.03	20.2	141	0.4	33.4

[1] https://data.cityofnewyork.us/Transportation/Elevation-points/szwg-xci6

	Project-on-Existing						
Proposed Development Site 2	44-30 Douglaston Parkway Building	0.52	0.03	19.4	140	0.5	33.5
Proposed Project Cumulative	43-60 Douglaston Parkway Building (Lot 5)	0.49	0.04	12.4	133	0.5	33.5
Proposed Project Cumulative	44-30 Douglaston Parkway Building (Lot 33)	0.51	0.05	18.7	140	0.6	33.6
Threshold Criteria µg/m^3		**7.65**	**0.3**		**188**		**100**

The results are compared with the 24-hour/annual $PM_{2.5}$ significant impact criteria, and the 1-hour/annual NO_2 NAAQS. The $PM_{2.5}$ impacts are less than the significant impact criteria for $PM_{2.5}$ of 7.65 µg/m^3 and 0.3 µg/m^3, respectively, and both the 1-hour and annual NO_2 concentrations estimated are less than the 1-hour and annual NO_2 NAAQS of 188 µg/m^{3}and 100 µg/m^3, respectively.

Therefore, with (E) Designations in place, the emissions of the proposed project HVAC systems would not significantly impact any of the other proposed project buildings.

E-494 Designation

The HVAC analysis for the Proposed Action concluded that fuel would need to be restricted to the exclusive use of natural gas in its HVAC system and stacks' heights would need to be specified. No stack setback distances are required.

E-494 Designation language is as follows:

Block 8092, Lot 25 (Proposed Development Site 1): Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water system to avoid any potential significant adverse air quality impacts. Stack shall be located at the highest tier, at a minimum of 88 feet above grade to avoid any potential significant adverse air quality impact.

Block 8092, Lot 39 (Proposed Development Site 2): Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water system to avoid any potential significant adverse air quality impacts. Stack shall be located at the highest tier, at a minimum of 78 feet above grade to avoid any potential significant adverse air quality impact.

Block 8092, Lot 28 (Potential Development Site): Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water system to avoid any potential significant adverse air quality impacts. Stack shall be located at the highest tier, at a minimum of 88 feet above grade to avoid any potential significant adverse air quality impact.

2.7.4 Mobile Source Emissions Assessment

Pursuant to Chapter 17, Section 210 of the *2014 CEQR Technical Manual*, "Projects—whether site-specific or generic—may result in significant mobile source air quality impacts when they increase or cause a redistribution of traffic, create any other mobile sources of pollutants (e.g., diesel trains, helicopters, boats), or add new uses near mobile sources (e.g., roadways, garages, parking lots). The following Project types may result in significant adverse air quality impacts from mobile sources:

- Projects that would result in placement of operable windows (i.e., windows that may be opened and closed by the tenant), balconies, air intakes, or intake vents generally within 200 feet of an atypical (e.g., not at-grade) source of vehicular pollutants, such as a highway or bridge with a total of more than two lanes.
- Projects that would result in the creation of a fully or partially covered roadway, would exacerbate traffic conditions on such a roadway, or would add new uses near such a roadway.
- Projects that would generate peak hour auto traffic or divert existing peak hour traffic, resulting in the following: over 160 or more auto trips in areas of concern in downtown Brooklyn or Long Island City, Queens over 140 or more auto trips in Manhattan between 30th and 61st Streets; or over 170 or more auto trips in all other areas of the city.
- Projects that would generate peak hour heavy-duty diesel vehicle traffic or its equivalent in vehicular emissions resulting in the following: 12 or more heavy duty diesel vehicles (HDDV) for paved roads with average daily traffic fewer than 5,000 vehicles; 19 or more HDDV for collector roads; 23 or more HDDV for principal and minor arterials; or 23 or more HDDV for expressways and limited access roads.
- Projects that would result in new sensitive uses (particularly schools, hospitals, parks, and residences) adjacent to large existing parking facilities or parking garage exhaust vents.
- Projects that would result in parking facilities or applications to the City Planning Commission requesting the grant of a special permit or authorization for parking facilities. Consultation with the lead agency regarding whether an air quality analysis of parking facilities is necessary is recommended.
- Projects that would result in a sizable number of other mobile sources of pollution, such as a heliport, new railroad terminal, or trucking. In addition, projects that would substantially increase the vehicle miles traveled in a large area (a borough, the city, or larger) may require mesoscale analyses."

As indicated in Section 2.6 above, the proposed action has the potential to generate 41 vehicular trip-ends during the AM Peak Hour, 60 vehicular trip-ends during the midday peak hour, 92 vehicular trip-ends during the PM Peak Hour, and 92 vehicular trip-ends during the Saturday peak hour. Of the total vehicular trip-ends, six (6) truck trips would be generated in the Morning and the Midday peak hours, respectively.

A $PM_{2.5}$ screening analysis was conducted for the Midday, PM and Saturday peak travel periods for Study Intersection One (Douglaston Parkway and Northern Boulevard) and Study Intersection Two (Alameda Avenue and Northern Boulevard). This screening analysis was performed based on the vehicular trip-ends projected in the *Level 2 Trip Assignment Assessment above* (See Figures 2.6-2 to 2.6-4). To provide a conservative assessment, both study intersections during the midday period where truck-trips are projected accounted for six (6) truck trips of the total projected vehicular trip-ends.

Study Intersection 1 (Douglaston Parkway and Northern Boulevard):

Midday Peak Period: During the Midday Peak Period, 23 total vehicular trip-ends are projected at this intersection. Of these, 6 were assumed to be HDDV trips. Based on CEQR Technical Manual $PM_{2.5}$ equivalent truck calculation, the total HDDV and equivalent trips are three (3) per peak hour for principal road type, which is lower than the threshold of 23 trips per hour. As such, no detailed mobile source analysis is required.

PM Peak Period: During the PM Peak Period, 42 total vehicular trip-ends and no HDDV trips are projected at this intersection. Based on CEQR Technical Manual $PM_{2.5}$ equivalent truck calculation, the total HDDV and equivalent trips are two (2) per peak hour for principal road type, which is lower than the threshold of 23 trips per hour. As such, no detailed mobile source analysis is required.

Sat Peak Period: During the PM Peak Period, 37 total vehicular trip-ends with no HDDV trips are projected at this intersection. Based on CEQR Technical Manual $PM_{2.5}$ equivalent truck calculation, the total HDDV and equivalent trips are two (2) per peak hour for principal road type, which is lower than the threshold of 23 trips per hour. As such, no detailed mobile source analysis is required.

Study Intersection 2 (Alameda Avenue and Northern Boulevard):

Midday Peak Period: During the Midday Peak Period, 35 total vehicular trip-ends are projected at this intersection. Of these, 6 were assumed to be HDDV trips. Based on CEQR Technical Manual $PM_{2.5}$ equivalent truck calculation, the total HDDV and equivalent trips are three (3) per peak hour for principal road type, which is lower than the threshold of 23 trips per hour. As such, no detailed mobile source analysis is required.

PM Peak Period: During the PM Peak Period, 44 total vehicular trip-ends with no HDDV trips are projected at this intersection. Based on CEQR Technical Manual $PM_{2.5}$ equivalent truck calculation, the total HDDV and equivalent trips are two (2) per peak hour for principal road type, which is lower than the threshold of 23 trips per hour. As such, no detailed mobile source analysis is required.

Sat Peak Period: During the PM Peak Period, 47 total vehicular trip-ends with no HDDV trips are projected at this intersection. Based on CEQR Technical Manual $PM_{2.5}$ equivalent truck calculation, the total HDDV and equivalent trips are two (2) per peak hour for principal road type, which is lower than the threshold of 23 trips per hour. As such, no detailed mobile source analysis is required.

2.7.5 Conclusions

The air quality analyses addressed mobile sources, stationary HVAC systems, and air toxics. The results of the analyses are summarized below.

Emissions from project-related heating, ventilation, and air conditioning systems (HVACs) would not cause significant air quality impacts to receptors at the local scale with the proposed **E-494** Designation in place. No impact from air toxics or mobile sources were identified. Therefore, no significant adverse impacts related to air quality would occur, and no further analysis is warranted.

2.8 NOISE

Introduction

Pursuant to *CEQR Technical Manual* methodology, a noise assessment may be necessary when a proposed action would result in development of a use that may be a significant stationary source of noise or may generate vehicular traffic that would affect ambient noise levels, or may introduce new sensitive land uses into an area where high ambient noise levels may affect future project occupants.

Based on the anticipated development scenario, the proposed project would result in new residential development on Lot 25 at ***Proposed Development Site 1*** and new residential and commercial development on Lot 39 at ***Proposed Development Site 2****, and* potential enlargement of the residential use on Lot 28 *(**Potential Development Site**)*.

Without the proposed action, ***Proposed Development Site 1*** is expected to remain a vacant and ***Proposed Development Site 2*** would continue to be used as valet parking for a restaurant located on the opposite side of Douglaston Parkway.

Because the proposed action would permit increased residential occupancy of sites in proximity to Northern Boulevard, an assessment of the potential for ambient noise levels to result in adverse impacts on building occupants was performed.

The proposed or potential developments would not create a significant stationary noise generator. Additionally, project-generated traffic would not double vehicular traffic on nearby roadways, and therefore would not result in a perceptible increase in vehicular noise. This noise assessment is limited to an assessment of ambient noise that could adversely affect occupants of the development.

Methodolgy

Noise is defined as any unwanted sound, and sound is defined as any air pressure variation that the human ear can detect. Human beings can detect a large range of sound pressures ranging from 20 to 20 million micropascals, but only those air-pressure variations occurring within a set of frequencies are experienced as sound. Air-pressure changes that occur between 20 and 20,000 times a second, stated as units of Hertz (Hz), are registered as sound.

In terms of hearing, humans are less sensitive to low frequencies (<250 Hz) than mid-frequencies (500-1,000 Hz). Humans are most sensitive to frequencies in the 1,000 to 5,000 Hz range. Since ambient noise contains many different frequencies all mixed together, measures of human response to noise assign more weight to frequencies in this range. This is known as the A-weighted sound level.

Noise is measured in sound pressure level (SPL), which is converted to a decibel scale. The decibel is a relative measure of the sound level pressure with respect to a standardized reference quantity. Decibels on the A-weighted scale are termed “dB(A).” The A-weighted scale is used for evaluating the effects of noise in the environment because it most closely approximates the response of the human ear. On this scale, the threshold of discomfort is 120 dB(A), and the threshold of pain is about 140 dB(A). **Table 2.11-1** shows the range of noise levels for a variety of indoor and outdoor noise levels.

Because the scale is logarithmic, a relative increase of 10 decibels represents a sound pressure level that is 10 times higher. However, humans do not perceive a 10 dB(A) increase as 10 times louder; they perceive it as twice as loud. The following are typical human perceptions of dB(A) relative to changes in noise level:

- 3 dB(A) change is the threshold of change detectable by the human ear;
- 5 dB(A) change is readily noticeable; and
- 10 dB(A) increase is perceived as a doubling of the noise level.

The *CEQR Technical Manual* recommends an analysis of two principal types of noise sources: mobile sources; and stationary sources. Both types of noise sources are examined in the following sections.

2.8.1 Mobile Sources

Mobile noise sources are those which move in relation to receptors. The mobile source screening analysis addresses potential noise impacts associated with vehicular traffic generated by the Proposed Action.

Per the *CEQR Technical Manual*, if existing passenger car equivalent (PCE) values are increased by 100 percent or more due to a Proposed Action, a detailed analysis is generally performed. No significant adverse mobile source noise impacts due to vehicular traffic are anticipated because of the Proposed Action as It does not increase existing passenger equivalent values by more than 100 percent.

As discussed in the *CEQR Technical Manual*, if the proposed project is located in areas with high ambient noise levels, which typically include those near heavily-traveled thoroughfares, airports, exposed rail, or other loud activities. Accordingly, ambient noise levels were measured at the proposed development site to provide an assessment of the potential for ambient noise to have a significant adverse effect on future residents of the proposed development.

The *CEQR Technical Manual* provides noise exposure guidelines in terms of L_{eq} and L_{10} for the maximum amount of allowable noise under existing regulations. L_{eq} is the continuous equivalent sound level. The sound energy from the fluctuating sound pressure levels is averaged over time to create a single number to describe the mean energy or intensity level. High noise levels during a measurement period will have greater effect on the L_{eq} than low noise levels. The L_{eq} has an advantage over other descriptors because L_{eq} values from different noise sources can be added and subtracted to determine cumulative noise levels. In comparison, L_{10} is the SPL exceeded 10 percent of the time. Similar descriptors include the L_{50}, L_{01}, and L_{90} values.

2.8.2 Stationary Sources

The *CEQR Technical Manual* states that based upon previous studies, unless existing ambient noise levels are very low and/or stationary source levels are very high (and there are no structures that provide shielding), it is unusual for stationary sources to have significant impacts at distances beyond 1,500 feet. A detailed analysis may be appropriate if the proposed project would: cause a substantial stationary source (i.e., unenclosed mechanical equipment for manufacturing or building ventilation purposes, playground, etc.) to be operating within 1,500 feet of a receptor, with a direct line of sight to that receptor; or introduce a receptor in an area

with high ambient noise levels resulting from stationary sources, such as unenclosed manufacturing activities or other loud uses. Machinery, mechanical equipment, heating, ventilating and air-conditioning units, loudspeakers, new loading docks, and other noise associated with building structures may also be considered in a stationary source noise analysis. Impacts may occur when a stationary noise source is near a sensitive receptor, and is unenclosed. No unenclosed specific stationary noise sources of concern were observed during field inspection. As the project site is not subject to high ambient noise levels from any nearby stationary source, no stationary source noise impacts from surrounding uses are anticipated. Additionally, as the proposed project would not introduce a new stationary noise source, no significant adverse stationary source impacts are anticipated because of the Proposed Action, and no further analysis is warranted.

In 1983, the New York City Department of Environmental Protection (NYCDEP) adopted the City Environmental Protection Order-City Environmental Quality Review (CEPO-CEQR) noise standards at the exterior façade to achieve interior noise levels of 45 dB(A) or below. CEPO-CEQR Noise Standards classify noise exposure into four categories: Acceptable, Marginally Acceptable, Marginally Unacceptable and Clearly Unacceptable. As noted in the *CEQR Technical Manual*, these standards are the basis for classifying noise exposure into the following categories based on the L_{10} measured directly outside the projected development site:

Table 2.8-1 Attenuation Values to Achieve Acceptable Interior Noise Levels

	Marginally Unacceptable				**Clearly Unacceptable**
Noise Level with Proposed Project	$70 < L_{10} \leq 73$	$73 < L_{10} \leq 76$	$76 < L_{10} \leq 78$	$78 < L_{10} \leq 80$	$80 < L_{10}$
Attenuation[1]	(I) 28 dB(A)	(II) 31 dB(A)	(III) 33 dB(A)	(IV) 35 dB(A)	$36 + (L_{10} - 80)^2$ dB(A)

Source: *CEQR Technical Manual*

Notes: [1] The above composite window-wall attenuation values are for residential dwellings. Commercial and office spaces/meeting rooms would be 5 dB(A) less in each category. All the above categories require a closed window situation and hence an alternate means of ventilation.

[2] Required attenuation values increase by 1 dB(A) increments for L_{10} values greater than 80 dBA.

Table 2-8.2: Noise Levels of Common Sources

Noise Levels of Common Sources	
Sound Source	**SPL (dB(A))**
Air Raid Siren at 50 feet	120
Maximum Levels at Rock Concerts (Rear Seats)	110
On Platform by Passing Subway Train	100
On Sidewalk by Passing Heavy Truck or Bus	90
On Sidewalk by Typical Highway	80
On Sidewalk by Passing Automobiles with Mufflers	70
Typical Urban Area	60-70
Typical Suburban Area	50-60
Quiet Suburban Area at Night	40-50
Typical Rural Area at Night	30-40
Isolated Broadcast Studio	20
Audiometric (Hearing Testing) Booth	10
Threshold of Hearing	0

Notes: A change in 3dB(A) is a just noticeable change in SPL. A change in 10 dB(A) Is perceived as a doubling or halving in SPL.

Source: 2014 CEQR Technical Manual

Sound is often measured and described in terms of its overall energy, taking all frequencies into account. However, the human hearing process is not the same at all frequencies. Humans are less sensitive to low frequencies (less than 250 Hz) than mid-frequencies (500 Hz to 1,000 Hz) and are most sensitive to frequencies in the 1,000- to 5,000-Hz range. Therefore, noise measurements are often adjusted, or weighted, as a function of frequency to account for human perception and sensitivities. The most common weighting networks used are the A- and C-weighting networks. These weight scales were developed to allow sound level meters, which use filter networks to approximate the characteristic of the human hearing mechanism, to simulate the frequency sensitivity of human hearing. The A-weighted network is the most commonly used, and sound levels measured using this weighting are denoted as dBA. The letter "A" indicates that the sound has been filtered to reduce the strength of very low and very high frequency sounds, much as the human ear does. C-weighting gives nearly equal emphasis to sounds of most frequencies. Mid-range frequencies approximate the actual (unweighted) sound level, while the very low and very high frequency bands are significantly affected by C-weighting.

The following is typical of human response to relative changes in noise level:
- 3-dBA change is the threshold of change detectable by the human ear;
- 5-dBA change is readily noticeable; and
- 10-dBA change is perceived as a doubling or halving of the noise level.

The SPL that humans experience typically varies from moment to moment. Therefore, various descriptors are used to evaluate noise levels over time. Some typical descriptors are defined below.

- L_{eq} is the continuous equivalent sound level. The sound energy from the fluctuating SPLs is averaged over time to create a single number to describe the mean energy, or intensity, level. High noise levels during a measurement period will have a greater effect on the L_{eq} than low

noise levels. L_{eq} has an advantage over other descriptors because L_{eq} values from various noise sources can be added and subtracted to determine cumulative noise levels.

- $L_{eq(24)}$ is the continuous equivalent sound level over a 24-hour time period.

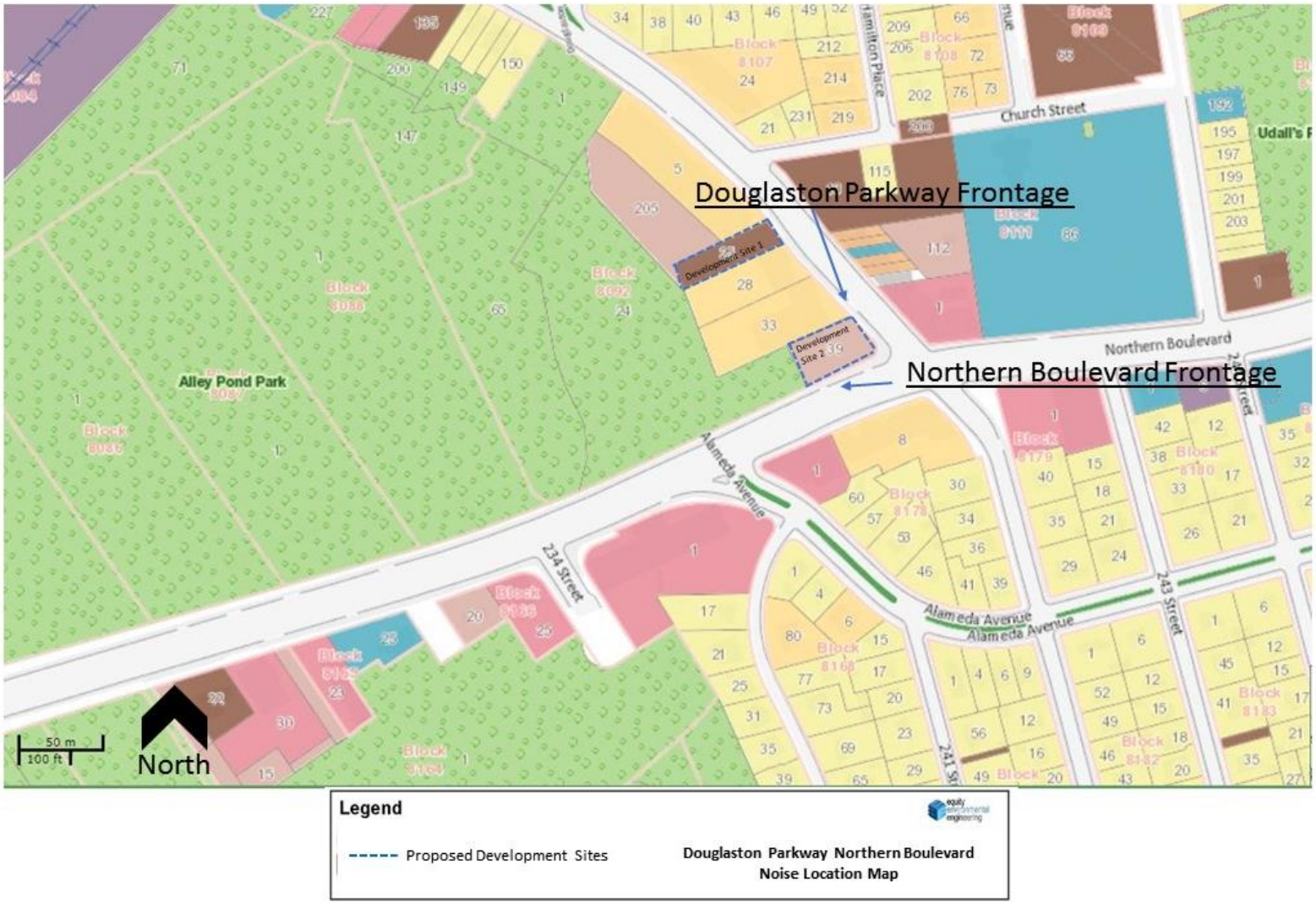
The sound level exceeded during a given percentage of a measurement period is the percentile-exceeded sound level (L_X). Examples include L_{10}, L_{50}, and L_{90}. L_{10} is the A-weighted sound level that is exceeded 10% of the measurement period.

The decrease in sound level caused by the distance from any single noise source normally follows the inverse square law (i.e., the SPL changes in inverse proportion to the square of the distance from the sound source). In a large open area with no obstructive or reflective surfaces, it is a general rule that at distances greater than 50 feet, the SPL from a point source of noise drops off at a rate of 6 dB with each doubling of distance away from the source. For "line" sources, such as vehicles on a street, the SPL drops off at a rate of 3 dBA with each doubling of the distance from the source. Sound energy is absorbed in the air as a function of temperature, humidity, and the frequency of the sound. This attenuation can be up to 2 dB over 1,000 feet. The drop-off rate also will vary with both terrain conditions and the presence of obstructions in the sound propagation path.

Measurement Location and Equipment

Noise monitoring was conducted pursuant to methodology identified in the 2014 CEQR Technical Manual. Because vehicular traffic is the predominant noise source in the area, monitoring of ambient noise levels was conducted during the 7-9 am, 12-2 pm, and 4-6 pm peak travel periods under typical weekday conditions, on typical midweek days, with the midday and evening monitoring conducted on Wednesday, March 19, 2014, and the morning monitoring conducted on Tuesday, April 1, 2014. Pursuant to CEQR Technical Manual methodology, readings were conducted for 20-minutes during the peak hour. The affected area includes frontage on Douglaston Parkway north of Northern Boulevard, and on Northern Boulevard west of Douglaston Parkway. Noise monitoring was conducted at locations on both the Douglaston Parkway and Northern Boulevard frontages. Noise monitoring was conducted using a Type 2 Larson-Davis LxT2 sound meter, with windscreen. The monitor was placed on a tripod at a height of approximately four feet above the ground, away from any other surfaces. The monitor was calibrated prior to and following each monitoring session.

Figure 2.8-3 Noise Monitoring Locations



Measurement Conditions

Monitoring was conducted on typical weekdays, Wednesday March 19 and Tuesday April 1, 2014, with dry weather and moderate wind speeds. Traffic volumes and vehicle classification were documented during the noise monitoring. The sound meter was calibrated before the monitoring session.

Existing Conditions

Based on the noise measurements taken at the development sites, the predominant source of noise affecting the area proposed for rezoning is vehicular traffic.

Table Noise-1 *below contains the results for the measurements taken at the Affected Area:*
Note: **Bold** denotes L_{10} noise level exceedances, according to Table 19-2 of the CEQR Technical Manual

Table Noise-1: Noise Levels dB(A) at Northern Boulevard and Douglston Parkway

	AM: Tuesday April 1, 2014		Midday: Wednesday March 19, 2014		PM: Wednesday, March 19, 2014	
	Douglaston Parkway	Northern Boulevard	Douglaston Parkway	Northern Boulevard	Douglaston Parkway	Northern Boulevard
L_{max}	81.7	84.4	87.7	88.3	81.3	90.9
L_5	73.3	78.5	70.6	78.7	72.3	77.9
L_{10}	**72.3**	**77.8**	68.8	77.4	71.1	76.7
L_{eq}	69.7	74.5	67.3	74.1	68.1	73.2
L_{50}	68.5	73.7	63.7	72.6	66.5	70.5
L_{90}	64.9	62.0	60.0	57.8	62.7	59.7
L_{min}	57.4	54.3	55.3	50.3	57.8	54.4

***Table Noise-2** below contains the traffic volumes (vehicle counts) and vehicle classifications for the AM, Mid-Day, and PM sessions:*

Table Noise-2: Traffic Volumes and Vehicle Classifications (20-minute counts)

	AM: Tuesday April 1, 2014		Midday: Wednesday March 19, 2014		PM: Wednesday, March 19, 2014	
	Douglaston Parkway	Northern Boulevard	Douglaston Parkway	Northern Boulevard	Douglaston Parkway	Northern Boulevard
Car/taxi	171	872	119	606	197	766
Light truck/van	31	105	13	62	22	83
Heavy truck	1	18	8	10	3	7
Bus	0	14	2	10	0	10
Mini-Bus	0	0	0	0	0	0

Conclusion

The peak noise level recorded for the L10 at the Northern Boulevard monitoring location was 77.8 dB(A) in the a.m. peak period, and the peak noise level at the Douglaston Parkway monitoring location was 72.3, also during the a.m. peak period. Pursuant to Table 19-3 of the CEQR Technical Manual, these noise levels are considered Marginally Unacceptable for residential use. Table 19-3 of the CEQR Technical Manual identifies an attenuation level of 33 dB(A), based on the Outdoor Indoor Transmission Class (OITC) values of individual façade components, as necessary to ensure an acceptable interior noise level for residential occupancy where the ambient noise level is between 76 and 78 dB(A), as is the case at the Northern Boulevard monitoring location. 28 dB(A) is required where the ambient noise level is between 70 and 73 dB(A), as at the Douglaston Parkway monitoring location. To ensure this level of noise attenuation, the proposed developments would include the placement of an **E-494** designation to ensure that there is no potential that significant adverse noise impacts would result.

The text of the **E-494** designation would be as follows:

> **Proposed Development Site 1: Block 8092, Lot 25:**
> *In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 28 dB(A) window/wall attenuation on all facades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.*
>
> **Potential Development Site: Block 8092, Lot 28:**
> *In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 28 dB(A) window/wall attenuation*

on all facades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners

Proposed Development Site 2: Block 8092, Lot 39:
In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 33 dB(A) window/wall attenuation on all facades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.

2.9 NEIGHBORHOOD CHARACTER

According to the *2014 CEQR Technical Manual*, a neighborhood character assessment considers how elements of the environment combine to create the context and feeling of a neighborhood and how a project may affect that context and feeling. Thus, to determine a project's effects on the neighborhood character, the elements that contribute to a neighborhood's context and feeling are considered together. These elements may include land use, zoning, public policy, socioeconomic conditions, open space, historic and cultural resources, urban design, visual resources, shadows, transportation and noise.

2.9.1 Preliminary Analysis

The study area for a preliminary analysis of neighborhood character is typically consistent with the study areas of the relevant technical areas under CEQR that contribute to the defining elements of the neighborhood. The study area should generally include at least the Project Site and the area within 400 feet of the Project Site boundaries.

Existing Conditions- Affected Area
The applicants control the development sites within the affected area that consists of Block 8092, Lot 25 (***Proposed Development Site 1***) and Block 8092, Lot 39 (***Proposed Development Site 2***). The proposed zoning map change would affect the entirety or portions of six tax lots within Tax Block 8092, including, from north to south:

- **Tax Lot 205 and 5**: Located immediately to the north of Development Site 1, have been declared to be a single zoning lot with a combined lot area of 67,752 square feet. Tax Lot 5, is a 35,596.4-square foot, irregularly-shaped interior lot containing a 6-story, 114,402 square foot (1.69 FAR with Tax Lot 5 and 205 combined; 3.21 FAR when calculated with just Tax Lot 5) residential building with 148 dwelling units which includes a doctor's office on the ground floor. The proposed rezoning would include the entirety of Tax Lot 5. Tax Lot 205 is a 32,156-square foot, irregularly-shaped parcel which is used as an accessory off-street parking lot for the building on Tax Lot 5. The proposed rezoning would include the central and eastern portions of Tax Lot 205. 21,185 square feet would be rezoned to R6A, and 10,970 square feet would remain R1-2.

- **Tax Lot 25 (*Proposed Development Site 1*)**: The property is a 10,432 sf vacant lot characterized by a steep downward grade change of approximately 20 feet at the rear portion of the lot. The proposed rezoning would include 8,615 sf of the central and eastern portions of Tax Lot 25. The remaining 1,816.2 square feet would remain R1-2.

- **Tax Lot 28 (Potential Development Site):** 20,232 sf lot currently contains a 7-story, 29,388 sf (1.45 FAR) residential building with 44 dwelling units. The proposed rezoning would include the central and eastern portions of Tax Lot 28, consisting of 15,158 square feet of lot area. The remaining 5,074 square feet would remain R1-2.

- **Tax Lot 33:** 27,011 sf lot currently contains a 6-story, 66,342 square foot (2.46 FAR) residential building with 66 dwelling units. The proposed rezoning would include the central and eastern portions of Tax Lot 33, consisting of 17,822 sf of lot area. The remaining 9,189 sf would remain R1-2.

- **Tax Lot 39 (*Proposed Development Site 2*):** Located at the northwest corner of the intersection of Northern Boulevard and Douglaston Parkway. Development Site 2 consists of

Block 8092, Tax Lot 39 in its entirety. The 14,517.7 sf lot, currently serves as a private parking lot for the restaurant Giardino by Russo's on the Bay, which occupies a portion of the ground floor in a leased property across Douglaston Parkway. Lot 39 contains open parking, as well as a one-story, 1,600-square foot structure formerly used for auto repair and currently used as a parking attendant's station.

The Affected Area is located immediately west of a Coastal Storm Impact Zone and lie within the Alley Creek-Little Neck Bay Watershed Area and the WRP Coastal Zone. Alley Pond Park, to the immediate west, is designated as a Special Natural Waterfront Area (SNWA); however, the Development Sites are not designated as a SNWA.

Existing Conditions – Study Area

The affected area is located in the Douglaston section of Queens Community District 11, within an R1-2 zoning district that contains a mix of single-family homes as well as non-complying multi-family residential buildings, commercial uses, and parkland. The R1-2 district extends generally from Alley Pond Park in the west to 247th Street in the east, from Horace Harding Parkway in the south to Long Island Sound in the north. A C1-2 commercial overlay is mapped on the northeast corner of Northern Boulevard and Douglaston Parkway, across the street from the affected area. An additional C1-2 overlay is mapped around the Douglaston LIRR station, located approximately two blocks north of the affected area.

The affected area is situated along the northeastern boundary of Alley Pond Park, which is operated by the New York City Department of Parks and Recreation. At approximately 657 acres, this park is the second largest in Queens and encompasses a diverse ecosystem comprised of meadows, forests and both fresh and saltwater wetlands. The park is home to numerous athletic fields, courts and facilities, and provides opportunities for residents to hike, cycle, fish and bird watch. The park separates Douglaston, to the east, and Bayside, to the west, and is itself intersected by both the Long Island Expressway (running east and west) and the Cross Island Expressway (generally running north and south). The park extends on the north to Little Neck Bay and on the south to just south of the Grand Central Parkway. The portion of Alley Pond Park to the west of the affected area is unimproved for public use and contains overgrown vegetation. Farther west within the park is a golf driving range. Across Northern Boulevard to the south of the affected area is 6-story residential building that is a non-complying use in the R1-2 zoning district. To the east of the affected area across Douglaston Parkway are a six-story residential building that is a non- complying use in the R1-2 district, a two-family detached residence that is a non-complying use in the R1-2 district, and a series of two-story structures with ground floor commercial and upper residences within an R1-2 district mapped with a C1-2 commercial overlay.

Analysis

The following elements of the Environmental Assessment would have potential effects on neighborhood character:

- ***Land Use, Zoning, and Public Policy***: The Proposed Action would facilitate a development that is consistent with the surrounding land use pattern, would not create conflicts with existing land uses, and would not alter the overall land use pattern in the area. The proposed Zoning Map amendment would bring existing multi-family residential buildings within the affected area into conformance. The proposed action would not

create a conflict with established zoning patterns or the intent of the Zoning Resolution. Lastly, the proposed development will not adversely impact the neighborhood, impair the appropriate use or development of adjacent property or be detrimental to the public welfare.

- ***Historic and Cultural Resources:*** To determine whether the Proposed Development has the potential to affect nearby off-site historic or architectural resources, the Study Area was screened for historic, cultural and architectural resources. No resources were found within the affected area that would be considered historic or significant. The LPC was contacted for their initial review of the project's potential to impact nearby historic, archeological and cultural resources, and a response was received on September 14, 2016 indicating that the Proposed Development Sites are located within radius of the Douglaston Hill Historic District, S/NR listed and LPC designated. However, the LPC indicated that no adverse impacts are anticipated as a result of this project. (see **Appendix B**).
- ***Open Space:*** The proposed action would not create a significant adverse impact. The approval of the proposed action would introduce new residents, however, the incremental difference between the No-Action and With-Action scenarios does not exceed the threshold defined in *2014 CEQR Technical Manual* for areas identified as well served by open space. Therefore, no significant negative impact is anticipated.
- ***Shadows***: The proposed Action would induce development that would cast new shadows on an unimproved, wooded section of Alley Pond Park. The shadows would be similar in extent and duration to shadows cast by existing buildings within the Affected Area and would not affect vegetation growth or public use of the park.
- ***Urban Design and Visual Resources:*** The proposed action would induce the development of multi-family residential buildings within an area where such development is a predominant element of existing built form, as well as the potential enlargement of an existing multi-family apartment building. The development proposed for Projected Development Site 2, at the corner of Douglaston Parkway and Northern Boulevard, would include a restaurant use that would provide an active ground floor use that would create a more engaging pedestrian environment and would be consistent with commercial development located across Douglaston Parkway. The proposed development would be similar in scale and bulk to existing development within the Affected Area and surrounding neighborhood and would not negatively impact view sheds, natural features, open space, or the pedestrian experience. Therefore, the proposed action would not result in impacts to urban design or visual resources.
- ***Transportation:*** Development under the proposed action would not generate in excess of 200 pedestrian or transit trips during any peak hour. In addition, no intersection would experience over 50 additional vehicular trips during any hour under the with-action scenario. Therefore, no significant adverse impacts related to transportation are anticipated as a result of the proposed action.
- ***Air Quality:*** An assessment of potential impacts from Proposed Development Site 1 (Lot 25), Proposed Development Site 2 (Lot 39) and Potential Development Site (Lot 28) to existing and and planned land use sites was conducted and demonstrates that no adverse impacts would occur. In addition, the proposed action would not result in significant increases in tailpipe emissions from vehicular traffic and there are no nearby emissions sources within 400 feet of the Affected Area that would adversely affect occupants of new developments at the Proposed and Potential Development Sites. Additionally, a survey of the affected area was completed to identify any potential Industrial or Manufacturing

sources. There are no Industrial/Manufacturing sources within 400 feet of the affected area. Therefore, the proposed project would have no significant adverse impacts on air quality.

- ***Noise*:** The peak noise level recorded for the L10 at the Northern Boulevard monitoring location was 77.8 dB(A) in the a.m. peak period, and the peak noise level at the Douglaston Parkway monitoring location was 72.3, also during the a.m. peak period. Pursuant to Table 19-3 of the CEQR Technical Manual, these noise levels are considered Marginally Unacceptable for residential use. Table 19-3 of the CEQR Technical Manual identifies an attenuation level of 33 dB(A), based on the Outdoor Indoor Transmission Class (OITC) values of individual façade components, as necessary to ensure an acceptable interior noise level for residential occupancy where the ambient noise level is between 76 and 78 dB(A), as is the case at the Northern Boulevard monitoring location. 28 dB(A) is required where the ambient noise level is between 70 and 73 dB(A), as at the Douglaston Parkway monitoring location. To ensure this level of noise attenuation, the proposed developments would include the placement of an (E) designation mandating appropriate window/wall noise attenuation.

Conclusion

As summarized in Section 2.0 and above, the Proposed Actions would not create significant impacts to any of the aspects of the environment that contribute to Neighborhood Character such that, alone or cumulatively, they would not result in significant adverse impacts to Neighborhood Character.

2.10 CONSTRUCTION

According to the *2014 CEQR Technical Manual,* Construction impacts may be analyzed for any project that involves construction or could induce construction. For construction activities not related to in-ground disturbance, short-term construction generally does not warrant a detailed construction analysis. For example, the use of a property for construction staging activities is likely to only warrant analysis if this activity continues for a period of several years. Consideration of several factors, including the location and setting of the project in relation to other uses and intensity of construction activities are used to determine if a project's construction activities warrant analysis in one or more of the following technical areas:

- Transportation
- Air Quality or Noise
- Historic and Cultural Resources
- Hazardous Materials
- Natural Resources
- Open Space
- Socioeconomic Conditions
- Community Facilities
- Land Use and Public Policy
- Neighborhood Character
- Infrastructure

A preliminary assessment is generally not needed for these technical areas unless

- Construction activities are considered long-term (Last longer than two years); or.
- Short term construction activities would directly affect a technical area, such as impeding the operation
- *Result in the closing, narrowing, impeding of traffic, transit, or obstruction of pedestrian or vehicular routes in proximity to critical land uses.*
- 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.
- 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.

Conclusion

All construction activites would be completed within 18-24 months and would be performed subject to relevant NYC Department of Transporation ("DOT") and Department of Buildings ("DOB") regulations to ensure minimal construction related impacts. Both the Proposed Development Site 1 (Lot 25) owned by North Shore Realty Group, Corp. and the Proposed Development Site 2 (Lot 39) owned by 241-15 Northern, LLC and are the subject of Restrictive Declarations (**Appendix C**), which require that no application for any activity which permits soil disturbance will be submitted to or accepted from the Department of Buildings (DOB) until DEP has issued to DOB appropriate notice that such activity is acceptable. These Restrictive Declarations are binding on the property owners and any successors. With these Declarations in

place, the proposed developments under the proposed action would not result in significant impacts related to hazardous materials. There is the potential for additional development on the Potential Develompent Site (Lot 28). An [E] Designation on this site would ensure that no impacts related to hazardous materials would occur if such development occurs.

Appendix A: *WRP Form*

FOR INTERNAL USE ONLY	WRP No. _____
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: 241-05 Northern, LLC & North Shore Realty Group, Corp.

Name of Applicant Representative: Amber Kartalyan

Address: 500 International Drive, Suite 150 Mount Olive, NJ 07828

Telephone: 973-527-7451 x204 Email: amber.kartalyan@yahoo.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

241-15 Northern, LLC and North Shore Realty Group, Corp. ("The Applicants") request the approval of the following two actions:

1. A zoning map amendment affecting Block 8092, Lots 5, 39, and part of Lots 205, 25, 28, and 33 ("The Project Area") to change the existing zoning designation of R1-2 to R6A and R6A/C1-2

2. A zoning text amendment to Appendix F of the Zoning Resolution to designate the project area a mandatory inclusionary housing designated area ("MIH"). The applicants propose mapping MIH Option 2 within the affected area. Under this option, a percentage of the proposed dwelling units would be affordable independent residences for seniors (AIRS), resulting in an affordable housing set-aside for 30 percent of the residential floor area at an average of 80 percent AMI.

2. Purpose of activity

Pursuant to the proposed actions, North Shore Realty Group would construct an 8-story, approximately 51,128 gross square foot (34,068 zoning square feet) residential building containing 24 residential units, 14 of which would be affordable senior housing ("AIRS") under MIH Option 2, with 17 accessory parking spaces at 43-80 Northern Boulevard (Block 8092, Lot 25, "Proposed Development Site 1"). Additionally, 241-15 Northern, LLC would construct a 5-story 81,860 gross square foot (55,380 zoning square feet) mixed-use commercial and residential building containing a 12,678-square foot ground floor Use Group 6 eating and drinking establishment. The building would contain 59 residential units, 20 of which would be affordable senior housing under MIH Option 2, with 89 accessory parking spaces at 241-15 Northern Boulevard (Block 8092, Lot 39, "Proposed Development Site 2").

C. PROJECT LOCATION

Borough: Queens Tax Block/Lot(s): Block 8092, Lots 5, 39, and part of Lots 205, 25, 28, and 33

Street Address: 43-80 Northern Boulevard (Lot 25) & 241-15 Northern Boulevard (Lot 39)

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 Certification	☐ Concession
☑ Zoning Map Amendment	☐ Zoning Authorizations	☐ 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: _____

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

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 Maritime 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: Amber Kartalyan

Address: 500 International Drive, Suite 150 Mount Olive, NJ 07828

Telephone: 973-527-7451 x204 Email: amber.kartalyan@yahoo.com

Applicant/Agent's Signature: _____

Date: 8/10/18

Submission Requirements

For all actions requiring City Planning Commission approval, materials should be submitted to the Department of City Planning.

For local actions not requiring City Planning Commission review, the applicant or agent shall submit materials to the Lead Agency responsible for environmental review. A copy should also be sent to the Department of City Planning.

For State actions or funding, the Lead Agency responsible for environmental review should transmit its WRP consistency assessment to the Department of City Planning.

For Federal direct actions, funding, or permits applications, including Joint Applicants for Permits, the applicant or agent shall also submit a copy of this completed form along with his/her application to the NYS Department of State Office of Planning and Development and other relevant state and federal agencies. A copy of the application should be provided to the NYC Department of City Planning.

The Department of City Planning is also available for consultation and advisement regarding WRP consistency procedural matters.

New York City Department of City Planning
Waterfront and Open Space Division
120 Broadway, 31st Floor
New York, New York 10271
212-720-3696
wrp@planning.nyc.gov
www.nyc.gov/wrp

New York State Department of State
Office of Planning and Development
Suite 1010
One Commerce Place, 99 Washington Avenue
Albany, New York 12231-0001
518-474-6000
www.dos.ny.gov/opd/programs/consistency

Applicant Checklist

- ☐ Copy of original signed NYC Consistency Assessment Form
- ☐ Attachment with consistency assessment statements for all relevant policies
- ☐ For Joint Applications for Permits, one (1) copy of the complete application package
- ☐ Environmental Review documents
- ☐ Drawings (plans, sections, elevations), surveys, photographs, maps, or other information or materials which would support the certification of consistency and are not included in other documents submitted. All drawings should be clearly labeled and at a scale that is legible.
- ☐ Policy 6.2 Flood Elevation worksheet, if applicable. For guidance on applicability, refer to the WRP Policy 6.2 Guidance document available at www.nyc.gov/wrp

Appendix B: *Landmarks and Preservation Commision*

Historic and Cultural Resources Review

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-Q
Project:
Date received: 9/14/2016

Properties with no Architectural or Archaeological significance:
1) ADDRESS: DOUGLASTON PARKWAY, BBL: 4080920025
2) ADDRESS: 241-15 NORTHERN BOULEVARD, BBL: 4080920039

Douglaston Hill Historic District, S/NR listed and LPC designated, within radius. No adverse impacts anticipated as a result of this project.

Gina Santucci 9/14/2016

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 31779_FSO_GS_09142016.doc

Appendix C: *Restrictive Declarations*

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER

This page is part of the instrument. The City Register will rely on the information provided by you on this page for purposes of indexing this instrument. The information on this page will control for indexing purposes in the event of any conflict with the rest of the document.

2007032600094001002E44D6

RECORDING AND ENDORSEMENT COVER PAGE PAGE 1 OF 19

Document ID: 2007032600094001 Document Date: 02-18-2007 Preparation Date: 03-26-2007
Document Type: DECLARATION
Document Page Count: 18

PRESENTER:
STANDISH TITLE AGENCY // PICK
UP-ENE/EARL
99-06 METROPOLITAN AVENUE
STA 19055
FOREST HILLS, NY 11375
718-261-5000

RETURN TO:
SHELDON LOBEL PC
9 EAST 40TH STREET
14TH FLOOR
NEW YORK, NY 10016

PROPERTY DATA

Borough	Block	Lot		Unit	Address
QUEENS	8092	39	Entire Lot		241-15 NORTHERN BOULEVARD

Property Type: OTHER

CROSS REFERENCE DATA

CRFN_____ *or* Document ID_____ *or* _____ Year____ Reel ___ Page____ *or* File Number_____

PARTIES

PARTY 1:
241-15 NORTHERN BLVD CORP.
162-45 CORSS BAY BOULEVARD
HOWARD BEACH, NY 11414

FEES AND TAXES

Mortgage			Filing Fee:		
Mortgage Amount:	$	0.00		$	0.00
Taxable Mortgage Amount:	$	0.00	NYC Real Property Transfer Tax:		
Exemption:				$	0.00
TAXES: County (Basic):	$	0.00	NYS Real Estate Transfer Tax:		
City (Additional):	$	0.00		$	0.00
Spec (Additional):	$	0.00			
TASF:	$	0.00			
MTA:	$	0.00			
NYCTA:	$	0.00			
Additional MRT:	$	0.00			
TOTAL:	$	0.00			
Recording Fee:	$	127.00			
Affidavit Fee:	$	0.00			

RECORDED OR FILED IN THE OFFICE OF THE CITY REGISTER OF THE CITY OF NEW YORK
Recorded/Filed 03-29-2007 11:10
City Register File No.(CRFN):
2007000162274

City Register Official Signature

DECLARATION

THIS DECLARATION made as of the 16th day of February, 2007, by 241-15 Northern Blvd Corp., having an office located at 162-45 Cross Bay Boulevard, Howard Beach, New York 11414 (hereinafter referred to as the "Declarant");

WITNESSETH

WHEREAS, Declarant is the fee owner of certain real property located in the County and Borough of Queens, City and State of New York, designated for real property tax purposes as Lot 39 of Tax Block 8092 commonly known by the street address as 241-15 Northern Boulevard, Douglaston, New York (the "Subject Property") and is more particularly described in **Exhibit A**, annexed hereto and made part hereof; and

WHEREAS, Standish Title Agency, Inc. has issued a Certification of Parties-in-Interest, annexed hereto as **Exhibit B** and made a part hereof, that as of the 2nd day of February, 2007, Declarant hereinafter also referred to as a "Party in Interest", are the only Parties-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) in the Subject Property; and

WHEREAS, all Parties-in-Interest to the Subject Property have either executed this Declaration or waived their rights to execute this Declaration by written instrument annexed hereto as Exhibit B-1 and made a part hereof, which instrument is intended to be recorded simultaneously with this Declaration; and

WHEREAS, Declarant has applied to the New York City Board of Standards and Appeals (the "BSA") for a variance pursuant to Section 72-21 of the Zoning Resolution of the City of New York to permit construction of a five-story multi-family residential building in a R1-2 zoning district contrary to Sections 22-12, 23-141, 23-45 and 23-631 of the Zoning Resolution on the Subject Property and has submitted to the BSA an application, calendar number 134-06-BZ (the "Application") for review pursuant to the Rules of Practice and Procedure for the BSA, the requirements set forth in the New York City Charter, sections 666 and 668, the New York City Zoning Resolution (the "ZR") section 72-21 and the procedures set forth in the paragraph immediately following; and

WHEREAS, an environmental assessment of the Subject Property pursuant to the State Environmental Quality Review Act (the "SEQRA") and the City Environmental Quality Review (the "CEQR") is under review in connection with the Application (CEQR # 06BSA104Q) and, pursuant to the SEQRA and CEQR, the Department of Environmental Protection (the "DEP") has reviewed the environmental assessment, including the historic land use of the Subject Property; and

WHEREAS, the results of such review as documented in DEP's January 12, 2007 letter attached hereto as **Exhibit C** and made a part hereof, indicate the potential presence of hazardous materials; and

WHEREAS, Declarant desires to identify the existence of any potential hazardous materials and remediate any such hazardous materials found in connection with the development or redevelopment of the Subject Property and has agreed to submit a hazardous materials sampling protocol prepared by a qualified consultant and including a health and safety plan, (as approved by DEP the "Sampling Protocol"), which shall be submitted for the approval of DEP and to test and identify any potential hazardous materials pursuant to the approved Sampling Protocol and, if such hazardous materials are found, to submit a hazardous materials remediation plan, including a health and safety plan, (as approved by DEP the "Remediation Plan") and upon the approval of the Remediation Plan by DEP, Declarant shall provide for the remediation of such hazardous materials; and

WHEREAS, Declarant agrees to implement the Sampling Protocol and all hazardous material remediation required by the Remediation Plan, if any, and desires to restrict the manner in which the Subject Property may be developed or redeveloped by having the implementation of the Sampling Protocol and Remediation Plan, if any, performed to the satisfaction of DEP, as evidenced by a writing as set forth herein, be a condition precedent to any change of use or soil disturbance for any such development or redevelopment; and

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

WHEREAS, Declarant intends this Declaration to benefit all land owners and tenants including the City of New York ("the City") without consenting to the enforcement of this Declaration by any party or entity other than the City.

NOW, THEREFORE, Declarant does hereby declare and agree that the Subject Property 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 Subject Property 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 Subject Property or any part thereof:

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

(b) Declarant further covenants and agrees that no application for a temporary or permanent Certificate of Occupancy that reflects a change in use group respecting the Subject Property shall be submitted to or accepted from DOB by Declarant until DEP has issued to DOB,

as applicable, either a Notice of No Objection as set forth in Paragraph 2(a), a Notice of Satisfaction as set forth in Paragraph 2(c) or a Final Notice of Satisfaction as set forth in Paragraph 2(d). Declarant shall submit a copy of the Notice of No Objection, Notice of Satisfaction or Final Notice of Satisfaction to the DOB at the time of filing of any application set forth in this Paragraph 1(b).

2. (a) Notice of No Objection - DEP shall issue a Notice of No Objection after Declarant has completed the work set forth in the DEP approved Sampling Protocol and DEP has determined in writing that the results of such sampling demonstrate that no hazardous materials remediation is required for the proposed project.

(b) Notice to Proceed - DEP shall issue a Notice to Proceed after it determines that: (i) the Remediation Plan has been approved by DEP and (ii) the permit(s) respecting the Subject Property that permit grading, excavation, foundation, alteration, building or other permit respecting the Subject Property which permits soil disturbance or construction of the superstructure are necessary to further the implementation of the DEP approved Remediation Plan.

(c) Notice of Satisfaction - DEP shall issue a Notice of Satisfaction after the Remediation Plan has been prepared and accepted by DEP and DEP has determined in writing that the Remediation Plan has been completed to the satisfaction of DEP.

(d) Final Notice of Satisfaction - DEP shall issue a Final Notice of Satisfaction after the Remediation Plan has been prepared and accepted by DEP and DEP has set forth in writing, that the Remediation Plan has been completed to the satisfaction of DEP and all potential hazardous materials have been removed or remediated and no further hazardous remediation is required on the Subject Property as determined by DEP.

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

4. 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.

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

6. Declarant shall be liable in the performance of any term, provision, or covenant in this Declaration, subject to the following provisions:

The City and any other party relying on this Declaration will look solely to the fee estate interest of Declarant in the Subject Property for the collection of any money judgment recovered against Declarant, and no other property of 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. Declarant, including its officers, managers and members, shall have no personal liability under this Declaration.

7. The obligations, restrictions and agreements herein shall be binding on Declarant or other parties-in-interest only for the period during which Declarant and any such Party-in-Interest holds an interest in the Subject Property; 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 Declarant by way of foreclosure or deed in lieu of foreclosure.

8. 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 obligations under this Declaration, including without limitation, the negligence or carelessness of Declarant, its agents, servants or employees in undertaking such obligations; 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 shall be settled without the written consent of the City.

9. 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 Declarant, including but not limited to the cost of undertaking the Remediation Plan, if any.

10. 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 Subject Property to waive its right to execute this Declaration and subordinate its interest in the Subject Property to this Declaration. Any mortgage or other lien encumbering the Subject Property 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.

11. This Declaration and the provisions hereof shall become effective as of the date of this Declaration. Within five (5) business days of the date hereof, Declarant shall submit this Declaration for recording or shall cause this Declaration to be submitted for recording in the Office of the County or City Register, where it will be indexed against the Subject Property Declarant shall promptly deliver to the DEP and the Board of Standards and Appeals proof of recording in the form of an affidavit of recording attaching 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 DEP and BSA as soon as a certified copy is available.

12. This Declaration may be amended or modified by Declarant only with the approval of DEP 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 Deputy Commissioner of the Bureau of Environmental Planning and Assessment of DEP, or such person as authorized by the Deputy Commissioner, certifying approval of an amendment or modification of this Declaration shall be annexed to any instrument embodying such amendment or modification.

13. Any submittals necessary under this Declaration from Declarant to DEP shall be addressed to the Deputy Commissioner of the Bureau of Environmental Planning and Assessment of DEP, or such person as authorized by the Deputy Commissioner. As of the date of this Declaration DEP's address is:

New York City Department of Environmental Protection
59-17 Junction Blvd
Flushing, New York 11373

14. Declarant expressly acknowledges that this Declaration is an essential element of the SEQRA 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 the SEQRA Regulations, Title 6 New York Code of Rules and Regulations ("NYCRR") Part 617.7.

15. 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 Local laws.

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

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

18. 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.

19. This Declaration and its obligations and agreements are in contemplation of Declarant receiving approvals or modified approvals of the Application. In the event that 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 this Declaration shall be cancelled.

20. Notice of Cancellation - Declarant may request that DEP issue a Notice of Cancellation upon the occurrence of the following steps: (i) Declarant has withdrawn the Application in writing before a final determination on the Application; (ii) the Application was not approved by the Board of Standards and Appeals; or (iii) DEP has issued a Final Notice of Satisfaction indicating that all potential hazardous materials have been removed or remediated and no further hazardous remediation is required on the Subject Property. Upon such request, DEP shall issue a Notice of Cancellation after it has determined, to DEP's own satisfaction, that the above referenced steps, as applicable, have occurred. Upon receipt of a Notice of Cancellation from DEP, 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 DEP and the BSA 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.

241-15 NORTHERN BLVD CORP.

By: _____
Frank Russo, Jr.
President

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

On the 18 day of February in the year 2007 before me, the undersigned, FRANK Russo. JR personally appeared, 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 he executed the same in his capacities, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

PHILLIP J. SAURMAN
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01SA5076718
QUALIFIED IN NASSAU COUNTY
COMMISSION EXPIRES 04/28/2007

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY
Tax Block 8092, Lot 39

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Queens, City and State of New York, bounded and described as follows:

BEGINNING at the westerly terminus of a curve connecting the northerly line of Northern Boulevard and the Southwesterly side of Douglaston Parkway;

RUNNING THENCE westerly along the northerly line of Northern Boulevard, 142.43 feet to a point;

THENCE northerly at right angles to Northern Boulevard, 95.11 feet to a point;

THENCE easterly at right angles to the last course and parallel with Northern Boulevard, 138.94 feet to a point on the southwesterly line of Douglaston Parkway;

THENCE southeasterly along the southwesterly line of Douglaston Parkway, 72.48 feet;

THENCE along a curve having a radius of 20 feet bearing to the right connecting the northerly line of Northern Boulevard with the southwesterly line of Douglaston Parkway, a distance of 37.728 feet to the northerly line of Northern Boulevard at the point or place of BEGINNING.

EXHIBIT B

CERTIFICATION OF PARTIES IN INTEREST PURSUANT TO SUBDIVISION (C) OF THE DEFINITION OF ZONING LOT SET FORTH IN SECTION 12-10 OF THE ZONING RESOLUTION OF THE CITY OF NEW YORK, EFFECTIVE DECEMBER 15, 1961 AS AMENDED EFFECTIVE AUGUST 18, 1977

Standish Title Agency, Inc. as agent for Fidelity National Title Insurance Company of New York, a title insurance company licensed to do business in the State of New York and having its principal office at 393 Old Country Road, Suite 206, Carle Place, New York 11514, hereby certifies to the City of New York and 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, that all parties in interest constituting a "party in interest" as defined in Subdivision (c) of the definition of zoning lot in Section 12-10 of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, are the following:

NAME	ADDRESS	NATURE OF INTEREST
As to Block 8092 Lot 39		
1. 241-15 Northern Blvd. Corp.	241-15 Northern Boulevard Flushing, New York	Fee Owner by virtue of a deed recorded 1/29/2001 in Reel 5775 page 409.
2. North Fork Bank	275 Broadhollow Road Melville, New York 11747	Mortgagee by virtue of a mortgage recorded 1/29/2001 in Reel 5775 page 413.

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Queens, City and State of New York, bounded and described as follows:

BEGINNING at the westerly terminus of a curve connecting the northerly line of Northern Boulevard and the Southwesterly side of Douglaston Parkway;

RUNNING THENCE westerly along the northerly line of Northern Boulevard, 142.43 feet to a point;

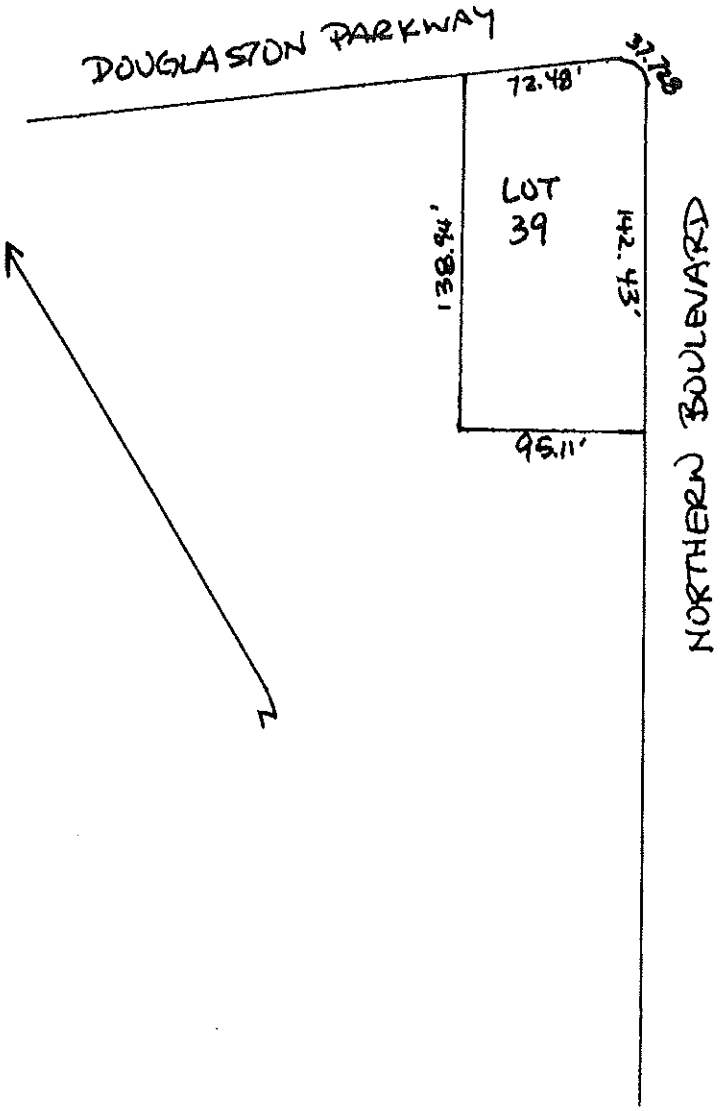
THENCE northerly at right angles to Northern Boulevard, 95.11 feet to a point;

THENCE easterly at right angles to the last course and parallel with Northern Boulevard, 138.94 feet to a point on the southwesterly line of Douglaston Parkway;

THENCE southeasterly along the southwesterly line of Douglaston Parkway, 72.48 feet;

THENCE along a curve having a radius of 20 feet bearing to the right connecting the northerly line of Northern Boulevard with the southwesterly line of Douglaston Parkway, a distance of 37.728 feet to the northerly line of Northern Boulevard at the point or place of BEGINNING.

That the said premises are known as and by street addresses 241-15 Northern Boulevard, Flushing, New York as shown on the following DIAGRAM:



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 lots provided all the resulting zoning lots and all the buildings thereon shall comply with the applicable provisions of the zoning lot resolution.

FAILURE TO COMPLY WITH THE TERMS OF THIS DECLARATION MAY RESULT IN THE REVOCATION OF THE BUILDING PERMIT OR CERTIFICATE OF OCCUPANY.

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

Dated: February 2, 2007

Standish Title Agency, Inc. as agent for
Fidelity National Title Company

By: _____

State of New York, County of Queens ss:

On the 2nd day of February, in the year of 2007 before me, the undersigned, personally appeared Richard Llerandi, 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 has acknowledged to me that he executed the same in his capacity, and that by his signature in the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

_____
(Notary Public)

EDWARD LLERANDI
Notary Public, State of New York
No. 01LL5075838
Qualified in Queens County
Commission Expires April 7, 2007

EXHIBIT B1

WAIVER OF RESTRICTIVE DECLARATION

North Fork Bank, being a "Party in Interest" as defined in Section 12-10 ("Zoning Lot"--subdivision (c)) of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, with respect to the land known as Tax Lot 39 in Block 8092 on the Tax Map of the City of New York, Queens County and more particularly described in Exhibit A attached hereto, hereby waives its right to execute a declaration dated February 18, 2007 made by 241-15 Northern Blvd Corp. regarding hazardous materials testing and remediation on such land.

IN WITNESS WHEREOF, the undersigned has executed this waiver this 21st day of March, 2007.

NORTH FORK BANK

By: _____
Name: Peter J. Demelle
Title: Vice President

STATE OF NEW YORK)
) ss:
COUNTY OF Suffolk)

On the 21st day of March in the year 2007 before me, the undersigned, a Notary Public in and for said State, personally appeared Peter J. Dunne 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 he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

LYNNE M. GORDON
Notary Public, State Of New York
No. 52-4509272
Qualified In Suffolk County
Commission Expires Oct. 31, 2009

EXHIBIT A
TO WAIVER OF RESTRICTIVE DECLARATION

LEGAL DESCRIPTION OF SUBJECT PROPERTY
Tax Block 8092, Lot 39

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Queens, City and State of New York, bounded and described as follows:

BEGINNING at the westerly terminus of a curve connecting the northerly line of Northern Boulevard and the Southwesterly side of Douglaston Parkway;

RUNNING THENCE westerly along the northerly line of Northern Boulevard, 142.43 feet to a point;

THENCE northerly at right angles to Northern Boulevard, 95.11 feet to a point;

THENCE easterly at right angles to the last course and parallel with Northern Boulevard, 138.94 feet to a point on the southwesterly line of Douglaston Parkway;

THENCE southeasterly along the southwesterly line of Douglaston Parkway, 72.48 feet;

THENCE along a curve having a radius of 20 feet bearing to the right connecting the northerly line of Northern Boulevard with the southwesterly line of Douglaston Parkway, a distance of 37.728 feet to the northerly line of Northern Boulevard at the point or place of BEGINNING.

EXHIBIT C

DEP letter dated December 26, 2006

[Letter on following page]

Emily Lloyd
Commissioner

Tel. (718) 595-6565
Fax: (718) 595-3525
elloyd@dep.nyc.gov

Angela Licata
Deputy Commissioner

Bureau of Environmental
Planning & Assessment

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

January 12, 2007

Rory Levy
CEQR Examiner
New York City Board of Standard and Appeals
40 Rector Street, 9th Floor
New York, NY 10006

Re: 241-15 Northern Boulevard
Queens, New York
Block 8092, Lot 39
06BSA104Q/07DEPTECH154Q

Dear Mr. Levy:

The New York City Department of Environmental Protection, Bureau of Environmental Planning and Analysis (DEP) has reviewed the January 2006 Environmental Assessment Statement (EAS), along with the November 2006 Phase I Environmental Site Assessment (Phase I), prepared by M.D. London Associates, LLC., for the above-referenced project. The applicant is seeking a variance pursuant to section 72-21 of the Zoning Resolution (Sections 22-12, 23-141, 23-45 and 23-631) for the development of a five-story residential building in an R1-2 zoning district, for Block 8092, Lot 39, located at the intersection between Northern Boulevard and Douglaston Parkway, in the Douglaston Section of Queens, Community District 11. As currently proposed, the variance would facilitate the development of an approximately 40,905 square feet residential building consisting of 40 dwelling units and 42 parking spaces located in two below grade parking level. The site is currently occupied by an auto repair facility.

The November 2006 Phase I revealed that historical on-site land uses have predominantly consisted of a variety of commercial uses including a auto repair facility, a gasoline service station and auto parking. In addition to the underground storage tanks (USTs) at the site, a May 2005 site investigation identified several areas of concern on the property, including the hydraulic lifts, a trench drain and dry well, ground penetrating radar anomalies and oil staining. Based on the age of the on-site structure, asbestos containing materials (ACM) and lead based paint could be present in the building. Available information in the New York State Department of Environmental Conservation (NYSDEC) Spill database revealed 14 spills within a one-half mile radius of the site.

Based upon our review of the submitted documentation, we have the following comments/recommendations:

- Past on-site land uses may have impacted the soil and groundwater at this site. Therefore, a Phase II Environmental Site Assessment (Phase II) is necessary to adequately identify/characterize the surface and subsurface soils of the subject parcel prior to on-site soil disturbance. A Phase II Investigative Protocol/Workplan summarizing the proposed drilling and soil/groundwater sampling activities should be submitted to DEP for review and approval. The Workplan should include blueprints and/or site plans displaying the current surface grade and sub-grade elevations and a site map depicting the proposed soil boring locations. Soil and groundwater samples should be collected and analyzed by a New York State Department of Health Environmental Laboratory Approval Program certified laboratory laboratory for the presence of volatile organic compounds by Method 8260, semi-volatile organic

www.nyc.gov/dep
Government Information and Services for NYC

NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER

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RECORDING AND ENDORSEMENT COVER PAGE **PAGE 1 OF 17**

Document ID: 2010111000894001 Document Date: 10-27-2010 Preparation Date: 11-10-2010
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Document Page Count: 16

PRESENTER:
ROTHKRUG, ROTHKRUG & SPECTOR, LLP
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516-487-2252
todd@rrslaw.org

RETURN TO:
ROTHKRUG, ROTHKRUG & SPECTOR, LLP
55 WATERMILL LANE
SUITE 200
GREAT NECK, NY 11021
516-487-2252
todd@rrslaw.org

PROPERTY DATA

Borough	Block	Lot	Unit	Address
QUEENS	8092	25	Entire Lot	N/A DOUGLASTON PARKWAY

Property Type: RESIDENTIAL VACANT LAND

CROSS REFERENCE DATA

CRFN_____ ***or*** Document ID_____ ***or*** _____ Year____ Reel ___ Page ____ ***or*** File Number_____

PARTIES

PARTY 1:
GIOVANNI IPPOLITO
44-20 DOUGLASTON PARKWAY, STE 1A
DOUGLASTON, NY 11363

FEES AND TAXES

Mortgage

Mortgage Amount:	$	0.00
Taxable Mortgage Amount:	$	0.00
Exemption:		
TAXES: County (Basic):	$	0.00
City (Additional):	$	0.00
Spec (Additional):	$	0.00
TASF:	$	0.00
MTA:	$	0.00
NYCTA:	$	0.00
Additional MRT:	$	0.00
TOTAL:	$	0.00
Recording Fee:	$	117.00
Affidavit Fee:	$	0.00

Filing Fee: $ 0.00
NYC Real Property Transfer Tax: $ 0.00
NYS Real Estate Transfer Tax: $ 0.00

RECORDED OR FILED IN THE OFFICE OF THE CITY REGISTER OF THE CITY OF NEW YORK
Recorded/Filed 11-17-2010 15:43
City Register File No.(CRFN):
2010000386228

City Register Official Signature

DECLARATION

This DECLARATION made as of the 27th day of October 2010, by Giovanni Ippolito having an office located at 44-20 Douglaston Parkway, Suite 1a, Douglaston, NY 11363 (hereinafter referred to as "Declarant");

WITNESSETH

WHEREAS, Declarant is the fee owner of certain real property located in the County of Queens, City and State of New York, designated for real property tax purposes as Lot(s) 25 of Tax Block 8092 commonly known by the street address as 44-12 Douglaston Parkway (the "Subject Property") and is more particularly described in Exhibit A, annexed hereto and made part hereof; and

WHEREAS, Commonwealth Land Title Insurance Company has issued a Certification of Parties in Interest, annexed hereto as Exhibit B and made a part hereof, that as of the 5th day of August, 2010, Declarant and JPMorgan Chase, herein after also referred to as a ("Party-in-Interest"), are the only Parties-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) in the Subject Property; and

WHEREAS, all Parties-in-Interest to the Subject Property have either executed this Declaration or waived their rights to execute this Declaration and subordinated their interest by written instrument annexed hereto as Exhibit B-1 and made a part hereof, which instrument is intended to be recorded simultaneously with this Declaration; and

WHEREAS, Declarant has proposed to rezone the Subject Property from R1-2 to R6a to permit **construction of a 6-story residential building** on the Subject Property (the "Current Project") and has submitted an application numbered 060432 ZMQ (the "Application") for review by the New York City Department of City Planning (the "DCP") under the Uniform Land Use Review Procedure (the "ULURP") as set forth in the New York City Charter, sections 197-c, 197-d, 200 and 201 and the procedures set forth in the paragraph immediately following; and

WHEREAS, an environmental assessment of the Subject Property pursuant to the State Environmental Quality Review Act (the "SEQRA") and the City Environmental Quality Review (the "CEQR") is under review in connection with the Application (CEQR # 06DCP092Q/09DEPTECH063Q) and, pursuant to the SEQRA and CEQR, the Department of Environmental Protection (the "DEP") has reviewed the environmental assessment, including the historic land use of the Subject Property; and

WHEREAS, the results of such review as documented in DEP's March 24, 2009 letter attached hereto as Exhibit C and made a part hereof, indicate the potential presence of hazardous materials; and

WHEREAS, Declarant desires to identify the existence of any potential hazardous materials and remediate any such hazardous materials found in connection with the development of the Subject Property for the Current Project and has submitted a Workplan pursuant to which four soil borings will be advanced in the subject property to the water table or 30 feet below grade, whichever comes first. A minimum of two soil samples will be collected from each boring after which two soil borings will be converted into temporary monitoring wells. In addition, a geophysical survey of the site will be conducted using , at a minimum, a magnetometer and ground penetrating radar to search for USTs, piping and/or building foundations and Declarant shall provide for the remediation of such hazardous materials in accordance with the DEP approved Remedial Action Plan; and

WHEREAS, Declarant further desires to identify the existence of any potential hazardous materials and remediate any such hazardous materials found in connection with the development or redevelopment of the Subject Property involving a change in use or soil disturbance subsequent to the Current Project ("Future Project") and has agreed to submit to DEP for approval a hazardous materials sampling protocol prepared by a qualified consultant and including a health and safety plan, (the "Sampling Protocol"), specific to the Future Project and to test and identify any potential hazardous materials pursuant to the approved Sampling Protocol and, if any such hazardous materials are found, to submit to DEP for approval a hazardous materials remediation plan, including a health and safety plan, (the "Remediation Plan"), based on the results of the DEP approved Sampling Protocol and upon the approval of the Remediation Plan by DEP, the Declarant shall provide for the remediation of such hazardous materials; and

WHEREAS, Declarant agrees to implement the Sampling Protocol and all hazardous material remediation required by the Remediation Plan, if any, for the Current Project and any Future Project and desires to restrict the manner in which the Subject Property may be developed or redeveloped by having the implementation of the Sampling Protocol and Remediation Plan, if any, for the Current Project or any Future Project performed to the satisfaction of DEP, as evidenced by a writing as set forth herein, be a condition precedent to any change of use or soil disturbance for the Current Project or any Future Project; and

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

WHEREAS, Declarant intends this Declaration to benefit all land owners and tenants including the City of New York ("the City") without consenting to the enforcement of this Declaration by any party or entity other than the City.

NOW, THEREFORE, Declarant does hereby declare and agree that the Subject Property 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 Subject Property 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 Subject Property or any part thereof:

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

(b) Declarant further covenants and agrees that no application for a temporary or permanent Certificate of Occupancy that reflects a change in use group respecting the Subject Property for the Current Project or any Future Project shall be submitted to or accepted from DOB by the Declarant until DEP has issued to DOB, as applicable, either a Notice of No Objection as set forth in Paragraph 2(a), a Notice of Satisfaction as set forth in Paragraph 2(c) or a Final Notice of Satisfaction as set forth in Paragraph 2(d). Declarant shall submit a copy of the Notice of No Objection, Notice of Satisfaction or Final Notice of Satisfaction to the DOB at the time of filing of any application set forth in this Paragraph 1(b).

2. (a) Notice of No Objection - DEP shall issue a Notice of No Objection for the Current Project or any Future Project after the Declarant has completed the work set forth in the project specific DEP approved Sampling Protocol and DEP has determined in writing that the results of such sampling demonstrate that no hazardous materials remediation is required for the proposed project.

(b) Notice to Proceed - DEP shall issue a Notice to Proceed for the Current Project or any Future Project after it determines that: (i) the project specific Remedial Action Plan or Remediation Plan has been approved by DEP and (ii) the permit(s) respecting the Subject Property that permit grading, excavation, foundation, alteration, building or other permit respecting the Subject Property which permits soil disturbance or construction of the superstructure for the Current Project or any Future Project are necessary to further the implementation of the DEP approved Remedial Action Plan or Remediation Plan.

(c) Notice of Satisfaction - DEP shall issue a Notice of Satisfaction for the Current Project or any Future Project after the project specific Remedial Action Plan or Remediation Plan has been prepared and accepted by DEP and DEP has determined in writing that such Remedial Action Plan or Remediation Plan has been completed to the satisfaction of DEP.

(d) Final Notice of Satisfaction - DEP shall issue a Final Notice of Satisfaction for the Current Project or any Future Project after the project specific Remedial Action Plan or Remediation Plan has been prepared and accepted by DEP and DEP has set forth in writing, that such Remedial Action Plan or Remediation Plan has been completed to the satisfaction of DEP and all potential hazardous materials have been removed or remediated and no further hazardous remediation is required on the Subject Property as determined by DEP.

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

4. 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.

5. 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 Subject Property. References in this Declaration to agencies or instrumentalities of the City shall be deemed to include agencies or instrumentalities succeeding to the jurisdiction thereof.

6. Declarant shall be liable in the performance of any term, provision, or covenant in this Declaration, subject to the following provisions:

> The City and any other party relying on this Declaration will look solely to the fee estate interest of the Declarant in the Subject Property 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, including its officers, managers and members, shall have no personal liability under this Declaration. Notwithstanding the foregoing, nothing is this paragraph 6 shall be deemed to preclude, qualify, limit or prevent any of the City's governmental rights, powers or remedies, including without limitation, with respect to the satisfaction of the remedies of the City, under any laws, statutes, codes or ordinances.

7. 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 Subject Property; 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.

8. 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 obligations under this Declaration, including without limitation, the negligence or carelessness of the Declarant, its agents, servants or employees in undertaking such obligations; 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 shall be settled without the written consent of the City.

9. 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 Remediation Plan, if any.

10. 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 Subject Property to waive its right to execute this Declaration and subordinate its interest in the Subject Property to this Declaration. Any mortgage or other lien encumbering the Subject Property 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.

11. This Declaration and the provisions hereof shall become effective as of the date of this Declaration. Within five (5) business days of the date hereof, Declarant shall submit this Declaration for recording or shall cause this Declaration to be submitted for recording in the Office of the County or City Register, where it will be indexed against the Subject Property. Declarant shall promptly deliver to the DEP and the Department of City Planning proof of recording in the form of an affidavit of recording attaching 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 DEP and DCP as soon as a certified copy is available.

12. This Declaration may be amended or modified by Declarant only with the approval of DEP 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 Deputy Commissioner of the Bureau of Environmental Planning and Assessment of DEP, or such person as authorized by the Deputy Commissioner, certifying approval of an amendment or modification of this Declaration shall be annexed to any instrument embodying such amendment or modification.

13. Any submittals necessary under this Declaration from Declarant to DEP shall be addressed to the Deputy Commissioner of the Bureau of Environmental Planning and Assessment of DEP, or such person as authorized by the Deputy Commissioner. As of the date of this Declaration DEP's address is:

New York City Department of Environmental Protection
59-17 Junction Blvd
Flushing, New York 11373

14. Declarant expressly acknowledges that this Declaration is an essential element of the SEQRA 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 the SEQRA Regulations, Title 6 New York Code of Rules and Regulations ("NYCRR") Part 617.7.

15. 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 Local laws.

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

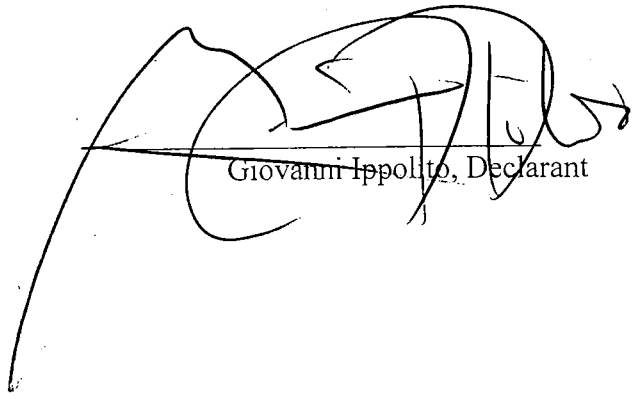
17. Wherever in this Declaration, the certification, consent, approval, notice or other action of Declarants, DEP or the City is required or permitted, such certification, consent, approval, notice or other action shall not be unreasonably withheld or delayed.

18. 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.

19. 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 Declarant shall provide written notice to DEP from DCP that the Application has been withdrawn or not approved and upon receipt of such notice the obligations and agreements pursuant to this Declaration shall have no force and effect and this Declaration shall be cancelled.

20. Notice of Cancellation - Declarant may request that DEP issue a Notice of Cancellation upon the occurrence of the following steps: (i) Declarant has withdrawn the Application in writing before a final determination on the Application; (ii) the Application was not approved by the DCP; or (iii) DEP has issued a Final Notice of Satisfaction in accordance with paragraph 2 herein. Upon such request, DEP shall issue a Notice of Cancellation after it has determined to DEP's own satisfaction that the above referenced steps, as applicable, have occurred. Upon receipt of a Notice of Cancellation from DEP, 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 DEP and the DCP 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.



Giovanni Ippolito, Declarant

CERTIFICATE OF ACKNOWLEDGMENT

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

On the 27 day of October in the year 2010 before me, the undersigned, personally appeared Giovanni Ippolito, 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

Adam W. Rothkrug
Notary Public - State of New York
Nassau Co. - No. 02R06073742
My commission expires 4/29/2014

SEAL

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY
Tax Block 8092, Lot 25

All that certain plot, piece or parcel of vacant land, situate, lying and being in the Third Ward of the Borough and County of Queens, City and State of New York, bounded and described as set forth:

Beginning at a point on the westerly side of Douglaston Parkway (Main Avenue) at the division line between the land formerly of Cecelia C. Seymour and the land now or formerly of A. W. Pockles;

Running thence along Douglaston Parkway south 30 degrees 58 minutes 54 seconds east 50.31 feet to the northeasterly corner of the land now or formerly of Sarah F. Ditmis;

Thence south 71 degrees 43 minutes west along the land now or formerly of Sarah F. Ditmis 218.80 feet to other land now or formerly of A. W. Pockles;

Thence north 13 degrees 9 minutes west 50 feet to land now or formerly of A. W. Pockles;

Thence north 71 degrees 55 minutes 6 seconds east along the land now or formerly of A. W. Pockles 203.27 feet to the westerly side of Douglaston Parkway at the point or place of BEGINNING.

EXHIBIT B

COMMONWEALTH LAND TITLE INSURANCE COMPANY

Certification of "Parties in Interest"

Parties in Interest as defined in subparagraph (c) in the definition of "zoning lot" in section 12-10 of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended.

Commonwealth Land Title Insurance Company, a Title Insurance Company licensed to do business in the State of New York and having its principal office at 655 Third Avenue, New York, NY 10017, 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 single ownership of Giovanni Ippolito and that all the parties in interest.constituting a party as defined in section 12-10 subparagraph (c) of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, are as of the 4th day of August, 2010 the following:

NAME/ADDRESS	NATURE OF INTEREST
Giovanni Ippolito 18 Westland Drive Glen Cove NY 11542	Fee Owner by deed recorded on 6/16/2005 in CRFN # 2005000348537.
JPMorgan Chase, successor in interest to Washington Mutual Bank, FA 400 East Main Street Stockton, CA 95290	Mortgage holder by Consolidated Mortgage Recorded on 5/3/2006 in CRFN # 2006000245355.

The subject tract of land with respect to which the foregoing parties are thus parties in interest as aforesaid, is known as Tax Lot Number(s) 25 in Block 8092 on the Tax map of the City of New York, Queens County and more particularly described as follows:

All that certain Lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Queens, County of Queens, City and State of New York, bounded and described as follows:

BEGINNING at a point on the westerly side of Douglaston Parkway (Main Avenue) at the division line between the land formerly of Cecelia C. Seymour and the land now or formerly of A. W. Pockles;

RUNNING THENCE along Douglaston Parkway south 30 degrees 58 minutes 54 seconds east 50.31 feet to the northeasterly corner of the land now or formerly of Sarah F. Ditmis;

THENCE south 71 degrees 43 minutes west along the land now or formerly of Sarah F. Ditmis 218.80 feet to other land now or formerly of A. W. Pockles;

THENCE north 13 degrees 9 minutes west 50 feet to land now or formerly of A. W. Pockles;

THENCE north 71 degrees 55 minutes 6 seconds east along the land now or formerly of A. W. Pockles 203.27 feet to the westerly side of Douglaston Parkway at the point or place of BEGINNING.

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

DATED: 8/5/10

BY: COMMONWEALTH LAND TITLE INSURANCE COMPANY

BY: _____

James H Lee, Esq.
Madison Title Agency, LLC, agents for
Commonwealth Land Title Insurance Company

STATE OF NEW Jersey) SS.:

COUNTY OF Ocean)

On the 5th day of August in the year 2010, before me, the undersigned, personally appeared James Lee, 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(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument and that such individual made such appearance before the undersigned in the _
Lakewood Township, State of New Jersey.

(insert the city or other political subdivision and the State or country or other place the acknowledgment was taken).

_____
Notary Public

Kathleen T. Kane
Notary Public
State of New Jersey
My Commission Expires May 30, 2015

SEAL

WHEREAS, Mortgagee represents that the Mortgage represents its sole interest in the Subject Property; and

WHEREAS, the Declaration, which is intended to be recorded in the Office of said Register/Clerk simultaneously with the recording hereof, shall subject the Subject Property and the sale, conveyance, transfer, assignment, lease, occupancy, mortgage and encumbrance thereof to certain restrictions, covenants, obligations, easements and agreements contained in the Declaration; and

WHEREAS, the Mortgagee agrees, at the request of the Mortgagor, to waive its right to execute the Declaration and to subordinate the Mortgage to the Declaration.

NOW, THEREFORE, the Mortgagee (i) hereby waives any rights it has to execute, and consents to the execution by the Mortgagor of, the Declaration and (ii) hereby agrees that the Mortgage, any liens, operations and effects thereof, and any extensions, renewals, modifications and consolidations of the Mortgage, shall in all respects be subject and subordinate to the terms and provisions of the Declaration.

This Waiver of Execution of Restrictive Declaration and Subordination of Mortgage shall be binding upon the Mortgagee and its heirs, legal representatives, successors and assigns.

IN WITNESS WHEREOF, the Mortgagee has duly executed this Waiver of Execution of Restrictive Declaration and Subordination of Mortgage as of the date and year first above written.

JPMorgan Chase Bank, N.A. successor in interest from the Federal Deposit of Insurance Corporation, as receiver for Washington Mutual Bank formerly Washington Mutual Bank, FA

By: _____

Name: Lisa Ferrington

Title: Vice President

EXHIBIT B-1

WAIVER OF EXECUTION OF RESTRICTIVE DECLARATION AND SUBORDINATION OF MORTGAGE

WAIVER OF EXECUTION OF RESTRICTIVE DECLARATION AND SUBORDINATION OF MORTGAGE, made this 27th day of October, 2010 by JPMorgan Chase Bank, National Association successor in interest from the Federal Deposit of Insurance Corporation, as receiver for Washington Mutual Bank formerly Washington Mutual Bank, FA (the"Mortgagee), having its Principle place of business at 780 Kansas Lane, Monroe, LA 71203

WITNESSETH:

WHEREAS, the Mortgagee is the lawful holder of that certain mortgage, dated April 13, 2005 (the "Mortgage") made by Giovanni Ippolito, an individual with an address at 44-20 Douglaston Parkway, Suite 1a, Douglaston, NY 11363 (the "Mortgagor"), in favor of Reva Simon Hart et., in the original principal amount of $300,000.00, recorded in the Office of the Register of the City of New York, County of Queens, on June 16, 2005, in CRFN #2005000348537; and

WHEREAS said Mortgage was assigned by an Assignment of Mortgage, made by Reva Simon Hart et. al., in favor of the Mortgagee, dated March 7, 2006, recorded in the Office of the Register of the City of New York County of Queens, on April 12, 2006 in CRFN #2006000202788, and ,

WHEREAS, the Mortgagee is the lawful holder of that certain mortgage, dated March 14, 2006 (the "Second Mortgage") made by the "Mortgagor, in favor of the Mortgagee, in the original principal amount of $11,899.08, recorded in the Ofice of the Register of the City of New York, County of Queens, on April 12, 2006 in CRFN #2006000202787; and

WHEREAS, the Mortgage and the Second Mortgage were consolidated, extended and modified by a Consolidation, Extension and Modification Agreement (the "Consolidated Mortgage"), dated March 14, 2006, made by Mortgagor in favor of the Mortgagee, recorded in the Office of the Register of the City of New York, County of Queens, on May 3, 2006 in CRFN #2006000245355;

WHEREAS, the Consolidated Mortgage encumbers all or a portion of the property (the "Premises") known as Block 8092, Lot(s) 25 on the Tax Map of the City of New York, County of Queens, and more particularly described in **Schedule A** attached hereto and made a part hereof, and any improvements thereon (such improvements and the Premises are collectively referred to herein as the "Subject Property"), which Subject Property is the subject of a restrictive declaration dated October 27, 2010, (the "Declaration"), made by Giovanni Ippolito; and

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF Louisiana)
) .ss.:
PARISH OF Ouachita)

On the 27th day of October in the year 2010 before me, the undersigned, personally appeared Lisa Ferrington, 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 Missy M Emory

Missy M Emory
Notary Public #69415
Richland Parish, Louisiana
Lifetime Commission

SEAL

SCHEDULE A

LEGAL DESCRIPTION OF SUBJECT PROPERTY
Tax Block 8092, Lot 25

All that certain plot, piece or parcel of vacant land, situate, lying and being in the Third Ward of the Borough and County of Queens, City and State of New York, bounded and described as set forth:

Beginning at a point on the westerly side of Douglaston Parkway (Main Avenue) at the division line between the land formerly of Cecelia C. Seymour and the land now or formerly of A. W. Pockles;

Running thence along Douglaston Parkway south 30 degrees 58 minutes 54 seconds east 50.31 feet to the northeasterly corner of the land now or formerly of Sarah F. Ditmis;

Thence south 71 degrees 43 minutes west along the land now or formerly of Sarah F. Ditmis 218.80 feet to other land now or formerly of A. W. Pockles;

Thence north 13 degrees 9 minutes west 50 feet to land now or formerly of A. W. Pockles;

Thence north 71 degrees 55 minutes 6 seconds east along the land now or formerly of A. W. Pockles 203.27 feet to the westerly side of Douglaston Parkway at the point or place of BEGINNING.

EXHIBIT C

The City of New York

DEPARTMENT OF ENVIRONMENTAL PROTECTION
59-17 Junction Boulevard
Flushing, New York 11373

Steven W. Lawitts
Acting Commissioner

Tel. (718) 595-6576
Fax (718) 595-3557

Angela Licata
Deputy Commissioner

Bureau of Environmental Planning & Analysis

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

DEPT OF CITY PLANNING
RECEIVED
2009 MAR 30 AM 7:24
ENVIRONMENTAL REVIEW DIV.

March 24, 2009

Robert Dobruskin
Director, Environmental Assessment and Review
New York City Department of City Planning
22 Reade Street, Room 4E
New York, NY 10007

Re: Douglaston Parkway Rezoning
Block 8092, Lot 25
06DCP092Q/ 09DEPTECH063Q

Dear Mr. Dobruskin:

The New York City Department of Environmental Protection Bureau of Environmental Planning and Analysis has reviewed the January 2009 Phase II Environmental Site Assessment Workplan and Health and Safety Plan prepared by Equity Environmental Engineering, LLC on behalf of Giovanni Ippolito (Applicant). It is our understanding that the Applicant proposes a zoning map amendment to rezone Block 8092, Lots 5, 25, 28, 33 and 205 from R1-2 to R6A in the Douglaston section of Queens, Community District 11. The proposed action would facilitate construction of a 6-story residential building on a currently vacant site (Block 8092, Lot 25) and bring two existing 6 & 7 story buildings on the other Lots into substantial conformance with zoning.

According to the Workplan, it is proposed that four soil borings will be advanced in the subject property. The borings will be advanced to the water table or 30 feet below grade, whichever comes first. A minimum of two soil samples will be collected from each boring after which two soil borings will be converted into temporary monitoring wells. In addition, a geophysical survey of the site will be conducted using, at a minimum, a magnetometer and ground penetrating radar to search for USTs, piping, and/or building foundations.

DEP finds the Workplan and HASP acceptable. DEP should be notified at least one week prior to the investigative fieldwork. Please include DEP tracking number 09DEPTECH063Q on all future correspondence and submittals related to this project. If you have any questions, please contact me at (718) 595-4473.

Sincerely,

Terrell Estesen
Director, Office of City Project Review

cc: J. Wuthenow, C. Nazaire, T. Estesen, O. Abinader – DCP

compounds by Method 8270, Pesticides/Polychlorinated Biphenyls by Method 8081/8082 and Target Analyte List Metals. An investigative Health and Safety Plan should also be submitted to DEP for review and approval.

- All known or found USTs (including dispensers, piping, and fill-ports) must be properly removed/closed in accordance with all applicable NYSDEC regulations.

- Based on the aged of the buildings suspected lead-containing paint and suspected ACM may be associated with on-site structures. These materials should be properly removed and or managed prior to the start of any demolition/conversion activities and disposed of in accordance with all federal, state and local regulations.

Future correspondence and submittals should include the following tracking number 07DEPTECH154Q. If you have any questions or comments, please feel free contact Ms. Tracie Goldman at (718) 595-6443.

Sincerely,

Gary C. Heath
Director of Bureau Operations and Environmental Analysis

cc: J. Wuthenow
M. Winter
J. Stein
C. Ballah
T. Goldman
Jed Weiss- BSA
File

OC CP

The City of New York

DEPARTMENT OF ENVIRONMENTAL PROTECTION
59-17 Junction Boulevard
Flushing, New York 11373

Steven W. Lawitts
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Sincerely,

Terrell Estesen
Director, Office of City Project Review

cc: J. Wuthenow, C. Nazaire, T. Estesen, O. Abinader – DCP

NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION
DEP
www.nyc.gov/dep
DIAL 311 Government Information and Services for NYC

CEQR No:06DCP092Q/09DEPTECH063Q

PROPOSED WORK PLAN
PHASE II ENVIRONMENTAL SITE ASSESSMENT

44-12 Douglaston Parkway
Douglaston, New York 11363
(Block 8092/Lot 25)

Prepared for:
Giovanni Ippolito
14-36 132nd Street
College Point, NY 11356

Prepared by:
Equity Environmental Engineering, LLC
Flanders, New Jersey 07836

January 2009

1. Background

A Phase I Environmental Site Assessment (Phase I) was prepared by Equity Environmental Engineering LLC (Equity) for the subject property in April 2008. The December 2007, Phase I did not identify any recognized environmental concern (RECs). The New York City Department of Environmental Protection (DEP) did not feel that the Phase I was adequately completed and identified areas where historic information suggested potential RECs. These areas include:

- The residential buildings to the south which contain a 5,000 and 10,000 gallon underground storage tank (UST). The 5,000 gallon UST failed a pressure test which may have resulted in a release to the environment.
- Two 1,080 gallon USTs were located within 264 feet south of the subject property and were closed and removed in 1987.
- There is an open spill file for a site located 404 feet south of the subject property. This is another tank test failure.
- Douglaston Plant and Douglaston French Cleaners are generators of chlorinated solvent wastes which are located 416 feet east-southeast of the subject property. No spills have been reported from these waste generators.

Based on this information, this Phase II workplan was prepared to address the concerns of the DEP.

Site Location and Description

The subject property is located at 44-12 Douglaston Parkway, Douglaston, Queens County, New York, 11363 (Block 8092, Lot 25). The subject property is located on the West side of Douglaston Parkway (Figure 1). The subject property is a vacant lot and abuts the Alley Pond Park.

Site Use and History

The site is currently vacant and has never been developed.

Surrounding Area

The site is located in a R1-2 Residential District. There is a large cemetery within several blocks of the site. The site is within ¼-mile of the Little Neck Bay.

2. Objective

The objective of this Phase II Work Plan is to characterize the subject property based on the potential RECs observed by the DEP in the Phase I Report. The following Scope of Work will be conducted prior to the start of any site redevelopment activities.

3. Scope of Work

The following is a summary of the proposed scope of work for the Phase II investigation. We believe that the data collected will provide sufficient information with which the DEP can issue a notice to proceed for the site development. Equity would be performing and/or providing direct oversight of all activities related to this Work Plan.

The field work will be conducted by Equity Environmental Engineering LLC. The site specific Health and Safety Plan (HASP) for the activities discussed below is attached as Appendix A of this work plan. The HASP will be modified on an ongoing basis according to the scope of work to be performed and any information regarding various contaminants detected onsite.

Surface Geophysics

As directed by the DEP, a surface geophysics survey of the site will be conducted. The survey will be conducted using, at a minimum, a magnetometer and ground penetrating radar to search for underground storage tanks, piping, and/or building foundations. It will also search for any anomalies based on the presence of free-product and groundwater.

Soil Borings

The Phase II investigation will be done at 44-12 Douglaston Parkway based on the Phase I ESA which indicated that there are potential groundwater contaminants that could be migrating towards the subject property from contaminated sites in the area. The Phase I ESA did state that groundwater was approximately 50 feet below grade.

Prior to the onset of any subsurface activities, the drilling subcontractor will place a call to One-Call Utility Survey Request to have the local utility company's mark-out existing utilities on and entering the subject property. If there are any known utilities onsite, they must be marked out by the property owner.

It is proposed that four (4) soil borings be advanced in the subject property (Figure 2). The borings would be installed using a direct-push drill rig and be advanced to the water table or 30 feet below grade, whichever comes first.

Soil samples would be continuously retrieved from the boring using 2-inch diameter, 4-foot long macro-core barrels with acetate liners. Each soil boring would be examined and logged in the field. The soil lithology, including grain size, color, relative moisture content, and presence of staining or odors would be described and classified. Soil would be screened with a photo-ionization detector (PID), calibrated using isobutylene as a standard, for the presence of volatile organic compounds (VOCs).

A minimum of two soil samples would be collected from each boring; one within the 0 to 2-foot interval and the second from the bottom of the boring. If groundwater is not encountered, the second sample will be taken from the 6-inch interval 30 feet below

grade. If groundwater is encountered with the 30 foot column, the second sample will be collected immediately above the soil/groundwater interface. Additional soil samples may be collected from any 6-inch interval exhibiting elevated PID reading or an interval exhibiting staining or strong odors. The soil samples would be placed in laboratory supplied containers, preserved on ice, and submitted under chain-of-custody procedures to the certified contract laboratory for analysis. Quality assurance/quality control (QA/QC) samples will also be collected and submitted to the laboratory for analysis. These would include trip blanks, equipment blanks, and duplicate samples at a rate of one per 20 samples collected.

Following sample collection, all equipment would be decontaminated onsite using alconox soap and de-ionized water. The borings will be filled with soil cuttings to the extent possible. If necessary, they would be filled with grout to grade.

Monitoring Well Installation

Equity proposes to convert the two (2) soil borings into temporary monitoring wells should groundwater be encountered. The temporary wells would be approximately 1-inch diameter with PVC screen and riser pipe installed the day the borings are advanced. The wells would be purged using low-flow purging techniques. The groundwater would be monitored for the following field parameters:

- pH
- turbidity
- salinity
- redox potential
- temperature
- dissolved oxygen
- conductivity

The field parameters will be recorded on field sampling data sheets. Once the groundwater parameters stabilize, the well would be sampled and then the PVC removed.

Laboratory Analysis

The soil, groundwater, and quality assurance/quality control (QA/QC) samples would be stored on ice in a cooler immediately upon collection. They would be shipped via courier to a New York State Department of Health Environmental Laboratory Analysis Program (ELAP) certified laboratory for analysis. The soil and groundwater samples would be analyzed for:

- Volatile organic compounds (VOCs) — EPA Method 8260
- Semi-VOCs — EPA Method 8270
- Pesticides and PCBs — EPA Methods 8081/8082
- TAL Metals — EPA Methods 6010/6020/7471

Filtered and unfiltered groundwater samples would be collected for TAL metals analysis. The analytical results would be compared to the New York State Department of Environmental Conservation (DEC) Recommended Soil Clean-up

objectives (RSCOs) for soils and Technical and Operational Guidance Series (TOGS) for groundwater.

Waste Disposal

Investigation derived waste will be properly managed during the investigation. Soil cuttings will be temporarily placed on plastic and purge water in a drum during the investigation. If possible, soil cuttings and purged groundwater will be returned to the soil boring from which they came. Should there be excess soil and/or groundwater, it will be placed in an appropriate container and sampled for waste characterization. Pending the results of the characterization, the waste would be properly disposed by an appropriately certified or licensed disposal firm.

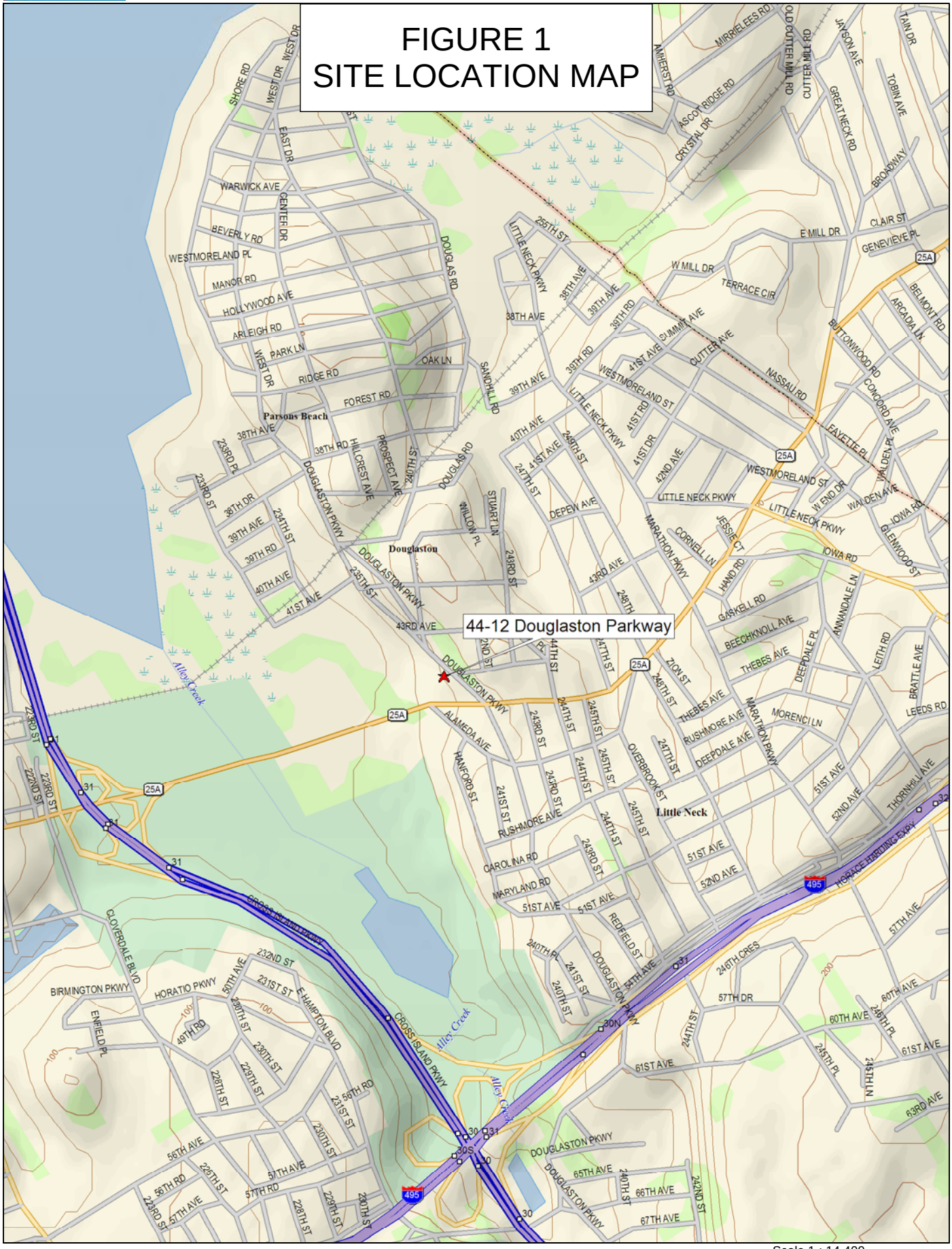
Reporting

Equity would prepare and submit a Phase II Environmental Site Assessment Report to the DEP upon completion of all field activities and receipt of all analytical data. The Phase II ESA Report would present a summary of the field work including deviations from the work plan, findings, conclusions, and recommendations based on an evaluation and interpretation of the field and analytical data collected during the soil boring and groundwater sampling, if required.

Project Schedule

Equity would begin implementing the scope of work within three (3) weeks of notice of DEP approval of this Work Plan. The field investigations, including completion of soil borings and groundwater sampling, is anticipated to take a maximum of two (2) days and, would be completed approximately three (3) weeks following approval of the Work Plan subject to availability of the site and the drilling subcontractor. Final analytical results would be available within four (4) weeks after receipt of the samples by the laboratory. Total project duration is anticipated to be 10 weeks following approval of the Work Plan.

FIGURE 1
SITE LOCATION MAP



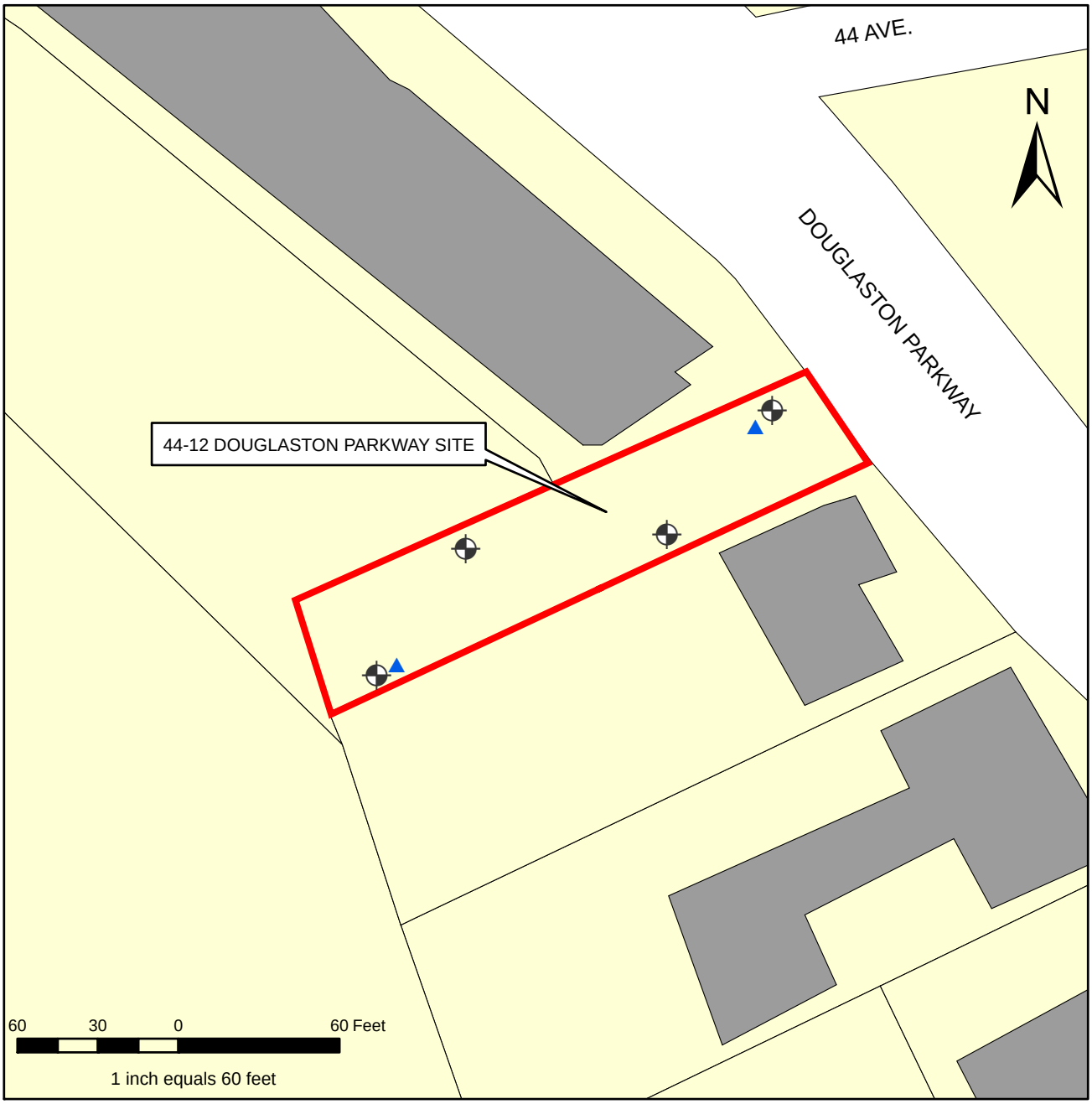
Data use subject to license.
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www.delorme.com

TN
MN (0.0°E)

Scale 1 : 14,400

1" = 1,200.0 ft

Data Zoom 14-0



Legend

- Subject Property
- Building
- Proposed Soil Boring
- Proposed Temporary Well

FIGURE 2
SAMPLE LOCATION MAP

PHASE II SITE ASSESSMENT
44-12 DOUGLASTON PARKWAY
QUEENS, NY 11363

Equity Environmental Engineering LLC
4 Gold Mine Road Flanders, NJ 07836, (973) 527-7451

DRAWN BY/ DATE	CHK/DATE	DRAWING NUMBER
TAF/01-15-09		2008014

APPENDIX A
HEALTH AND SAFETY PLAN

CONSTRUCTION

HEALTH AND SAFETY PLAN

For

44-12 Douglaston Parkway

Block 8092/Lot 25
Douglaston, New York

Prepared By:

Equity Environmental Engineering LLC
Flanders, New Jersey

January 2009
Revised

Reviewed and Approved By:

	Name	Date
Project Manager	_____	_____
H&S Officer	_____	_____

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EMERGENCY CONTACTS

In the event of any situation or unplanned occurrence requiring assistance, the appropriate contact(s) should be made from the list below. For emergency situations, contact should first be made with the site coordinator who will notify emergency personnel who will then contact the appropriate response teams. This emergency contacts list must be in an easily accessible location at the site.

Contingency Contacts	Phone Number
Nearest phone located on-site	To be determined (site utilities subject to relocation(s))
Fire	911 (Emergencies)
Police	911 (Emergencies)
111th Precinct	
(NY One Call Center) (3 working days notice required)	(800)-272-4480
Poison Control Center	(800) 764-7661

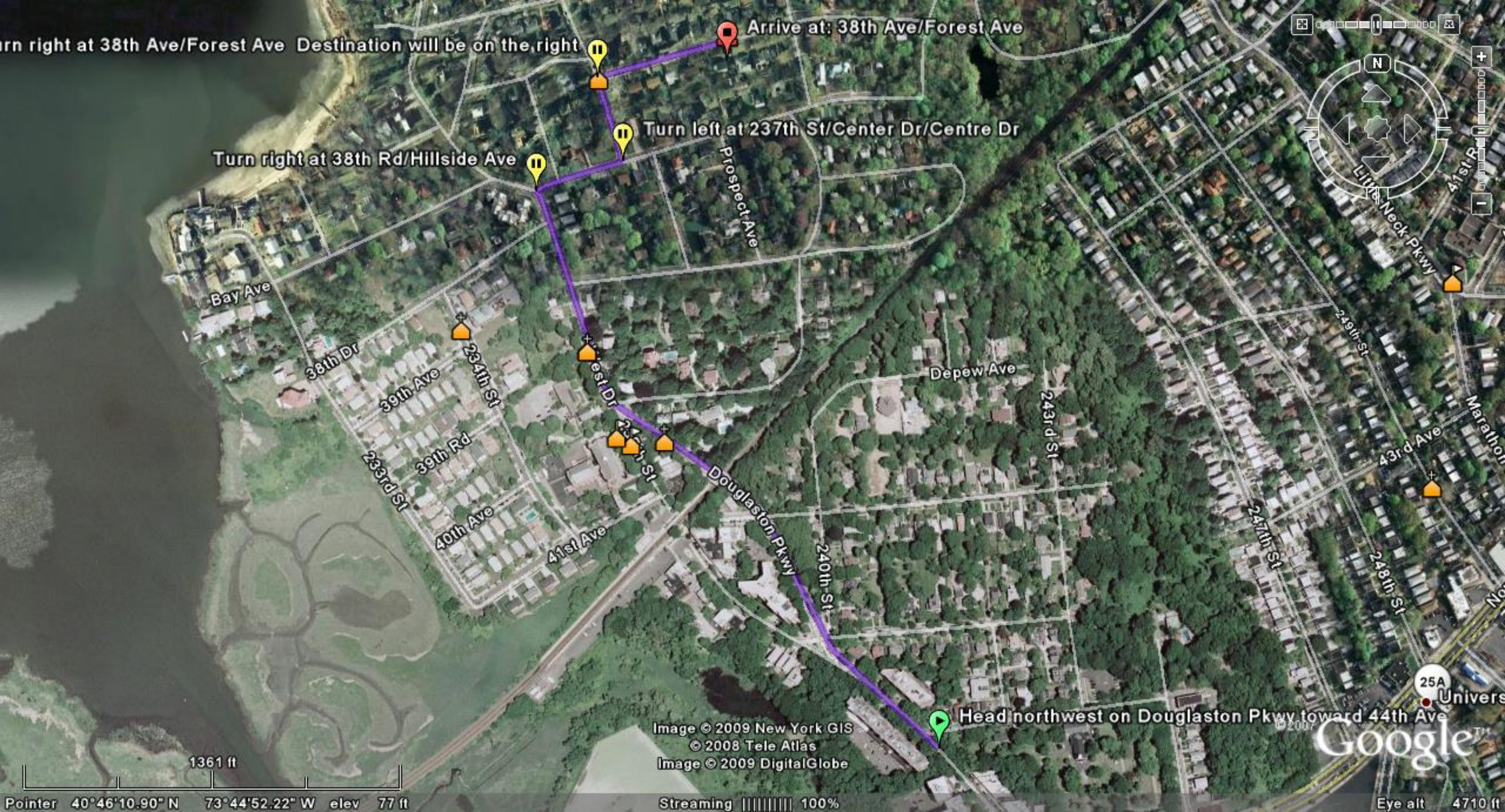
Medical Emergency

Ambulance: 911

The hospital location is shown on the next page. (Figure 1)

Travel distance and time from the site is approximately 1.0 miles and 5 minutes respectively.

Figure 1 Hospital Route


urn right at 38th Ave/Forest Ave Destination will be on the right
Arrive at: 38th Ave/Forest Ave
Turn left at 237th St/Center Dr/Centre Dr
Turn right at 38th Rd/Hillside Ave
Prospect Ave
Bay Ave
38th Dr
39th Ave
234th St
39th Rd
233rd St
40th Ave
41st Ave
Depew Ave
243rd St
Douglaston Pkwy
240th St
247th St
248th St
249th St
Little Neck Pkwy
41st Rd
43rd Ave
Marathon
25A
Head northwest on Douglaston Pkwy toward 44th Ave
Image © 2009 New York GIS
© 2008 Tele Atlas
Image © 2009 DigitalGlobe
1361 ft
Pointer 40°46'10.90" N 73°44'52.22" W elev 77 ft
Streaming 100%
Eye alt 4710 ft
Google

ROUTE TO the North Shore University Hospital at Forest Hills (102-01 Forest Road, Queens):

From 44-12 Douglaston Parkway:

1.) Go north (left) onto Douglaston Parkway 0.5 miles

2.) Turn right onto 38th Road/Hillside Avenue and go 328 feet

3.) Turn left onto 237th Street/Center Drive and go 308 feet

4.) Turn right onto Forest Road

Contractor Contacts

Project Manager: Robert Jackson 973-527-7451 office
973-641-0825 cell

Project Scientist : Thomas Francis 973-527-7451 office
848-391-5346 cell

Office Health & Safety Rep.: Peter Jaran 973-527-7451 office

Alternate: Robert Jackson

Property Contact

Owner: Mr. Giovanni Ippolito 717-745-4200 office

Table 1-1 Health And Safety Summary Table

Level D

Installation of the soil borings and temporary monitoring wells and the collection of soil, groundwater, and soil gas samples.

If the level of volatile organic compounds does not exceed 5 ppm. 4-gas monitoring will be conducted during all intrusive activities, safe levels are as follows:

- Carbon Monoxide: 0-35ppm
- LEL: 0-10%
- Oxygen:19.5%-23.5%
- Benzene: 0-5ppm

Level C

If the level of volatile organic compounds exceed 5 ppm; If 4-gas monitoring exceeds 35ppm (CO), LEL: >10%, Oxygen <19.5% or >23.5%, Benzene: >5ppm.

The only known onsite contaminant is methane potentially in both soil and/or groundwater.

During the installation of the soil borings and temporary monitoring wells, lower explosive limits (LELs) may be present, as a result, monitoring will be conducted around the breathing zone of the workers and in the vicinity of any open boreholes. If LEL limits of 10% or greater are reached, work will be suspended to allow for the borehole to ventilate.

1. INTRODUCTION

1.1 Purpose and Requirements

The purpose of this safety plan is to establish personnel protection standards and mandatory safety practices and procedures. This plan assigns responsibilities, establishes standard operating procedures, and provides for contingencies that may arise while site investigation operations are being conducted at the 44-80 Douglaston Parkway property.

The provisions of the plan are mandatory for all on-site personnel. Any supplemental plans used by subcontractors shall conform to this plan as a minimum. All personnel who engage in project activities must be familiar with this plan, comply with its requirements, and sign the Plan Acceptance Form (Attachment B), page number B-5, prior to working on the site. The Plan Acceptance Form must be submitted to the construction firm's Health and Safety Officer.

1.2 Site Description

The subject property is located at 44-80 Douglaston Parkway, Block 8092, Lot 25, in Queens, New York. It contains approximately 0.25 acres and is situated topographically on a relatively flat area. The subject property is bounded by mixed residential and commercial properties to the north, south, and east. To the west is the Alley Pond Park which includes a golf driving range.

1.3 Scope of Work

The scope of work associated with the investigation of the subject property includes the installation of soil borings, temporary monitoring wells, and soil gas points. Samples will be collected for analysis to determine if the property contains any hazardous materials or contaminants in concentrations exceeding the applicable New York State Department of Environmental Conservation (NYSDEC) or New York State Department of Health (NYSDOH) criteria.

1.4 Project Team Organization

Table 1-2 describes the responsibilities of all on-site personnel associated with this project. The names of principal on-site personnel associated with this project are delineated below:

Project Manager: Robert Jackson

Field Team Leader: Thomas Francis

Site Health and Safety Officer: Peter Jaran

All personnel have been appropriately trained in hazardous waste safety procedures including the operating and fitting of personal protective equipment, and are experienced with the types of field operations to be employed at the site.

TABLE 1-2
ON-SITE PERSONNEL
AND RESPONSIBILITIES

PROJECT MANAGER - Reports to upper-level management. Has authority to direct response operations. Assumes total control over site activities.

Responsibilities:

- Prepares and organizes the background review of the situation, the Work Plan, the Health and Safety Plan, and the field team.
- Obtains permission for site access and coordinates activities with appropriate officials.
- Ensures that the Work Plan is completed and on schedule.
- Briefs the field teams on their specific assignments.
- Uses the Site Health and Safety Officer to ensure that health and safety requirements are met.
- Prepares the final report and support files on the response activities.
- Serves as the liaison with public officials.

SITE HEALTH AND SAFETY OFFICER - Advises the Project Manager on all aspects of health and safety on site. Stops work if any operation threatens worker or public health or safety.

Responsibilities:

- Periodically inspects protective clothing and equipment.
- Ensures that protective clothing and equipment are properly stored and maintained.
- Controls entry and exit at the Access Control Points.
- Coordinates health and safety program activities with the Office Health and Safety Representative.
- Confirms each team member's suitability for work based on a physician's recommendation.
- Monitors the work parties for signs of stress, such as cold exposure, heat stress, and fatigue.
- Implements the Health and Safety Plan.
- Conducts periodic inspections to determine if the Health and Safety Plan is being followed.
- Enforces the "buddy" system.

TABLE 1-2 (CONTINUED)
ON-SITE PERSONNEL
AND RESPONSIBILITIES

- Knows emergency procedures, evacuation routes, and the telephone numbers of the ambulance, local hospital, poison control center, fire department, and police department.
- Notifies, when necessary, local public emergency officials.
- Coordinates emergency medical care.
- Sets up decontamination lines and the decontamination solutions appropriate for the type of chemical contamination on the site.
- Controls the decontamination of all equipment, personnel, and samples from the contaminated areas.
- Assures proper disposal of contaminated clothing and materials.
- Ensures that all required equipment is available.
- Advises medical personnel of potential exposures and consequences.
- Notifies emergency response personnel by telephone or radio in the event of an emergency.

FIELD TEAM LEADER - Responsible for field team operations and safety.

Responsibilities:

- Manages field operations.
- Executes the Work Plan and schedule.
- Enforces safety procedures.
- Coordinates with the Site Health and Safety Officer in determining the personal protection level.
- Enforces site control.
- Documents field activities and sample collection.
- Serves as a liaison with public officials.

WORK TEAM – Drillers and workers. The work party must consist of at least two people.

Responsibilities:

- Safely completes the on-site tasks required to fulfill the Work Plan.
- Complies with the Health and Safety Plan.
- Notifies Site Health and Safety Officer or supervisor of suspected unsafe conditions.

2. RISK ANALYSIS

2.1 Chemical Hazards

Compounds that may be used during the investigation and some suspected contaminants based on the database findings that may be present at the subject property and their relevant properties are shown in Table 2-1. Material safety data sheets (MSDS) for these compounds have been included in this HASP. There are currently no known site contaminants.

2.2 Physical Hazards

2.2.1 Heat Stress

The use of Level C protective equipment, or greater, may create heat stress. Monitoring of personnel wearing personal protective clothing should commence when the ambient temperature is 72^{o}F or above. Table 2-2 presents the suggested frequency for such monitoring. Monitoring frequency should increase as ambient temperature increases or as slow recovery rates are observed. Refer to the Table 2-3 below to assist in assessing when the risk for heat related illness is likely. To use this table, the ambient temperature and relative humidity must be obtained (a regional weather report should suffice). Heat stress monitoring should be performed by the Site Health and Safety Officer, who shall be able to recognize symptoms related to heat stress.

To monitor the workers, be familiar with the following heat-related disorders and their symptoms:

- **Prickly Heat** (Heat rash)
  - Painful, itchy red rash. Occurs during sweating, on skin covered by clothing.
- **Heat Cramps**
  - Painful spasm of arm, leg or abdominal muscles, during or after work.
- **Heat Exhaustion**
  - Headache, nausea, dizziness. Cool, clammy, moist skin. Heavy sweating. Weak, fast pulse. Shallow respiration, normal temperature.
- **Heat Fatigue**
  - Weariness, irritability, loss of skill for fine or precision work. Decreased ability to concentrate. No loss of temperature control.

2.1 SUSPECTED CONTAMINANTS OF CONCERN

(Refer to Project Files for more detailed contaminant information)

Contaminant	Location and Maximum[a] Concentration (ppm)	Exposure Limit[b]	IDLH[c]	Symptoms and Effects of Exposure	PIP[d] (eV)
Isobutylene	NA	None	NA	The amount of Iso-butylene in this mixture should not present any symptoms of toxicity if this mixture is breathed.	9.24

Footnotes:

[a] Specify sample-designation and media: SB (Soil Boring), A (Air), D (Drums), GW (Groundwater), L (Lagoon), TK (Tank), S (Surface Soil), SL (Sludge), SW (Surface Water).

[b] Appropriate value of PEL, REL, or TLV listed.

[c] IDLH = immediately dangerous to life and health (units are the same as specified "Exposure Limit" units for that contaminant); NL = No limit found in reference materials; CA = Potential occupational carcinogen.

[d] PIP = photoionization potential; NA = Not applicable; UK = Unknown.

2.2 Potential Routes of Exposure

Dermal: Contact with contaminated media. This route of exposure is minimized through proper use of PPE, as specified in Section 4.	**Inhalation:** Vapors and contaminated particulates. This route of exposure is minimized through proper respiratory protection and monitoring, as specified in Sections 4 and 5, respectively.	**Other:** Inadvertent ingestion of contaminated media. This route should not present a concern if good hygiene practices are followed (e.g., wash hands and face before drinking or smoking).

2.3 Suggested Frequency of Physiological Monitoring for Fit and Acclimated workers[A]

Adjusted Temperature[b]	Normal Work Ensemble[c]	Impermeable Ensemble
90°F or above (32.2°C) or above	After each 45 min. of work	After each 15 min. of work
87.5°F (30.8°-32.2°C)	After each 60 min. of work	After each 30 min. of work
82.5°-87.5°F (28.1°-30.8°C)	After each 90 min. of work	After each 60 min. of work
77.5°-82.5°F (25.3°-28.1°C)	After each 120 min. of work	After each 90 min. of work
72.5°-77.5°F (22.5°-25.3°C)	After each 150 min. of work	After each 120 min. of work

- **Heat Syncope** (Heat Collapse)
  - Fainting while standing in a hot environment.
- **Heat Stroke**
  - Headache, nausea, weakness, hot dry skin, fever, rapid strong pulse, rapid deep respirations, loss of consciousness, convulsions, coma. **This is a life threatening condition.**

Do not permit a worker to wear a semi-permeable or impermeable garment when they are showing signs or symptoms of heat-related illness.

To monitor the worker, measure:

- Heart rate. Count the radial pulse during a 30-second period as early as possible in the rest period.
  - If the heart rate exceeds 100 beats per minute at the beginning of the rest period, shorten the next work cycle by one-third and keep the rest period the same.
  - If the heart rate still exceeds 100 beats per minute at the next rest period, shorten the following work cycle by one-third. A worker cannot return to work after a rest period until their heart rate is below 100 beats per minute.
- Oral temperature. Use a clinical thermometer (3 minutes under the tongue) or similar device to measure the oral temperature at the end of the work period (before drinking).
  - If oral temperature exceeds 99.6^{o}F (37.6^{o}C), shorten the next work cycle by one-third without changing the rest period. A worker cannot return to work after a rest period until their oral temperature is below 99.6^{o}F.
  - If oral temperature still exceeds 99.6^{o}F (37.6^{o}C) at the beginning of the next rest period, shorten the following cycle by one-third.
  - Do not permit a worker to wear a semi-permeable or impermeable garment when oral temperature exceeds 100.6^{o}F (38.1^{o}C).

2.2.2 Prevention of Heat Stress

Proper training and preventative measures will aid in averting loss of worker productivity and serious illness. Heat stress prevention is particularly important because once a person suffers from heat stroke or heat exhaustion, that person may be predisposed to additional heat related illness. To avoid heat stress the following steps should be taken:

- Adjust work schedules.
  - Mandate work slowdowns as needed.
  - Perform work during cooler hours of the day if possible or at night if adequate lighting can be provided.

- Provide shelter (air-conditioned, if possible) or shaded areas to protect personnel during rest periods.
- Maintain worker's body fluids at normal levels. This is necessary to ensure that the cardiovascular system functions adequately. Daily fluid intake must approximately equal the amount of water lost in perspiration, id., eight fluid ounces (0.23 liters) of water must be ingested for approximately every eight ounces (0.23 kg) of weight lost. The normal thirst mechanism is not sensitive enough to ensure that enough water will be drunk to replace lost perspiration. When heavy sweating occurs, encourage the worker to drink more. The following strategies may be useful:
  - Maintain water temperature 50° to 60°F (10° to 16.6°C).
  - Provide small disposable cups that hold about four ounces (0.1 liter).
  - Have workers drink 16 ounces (0.5 liters) of fluid (preferably water or dilute drinks) before beginning work.
  - Urge workers to drink a cup or two every 15 to 20 minutes, or at each monitoring break. A total of 1 to 1.6 gallons (4 to 6 liters) of fluid per day are recommended, but more may be necessary to maintain body weight.
- Train workers to recognize the symptoms of heat related illness.

2.2.3 Cold-Related Illness

If work on this project is conducted in the winter months, thermal injury due to cold exposure can become a problem for field personnel. Systemic cold exposure is referred to as hypothermia. Local cold exposure is generally labeled frostbite.

Hypothermia: Hypothermia is defined as a decrease in the patient core temperature below 96°F. The body temperature is normally maintained by a combination of central (brain and spinal cord) and peripheral (skin and muscle) activity. Interference with any of these mechanisms can result in hypothermia, even in the absence of what normally is considered a "cold" ambient temperature. Symptoms of hypothermia include: shivering, apathy, listlessness, sleepiness, and unconsciousness.

Frostbite. Frostbite is both a general and medical term given to areas of local cold injury. Unlike systemic hypothermia, frostbite rarely occurs unless the ambient temperatures are less than freezing and usually less than 20°F. Symptoms of frostbite include: a sudden blanching or whitening of the skin; the skin has a waxy or white appearance and is firm to the touch; tissues are cold, pale, and solid.

2.2.4 Prevention of Cold-Related Illness

- Educate workers to recognize the symptoms of frostbite and hypothermia
- Identify and limit known risk factors:

- Assure the availability of enclosed, heated environment on or adjacent to the site.
- Assure the availability of dry changes of clothing.
- Develop the capability for temperature recording at the site.
- Assure the availability of warm drinks.

Monitoring

Start (oral) temperature recording at the job site:

- At the Field Team Leader's discretion when suspicion is based on changes in a worker's performance or mental status.
- At a worker's request.
- As a screening measure, two times per shift, under unusually hazardous conditions (e.g., wind-chill less than 20^{o}F, or wind-chill less than 30^{o}F with precipitation).
- As a screening measure whenever any one worker on the site develops hypothermia.

Any person developing moderate hypothermia (a core temperature of 92^{o}F) cannot return to work for 48 hours.

2.3 Task Hazards Analysis

2.3.1 Soil Boring/Monitoring Well Installation/Soil-Gas Sampling

Refer to Section 6.1.1 for heavy equipment safety requirements. Check with local utilities before drilling. Chemical exposure typically occurs as subsurface soils are brought to the surface. The breathing zone shall be screened with a MiniRAE or equivalent air monitoring device appropriate for the known, onsite contaminants. If contaminant levels reach action limits as specified in Section 3, upgrades in personal protection will be initiated. Onsite personnel within 25 feet of the drilling rig shall start work in Level D PPE which will include use of hearing protection when the equipment is operational.

3. PERSONNEL PROTECTION AND MONITORING

3.1 Medical Surveillance

Project personal will utilize the services of a licensed occupational health physician with knowledge and/or experience in the hazards associated with the project to provide the medical examinations and surveillance specified herein.

Personnel involved in this operation are to have undergone medical surveillance prior to employment with their employer, and thereafter at 12-month intervals. The 12-month medical examination includes a complete medical and work history and a standard occupational physical. The examination includes: all major organ systems, complete blood count with differential (CBC), and a SMAC/23 blood chemistry screen which includes calcium, phosphorous, glucose, uric acid, BUN, creatinine, albumin, SGPT, SGOT, LDH, globulin, A/G ratio, alkaline phosphatase, total protein, total bilirubin, triglyceride, cholesterol, and a creatinine/BUN ratio. Additionally a pulmonary function test will be performed by trained personnel to record Forced Vital Capacity (FVC) and Forced Expiratory Volume in second ($FEV_{1.0}$). An audiogram and visual acuity measurement, including color perception, is administered. The medical exam is performed under the direction of a licensed Occupational Health Physician. The physician provides a medical certification regarding the fitness or unfitness for employment on hazardous waste projects. This evaluation includes any restrictions that may be indicated for each employee. The evaluation will be repeated as indicated by substandard performance or evidence of particular stress that is evident by injury or time loss illness on the part of any worker.

3.2 Site Specific Training

The Site Health and Safety Officer will be responsible for developing a site specific occupational hazard training program and providing training to all personnel that are to work at the site. This training will consist of the following topics:

- Names of personnel responsible for site safety and health.
- Safety procedures, and hazards specific to the site.
- Proper use of personal protective equipment.
- Work practices by which the employee can minimize risk from hazards.
- Safe use of engineering controls and equipment on the site.
- Acute effects of compounds at the site.
- Decontamination procedures.

3.3 Personal Protective Equipment and Action Levels

3.3.1 Conditions for Level D

Level D protection will be worn for initial entry on-site and initially for all activities. Level D protection will consist of:

- Coveralls
- Safety boots
- Nitrile outer and Latex inner gloves (must be worn during all sampling activities)
- Hard hat (must be worn during drilling activities)
- Safety glasses (Splash goggles must be worn if a splash hazard is present)
- Hearing protection (must be worn during drilling activities)

3.3.2 Conditions for Level C

The level of personal protection will be upgraded to Level C if any of the following conditions are met:

For Volatile Organic Compounds:

- If the level of volatile organic compounds exceeds 5 ppm;

For Nonvolatile and Semivolatile Compounds:

- If the level of total dust exceeds 1.7 mg/m^3;

It is possible to directly monitor the concentrations of airborne volatile organic compounds from gasoline which might be generated as a result of wind erosion of soils. To avoid any potential exposure, workers will wet down the surrounding area with water if work is being conducted in a non-vegetated area or downwind of a non-vegetated area on a windy day. If the site health and safety officer or any member of the field team does not feel that these measures are sufficient, then workers may don a full-face air-purifying respirator equipped with HEPA cartridges.

Equipment Required For Level C

Level C protection will consist of:

- Full-face air-purifying respirator
- Combination dust/organic vapor cartridges
- Tyvek overall suit
- Nitrile outer and latex inner gloves
- Safety boots
- Hard hat (must be worn during drilling activities)

3.3.3 Conditions for Level B or Retreat

The level of personal protection will be upgraded to Level B or personnel shall retreat to an upwind location if any of the following conditions are met. If the concentrations of volatile organics which can be detected with a Flame Ionization Detector (FID) equal or exceed 25 ppm (based on the presence of methylene chloride) upgrade to Level B. Work will not be done at Level A at the subject property.

Equipment Required For Level B

Level B protection will consist of:

- Airline or SCBA respirator with Grade D breathing air
- Poly-coated Tyvek, overall suit
- 5-minute escape SCBA (with airline only)
- Nitrile outer and latex inner gloves, taped at cuffs
- Safety boots
- Hard hat

OSHA Requirements for Personal Protective Equipment

All personal protective equipment used during the course of this field investigation must meet the following OSHA standards:

Type of Protection	**Regulation**	**Source**
Eye and Face	29 CFR 1910.133 29 CFR 1926.102	ANSI Z87.1-1968
Respiratory	29 CFR 1910.134 29 CFR 1926.103	ANSI Z88.1-1980
Head	29 CFR 1910.135 29 CFR 1926.100	ANSI Z89.1-1969
Foot	29 CFR 1910.136 29 CFR 1926.96	ANSI Z41.1-1967

ANSI = American National Standards Institute

Both the respirator and cartridges specified for use in Level C protection must be fit-tested prior to use in accordance with OSHA regulations (29 CFR 1910.1025; 29 CFR 1910.134).

Air purifying respirators cannot be worn under the following conditions:

- Oxygen deficiency
- IDLH concentrations
- High relative humidity
- If contaminant levels exceed designated use concentrations.

3.4 Monitoring Requirements

Monitoring for organic vapors in the breathing zone will be conducted with a photo-ionization detector (PID). Monitoring for explosive conditions will be conducted with a four gas meter. Readings will be taken continuously while excavation is proceeding. Readings will be conducted upwind and downwind of excavation activities at least once

per hour on the site in order to monitor for the release of airborne contaminants from the exclusion zone. If downwind levels of organic vapors or explosive conditions exceed upwind levels by more than the amount indicated in Table 1-1, steps will be taken to upgrade the level of PPE or reduce the concentrations. This may include, but not be limited to suspending work and allowing for the excavation to ventilate.

The breathing zone will also be monitored for the lower and upper explosive limits for methane using a combustible gas indicator (CGI).

4. WORK ZONES AND DECONTAMINATION

4.1 Site Work Zones

To reduce the spread of hazardous materials by workers from the contaminated areas to the clean areas, zones will be delineated at the site. The flow of personnel between the zones will be controlled. The establishment of the work zones will help ensure that: personnel are properly protected against the hazards present where they are working, work activities and contamination are confined to the appropriate areas, and personnel can be located and evacuated in an emergency.

4.1.1 Exclusion Zone

Exclusion zones will be established at the site for all drilling activities; unprotected onlookers should be located 50 feet upwind of the drilling and soil/groundwater sampling activities. In the event that volatile organics are detected in the breathing zone as discussed in Section 3, all personnel within the exclusion zone must don Level C protection. Exclusion zones will also be established during any activity when Level C protection is established as a result of conditions discussed in Section 3.

All personnel within the exclusion zone will be required to use the specified level of protection. No eating, drinking, or smoking will be allowed in the exclusion or decontamination zones.

4.1.2 Decontamination Zone

Should it be necessary to establish an exclusion zone, the decontamination zone will be utilized. This zone will be established between the exclusion zone and the support zone, and will include the personnel and equipment necessary for decontamination of equipment and personnel (discussed below). Personnel and equipment in the exclusion zone must pass through this zone before entering the support zone. This zone should always be located upwind of the exclusion zone.

4.1.3 Support Zone

The support zone will include the remaining areas of the job site. Break areas, operational direction and support facilities (to include supplies, equipment storage and maintenance areas) will be located in this area. No equipment or personnel will be permitted to enter the support zone from the exclusion zone without passing through the personnel or equipment decontamination station. Eating, smoking, and drinking will be allowed only in this area.

4.2 Decontamination

Due to the low level of contaminants expected, any water used in decontamination procedures will be disposed of on-site.

4.2.1 Decontamination of Personnel

Decontamination will not be necessary if only Level D protection is used. However, disposable gloves used during sampling activities should be removed and bagged;

personnel should be encouraged to remove clothing and shower as soon as is practicable at the end of the day. All clothing should be machine-washed. All personnel will wash hands and face prior to eating and before and after using the restroom.

Decontamination will be necessary if Level C protection is used. The following OSHA-specified procedures include steps necessary for complete decontamination prior to entry into the support zone, and steps necessary if a worker only needs to change a respirator or respirator canister.

The site health and safety officer can modify the twelve-station decontamination process, dependent upon the extent of contamination.

Station 1: Segregated Equipment Drop

Deposit equipment used on the site (tools, sampling devices and containers, monitoring instruments, clipboards, etc.) on plastic drop cloths or in different containers with plastic liners. Each will be contaminated to a different degree. Segregation at the drop reduces the possibility of cross-contamination.

Station 2: Suit/Safety Boot and Outer-Glove Wash

Thoroughly wash chemically resistant suit, safety boots and outer gloves. Scrub with long-handle, soft-bristle scrub brush and copious amounts of Alconox/water solution.

Necessary equipment includes:

1. Wash tub (30 gallon or large enough for person to stand in)
2. Alconox/water solution
3. Long-handle soft-bristle scrub brushes

Station 3: Suit/Safety Boot and Outer-Glove Rinse

Rinse off Alconox/water solution using copious amounts of water. Repeat as many times as necessary.

Necessary equipment includes:

1. Wash tub (30 gallon or large enough for person to stand in)
2. Spray unit
3. Water
4. Long-handle, soft-bristle scrub brushes

Station 4: Outer Gloves Removal

Remove the outer gloves and deposit in individually marked plastic bags.

Necessary equipment includes:

1. Plastic bag

Station 5: Canister or Mask Change

If a worker leaves the exclusion zone to change a canister (or mask), this is the last step in the decontamination procedures. The worker's canister is exchanged, new outer glove donned, and joints taped. Worker returns to duty. Otherwise the worker proceeds to Station 6.

Necessary equipment includes:

1. Canister (or mask)
2. Tape
3. Gloves

Station 6: Removal of Chemically Resistant Suit

With assistance of helper, remove suit. Deposit in container with plastic liner.

Necessary equipment includes:

1. Container with plastic liner

Station 7: Inner-Glove Wash

Wash inner gloves with Alconox/water solution that will not harm skin. Repeat as many times as necessary.

Necessary equipment includes:

1. Alconox/water solution
2. Wash tub
3. Long-handle, soft-bristle brushes

Station 8: Inner-Glove Rinse

Rinse inner gloves with water. Repeat as many times as necessary.

Necessary equipment includes:

1. Water
2. Wash tub

Station 9: Respirator Removal

Remove face-piece. Avoid touching face. Wash respirator in clean, sanitized solution, allow to dry and deposit face-piece in plastic bag. Store in clean area.

Necessary equipment includes:

1. Plastic bags
2. Sanitizing solution

3. Cotton

Station 10: Inner-Glove Removal

Remove inner gloves and deposit in container with plastic liner.

Necessary equipment includes:

1. Container with plastic liner

Station 11: Field Wash

Wash hands and face.

Necessary equipment includes:

1. Water
2. Soap
3. Tables
4. Wash basins or buckets
5. Clean towels

Station 12: Redress

If re-entering exclusion zone put on clean field clothes (e.g., Tyvek, gloves, etc.).

Necessary equipment includes:

1. Table
2. Clothing

4.2.2 Decontamination of Heavy Equipment

Heavy equipment such as drilling rigs will be cleaned and decontaminated prior to moving to between drilling locations and offsite as required. The equipment will be decontaminated in the following manner:

- The heavy equipment will be brushed or wiped off to remove gross contamination.
- Sensitive equipment, such as field meters and surveying instruments, will be wiped with a clean, damp cloth.

5. SAMPLE SHIPMENT

Samples collected during this remedial action, if any, will be classified as non-hazardous samples. In general, hazardous samples are collected from areas where high concentrations of contamination are known or suspected and are expected to be contaminated with high levels of hazardous materials.

5.1 Hazardous Samples

The majority of the environmental samples from the site will be shipped as non-hazardous samples. There may be instances when a product layer is found in various containers used on site. Any samples collected from containers where there is a product layer present or the vapor analyzer indicates a high concentration of volatile organics in the headspace will be shipped as hazardous samples. If these conditions exist in drums, tanks or grossly contaminated soils, then drum samples, tank samples, and grossly contaminated soil samples will be shipped as DOT Hazardous Materials. For example, the designation "Flammable Liquid" or "Flammable Solid" can be used. Refer to International Air Transport Association Guidelines for shipping dangerous goods if the carrier will move the package by air. A completed airway bill must accompany the package and all appropriate labels must be attached to the package.

The example flammable samples will be transported as follows:

1. Collect sample in a 16-ounce or smaller glass or polyethylene container with nonmetallic teflon-lined screw cap. Allow sufficient air space (approximately 10% by volume) so container is not liquid full at 54 ^{o}C (130 ^{o}F). If collecting a solid material, the container plus contents should not exceed 1 pound net weight. If sampling for volatile organic analysis, fill VOA container to septum but place the VOA container inside a 16-ounce or smaller container so the required air space may be provided. Large quantities, up to 3.786 liters (1 gallon), may be collected if the sample's flash point is 23 ^{o}C (75 ^{o}F) or higher. In this case, the flash point must be marked on the outside container (e.g., carton, cooler), and shipping papers should state that "Flash point is 73 ^{o}F or higher."
2. Seal sample and place in a 4-mil-thick polyethylene bag, one sample per bag.
3. Place sealed bag inside a metal jerrican with noncombustible, absorbent cushioning material (e.g., vermiculite or earth) to prevent breakage, one bag per can. Pressure-close the can and use clips, tape or other positive means to hold the lid securely.
4. Mark the can with:

   Name and address of originator

   "Flammable Liquid N.O.S. UN 1993"

   (or "Flammable Solid N.O.S. UN 1325)

NOTE: UN numbers are now required in proper shipping names.

5. Place one or more metal cans in a strong outside container such as an approved plastic cooler or DOT labeled fiberboard box. Preservatives are not used for hazardous waste site samples.

6. Prepare for shipping:

   "Flammable Liquid, N.O.S. UN 1993" or "Flammable Solid, N.O.S. UN 1325"; "Cargo Aircraft Only (if more than 1 quart net per outside package); "Limited Quantity" or "Ltd. Qty."; "Laboratory Samples"; "Net Weight" or "Net Volume" (of hazardous contents) should be indicated on shipping papers and on outside of shipping container. "This Side Up" or "This End Up" should also be on container. Sign shipper certification. The emergency number for shipping dangerous goods: Chem-Tel (800) 255-3924.

7. Stand by for possible carrier requests to open outside containers for inspection or modify packaging. It is wise to contact carrier before packing to ascertain local packaging requirements and not to leave area before the carrier vehicle (aircraft, truck) is on its way.

5.2 Shipping Papers

Proper shipping papers should be filled out and maintained within the driver's reach, whenever personnel carries hazardous materials in a vehicle in quantities above those allowed for Materials of Trade (MOTs). Such materials may include more than 8 gallons of the following:

- Gasoline (for use in a generator) UN1203, Guide #27
- Methanol (for use in decontamination procedures) UN 1230, Guide #28
- Nitric Acid (for use in decontamination procedures) UN 1760, Guide #60
- Hydrochloric Acid (for use in decontamination procedures) UN 1789, Guide #60

Other materials may include the following:

- > 220 pounds of compressed Gas [Air, Compressed] (calibration gas for the FID, or Grade D breathing air for Level B work) UN 1002, Class 2.2.
- Other hazardous materials as defined by the DOT.

Appropriate MSDSs should be maintained with the shipping papers and/or the pocket DOT Emergency Response Guidebook.

6. ACCIDENT PREVENTION AND CONTINGENCY PLAN

6.1 Accident Prevention

All field personnel will receive health and safety training prior to the initiation of any site activities. On a day-to-day basis, individual personnel should be constantly alert for indicators of potentially hazardous situations and for signs and symptoms in themselves and others that warn of hazardous conditions and exposures. Rapid recognition of dangerous situations can avert an emergency. Before daily work assignments, regular meetings should be held. Discussion should include:

- Tasks to be performed.
- Time constraints (e.g., rest breaks, cartridge changes).
- Hazards that may be encountered, including their effects, how to recognize symptoms or monitor them, concentration limits, or other danger signals.
- Emergency procedures.

6.1.1 Vehicles and Heavy Equipment

Working with large motor vehicles and heavy equipment could be a major hazard at this site. Injuries can result from equipment hitting or running over personnel, impacts from flying objects, or overturning of vehicles. Vehicle and heavy equipment design and operation will be in accordance with 29 CFR, Subpart O, 1926.600 through 1926.602. In particular, the following precautions will be utilized to help prevent injuries/accidents.

- Brakes, hydraulic lines, light signals, fire extinguishers, fluid levels, steering, tires, horn, and other safety devices will be checked at the beginning of each shift.
- Large construction motor vehicles will not be backed up unless:
  - The vehicle has a reverse signal alarm audible above the surrounding noise level; or
  - The vehicle is backed up only when an observer signals that it is safe to do so.
- Heavy equipment or motor vehicle cabs will be kept free of all nonessential items, and all loose items will be secured.
- Large construction motor vehicles and heavy equipment will be provided with necessary safety equipment (seat belts, roll-over protection, emergency shut-off in case of roll-over, backup warning lights and audible alarms.)

6.1.2 Electrical

- Only qualified personnel are permitted to work on unprotected energized electrical systems.
- Only authorized personnel are permitted to enter high-voltage areas.

- Electrical wiring and equipment will be handled only by those qualified to do so. All electrical wiring and equipment must be considered energized until lockout/tagout procedures are implemented.
- All electrical equipment, power tools, and extension cords must be inspected for damage prior to use. Do not use defective electrical equipment, remove from service.
- All temporary wiring, including extension cords and electrical power tools, must have ground fault circuit interrupters (GFCIs) installed.
- Extension cords must be:
  - equipped with third-wire grounding.
  - covered, elevated, or protected from damage when passing through work areas.
  - protected from pinching if routed through doorways.
  - not fastened with staples, hung from nails, or suspended with wire.
- Electrical power tools and equipment must be effectively grounded or double-insulated UL approved.
- Electric power tools and equipment must be operated and maintained according to manufacturers' instructions.
- Safe clearance distances between overhead power lines and any electrical conducting material must be maintained unless the power lines have been de-energized and grounded, or where insulating barriers have been installed to prevent physical contact. (Maintain at least 10 feet from overhead power lines for voltages of 50 kV or less, and 10 feet plus ½ inch for every 1 kV over 50 kV).
- Temporary lights shall not be suspended by their electric cord unless designed for suspension. Lights shall be protected from accidental contact or breakage.
- Electrical equipment, tools, switches, and outlets must be protected from environmental elements.

6.1.3 Fire/Explosion

- Fire extinguishers shall be provided so that the travel distance from any work area to the nearest extinguisher is less than 100 feet. When 5 gallons or more of a flammable or combustible liquid is being used, an extinguisher must be within 50 feet. Extinguishers must:
  - be maintained in a fully charged and operable condition,
  - be visually inspected each month, and
  - undergo a maintenance check each year.
- The area in front of extinguishers must be kept clear.
- "Exit" signs and "Fire Extinguisher" signs must be posted over existing doors and extinguisher locations.
- Combustible materials stored outside should be at least 10 feet from any building.
- Solvent waste and oily rags must be kept in a fire resistant, covered container until removed from the site.

- Flammable/combustible liquids must be kept in approved containers, and must be stored in an approved storage cabinet.

6.2 Contingency Plan

6.2.1 Emergency Procedures

In the event that an emergency develops on site, the procedures delineated herein are to be immediately followed. Emergency conditions are considered to exist if:

· Any member of the field crew is involved in an accident or experiences any adverse effects or symptoms of exposure while on site.

· A condition is discovered that suggests the existence of a situation more hazardous than anticipated.

General emergency procedures, and specific procedures for personal injury and chemical exposure, are described in the health and safety plan.

6.2.2 Chemical Exposure

If a member of the field crew demonstrates symptoms of chemical exposure the procedures outlined below should be followed:

· Another team member (buddy) should remove the individual from the immediate area of contamination. The buddy should communicate to the Field Team Leader (via voice and hand signals) of the chemical exposure. The Field Team Leader should contact the appropriate emergency response agency.

· Precautions should be taken to avoid exposure of other individuals to the chemical.

· If the chemical is on the individual's clothing, the chemical should be neutralized or removed if it is safe to do so.

· If the chemical has contacted the skin, the skin should be washed with copious amounts of water.

· In case of eye contact, an emergency eye wash should be used. Eyes should be washed for at least 15 minutes.

· All chemical exposure incidents must be reported in writing to the Office Health and Safety Representative. The Site Health and Safety Officer or Field Team Leader is responsible for completing the accident report (See Appendix B of this Section).

6.2.3 Personal Injury

In case of personal injury at the site, the following procedures should be followed:

· Another team member (buddy) should signal the Field Team Leader that an injury has occurred.

· A field team member trained in first aid can administer treatment to an injured worker.

- The victim should then be transported to the nearest hospital or medical center. If necessary, an ambulance should be called to transport the victim.
- For less severe cases, the individual can be taken to the site dispensary.
- The Field Team Leader or Site Health and Safety Officer is responsible for making certain that an accident report form is completed. This form is to be submitted to the Office Health and Safety Representative. Follow-up action should be taken to correct the situation that caused the accident.

6.2.4 Evacuation Procedures

- The Field Team Leader will initiate evacuation procedure by signaling to leave the site.
- All personnel in the work area should evacuate the area and meet in the common designated area.
- All personnel suspected to be in or near the contract work area should be accounted for and the whereabouts of missing persons determined immediately.
- The Field Team Leader will then give further instruction.

6.2.5 Procedures Implemented in the Event of a Major Fire, Explosion, or On-Site Health Emergency Crisis

- Notify the paramedics and/or fire department, as necessary;
- Signal the evacuation procedure previously outlined and implement the entire procedure;
- Isolate the area;
- Stay upwind of any fire;
- Keep the area surrounding the problem source clear after the incident occurs;
- Complete an accident report form and distribute to appropriate personnel.

6.2.6 Communication

Communication either via radio or cellular phone will be maintained between the field office and all work parties. In case of emergency or accident the field emergency response person will immediately notify the field office via the communication equipment.

Field team members will use the *buddy* system while performing field activities. Buddies will pre-arrange hand signals for communication. The following hand signals are suggested:

- **Hand gripping throat**: out of air, cannot breathe.
- **Grip partner's wrist or place both arms straight up overhead**: Leave area immediately, no debate.
- **Place both arms overhead in form of an "X"**: Need assistance.

_ **Thumbs up**: OK, I am all right; or I understand.

_ **Thumbs down**: No or negative.

APPENDIX A

AIR MONITORING EQUIPMENT CALIBRATION AND MAINTENANCE

AIR MONITORING EQUIPMENT CALIBRATION AND MAINTENANCE

All monitoring instruments must be calibrated daily and maintained periodically. The operator must understand the limitations and possible sources of error for each instrument. The operator shall ensure that the instruments respond properly to the substances that they are designed to monitor. Portable air quality monitoring equipment that measures total ionizables present, such as the Rae Systems MiniRAE and CGI must be calibrated at least once each day. Four gas meters must be calibrated at least once each day. Real time aerosol monitors, such as the MINI-RAM, must be zeroed at the beginning of each work day. The specific instructions for calibration and maintenance provided for each instrument should be followed.

APPENDIX B

FORMS FOR HEALTH AND SAFETY-RELATED ACTIVITIES

Note: The OSHA Job Safety and Health Protection Poster must be posted prominently during field activities. The following page is an example of the poster to be used in the field. The actual poster must be an 11 inch by 17 inch size version of this page.

Project Name:_____

INJURED OR ILL EMPLOYEE

1. Name _____ Social Security #_____
   (First) (Middle) (Last)
2. Home Address _____
   (No. and Street) (City or Town) (State and Zip)
3. Age _____ 4. Sex: Male ( ) Female ( )
5. Occupation _____
   (Specific job title, not the specific activity employee was performing at time of injury)
6. Department _____
   (Enter name of department in which injured person is employed, even though they may have been temporarily working in another department at the time of injury)

EMPLOYER

7. Name _____
8. Mailing Address _____
   (No. and Street) (City or Town) (State and Zip)
9. Location (if different from mailing address):_____

_____

THE ACCIDENT OR EXPOSURE TO OCCUPATIONAL ILLNESS

10. Place of accident or exposure _____
    (No. and Street) (City or Town) (State and Zip)
11. Was place of accident or exposure on employer's premises? _(Yes/No)
12. What was the employee doing when injured?_____

_____
(Be specific - was employee using tools or equipment or handling material?)

_____

13. How did the accident occur? _____
    (Describe fully the events that resulted in the injury or

_____
occupational illness. Tell what happened and how. Name objects and

_____
substances involved. Give details on all factors that led to accident. Use separate sheet if needed)

14. Time of accident: _____

15. Date of injury or initial diagnosis of occupational illness _____
(Date)

16. WITNESS TO ACCIDENT

(Name)	(Affiliation)	(Phone No.)
(Name)	(Affiliation)	(Phone No.)
(Name)	(Affiliation)	(Phone No.)

OCCUPATIONAL INJURY OR OCCUPATIONAL ILLNESS

17. Describe the injury or illness in detail; indicate part of body affected.

_____

_____

18. Name the object or substance which directly injured the employee. (For example, object that struck employee; the vapor or poison inhaled or swallowed; the chemical or radiation that irritated the skin; or in cases of strains, hernias, etc., the object the employee was lifting, pulling, etc.)

_____

_____

19. Did the accident result in employee fatality? _____ (Yes or No)

20. Number of lost workdays ____/restricted workdays _____ resulting from injury or illness?

OTHER

21. Did you see a physician for treatment? _____ (Yes or No) _____ (Date)

22. Name and address of physician _____

_____
(No. and Street) (City or Town) (State and Zip)

23. If hospitalized, name and address of hospital _____

_____
(No. and Street) (City or Town) (State and Zip)

Date of report _____ Prepared by _____

Official position _____

PROJECT HEALTH AND SAFETY PLAN

AND WORK PLAN ACCEPTANCE FORM

I have read and agree to abide by the contents of the Work Plan and Health and Safety Plan for the following project:

_____	_____
(Project Title)	(Project Number)

Furthermore, I have read and am familiar with the work plan or proposal which describes the field work to be conducted and the procedures to be utilized in the conduct of this work.

Name (print)	Signature	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Place in project Health and Safety File as soon as possible

SITE-SPECIFIC HEALTH AND SAFETY TRAINING

(For All employees on site)

I hereby confirm that site-specific health and safety training has been conducted by the site health and safety officer which included:

- Names of personnel responsible for site safety and health
- Safety, health, and other hazards at the site
- Proper use of personal protective equipment
- Work practices by which the employee can minimize risk from hazards
- Safe use of engineering controls and equipment on the site
- Acute effects of compounds at the site
- Decontamination procedures

For the following project:

_____	_____
(Project Title)	(Project Number)

Name (print)	Signature	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Place in project Health and Safety File as soon as possible

APPENDIX C

MATERIAL SAFETY DATA SHEETS

SCOTT SPECIALTY GASES -- ISOBUTYLENE -- 6830-00N042744

========== Product Identification ==========

Product ID:ISOBUTYLENE
MSDS Date:09/14/1989
FSC:6830
NIIN:00N042744
MSDS Number: BSXZH
=== Responsible Party ===
Company Name:SCOTT SPECIALTY GASES
Address:ROUTE 611
City:PLUMSTEADVILLE
State:PA
ZIP:18949
Country:US
Info Phone Num:215-766-8861
Emergency Phone Num:215-766-8861
CAGE:51847
=== Contractor Identification ===
Company Name:SCOTT SPECIALTY GASES
Address:6141 EASTON RD (6141 ROUTE 611)
Box:310
City:PLUMSTEADVILLE
State:PA
ZIP:18934
Country:US
Phone:215-766-8861/ FAX: 215-766-0416
CAGE:51847

========== Composition/Information on Ingredients ==========

Ingred Name:PROPENE, 2-METHYL-; (ISOBUTYLENE)
CAS:115-11-7
RTECS #:UD0890000
Fraction by Wt: 100%
OSHA PEL:N/K
ACGIH TLV:N/K

========== Hazards Identification ==========

LD50 LC50 Mixture:NONE SPECIFIED BY MANUFACTURER.
Routes of Entry: Inhalation:YES Skin:NO Ingestion:NO
Reports of Carcinogenicity:NTP:NO IARC:NO OSHA:NO
Health Hazards Acute and Chronic:ACUTE:ASPHYXIANT. SYMPTOMS INCLUDE
RAPID RESPIRATION, MUSCULAR INCOORDINATION, FATIGUE, NAUSEA &
VOMITING. LOSS OF CONSCIOUSNESS & DEATH MAY OCCUR. CONTACT W/LIQUID
MAY RESULT IN SYMPTOMS OF FROSTBITE . CHRONIC:NONE.
Explanation of Carcinogenicity:NOT RELEVANT
Effects of Overexposure:SEE HEALTH HAZARDS.
Medical Cond Aggravated by Exposure:NONE

========== First Aid Measures ==========

First Aid:INGEST:CALL MD IMMED . INHAL:IMMED REMOVE VICTIM TO FRESH
AIR. IF BREATHING HAS STOPPED, GIVE ARTIFICIAL RESPIRATION. IF
BREATHING IS DIFFICULT, GIVE OXYGEN. SKIN:IMMED FLUSH W/ COPIOUS
AMOUNTS OF WATER FOR AT LEAST 15 MINUTES WHILE REMOVING CONTAM
CLTHG. IF FROSTBITE OCCURS, WARM AFFECTED AREA W/WATER OR TOWEL.
EYE:IMMED FLUSH W/COPIOUS AMOUNTS OF WATER FOR AT LEAST 15 MINUTES.

========== Fire Fighting Measures ==========

Flash Point:-105F,-76C
Lower Limits:1.8%
Upper Limits:9.6%
Extinguishing Media:DO NOT EXTING BURNING GAS IF FLOW CANNOT BE SHUT OFF. USE WATER SPRAY TO KEEP FIRE EXPOS CYLS COOL. MOVE CYL (SUPDAT)
Fire Fighting Procedures:USE NIOSH/MSHA APPROVED SCBA & FULL PROTECTIVE EQUIPMENT . FLAMMABLE HIGH PRESSURE LIQUID OR GAS.
Unusual Fire/Explosion Hazard:DANGEROUS. VAP MAY TRAVEL CONSIDERABLE DIST TO SOURCE OF IGNIT & FLASH BACK. MAY FORM EXPLO MIXTS W/AIR. CAN REACT VIGOROUSLY W/OXIDIZING MATLS.

========== Accidental Release Measures ==========

Spill Release Procedures:EVACUATE & VENTILATE AREA. REMOVE LEAKING CYLINDER TO EXHAUST HOOD OR SAFE OUTDOORS AREA IF THIS CAN BE DONE SAFELY.
Neutralizing Agent:NONE SPECIFIED BY MANUFACTURER.

========== Handling and Storage ==========

Handling and Storage Precautions:STORE IN WELL VENTED ABOVE-GROUND AREA AWAY FROM HEAT & IGNIT SOURCES & OXIDIZING MATLS. PROT CNTNRS FROM PHYSICAL DMG. DO NOT DEFACE CYLS/LABELS.
Other Precautions:KEEP VALVE PROT CAP ON CYLS WHEN NOT IN USE & SECURE CYL WHEN USING TO PROT FROM FALLING. USE SUITABLE HAND TRUCK TO MOVE CYLS. CYLS SHOULD BE REFILLED BY QUALIFIED PRDCRS OF COMPRESSED GASES. SHIPMEN T OF COMPRESSED GAS CYL WHICH (SUPDAT)

========== Exposure Controls/Personal Protection ==========

Respiratory Protection:USE NIOSH/MSHA APPROVED SCBA IN CASE OF EMERGENCY OR NON-ROUTINE USE.
Ventilation:PROVIDE ADEQUATE & LOCAL EXHAUST VENTILATION TO MAINTAIN CONCENTRATION BELOW EXPOSURE LIMITS.
Protective Gloves:IMPERVIOUS GLOVES .
Eye Protection:SAFETY GOGGLES.
Other Protective Equipment:SAFETY SHOES WHEN HANDLING CYLINDERS.
Work Hygienic Practices:NONE SPECIFIED BY MANUFACTURER.
Supplemental Safety and Health
EXTING MEDIA:AWAY FROM FIRE IF THERE IS NO RISK. OTHER PREC:HAS NOT BEEN FILLED BY THE OWNER OR W/HIS WRITTEN CONSENT IS A VIOLATION OF FEDERAL LAW (49 CFR).

========== Physical/Chemical Properties ==========

HCC:G2
Boiling Pt:B.P. Text:19.6F,-6.9C
Vapor Pres:2.65@21.1C
Vapor Density:1.947
Spec Gravity:0.588 (H2O=1)
Solubility in Water:SLIGHT
Appearance and Odor:COLORLESS, ETHEREAL ODOR.
Percent Volatiles by Volume:100

========== Stability and Reactivity Data ==========

Stability Indicator/Materials to Avoid:YES
OXIDIZING MATERIALS.
Stability Condition to Avoid:NONE SPECIFIED BY MANUFACTURER.

Hazardous Decomposition Products:CARBON MONOXIDE, CARBON DIOXIDE.

========== Disposal Considerations ==========

Waste Disposal Methods:DISP MUST BE I/A/W FED, STATE & LOC REGS .
RETURN CYLS TO SUPPLIER FOR PROPER DISP W/ANY VALVE OUTLET
PLUGS/CAPS SECURED & VALVE PROT CAP IN PLACE. DO NOT REUSE CYL.
EMPTY CYL WILL CONTAIN HAZ R ESIDUE.

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APPENDIX D

STANDARD SAFE WORK PRACTICES

STANDARD SAFE WORK PRACTICES

1) Eating, drinking, chewing tobacco, smoking and carrying matches or lighters is prohibited in a contaminated or potentially contaminated area or where the possibility for the transfer of contamination exists.

2) Avoid contact with potentially contaminated substances. Do not walk through puddles, pools, mud, etc. Avoid, whenever possible, kneeling on the ground, leaning or sitting on equipment or ground. Do not place monitoring equipment on potentially contaminated surfaces (i.e., ground, etc).

3) All field crew members should make use of their senses to alert them to potentially dangerous situations in which they should not become involved; i.e., presence of strong and irritating or nauseating odors.

4) Prevent, to the extent possible, spills. In the event that a spill occurs, contain liquid if possible.

5) Field crew members shall be familiar with the physical characteristics of investigations, including:

- Wind direction
- Accessibility to associates, equipment, vehicles
- Communication
- Hot zone (areas of known or suspected contamination)
- Site access
- Nearest water sources

6) All wastes generated during activities on-site should be disposed of as directed by the project manager or his on-site representative.

7) Protective equipment as specified in the section on personnel protection will be utilized by workers during the initial site reconnaissance, and other activities.

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