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* 89-55 Queens Boulevard

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency) 16DCP086Q	BSA REFERENCE NUMBER (if applicable)
ULURP REFERENCE NUMBER (if applicable) 820479BZMQ	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY NYC City Planning Commission			NAME OF APPLICANT Harmen Investment Company		
NAME OF LEAD AGENCY CONTACT PERSON Robert Dobruskin, Director, EARD			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON Hiram A. Rothkrug, EPDSCO		
ADDRESS 120 Broadway, 31st Floor			ADDRESS 55 Water Mill Road		
CITY New York	STATE NY	ZIP 10271	CITY Great Neck	STATE NY	ZIP 11021
TELEPHONE 212-720-3423	EMAIL dobrus@planning.nyc.gov		TELEPHONE 718-343-0026	EMAIL hrothkrug@epdsco.com	

5. *Project Description*

The Applicant, Harmen Investment Co., is seeking a modification to an existing Restrictive Declaration (the "Proposed Action") affecting a single site, Block 1846, Lot 1 (the "Project Site"), located in the Elmhurst neighborhood within Queens Community District 4. The Project Site is an irregularly shaped block bounded by Queens Boulevard, 90th Street, and 57th Avenue. The Proposed Action would allow the Applicant to expand an existing commercial building on the Project Site from 10,300 gross square foot (gsf) to 16,221 gsf, and re-tenant the expanded building with Use Group 6 local retail or service establishment uses that are currently prohibited by the Restrictive Declaration. Additionally, the Applicant intends to seek a future action from the Department of Citywide Administrative Services (DCAS), allowing the Applicant to purchase the unused development rights of a previously demapped 1,971 square foot (sf) portion of Queens Boulevard located adjacent to the Project Site.

Project Location

BOROUGH Queens	COMMUNITY DISTRICT(S) 4	STREET ADDRESS 89-55 Queens Boulevard
TAX BLOCK(S) AND LOT(S) Block 1846, Lot 1		ZIP CODE 11373
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS bounded by Queens Boulevard, 90th Street, and 57th Avenue		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R6/C1-4		ZONING SECTIONAL MAP NUMBER 13c

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

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

☐ CITY MAP AMENDMENT	☐ ZONING CERTIFICATION	☐ CONCESSION
☐ ZONING MAP AMENDMENT	☐ ZONING AUTHORIZATION	☐ UDAAP
☐ ZONING TEXT AMENDMENT	☐ ACQUISITION—REAL PROPERTY	☐ REVOCABLE CONSENT
☐ SITE SELECTION—PUBLIC FACILITY	☐ DISPOSITION—REAL PROPERTY	☐ FRANCHISE
☐ HOUSING PLAN & PROJECT	☒ OTHER, explain: Modification to an existing Restrictive Declaration affecting a single site	

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

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Board of Standards and Appeals*:** ☐ YES ☒ NO

☐ VARIANCE (use)

☐ VARIANCE (bulk)

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

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

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

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

☐ LEGISLATION

☐ RULEMAKING

☐ CONSTRUCTION OF PUBLIC FACILITIES

☐ 384(b)(4) APPROVAL

☐ OTHER, explain:

☐ FUNDING OF CONSTRUCTION, specify:

☐ POLICY OR PLAN, specify:

☐ FUNDING OF PROGRAMS, specify:

☐ PERMITS, specify:

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

☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)

☐ LANDMARKS PRESERVATION COMMISSION APPROVAL

☒ OTHER, explain: Purchase of unused development rights from DCAS; Building Permit

***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 ☒ ZONING MAP ☒ SANBORN OR OTHER LAND USE MAP

☒ TAX MAP ☐ FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)

☒ PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 5,407.52

Roads, buildings, and other paved surfaces (sq. ft.): 5,407.52

Waterbody area (sq. ft) and type:

Other, describe (sq. ft.):

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): 16,221

NUMBER OF BUILDINGS: 1

GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 16,221

HEIGHT OF EACH BUILDING (ft.): 30

NUMBER OF STORIES OF EACH BUILDING: 2

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:

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

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: 5,407.52 sq. ft. (width x length) VOLUME OF DISTURBANCE: 54,075 cubic ft. (width x length x depth)

AREA OF PERMANENT DISTURBANCE: 5,407.52 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.)	N/A	16,221	N/A	N/A
Type (*e.g.,* retail, office, school)	units	Local retail or service		

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

If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: 0 NUMBER OF ADDITIONAL WORKERS: 49

Provide a brief explanation of how these numbers were determined: 3 workers per 1,000 sf

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): 2018		
ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 12		
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☒ YES ☐ NO		IF MULTIPLE PHASES, HOW MANY?
BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:		

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

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

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.		
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: No	☐	☐
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 involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☐

	YES	NO
(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): 11,797		
○ 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): 3,403,805,000		
(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) Attached	☐	☒
(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		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality;	☐	☒

	YES	NO
Hazardous Materials; Noise?		
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary.		
18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	☐	☒
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	☐	☒
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☒	☐
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☐	☒
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☒
o The operation of several pieces of diesel equipment in a single location at peak construction?	☐	☒
o Closure of a community facility or disruption in its services?	☐	☒
o Activities within 400 feet of a historic or cultural resource?	☐	☒
o Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
o 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. Because of the small size of the project and the short duration of the construction period, and because the site fronts not only on Queens Blvd. but also on two more minor thoroughfares, a preliminary construction assessment is not warranted.		

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
Hiram A. Rothkrug, EDSCO	February 19, 2016

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? ☐ ☒

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).

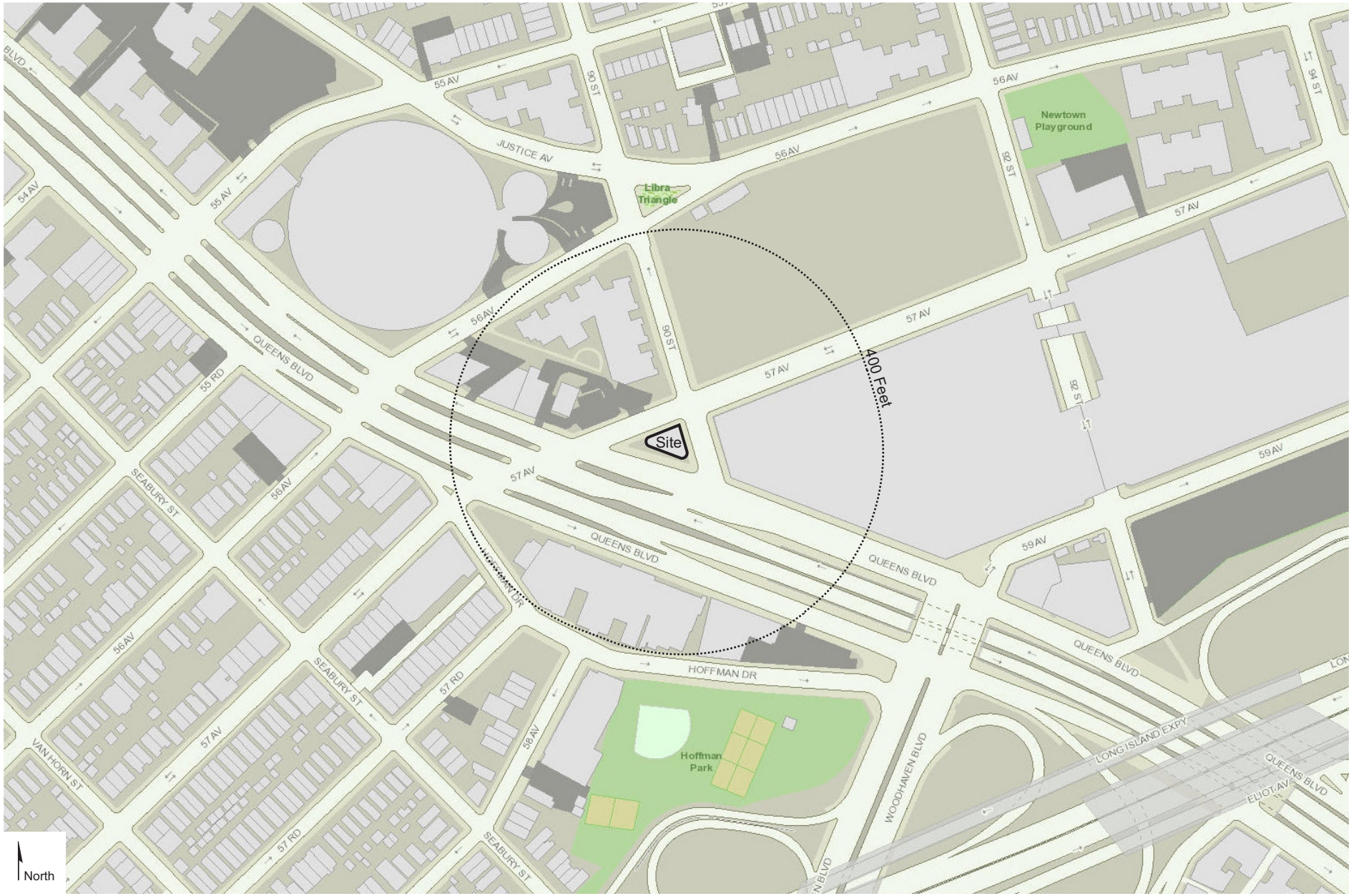
☐ **Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result.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

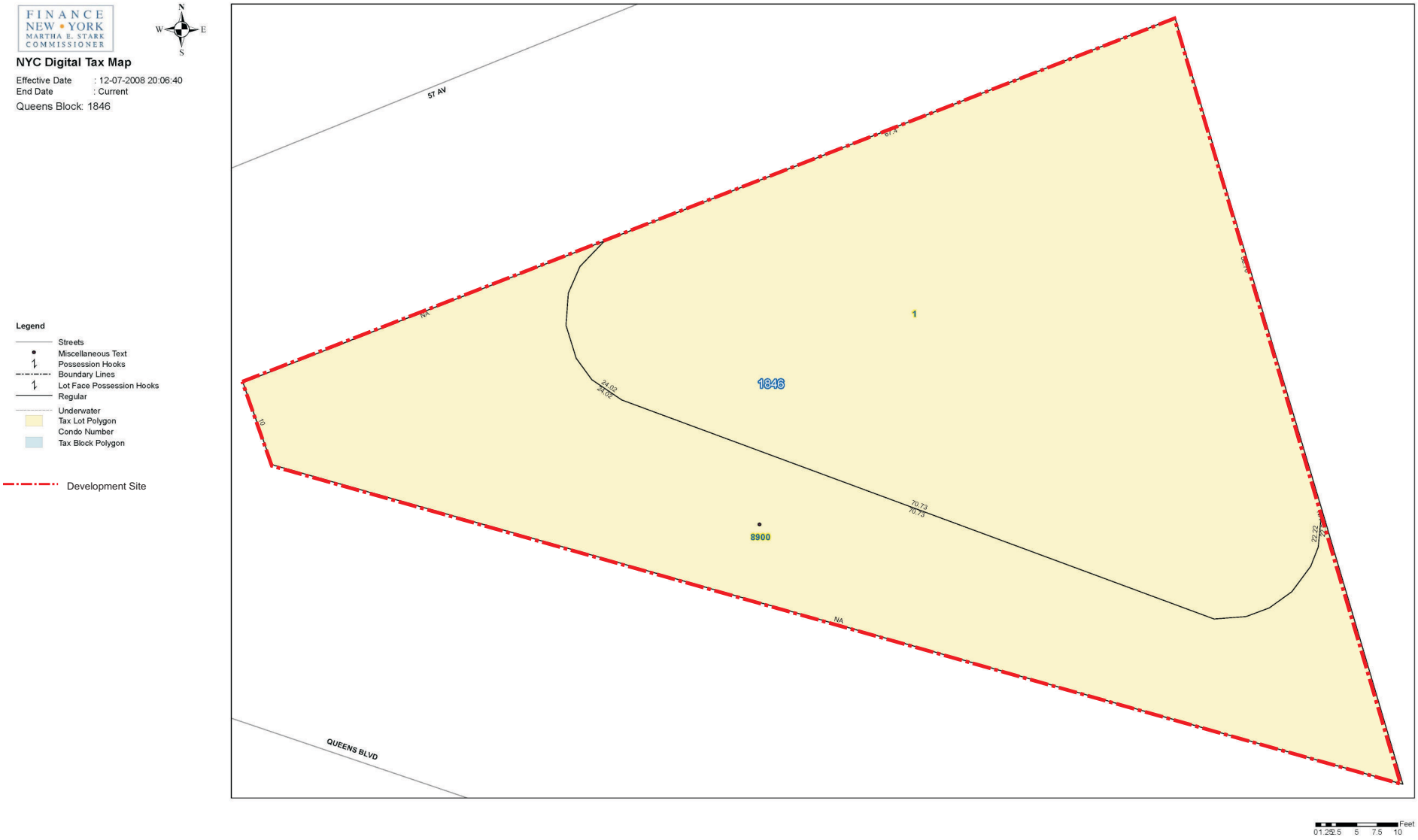
☒ **Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see template) or using the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

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

TITLE	LEAD AGENCY	
Deputy Director, EARD	NYC Department of City Planning	
NAME	SIGNATURE	DATE
Olga Abinader	Olga Abinader	February 19, 2016

Figure 1 - Site Location




FINANCE NEW • YORK
MARTHA E. STARK
COMMISSIONER
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NYC Digital Tax Map
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67.4
NA
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24.02
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70.73
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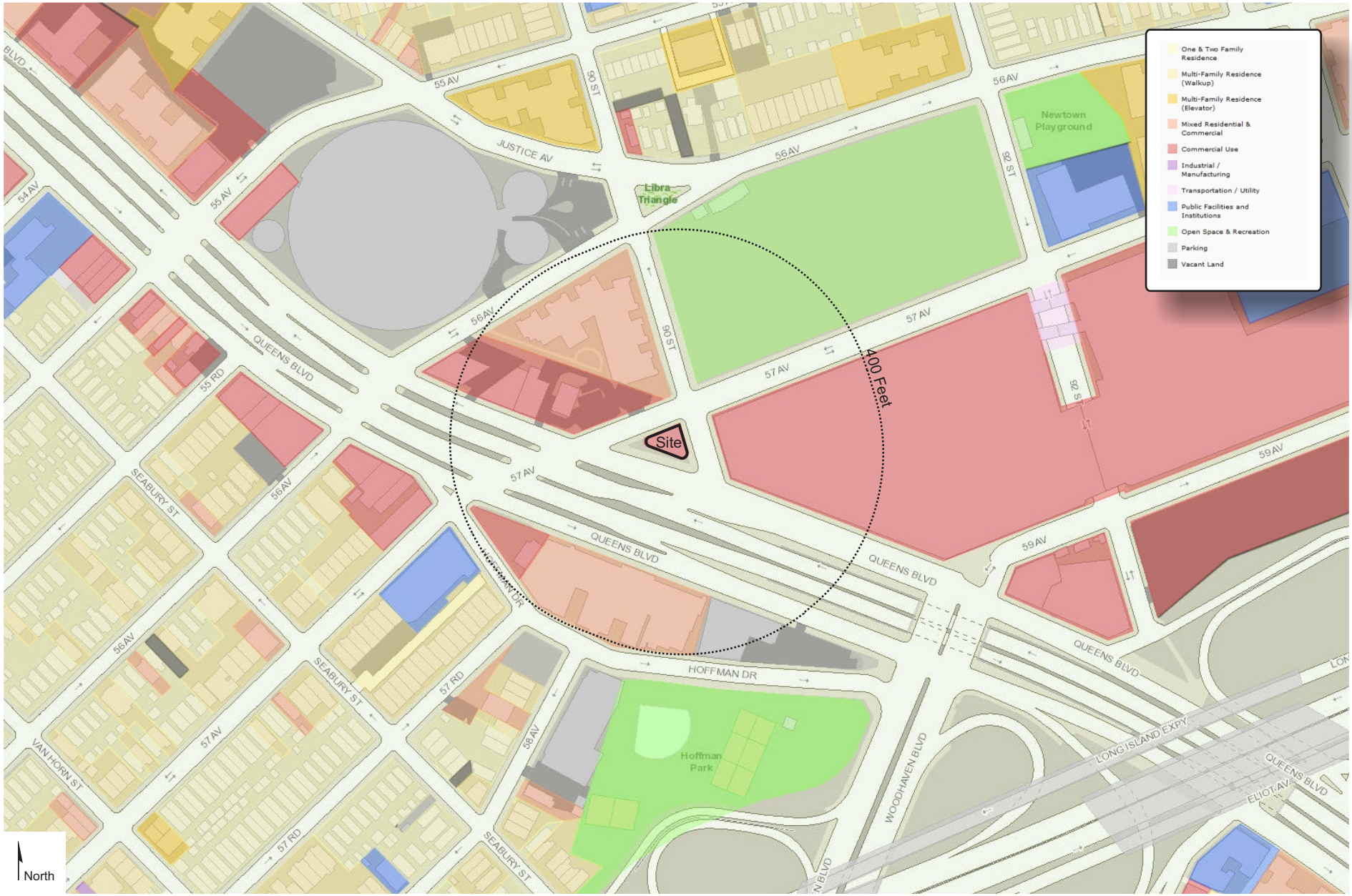
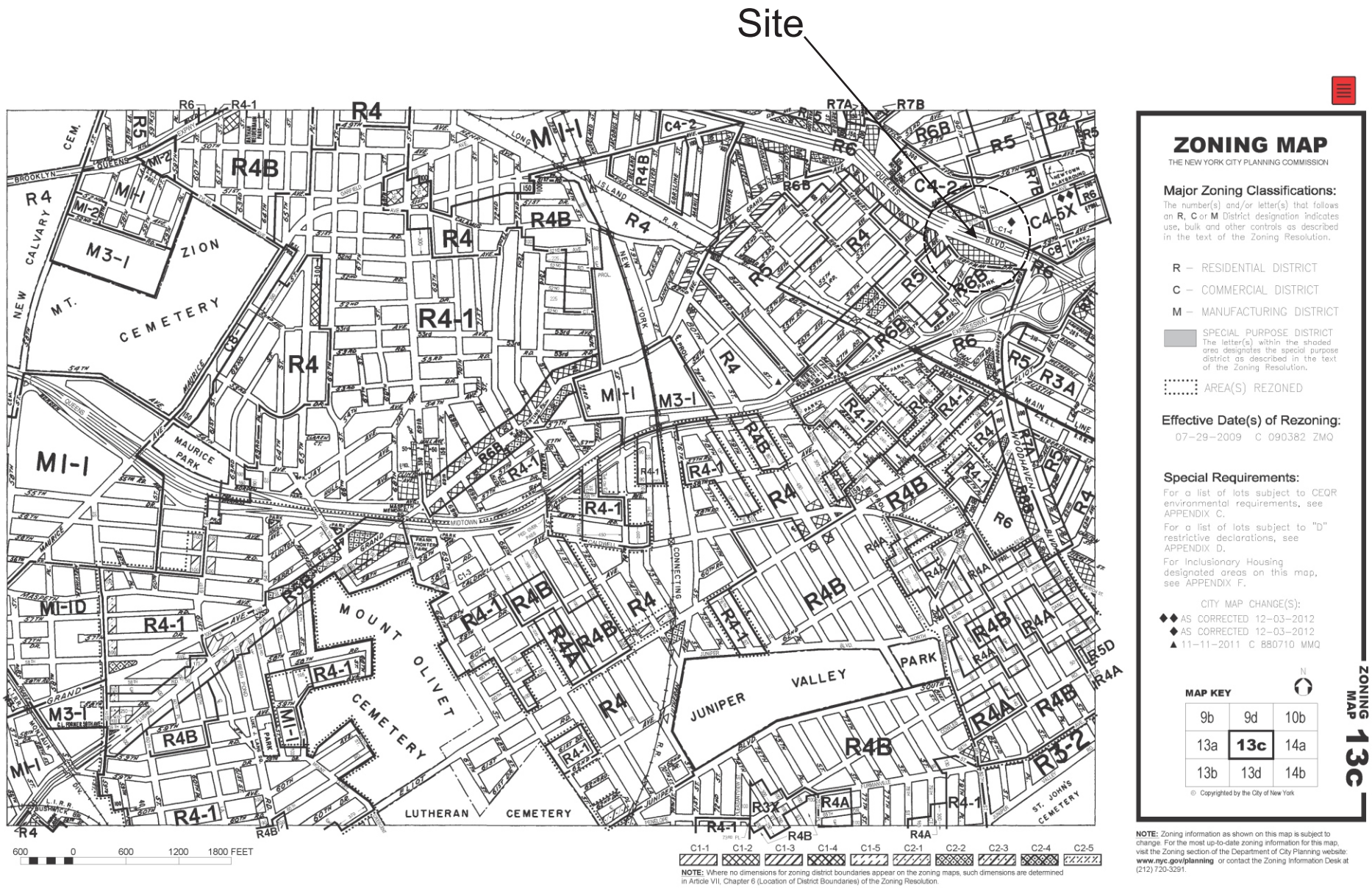
NA
QUEENS BLVD
Legend
Streets
Miscellaneous Text
Possession Hooks
Boundary Lines
Lot Face Possession Hooks
Regular
Underwater
Tax Lot Polygon
Condo Number
Tax Block Polygon
Development Site
Feet
0 1.25 2.5 5 7.5 10


One & Two Family Residence
Multi-Family Residence (Walkup)
Multi-Family Residence (Elevator)
Mixed Residential & Commercial
Commercial Use
Industrial / Manufacturing
Transportation / Utility
Public Facilities and Institutions
Open Space & Recreation
Parking
Vacant Land
400 Feet
Site
Newtown Playground
Libra Triangle
Hoffman Park
JUSTICE AV
QUEENS BLVD
HOFFMAN DR
SEABURY ST
VAN HORN ST
WOODHAVEN BLVD
LONG ISLAND EXPY
ELIOT AV
55 AV
54 AV
56 AV
57 AV
59 AV
58 AV
90 ST
92 ST
55 RD
57 RD
56 AV
57 AV
59 AV
North
0
200
400
600 Feet


Site
ZONING MAP
THE NEW YORK CITY PLANNING COMMISSION
Major Zoning Classifications:
The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.
R – RESIDENTIAL DISTRICT
C – COMMERCIAL DISTRICT
M – MANUFACTURING DISTRICT
SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.
AREA(S) REZONED
Effective Date(s) of Rezoning:
07-29-2009 C 090382 ZMQ
Special Requirements:
For a list of lots subject to CEQR environmental requirements, see APPENDIX C.
For a list of lots subject to "D" restrictive declarations, see APPENDIX D.
For Inclusionary Housing designated areas on this map, see APPENDIX F.
CITY MAP CHANGE(S):
◆◆ AS CORRECTED 12-03-2012
◆ AS CORRECTED 12-03-2012
▲ 11-11-2011 C 880710 MMQ
MAP KEY
9b 9d 10b
13a 13c 14a
13b 13d 14b
© Copyrighted by the City of New York
ZONING MAP 13c
600 0 600 1200 1800 FEET
C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5
NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.
NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: www.nyc.gov/planning or contact the Zoning Information Desk at (212) 720-3291.

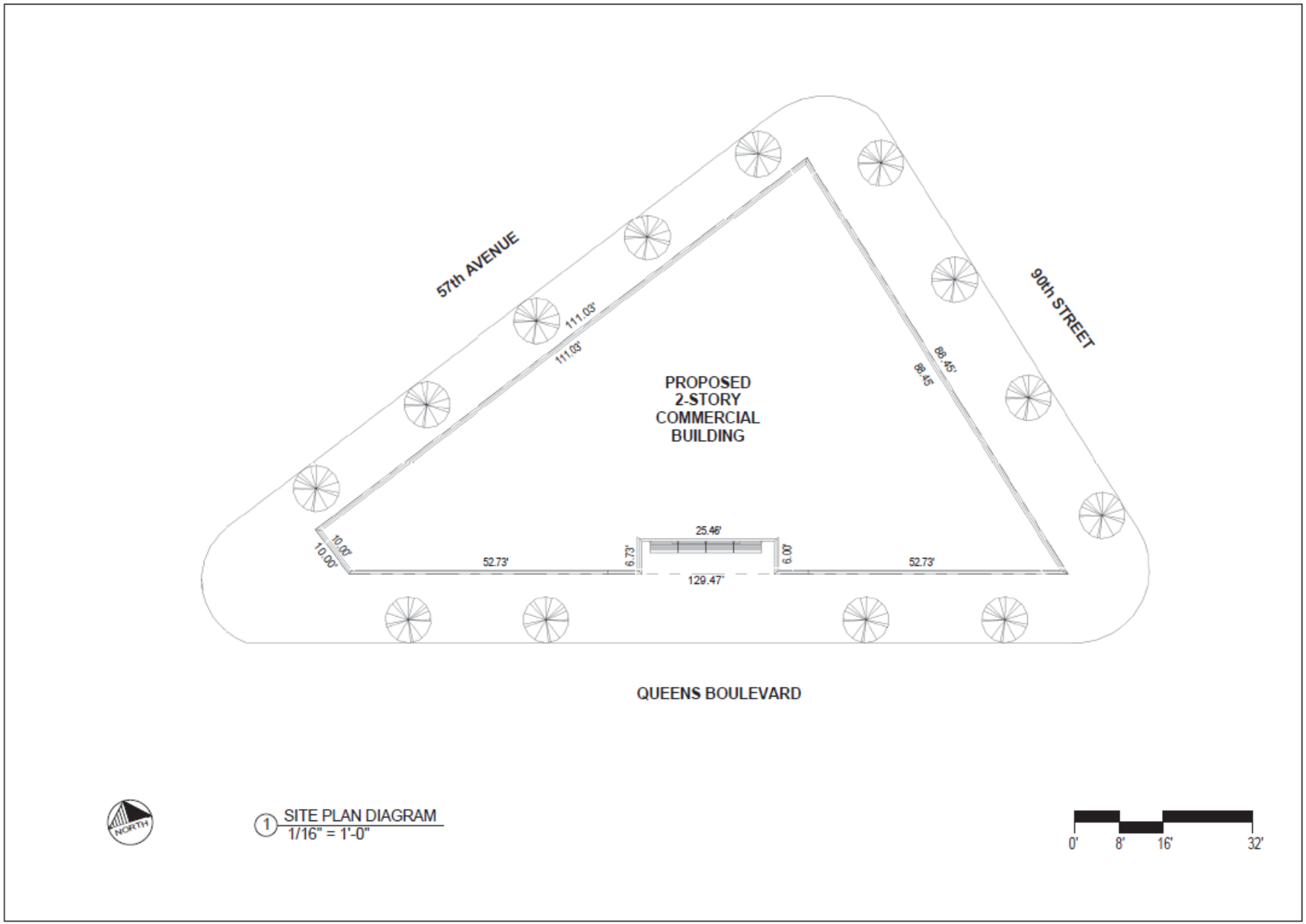

JUSTICE AV
QUEENS BLVD
55 AV
90 ST
56 AV
Newtown Playground
57 AV
CONNECTOR
400 Feet
Site
59 AV
SEABURY ST
55 RD
HOFFMAN DR
56 AV
57 AV
57 RD
Hoffman Park
WOODHAVEN BLVD
ELIOT AV
LONG ISLAND EXPY
North
0
200
400
600 Feet

Figure 6 - Queens Boulevard Frontage



Figure 7 - 57th Avenue and Queens Boulevard





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DRAWING TITLE: SITE PLAN

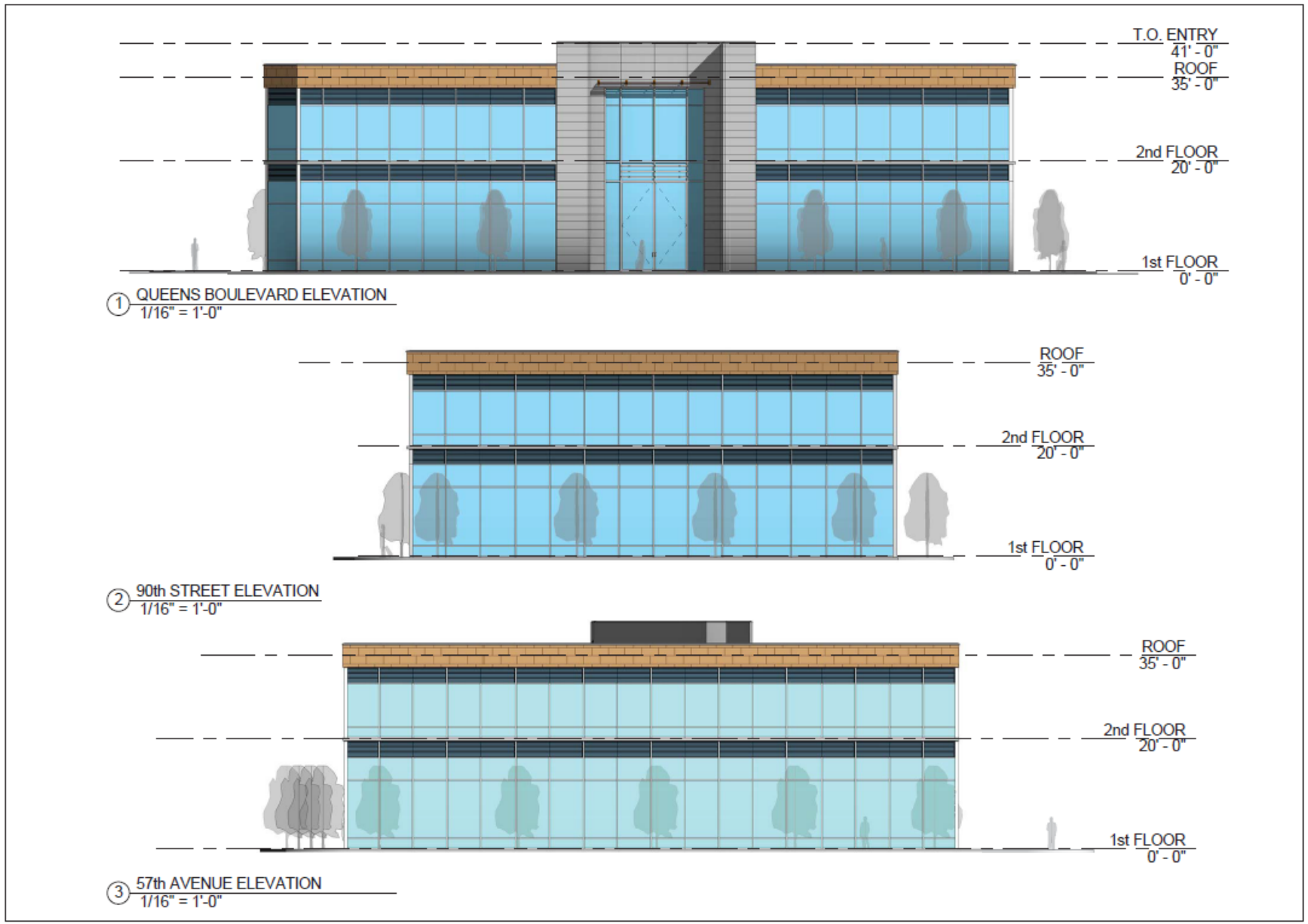
PREMISES: 89-53 Queens Boulevard
Elmhurst, NY 11373

DRAWN BY:	GB
CHECKED BY:	GJC
JOB No:	13019
SCALE:	AS NOTED
DATE:	2/1/13

SEAL:

DRAWING No.: 5 OF 11

A-105


T.O. ENTRY
41' - 0"
ROOF
35' - 0"
2nd FLOOR
20' - 0"
1st FLOOR
0' - 0"
1 QUEENS BOULEVARD ELEVATION
1/16" = 1'-0"
ROOF
35' - 0"
2nd FLOOR
20' - 0"
1st FLOOR
0' - 0"
2 90th STREET ELEVATION
1/16" = 1'-0"
ROOF
35' - 0"
2nd FLOOR
20' - 0"
1st FLOOR
0' - 0"
3 57th AVENUE ELEVATION
1/16" = 1'-0"
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DRAWING TITLE: ELEVATIONS
PREMISES: 89-53 Queens Boulevard
Elmhurst, NY 11373
DRAWN BY: GB
CHECKED BY: GJC
JOB No: 13019
SCALE: AS NOTED
DATE: 2/1/13
SEAL:
DRAWING No.: 6 OF 11
A-106
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Figure 10 - Rendering of Queens Boulevard Frontage



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JOB No:	13019
SCALE:	AS NOTED
DATE:	2/1/13

DRAWING TITLE: RENDERINGS

PREMISES: 89-53 Queens Boulevard Elmhurst, NY 11373

DRAWING No: 11 OF 11

A-111

Figure 11 - Rendering of 57th Avenue and 90th Street Corner



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CHECKED BY: GJC
JOB No: 13019
SCALE: AS NOTED
DATE: 2/1/13

DRAWING TITLE: RENDERINGS

PREMISES: 89-53 Queens Boulevard
Elmhurst, NY 11373

DRAWING No. 10 OF 11

A-110

89-55 QUEENS BOULEVARD

PROJECT DESCRIPTION

PROPOSED ACTION

The Applicant, Harmen Investment Co., is seeking a modification to an existing Restrictive Declaration (the "Proposed Action") affecting a single property at 89-55 Queens Boulevard (Queens Block 1846, Lot 1). The Proposed Action would amend the approved site plan attached to the restrictive declaration, and eliminate use restrictions precluding eating and drinking establishments, food stores, candy or ice cream stores (but would retain the use restrictions precluding residences, community facilities other than medical offices, amusement arcades, dry cleaning establishments, laundries, and cigar and tobacco stores). Separate from this application, the Applicant would purchase unused development rights of the demapped 1,971.05 sf portion of Queens Boulevard (part of an overly large sidewalk) adjacent to 89-95 Queens Boulevard from the Department of Citywide Administrative Services (DCAS). The proposed action would facilitate the renovation or replacement of the existing building on the site.

The Applicant's property consists of a small block bounded by Queens Boulevard, 90th Street, and 57th Avenue in the Elmhurst neighborhood within Queens Community District 4. It has 111.03 feet of frontage along 57th Avenue, 88.45 feet of frontage along 90th Street, and 129.47 feet of frontage along Queens Boulevard. The site is a 5,407.52 square foot parcel, of which 3,436.47 sf counts for purposes of determining development rights and the remaining 1,971.05 sf consists of the demapped former portion of Queens Boulevard. It is located along a heavily commercial section of Queens Boulevard that includes two indoor malls: the Queens Center Mall, which is located to the immediate east of the project site on the opposite side of 90th Street, and Queens Place, located a block west of the project site, between 55th and 56th Avenues. The zoning is R6/C1-4.

BACKGROUND

The project site was zoned R6, without a commercial overlay, until 1983. In 1982 the Applicant (then as now the owner of the project site) proposed a zoning map amendment that would add the C1-4 overlay, and the City Planning Commission approved that change in 1983. As a result of concerns raised during ULURP, the zoning map amendment was preceded by the recording of a restrictive declaration against the property, which set forth the following restrictions:

1. The following uses are precluded:
    - Dry cleaners;
    - Laundries;
    - Eating or drinking establishments;
    - Food stores;
    - Candy or ice cream stores;
    - Residences;
    - Community facilities other than medical offices;
    - Amusement arcades;

- Cigar or tobacco stores; and
- Newsstands.

2. Curb cuts are precluded.
3. The sidewalk along Queens Boulevard must be a minimum of 17 feet wide.
4. No deliveries may occur between 7 and 9 AM and between 4 and 7 PM.
5. All deliveries and pickups will be from 90th Street.
6. All garbage will be stored within the building.
7. Development is restricted to what is shown in the site plan attached to the declaration.

Two years later, before redeveloping the site, the Applicant proposed that a 1,971.05 sf portion of Queens Boulevard adjacent to Block 1846, Lot 1, be demapped (reducing the sidewalk to 17 feet in width) and transferred to Lot 1. The City Planning Commission demapped the area in 1989. A month later the City Planning Commission approved an amendment to the restrictive declaration that substituted a new site plan for the one originally attached to the declaration. The new site plan incorporated the demapped former portion of Queens Boulevard as a sunken plaza adjacent to the proposed building.

Following an appraisal and negotiations, the City and the Applicant executed a Mapping Agreement in 1991. Because of issues relating to the purchase price, however, the Mapping Agreement between the City and the Applicant transferred only the physical use of the demapped area, to a height of 36 feet, and stipulated that the City retained title to the development rights and all rights above a height of 36 feet.

The existing building was constructed and occupied in 1995.

PROJECT SITE

The lot contains an approximately 10,300 gross square foot (gsf) commercial building with two stories and a cellar, occupied by two stores (a Casual Male clothing store and an AT&T phone store). The building has a footprint of approximately 3,436 square feet and contains 6,864 zoning square feet (zsf), located above grade, plus an approximately 3,436 sf cellar. The building, which is constructed to the street line along most of the 90th Street and 57th Avenue frontages but is recessed from the Queens Boulevard frontage, occupies the portion of the site excluding the demapped former portion of Queens Boulevard. An approximately 1,971 sf sunken plaza occupies the remainder of the lot. Because the building's first floor is level with the sunken plaza rather than the street, the building's height is only 24 feet above curb level. The plaza is accessible via stairs from Queens Boulevard. The building has a first floor entrance accessible from the plaza and a second floor entrance accessible via a stairway from Queens Boulevard that spans the width of the plaza.

PURPOSE AND NEED

The proposed action would enable the property owner to upgrade the existing building and to eliminate the unused sunken plaza adjacent to the building. The Applicant believes that the proposed action would thus facilitate development of a livelier and more appealing streetscape.

The proposed action would provide the property owner with more flexibility in the use of the property. The proposed action would eliminate use restrictions, adopted in 1983, that are no longer relevant or desirable in light of more recent development trends in the immediate area and in the city as a whole. Eating and drinking establishments have proliferated in the vicinity of the project site during the more than 30 years since the current list of use restrictions was adopted.

Whereas in 1983 ice cream stores were associated primarily with amusement and entertainment districts, in recent years independent and chain frozen desert establishments have become common in more staid commercial districts.

BUILD YEAR

Based on an estimated 12-month approval process and a 12-month construction period, the Build Year is assumed to be 2018.

REASONABLE WORST CASE DEVELOPMENT SCENARIO

No-Action Scenario

In the absence of the proposed action, redevelopment or alteration would not occur, because development would continue to be restricted to the existing site plan, and the existing tenants would remain, because the existing use restrictions would remain in place. Current conditions would prevail on the project site.

With-Action Scenario

The proposed action would facilitate the renovation, upgrading, and retenanting of the existing building. The new tenants would be local retail or service establishments listed in Use Group 6 (aside from those still prohibited by the revised restrictive declaration). Although the proposed action would also make alteration or replacement of the existing building possible, no alteration or redevelopment plans have been formulated.

Because the proposed action would make possible more extensive changes than the Applicant now plans, those plans do not constitute the future with-action scenario considered in this EAS. Rather, see the reasonable worst case development scenario described below.

For purposes of the CEQR analysis, it is assumed that, if the proposed action is taken, the project site would be redeveloped with a new two-story commercial building in accordance with the bulk regulations of the R6/C1-4 district, as limited by the amended restrictive declaration (which effectively restricts development to a commercial building). The bulk regulations allow a maximum commercial floor area ratio (FAR) of 2.00, and the use regulations restrict most allowable commercial uses (including eating and drinking establishments and retail stores) to the first two floors of a building. Furthermore, Zoning Resolution Section 33-431(a) restricts any building (or portion thereof) in which such uses are located to a maximum height of 30 feet.

The building would therefore have a roof height of 30 feet and would occupy approximately the entire site. The two-story building would have a footprint of 5,407 sf and would contain 10,814 sf of above-grade floor area, which would constitute the zoning floor area, plus a 5,407 sf cellar, for a total of 16,221 gsf.

The building would be occupied by local retail or service establishments listed in Group 6 (aside from those still prohibited by the revised restrictive declaration).

The environmental assessments in this EAS are based on the difference between the future no-action and action scenarios under the RWCDS. The increment between future no-action and action conditions consists of an additional 5,921 gsf of commercial floor area (16,221 gsf minus 10,300 gsf). Also, whereas the 10,300 sf of existing floor area would be occupied by retail stores under the no-action scenario, some or all of the space might be occupied by eating and drinking establishments under the with-action scenario. Finally, the with-action building would be six feet taller than the no-action building (30 rather than 24 feet).

ENVIRONMENTAL ASSESSMENTS

INTRODUCTION

Based on the criteria in Part II of the Environmental Assessment Statement Short Form, the following technical areas require further analysis: (1) land use, zoning, and public policy, (2) hazardous materials, (3) air quality, and (4) noise. These analyses, which follow the guidance in the *CEQR Technical Manual*, are presented below. The heading numbers correlate with the relevant chapters of the *CEQR Technical Manual*.

4. LAND USE, ZONING, AND PUBLIC POLICY

Introduction

A land use analysis characterizes the uses and development trends in the area that may be affected by an action and determines whether a proposed project is compatible with those conditions or whether it may adversely affect them. The analysis also considers the proposed project's compliance with, and effect on, the area's zoning and other applicable public policies.

According to the *CEQR Technical Manual*, a preliminary assessment that includes a basic description of existing and future land uses, as well as basic zoning information, is provided for most projects, regardless of their anticipated effects. Regarding public policy, the *CEQR Technical Manual* states, "Large, publicly-sponsored projects are assessed for their consistency with PlaNYC, the City's sustainability plan." An assessment of an action's consistency with the Waterfront Revitalization Program is required if an action would occur within the designated Coastal Zone. Public policy assessments are also appropriate if an action would occur within an area covered by an Urban Renewal Plan or a 197-A Plan.

A land use and zoning assessment is appropriate for the proposed action, but the proposed project is neither large nor publicly sponsored, and no portion of the project site is within an urban renewal area, the Coastal Zone, or an area covered by a 197-a Plan. The preliminary assessment therefore focuses on land use and zoning.

Study Area

According to the *CEQR Technical Manual,* the appropriate study area for land use, zoning, and public policy is related to the type and size of the proposed project, as well as the location and context of the area that could be affected by the project. Study area radii vary according to these factors, with suggested study areas ranging from 400 feet for a small project to 0.5 miles for a very large project.

Because of the modest size of the proposed project, the land use and zoning assessment for the proposed action considers a study area extending 400 feet around the project site. The study area includes all or part of four blocks:

1. To the north, Block 1858, bounded by 90th Street, 56th Avenue, 92nd Street, and 57th Avenue;
2. To the east, Block 1860, bounded by 90th Street, 57th Avenue, 94th Street, 59th Avenue, and Queens Boulevard;
3. To the south, Block 2857, bounded by Queens Boulevard, 57th Avenue, Hoffman Drive, and Woodhaven Boulevard; and
4. To the west, Block 1845, bounded by 56th Avenue, 90th Street, 57th Avenue, and Queens Boulevard.

Land Use

Existing Conditions

The project site occupies an entire block, which is triangular in shape, with 111.03 feet of frontage along 57th Avenue, 88.45 feet of frontage along 90th Street, and 129.47 feet of frontage along Queens Boulevard. The site contains an approximately 10,300 gsf commercial building with two stories and a cellar, occupied by two stores (a Casual Male clothing store and an AT&T phone store). The building has a footprint of approximately 3,436 square feet and contains 6,864 zsf, located above grade, plus an approximately 3,436 sf cellar. The building is constructed to the street line along most of the 90th Street and 57th Avenue frontages but is recessed from the Queens Boulevard frontage. An approximately 1,971 sf sunken plaza occupies the remainder of the lot. Because the building's first floor is level with the sunken plaza rather than the street, the building's height is only 24 feet above curb level. The plaza is accessible via stairs from Queens Boulevard. The building has a first floor entrance accessible from the plaza and a second floor entrance accessible via a stairway from Queens Boulevard that spans the width of the plaza.

To the north, catercorner to the site across the intersection of 90th Street and 57th Avenue, an athletic field under the jurisdiction of the New York City Department of Education occupies all of Block 1858. The 5.48 acre recreational open space contains baseball fields, a track, and courts.

To the east, across 90th Street from the project site, the Queens Center Mall is located on Block 1860. It consists of a five-story indoor shopping mall with 150 stores and approximately one million square feet of retail space.

To the south, across 175-foot-wide Queens Boulevard from the project site, two buildings occupy Block 2857. The one directly opposite the site is a six-story former hospital that is undergoing renovation to convert it to a mixed-use building with residential apartments above commercial and community facility space. To its east is a Sears Auto Center.

To the west, across 57th Street from the project site, four one-story commercial buildings occupy the Queens Boulevard frontage of Block 1845. The one directly across from the site is a White Castle fast food restaurant. The adjacent building contains a Radio Shack and a cellphone store, and the two buildings to the west are bank branches. To the north of these stores, fronting on 90th Street and 56th Street, is a six-story building with 165 residential apartments and two ground floor stores.

Future Conditions without the Proposed Action

In the absence of the proposed action, redevelopment or alteration would not occur on the project site, because development would continue to be restricted to the existing site plan, and the existing tenants would remain, because the existing use restrictions would remain in place. Current conditions would prevail on the project site.

The only change within the study area will be the completion of the renovation of the former hospital across Queens Boulevard from the project site. It will contain 144 residential apartments and 118,213 sf of commercial and community facility space.

Future Conditions with the Proposed Action

If the proposed action is taken, the Applicant would demolish the existing building and redevelop the site with a new two-story commercial building tenanted with local retail or service establishments. The building would have a roof height of 30 feet. It would occupy the entire 5,407.52 sf site. It would contain 10,814 gsf of above-grade floor area, which would constitute the

zoning floor area. It is assumed that the building would also contain a 5,407 sf cellar, for a total of 16,221 gsf of commercial space.

The site's land use would be similar to that under existing and future no-action conditions: a two-story commercial building with a cellar containing storage area for the commercial tenants. The new building would contain 5,921 gsf more commercial floor area than the existing building and might be occupied by eating and drinking establishments rather than a clothing store and a phone store.

Those differences are too minor to have a substantial effect on the area's land use pattern. Diverse commercial uses (including retail, fast food, banks, and auto repair) characterize Queens Boulevard within the study area, and the proposed use would be consistent with the existing land use. Given the fact that the study area would contain more than a million square feet of commercial space under future no-action conditions, an additional 5,921 sf of commercial space would not have a noticeable impact. The proposed action would therefore not have a significant adverse impact on land use.

Zoning

Existing Conditions

The project site is zoned R6/C1-4, a medium density residential district combined with a local retail commercial overlay. Although the R6 district would ordinarily permit up to 3.00 FAR of residential floor area and up to 4.80 FAR of community facility space, a restrictive declaration precludes residential use or community facility use other than medical offices. Commercial uses in a C1-4 district are restricted to those listed in Use Groups 5 (hotels and motels) and 6 (offices, retail and service establishments, and public service establishments such as court houses and police stations). The restrictive declaration further restricts the range of permitted establishments by precluding certain Use Group 6 uses. Furthermore, Zoning Resolution Section 32-42 restricts Use Group 6 uses other than public service establishments to the first two floors of a building, and Section 33-431(a) states that in C1 and C2 districts "no commercial building or portion thereof occupied by non-residential uses listed in Use Groups 6A, 6B, 6C, 6F, 7, 8, 9 or 14 shall exceed in height 30 feet or two stories, whichever is less." As a result, private sector commercial buildings may be no more than two stories and no more than 30 feet tall, except in the case of hotels. The restrictive declaration also prohibits curb cuts and thus on-site off-street parking, which for all intents and purposes renders hotels impractical.

The R6 district extends southward over Block 2857 and westward over the southern part of Block 1845, to a depth of 125 feet from Queens Boulevard. A C1-2 local retail commercial overlay is mapped within the R6 district on these blocks. The only difference between the C1-2 and C1-4 commercial overlay relates to the parking requirement.

An R7B contextual medium density residential district is mapped over the northern part of Block 1845, where a residential apartment building is located, and over Block 1858, to the north of the project site, where an athletic field is located. The district permits residential and community facility uses and permits a maximum FAR of 3.00 for both. The maximum building height is 75 feet, with setbacks required at a height of 60 feet.

A C4-5X commercial district is mapped to the east of the project site, on Block 1860, where the Queens Center Mall is located. The district permits a wider range of commercial uses than C1 local retail overlays, including theaters, bowling alleys, billiard parlors, appliance repair shops, auto rental establishments, and catering halls. The district permits a maximum FAR of 4.00, a maximum base height of 85 feet, and a maximum building height of 125 feet.

Future Conditions without the Proposed Action

No zoning changes are anticipated in the study area by the 2017 build year.

Future Conditions with the Proposed Action

The proposed action would not alter the zoning of the project site or the study area. It would remove the restrictive declaration's prohibition of certain uses permitted by the applicable R6/C1-4 regulations and would thus bring the range of permissible uses on the project site more in line with the underlying zoning. The proposed action would not have a significant adverse impact on zoning.

12. HAZARDOUS MATERIALS

Phase I Environmental Site Assessment

Introduction

Middleton Environmental Inc. (MEI) has performed a Phase I Environmental Site Assessment (ESA) for the project site. The ESA, dated August 19, 2015, was prepared in accordance with the ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM Designation E 1527-13).

The purpose of the ESA is to identify, to the extent feasible in accordance with ASTM E 1527-13, Recognized Environmental Conditions, Controlled Recognized Environmental Conditions, or Historical Recognized Environmental Conditions in connection with the site with regard to hazardous materials as defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and petroleum products. Additionally, several ASTM "Non-Scope" items including asbestos-containing materials, lead-based paints, and radon are also discussed. Recognized Environmental Conditions are identified through research into the history and uses of the site and surrounding area, an inspection of the subject property and a survey of adjoining and nearby uses, a review of any previous environmental assessments of the site, and a review of available regulatory agency records and environmental databases.

The following summarizes the findings, conclusions, and recommendations of the Phase I ESA.

Site Description

The site consists of an approximately 0.1-acre triangular parcel of urban land that is bounded by three city streets. It is improved with a two-story commercial building.

Site History

Sanborn fire insurance maps through 1914 show the site as undeveloped. The next maps consulted, from 1931 and 1932, show a carwash with two underground gasoline storage tanks. Maps from 1950 through the early 1990s show a gas station with four underground gasoline storage tanks. More recent maps show the current two-story retail building, marked "built 1996."

Site Inspection

A site reconnaissance was performed on July 23, 2015. No aboveground storage tanks, evidence of underground storage tanks, hazardous materials, petroleum products, unidentified substances, PCBs, stormwater drywells, stained floor drains, chemical staining or corrosion, noxious odors, or pooled liquids were observed.

Prior Environmental Reports

A previous Phase I ESA was prepared for the property by Building Diagnostics, Ltd., in December 2005. No Recognized Environmental Conditions were identified.

Regulatory Agency Database Findings

The project site does not appear in any of the federal or state databases that were reviewed, except for the New York State Department of Environmental Conservation's (DEC's) Underground Storage Tank (UST) and Leaking Underground Storage Tank (LUST) databases. The listing on the latter database, from August 16, 1994, is assumed to be associated with remediation activities, including underground storage tank removal and contaminated soil removal, associated with the former gasoline station on-site, in preparation for the redevelopment of the property for its

current use. The UST database listing indicates that the following USTs were closed and removed in 1994: one 2,000-gallon gasoline UST; two 4,000- gallon gasoline USTs; and one 550-gallon UST (contents not reported). The LUST file is listed as having been closed by the DEC on June 25, 1996. A copy of the DEC closure letter was provided to MEI with the 2005 Phase I ESA report. According to the DEC letter, the file was closed as a result of groundwater sampling results at the site following remediation activities.

Off-Site Findings

The regulatory agency databases did not identify any potential off-site sources of contamination that are considered likely to have significantly affected the environmental condition of the project site. Neither the survey of current nearby uses nor the review of historical Sanborn maps revealed any Recognized Environmental Concerns.

Conclusions

The Phase I report concludes that the ESA has revealed no evidence of Recognized Environmental Conditions in connection with the property, although, as previously stated, the report does note the possibility that groundwater has been contaminated by past industrial uses or leaking underground storage tanks in the vicinity of the site. The report makes no recommendations regarding the advisability of Phase II testing or other additional investigations.

(E) Designation

After reviewing the Phase I report, the New York City Department of Environmental Protection (DEP) concluded that a Phase II Environmental Site Assessment should be performed. DEP communicated this decision in a letter dated September 25, 2015. Therefore, an (E) designation will be assigned to the project site (Queens Block 1846, Lot 1). The (E) designation 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.

With the (E) designation in place, a significant adverse impact related to hazardous materials would not occur as a result of the proposed action, and no further analysis is warranted.

NYC Environmental Protection

Emily Lloyd
Commissioner

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September 25, 2015

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

Re: 89-55 Queens Boulevard
Block 1846, Lot 1
CEQR # 77DCP230Q
Queens, New York

Dear Mr. Dobruskin:

The New York City Department of Environmental Protection, Bureau of Environmental Planning and Analysis (DEP) has reviewed the October 2014 Environmental Assessment Statement prepared by EPDSCO and the August 2015 Phase I Environmental Site Assessment Report (Phase I) prepared by Middleton Environmental Incorporated on behalf of Harmen Investment Company (applicant) for the above referenced project. It is our understanding that the applicant is seeking two City actions from the New York City Department of City Planning (DCP) with regard to its property at 89-55 Queens Boulevard: (1) the amendment of the previously executed Mapping Agreement accompanying the demapping of a 1,971.05 square foot portion of Queens Boulevard (part of an overly large sidewalk) adjacent to 89-95 Queens Boulevard to allow the applicant to acquire and utilize the development rights appurtenant to the demapped street area and (2) the amendment of a restrictive declaration to allow the alteration or replacement of the existing building and plaza in compliance with the Zoning Resolution's applicable bulk regulations and to eliminate use restrictions precluding eating and drinking establishments, food stores, and candy or ice cream stores. The applicant would purchase the development rights from the City and would redevelop the site with a new two-story, 30-foot-tall building containing 10,491 gross square feet (gsf) of above-grade floor area, which would constitute the zoning floor area, and a cellar, for a total of 15,736.5 gsf of commercial space. The subject property is located on the north side of Queens Boulevard bounded by 57th Avenue to the north and west, and 90th Street to the east in the Elmhurst neighborhood of Queens Community District 4.

The August 2015 Phase I report revealed that historical on-site and surrounding area land uses consisted of a variety of residential and commercial uses including retail stores, a tattoo parlor, a car wash, a gasoline filling station and automobile repair shop, residential buildings, a hospital, an athletic field, a theater, a chapel, a bank, a garage, parking, a department store, used car sales, etc. The New York State Department of Environmental Conservation

(NYSDEC) Spills database identified 10 spills within a 1/8-mile of the subject property. The NYSDEC leaking storage tanks (LTANKS) database identified 33 LTANKS within a 1/2-mile of the subject property.

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

- DCP should inform the applicant that based on the historical on-site and/or surrounding area land uses, a Phase II Environmental Site Assessment (Phase II) is necessary to adequately identify/characterize the surface and subsurface soils of the subject parcel. A Phase II Investigative Protocol/Work Plan summarizing the proposed drilling, soil, groundwater, and soil vapor sampling activities should be submitted to DEP for review and approval. The Work Plan should include blueprints and/or site plans displaying the current surface grade and sub-grade elevations and a site map depicting the proposed soil, groundwater, and soil vapor sampling locations. Soil and groundwater samples should be collected and analyzed by a New York State Department of Health (NYSDOH) Environmental Laboratory Approval Program (ELAP) certified laboratory for the presence of volatile organic compounds (VOCs) by United States Environmental Protection Agency (EPA) Method 8260, semi-volatile organic compounds by EPA Method 8270, pesticides by EPA Method 8081, polychlorinated biphenyls by EPA Method 8082, and Target Analyte List metals (filtered and unfiltered for groundwater samples). The soil vapor sampling should be conducted in accordance with the NYSDOH October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York. The soil vapor samples should be collected and analyzed by a NYSDOH ELAP certified laboratory for the presence of VOCs by EPA Method TO-15. An Investigative Health and Safety Plan (HASP) should also be submitted to DEP for review and approval.

DCP should also instruct the applicant that the Phase II Work Plan and HASP should be submitted to DEP for review and approval prior to the start of any fieldwork. Future correspondence and submittals related to this project should include the following CEQR number **77DCP230Q**. If you have any questions, you may contact Mr. Wei Yu at (718) 595-4358.

Sincerely,

Maurice S. Winter
Deputy Director, Site Assessment

c: E. Mahoney
M. Winter
W. Yu
T. Estesen
M. Wimbish
O. Abinader – DCP
I. Young – DCP
File

17. AIR QUALITY

Introduction

Ambient air quality, or the quality of the surrounding air, may be affected by air pollutants produced by motor vehicles, referred to as "mobile sources;" or by fixed facilities, usually referenced as "stationary sources," or by a combination of both. This section assesses the potential for the proposed action to result in significant mobile source air quality impacts by increasing traffic on nearby streets, and it assesses the action's potential to result in significant adverse stationary source air quality impacts because of exhaust vented from the new building's heating, ventilation, and air conditioning (HVAC) systems.

Mobile Source

According to the *CEQR Technical Manual*, in this part of the city, an analysis of potential traffic-related impacts is appropriate if the proposed action would generate more than 170 vehicular trips per hour during any one peak hour period. Table 16-1 of the *CEQR Technical Manual* presents minimum development thresholds that would generate 50 vehicular trips per peak hour. The anticipated action-induced development (an additional 5,921 sf of local retail or restaurant space) is below the table's threshold for this part of the city, which is a minimum of 15,000 sf of local retail space or 20,000 sf of restaurant space. It can therefore be assumed that the additional traffic volumes generated by the proposed action would be too low to cause a significant mobile source air quality impact.

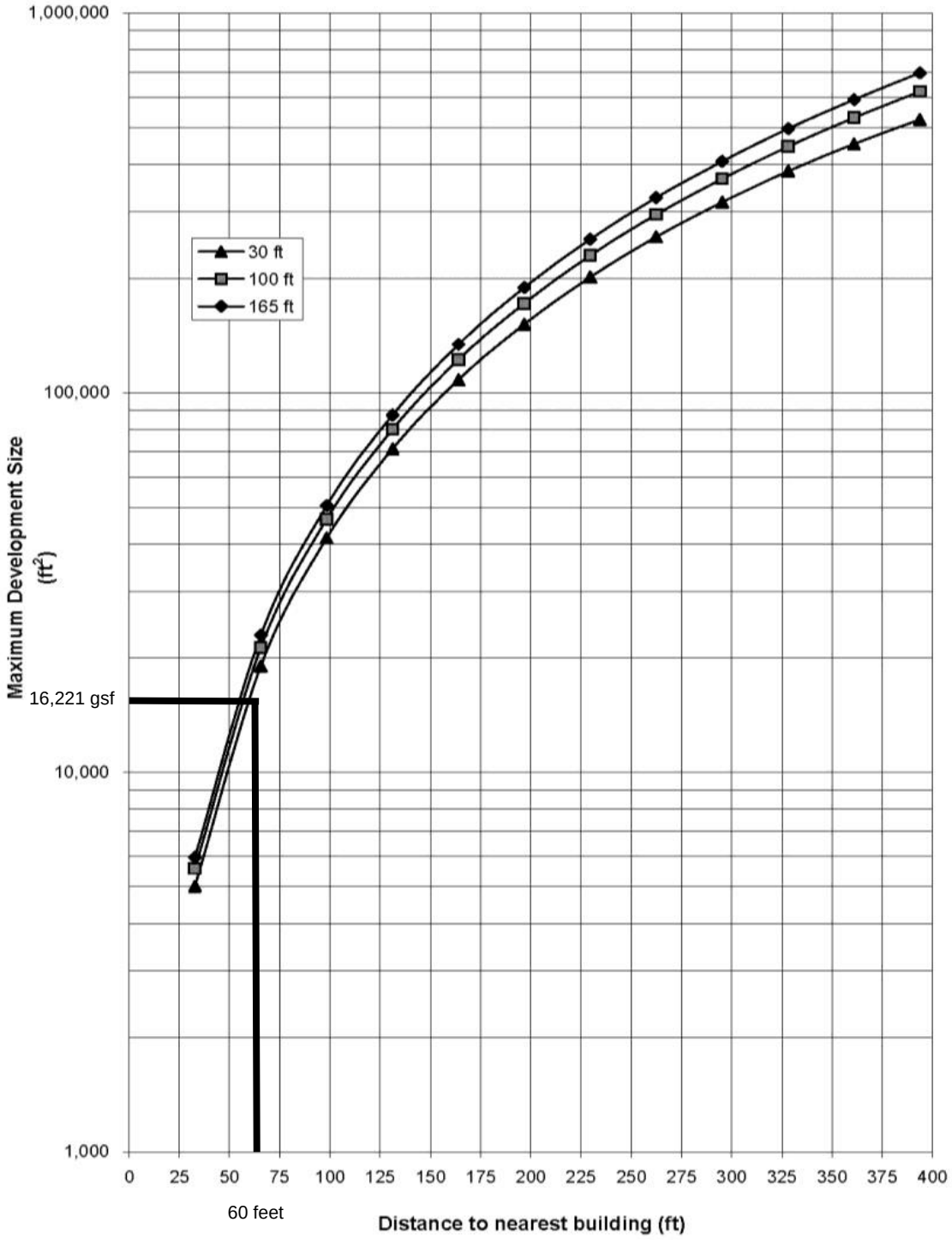
Stationary Source

The *CEQR Technical Manual* states that 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, and the square footage of the development that would be served by the system. The *CEQR Technical Manual* provides a screening analysis based on these factors, which was utilized to determine the potential for significant impacts from the proposed building's system.

The proposed project would be 30 feet tall, and the nearest building of equal or greater height would be the Queens Center Mall, located 60 feet from the site on the opposite side of 90th Street. The proposed project would contain 16,221 gross square feet of floor area. The exhaust stack would vent at least three feet above the building's roof, at a height of 33 feet.

The building was plotted on the stationary source screen that appears as Figure 17-3 in the *CEQR Technical Manual*, a conservative screen that is used if the type of fuel is not known. Figure 17-1 shows the resulting graph. The graph includes three curves, representing different heights (30 feet, 100 feet, and 165 feet). The appropriate curve is the one for the height that would be closest to but not greater than the height at which the building's exhaust stack would vent. In this case, the appropriate curve is the one for the lowest of the three heights. If the lines drawn from the appropriate points along the two axes meet at a point below the appropriate curve, then no further analysis is need to demonstrate that the building's exhaust would not have a significant adverse impact on residents of the other building. As illustrated in Figure 17-1, exhaust from the proposed building would not have a significant adverse air quality impact on any other building.

Figure 17-1: Stationary Source Screen



18. NOISE

Introduction

The purpose of a noise assessment under CEQR is to determine whether an action would (1) raise noise levels significantly at existing or anticipated sensitive noise receptors (such as residences or schools) or (2) introduce new sensitive uses (such as residential buildings or schools) at locations subject to unacceptably high ambient noise levels.

The assessment is concerned with both mobile and stationary noise sources. Mobile sources are those that move in relation to a noise-sensitive receptor. They include automobiles, buses, trucks, aircraft, and trains. Stationary sources of noise do not move in relation to a noise-sensitive receptor. Typical stationary noise sources of concern include machinery or mechanical equipment associated with industrial and manufacturing operations; building heating, ventilating, and air conditioning (HVAC) systems; speakers for public address and concert systems; playground noise; and spectators at concerts or sporting events. An action could raise noise levels either by introducing new stationary noise sources (such as outdoor playgrounds or rooftop air conditioning compressors) or by increasing mobile source noise (generally by generating additional traffic). Similarly, an action could introduce new residences or other sensitive receptors that would be subject to noise from either stationary or mobile sources.

Stationary Sources

The proposed action would result in the replacement of an existing retail building with another, somewhat larger retail building. Unlike playgrounds, truck loading docks, loudspeaker systems, car washes, stationary diesel engines, or similar uses, fully enclosed commercial buildings are not substantial stationary noise sources. All rooftop mechanical equipment, including air conditioner compressors, would be enclosed and would comply with New York City Noise Code requirements, which limit noise levels generated by such equipment to 65 dBA during the daytime (7AM to 10 PM) and 55 dBA during the nighttime. The proposed action would therefore not have the potential to cause a significant adverse stationary source noise impact.

Mobile Sources

With regard to mobile sources, Table 16-1 of the *CEQR Technical Manual* shows that in Zone 2 (outside of the CBD but within a quarter-mile of a subway station), 15,000 sf of local retail space would be required to generate 50 peak hour vehicle trips, whereas the proposed action would result in a 5,921 gsf increase. On this basis, the action would generate no more than 20 vehicle trips in an hour. A doubling of traffic on a stretch of roadway is required to raise noise levels by 3 decibels, the minimum change that can be detected by the average person. Not only would 20 additional vehicles an hour -- one every 3 minutes -- be insufficient to satisfy the threshold at this location, but on this stretch of Queens Blvd. -- where about 1 million sf of retail space is located within the land use study area -- it would constitute no more than a de minimus increase in traffic.

While the proposed action would not generate enough vehicle trips to create noise impacts from increased vehicular traffic, it has the potential to introduce additional receptors by expanding existing commercial uses on a site facing a major traffic thoroughfare (Queens Boulevard). Since the proposed action could potentially introduce additional receptors near a heavily trafficked thoroughfare, a noise analysis is warranted. As presented in Table 18-1, comparable noise readings taken along Queens Boulevard for the Sunnyside-Woodside Rezoning EAS (11DCP080Q) were used to derive interior noise level requirements for this project site.

Table 18-1: Sunnyside-Woodside Rezoning: Existing Noise Levels (in dBA)								
Site ID	**Measurement Location**	**Time**	**L_{eq}**	**L_{10}**	**L_{50}**	**L_{90}**	**L_{max}**	**L_{min}**
M2	48-02 Queens Blvd. (Projected Dev. Site 9)	AM	74.6	79.0	70.5	63.5	84.8	57.8
		MD	72.9	77.0	69.0	63.5	84.0	58.2
		PM	75.6	78.5	71.5	63.0	86.8	57.5

Notes:

1. *AM (8:00 AM – 9:00 AM); MD (12:00 PM – 1:00 PM); PM (5:00 PM – 6:00 PM)*
2. *Noise levels were monitored on December 2, 2010*
3. *Readings were measured for 20-minute periods during AM, MD and PM peaks while traffic (classified by Autos, Medium Trucks, Heavy Trucks and Buses) and trains moving in each direction were simultaneously counted.*

The noise measurement replicated above from the Sunnyside-Woodside Rezoning project are relevant to this project because of the measurement location's proximity to Queens Boulevard. The measurements were taken to determine window-wall attenuation needed for a proposed residential building. Since the noise exposure category assigned to the measurement site is based on the highest L10 noise level measured during the three peak hours, the L10 value from the above table is 79 dBA. For the purposes of the Proposed Project, a 5 dBA reduction is applied to the L10 value (from 79 dBA to 75 dBA) because commercial use is being proposed for analysis purposes. According to Table 19-3 from the Noise Chapter of the *CEQR Technical Manual*, the required attenuation value needed to achieve acceptable interior noise levels is 31 dBA.

Table 19-3
Required Attenuation Values To Achieve Acceptable Interior Noise Levels

	Marginally Unacceptable				Clearly Unacceptable
Noise level with proposed project	$70<L_{10}\leq73$	$73<L_{10}\leq76$	$76<L_{10}\leq78$	$78<L_{10}\leq80$	$80<L_{10}$
Attenuation[A]	(I) 28 dB(A)	(II) 31 dB(A)	(III) 33 dB(A)	(IV) 35 dB(A)	$36 + (L_{10} - 80)^{B}$ dB(A)

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

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

Source: New York City Department of Environmental Protection

Per findings from the readings above, the following (E) designation is proposed to be assigned to the Project Site:

(E) Designation Language

To ensure an acceptable interior noise environment, future commercial uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on all façades to maintain an interior noise level of 50 dBA. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.

With the (E) designation, no significant adverse impacts related to noise are expected and no further analysis is warranted.