City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT SHORT FORM • FOR UNLISTED ACTIONS ONLY

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

PART I: GENERAL INFORMATION

1. *Does 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

2. *Project Name* 23rd Street Rezoning

3. *Reference Numbers*

CEQR REFERENCE NUMBER (To Be Assigned by Lead Agency)	BSA REFERENCE NUMBER (If Applicable)
11DCP069Q	
ULURP REFERENCE NUMBER (If Applicable))	**OTHER REFERENCE NUMBER(S) (If Applicable) (e.g. Legislative Intro, CAPA, etc)**
110178ZMQ	

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY: Department of City Planning			NAME OF APPLICANT: T.F. Cusanelli Architects, P.C.		
NAME OF LEAD AGENCY CONTACT PERSON: Robert Dobruskin, Environmental Assessment and Review Division			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON: Richard Lobel		
ADDRESS: 22 Reade Street, 4N			ADDRESS: 18 East 41st Street, 5th Floor		
CITY: New York	STATE: NY	ZIP: 10007	CITY: New York	STATE: NY	ZIP: 10017
TELEPHONE: (212) 720-3417	FAX: (212) 720-3495		TELEPHONE: (212) 725-2727	FAX: (212) 725-3910	
EMAIL ADDRESS: rdobrus@planning.nyc.gov			EMAIL ADDRESS: rlobel@sheldonlobelpc.com		

5. *Project Description*:

See attached Project Description.

6a. *Project Location*: *Single Site* *(for a project at a single site, complete all the information below)*

ADDRESS	NEIGHBORHOOD NAME: Astoria	
TAX BLOCK AND LOT	BOROUGH: Queens	COMMUNITY DISTRICT: 1
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS: Bounded by 33rd Avenue, 23rd Street, the center line of Block 555 and aline parallel to 100' west of 23rd Street.		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION IF ANY: R5		ZONING SECTIONAL MAP NO: 9a

6b. *Project Location*: *Multiple Sites* *(Provide a description of the size of the project area in both City Blocks and Lots. If the project would apply to the entire city or to areas that are so extensive that a site-specific description is not appropriate or practicable, describe the area of the project, including bounding streets, etc.)*

32-12 through 32-20 23rd Street, 21-35 33rd Avenue (Block 555, Lots 1, 36, 38, 40, 42 and part of Lot 5)

7. *REQUIRED ACTIONS OR APPROVALS* *(check all that apply)*

City Planning Commission: YES ☑ NO ☐

- ☐ CITY MAP AMENDMENT
- ☑ ZONING MAP AMENDMENT
- ☐ ZONING TEXT AMENDMENT
- ☐ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)
- ☐ CONCESSION
- ☐ UDAAP
- ☐ REVOCABLE CONSENT
- ☐ ZONING CERTIFICATION
- ☐ ZONING AUTHORIZATION
- ☐ HOUSING PLAN & PROJECT
- ☐ SITE SELECTION — PUBLIC FACILITY
- ☐ FRANCHISE
- ☐ DISPOSITION — REAL PROPERTY

ZONING SPECIAL PERMIT, SPECIFY TYPE:

- ☐ MODIFICATION OF
- ☐ RENEWAL OF
- ☐ OTHER

Board of Standards and Appeals: YES ☐ NO ☑

- ☐ SPECIAL PERMIT

EXPIRATION DATE MONTH DAY YEAR

- ☐ VARIANCE (USE)
- ☐ VARIANCE (BULK)

SPECIFY AFFECTED SECTION(S) OF THE ZONING RESOLUTION

Department of Environmental Protection: YES ☐ NO ☑ IF YES, IDENTIFY:

Other City Approvals: YES ☐ NO ☑

- ☐ LEGISLATION
- ☐ FUNDING OF CONSTRUCTION; SPECIFY:
- ☐ POLICY OR PLAN; SPECIFY:
- ☐ LANDMARKS PRESERVATION COMMISSION APPROVAL *(not subject to CEQR)*
- ☐ 384(b)(4) APPROVAL
- ☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) *(not subject to CEQR)*
- ☐ RULEMAKING
- ☐ CONSTRUCTION OF PUBLIC FACILITIES
- ☐ FUNDING OF PROGRAMS; SPECIFY:
- ☐ PERMITS; SPECIFY:
- ☐ OTHER; EXPLAIN

State or Federal Actions/Approvals/Funding: YES ☐ NO ☑ IF "YES," IDENTIFY:

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

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 11×17 inches in size and must be folded to 8.5 ×11 inches for submission*

- ☑ Site location map
- ☑ Zoning map
- ☑ Photographs of the project site taken within 6 months of EAS submission and keyed to the site location map
- ☑ Sanborn or other land use map
- ☑ Tax map
- ☐ For large areas or multiple sites, a GIS shape file that defines the project sites

PHYSICAL SETTING *(both developed and undeveloped areas)*

Total directly affected area (sq. ft.):	Type of Waterbody and surface area (sq. ft.):	Roads, building and other paved surfaces (sq. ft.)
10,028.6 SF		

Other, describe (sq. ft.):

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

Size of project to be developed: 15,407 SF (gross sq. ft.)

Does the proposed project involve changes in zoning on one or more sites? YES ☑ NO ☐

If 'Yes,' identify the total square feet owned or controlled by the applicant: 9,596.5 SF Total square feet of non-applicant owned development: 432.1 SF

Does the proposed project involve in-ground excavation or subsurface disturbance, including but not limited to foundation work, pilings, utility lines, or grading? YES ☐ NO ☑

If 'Yes,' indicate the estimated area and volume dimensions of subsurface disturbance (if known):

Area: sq. ft. (width × length) Volume: cubic feet (width × length × depth)

DESCRIPTION OF PROPOSED USES *(please complete the following information as appropriate)*

	Residential	***Commercial***	***Community Facility***	***Industrial/Manufacturing***
Size (in gross sq. ft.)	12,193.5 SF		3,213.5 SF	
Type (e.g. retail, office, school)	10 units		medical offices (5)	

Does the proposed project increase the population of residents and/or on-site workers? YES ☑ NO ☐ Number of additional residents? 40 Number of additional workers? 25

Provide a brief explanation of how these numbers were determined: Average four residents per 3-bedroom dwelling unit, average 5 employees per medical office

Does the project create new open space? YES ☐ NO ☑ if Yes (sq. ft)

Using Table 14-1, estimate the project's projected operational solid waste generation, if applicable: Approx. 635 lbs. (41 lbs. x 10 DU) + (9 lbs. x 25 workers) (pounds per week)

Using energy modeling or Table 15-1, estimate the project's projected energy use: Approx. 1,428,233,180 BTUs (94,000 x 15,193.97 SF) (annual BTUs)

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:

The semi-detached building on Lot 36 would have to be demolished to provide the required 9.08' side yard adjacent to Lot 29.

10. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (DATE THE PROJECT WOULD BE COMPLETED AND OPERATIONAL): 2014	ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 6-12 months (to receive final C of O for Lot 36)
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? YES ☑ NO ☐	IF MULTIPLE PHASES, HOW MANY PHASES:
BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:	

11. *What is the Predominant Land Use in Vicinity of Project?* *(Check all that apply)*

☑ RESIDENTIAL ☐ MANUFACTURING ☑ COMMERCIAL ☐ PARK/FOREST/OPEN SPACE ☐ OTHER, Describe:

PART II: TECHNICAL ANALYSES

INSTRUCTIONS: The questions in the following table refer to the thresholds for each analysis area in the respective chapter of the CEQR Technical Manual.

- 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.
- Often, a 'Yes' answer will result in a preliminary analysis to determine whether further analysis is needed. For each 'Yes' response, consult the relevant chapter of the CEQR Technical Manual for guidance on providing additional analyses (and attach supporting information, if needed) to determine whether detailed analysis is needed. Please note that a 'Yes' answer does not mean that an EIS must be prepared—it often only means that more information is required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant either to provide additional information to support this Short EAS Form or complete a Full EAS Form. For example, if a question is answered 'No,' an agency may request a short explanation for this response. In addition, if a large number of the questions are marked 'Yes,' the lead agency may determine that it is appropriate to require completion of the Full EAS Form.

	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 or zoning that is different from surrounding land uses and/or zoning? Is there the potential to affect an applicable public policy? If "Yes", complete a preliminary assessment and attach.	✓	
(b) Is the project a large, publicly sponsored project? If "Yes", complete a PlaNYC assessment and attach.		✓
(c) 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) Does the proposed project exceed any of the thresholds outlined in Table 6-1 of Chapter 6?		✓
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the proposed project change or eliminate existing open space?		✓
(b) Is the proposed project within an underserved area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island? If "Yes," would the proposed project generate 50 or more additional residents?		✓
If "Yes," would the proposed project generate 125 or more additional employees?		✓
(c) Is the proposed project in a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island? If "Yes," would the proposed project generate 300 or more additional residents?		✓
If "Yes," would the proposed project generate 750 or more additional employees?		
(d) If the proposed project is not located in an underserved or well-served area, would the proposed project generate: 200 or more additional residents?		
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; is listed or eligible for listing on the New York State or National Register of Historic Places; or is within a designated or eligible New York City, New York State, or National Register Historic District?		✓
If "Yes," list the resources and attach supporting information on whether the project would affect any of these resources.		
7. *URBAN DESIGN*: *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 that is not currently allowed by existing zoning?		✓
8. *NATURAL RESOURCES*: *CEQR Technical Manual Chapter 11*		
(a) Is any part of the directly affected area within the Jamaica Bay Watershed? If "Yes," complete the Jamaica Bay Watershed Form.		✓
(b) Does the proposed project site or a site adjacent to the project contain natural resources as defined in section 100 of Chapter 11? If "Yes," list the resources and attach supporting information on whether the project would affect any of these resources.		✓
9. *HAZARDOUS MATERIALS*: *CEQR Technical Manual Chapter 12*		
(a) Would the project allow commercial or residential use in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?		✓
(b) Does the project site have existing institutional controls (*e.g.* (E) designations or a Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?		✓
(c) Would the project require soil disturbance in a manufacturing zone or any development on or near a manufacturing zone 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 where underground and/or aboveground storage tanks (*e.g.* gas stations) are or were on or near the site?	✓	
(f) Would the project result in renovation of interior existing space on a site with potential compromised air quality, vapor intrusion from on-site or off-site sources, asbestos, PCBs or lead-based paint?		✓
(g) Would the project result in development on or near a government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, municipal incinerators, coal gasification or gas storage sites, or railroad tracks and rights-of-way?		✓
(h) Has a Phase I Environmental Site Assessment been performed for the site? If 'Yes," were RECs identified? Briefly identify: No REC's identified	✓	
10. *INFRASTRUCTURE*: *CEQR Technical Manual Chapter 13*		
(a) Would the proposed project result in water demand of more than one million gallons per day?		✓
(b) Is the proposed project located in a combined sewer area and result in at least 1,000 residential units or 250,000 SF or more of commercial space in Manhattan or at least 400 residential units or 150,000 SF or more of commercial space in the Bronx, Brooklyn, Staten Island or Queens?		✓
(c) Is the proposed project located in a separately sewered area and result in the same or greater development than that listed in Table 13-1 of Chapter 13?		✓
(d) Would the project involve development on a site five acres or larger where the amount of impervious surface would increase?		✓
(e) Would the project involve development on a site one acre or larger where the amount of impervious surface would increase and 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?		✓
(f) Is the project 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 WWTP 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) 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?		✓

	YES	NO
12. *ENERGY*: *CEQR Technical Manual Chapter 15*		
(a) 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 of Chapter 16?		✓
(b) If "Yes," conduct the screening analyses, attach appropriate back up data as needed for each stage, and answer the following questions:		
(1) 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, "Transporation," for information.*		
(2) 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?		
(3) 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 of Chapter 17?		✓
(b) *Stationary Sources:* Would the proposed project result in the conditions outlined in Section 220 of Chapter 17?	✓	
If 'Yes,' would the proposed project exceed the thresholds in the Figure 17-3, Stationary Source Screen Graph? (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-designations or a 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, a power plant, or would fundamentally change the City's solid waste management system?		✓
(b) If "Yes," would the proposed 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 of 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-designations or a Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?		✓
17. *PUBLIC HEALTH*: *CEQR Technical Manual Chapter 20*		
(a) Would the proposed project warrant a public health assessment based upon the guidance in Chapter 20?		✓
18. *NEIGHBORHOOD CHARACTER*: *CEQR Technical Manual Chapter 21*		
(a) Based upon the analyses conducted for the following technical areas, check yes if any of the following technical areas required 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		✓
If "Yes," explain here why or why not an assessment of neighborhood character is warranted based on the guidance of in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		

		YES	NO
19.	***CONSTRUCTION IMPACTS:*** *CEQR Technical Manual Chapter 22* Would the project's construction activities involve (check all that apply):		
	• Construction activities lasting longer than two years;		✓
	• Construction activities within a Central Business District or along an arterial or major thoroughfare;		✓
	• Require 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 community facilities or disruption in its service;		✓
	• Activities within 400 feet of a historic or cultural resource; or		✓
	• Disturbance of a site containing natural resources.		✓
	If any boxes are checked, explain why or why not a preliminary construction assessment is warranted based on the guidance of in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.		

20. *APPLICANT'S CERTIFICATION*

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of 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

Authorized Representative — APPLICANT/SPONSOR

of

T.F. Cusanelli Architects, P.C. — NAME THE ENTITY OR OWNER

the entity which seeks the permits, approvals, funding or other governmental action described in this EAS.

Check if prepared by: ☑ APPLICANT/REPRESENTATIVE or ☐ LEAD AGENCY REPRESENTATIVE (FOR CITY-SPONSORED PROJECTS)

Richard Lobel
APPLICANT/SPONSOR NAME:

LEAD AGENCY REPRESENTATIVE NAME:


SIGNATURE:

February 28, 2013
DATE:

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 of 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 effect on the environment. 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.

	Potential Significant Adverse Impact	
IMPACT CATEGORY	**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 Impacts		✓

2. Are there any aspects of the project relevant to the determination 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, explain them and state where, as a result of them, the project may have a significant impact on the environment.

3. ***LEAD AGENCY CERTIFICATION***

Deputy Director, EARD
TITLE

City Planning Commission
LEAD AGENCY

Celeste Evans
NAME

SIGNATURE

☐ **Check this box if the lead agency has identified one or more potentially significant adverse impacts that MAY occur.**

☐ Issue ***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 in 6 NYCRR 617.

☐ Issue ***Positive Declaration*** and proceed to a draft scope of work for the Environmental Impact Statement.

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***.

NEGATIVE DECLARATION (To Be Completed By Lead Agency)

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6NYCRR, Part 617, State Environmental Quality Review, the [ ] assumed the role of lead agency for the environmental review of the proposed project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the [ ] has determined that the proposed project would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS that finds, because the proposed project:

No other signficant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA).

TITLE

LEAD AGENCY

NAME

SIGNATURE

INTRODUCTION

PROJECT DESCRIPTION

The applicant, T.F. Cusanelli Architects P.C., is seeking to rezone a portion of Tax Block 555 (Tax Lots 1, 36, 38, 40, 42 and a portion of Tax Lot 5) in the Astoria neighborhood of Queens, New York, from an R5 district to an R5/C1-4 district by extending an adjacent C1-4 commercial overlay mapped on the northern half of Block 555. The area the applicant seeks to rezone is bounded by 33rd Avenue, 23rd Street, the center line of Block 555 and a line parallel to and 100' feet west of 23rd Street (the "Rezoning Area").

The Rezoning Area is comprised of 6 contiguous tax lots, with a total area of approximately 10,029 square feet. Tax Lots 1, 36, 38, 40, and 42, comprise a single zoning lot totaling approximately 9,596 square feet in area (the "Subject Property"). Tax Lot 5 is 2,500 square feet in lot area, approximately 433 square feet of which will be affected by the proposed rezoning, and is developed with a three-story multi-family residential building. Neither Tax Lot 5 nor the tax lots comprising the single zoning lot are owned by the applicant.

The Subject Property, formerly known as Block 555, Lot 1, was previously improved with a repair shop and garage. In 2002, the repair shop and garage were demolished in anticipation of a new five-building residential development. The Department of Buildings ("DOB") approved plans in 2002 and issued permits in 2003 for this residential development, which was designed pursuant to the infill regulations available for "predominantly built-up areas." Construction of the development commenced. In 2004, after construction was nearly complete, a DOB audit revealed that the northern half of Block 555 had been rezoned from R5 to R6B in 2001 and the Subject Property did not qualify for infill regulations. The ground floor of each building was converted to community facility use to ensure compliance with maximum floor area requirements, but the conversion created a side yard non-compliance for the building on Tax Lot 36.

In October 2006, a variance application was filed with the Board of Standards and Appeals (the "BSA") by the original owner and developer, requesting side yard relief for Tax Lot 36. The BSA eventually denied the requested relief in resolutions adopted on July 21, 2009. In those resolutions, the BSA stated it did not agree with the developer's arguments that (1) there were unique physical conditions on the site that led to hardship and (2) that relief was merited based on the developer's good faith reliance on permits issued by the Department of Buildings. In July 2009, the developer filed an Article 78 petition challenging the BSA's determination, which was subsequently denied by the State Supreme Court in March 2010.

In the last decade, there has been a focused effort by the Department of City Planning to rezone large portions of the Borough of Queens. Of these rezonings, two specifically affected the

Rezoning Area and this application. As noted above, the northern half of Block 555 was previously rezoned in 2001, under ULURP Application No. C 010047 ZMQ, from an R5 zoning district to an R6B zoning district, with C1-4 overlays extending 100 feet southeasterly of 21st Street and northwesterly of 23rd Street (the "Broadway Rezoning"). The second and most recent rezoning was approved May 25, 2010, under ULURP Application No. C 100199 ZMQ (the "Astoria Rezoning"). As part of the Astoria Rezoning, the Department of City Planning rezoned 238 blocks within the Astoria neighborhood, including the northern half of Block 555, which was rezoned to extend a C1-4 overlay that was mapped on the corners of the block to encompass the entire northern half of the block.

The proposed rezoning would be consistent with the 2010 Astoria Rezoning and would legalize the existing community facility and residential development on the Project Site by eliminating the requirement that a side yard be provided for the building on Lot 36 of the Project Site and would facilitate the occupancy of that building as built.

REASONABLE WORST CASE DEVELOPMENT SCENARIO

Existing Conditions

The Project Site is improved with five attached three-story mixed-use residential and community facility buildings. The four buildings on Lots 1, 42, 40 and 38 are complete and were issued Certificates of Occupancy for community facility use (medical offices) on the ground floor and residential use on the floors above in 2006. Upon information and belief, the ground floors of these four buildings are currently occupied by residential use. The building on Lot 36 is substantially complete but not yet occupied. The existing development, as approved by the Department of Buildings, conforms to applicable use regulations and complies with the bulk regulations in the existing R5 zoning district, with the exception of one side yard, required pursuant to Section 24-35(a) of the Zoning Resolution. Originally designed and built pursuant to R5 infill regulations when Block 555 was zoned entirely within an R5 zoning district, a rezoning of the northern portion of the block to R6B/C1-4 and R6B in 2002 (the "Astoria Rezoning") made the infill regulations inapplicable and rendered the development on the Subject Property non-compliant with regard to one required side yard on Tax Lot 36.

On the northern half of Block 555 are several mixed residential/commercial and commercial buildings, including a lot line commercial building (pharmacy) located adjacent to Tax Lot 36. The non-complying side yard on Tax Lot 36 is adjacent to the side wall of the pharmacy building. The remainder of Block 555 is primarily developed with two-story and three-story multi-family residential buildings, with a gas station at the western end of the block, fronting 21st Street. Block 554, to the north of the subject block, is entirely developed with commercial buildings and parking. Block 556, located to the east of the Rezoning Area, is developed with a

three-story mixed residential/commercial building and four three-story multi-family residential buildings fronting 23rd Street directly across from the Rezoning Area.

Future without the Proposed Action (No-Action Scenario)

If the proposed rezoning is not approved, a portion of the building on Tax Lot 36 of the Project Site would need to be demolished to provide the required 9.08' side yard along the district boundary. As compliance with the required side yard would result in a building of less than 10' wide, the entire building on Lot 36 would be demolished and removed. The buildings on Tax Lots 1, 42, 40 and 38 would remain as built and would be occupied in accordance with the 2006 Certificates of Occupancy, with community facility use (medical offices) on the ground floor and residential use above.

Future with the Proposed Action (With-Action Scenario)

If approved, the proposed action would bring the existing mixed-use residential and community facility development on the Subject Property into compliance by changing the Rezoning Area from an R5 to an R5/C1-4 district and thereby eliminating the side yard requirement of ZR Section 24-35(a), which requires that a building containing community facility uses provide two side yards. With the proposed action, the buildings on Tax Lots 1, 42, 40 and 38 would remain as built and would be occupied in accordance with the 2006 Certificates of Occupancy, with community facility use (medical offices) on the ground floor and residential use above. The existing building on Lot 36 would also remain as built and would be occupied by community facility use on the ground floor (medical offices, approximately 642 sf) and residential above (approximately 2,438 sf). The development on the zoning lot would comply with applicable bulk and use regulations in the proposed R5/C1-4 zoning district (maximum FAR of 1.85 for a mixed CF/R building, maximum floor area of 17,748 square feet).

The proposed action would have a minimal effect on the surrounding area within 400' of the Project Site (the "Directly Affected Area"), as the Rezoning Area is generally restricted to the Project Site, which contains an existing, relatively recently constructed development and is therefore unlikely to be redeveloped.

Analysis Framework

The zoning map change sought by this application is a site-specific localized action, affecting only a small area of Block 555. The existing development described above was built within the last ten years and indicates the reasonable worst-case development scenario for the Project Site. The existing zoning and land uses in the Directly Affected Area are not anticipated to change due to this proposed action. The following applicable areas of potential impact have been analyzed with regard to the increment between the future with-action scenario (with-action) and future without action scenario (no-action). The analysis sections below are numbered to correspond

with the item numbers on the EAS Form submitted herewith and refer to the 2012 CEQR Technical Manual.

REQUIRED GRAPHICS

A. 400’ Land Use Map
B. Zoning Map with 400’ Radius
C. Tax Map with 400’ Radius
D. Site Photographs and Locator Map with Viewpoints

LAND USE MAP



Legend

FOR ILLUSTRATIVE PURPOSES ONLY

- 400 Foot Radius
- 555 Block Number
- *21st Street* Street Name
- *(100.00')* Approx. Street Width
- Traffic Direction
- Building Footprint
- Subject Property
- One & Two Family Residential
- Commercial/ Residential
- Commercial
- Multi-Family Residence (Walkup)
- Multi-Family Residence (Elevator)
- Industrial / Manufacturing
- Transportation / Utility
- Public Facilities and Institutions
- Open Space & Recreation
- Parking
- Vacant Land

R - Residential
C - Commercial
I - Industrial
M - Manufacturing
P - Parking
A - Accessory
3s - Number of Stories

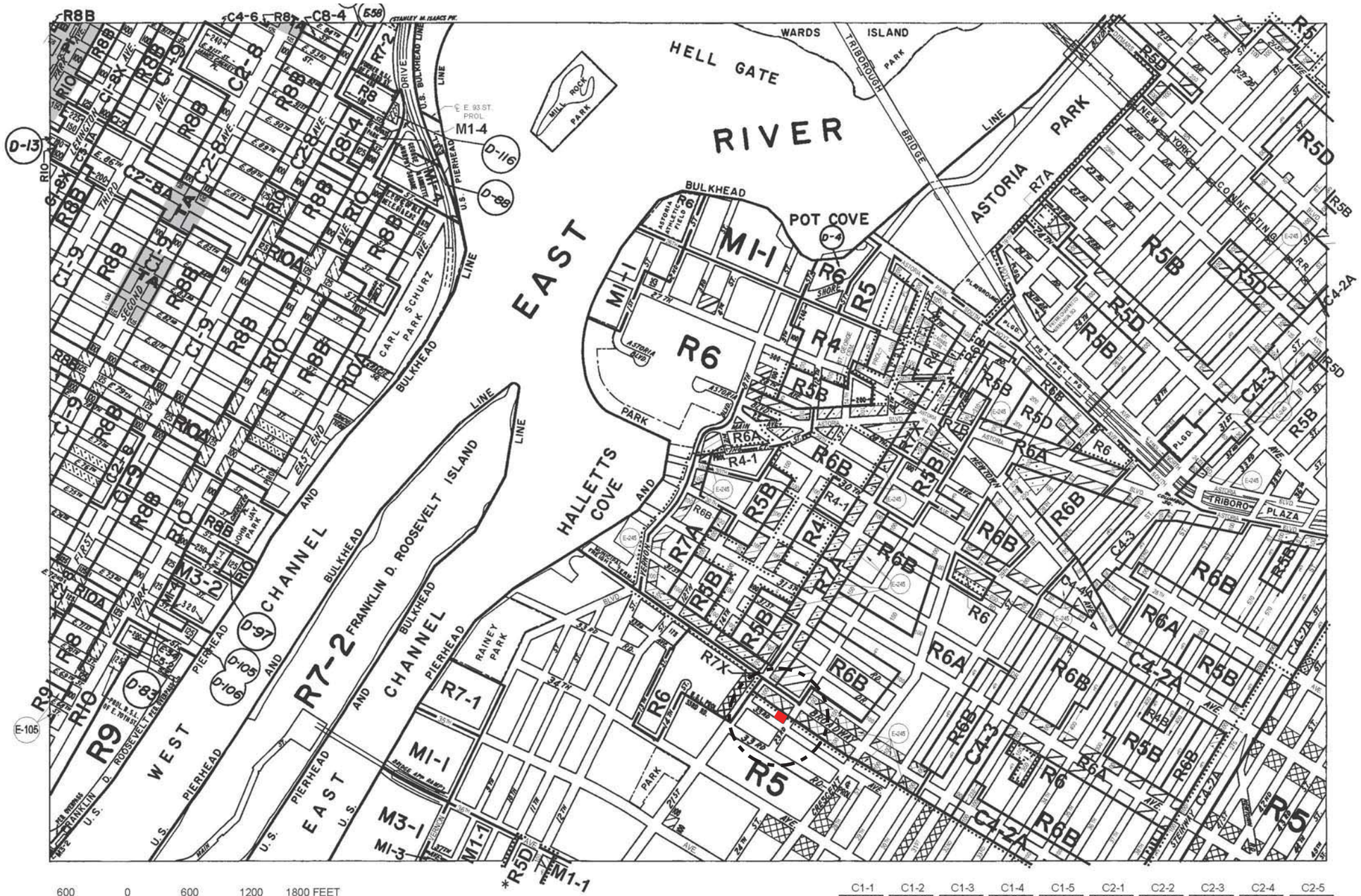
SCALE:

10′ 100′
50′

DO NOT SCALE

N E W S

ZONING MAP



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

AREA(S) REZONED

EFFECTIVE DATE(S) OF REZONING:

*9-16-2010 C 100145 ZMQ
5-25-2010 C 100199 ZMQ

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

(D) – RESTRICTIVE DECLARATION

(E) – CITY ENVIRONMENTAL QUALITY REVIEW DECLARATION

MAP KEY

N

5d	6b	6d
8c	**9a**	9c
8d	9b	9d

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ZONING MAP **9a**

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.

TAX MAP


Residents | Business | Visitors | Government | Office of the Mayor | Search | Email Updates | Contact Us
DOF - Digital Tax Map
CURRENT TAX MAP
LIBRARY OF TAX MAPS
HISTORY OF TAX MAP CHANGES
USER GUIDE
Search for a Location
Searched Locations
Tax Block: Queens 555
Show Additional Data on Map
Legend
Overview Map
Copyright 2013 The City of New York
Subject Site
400' Radius

Photo Viewpoints
23rd Street Rezoning
CEQR No. 11DCP069Q
ULURP No. 110178ZMQ

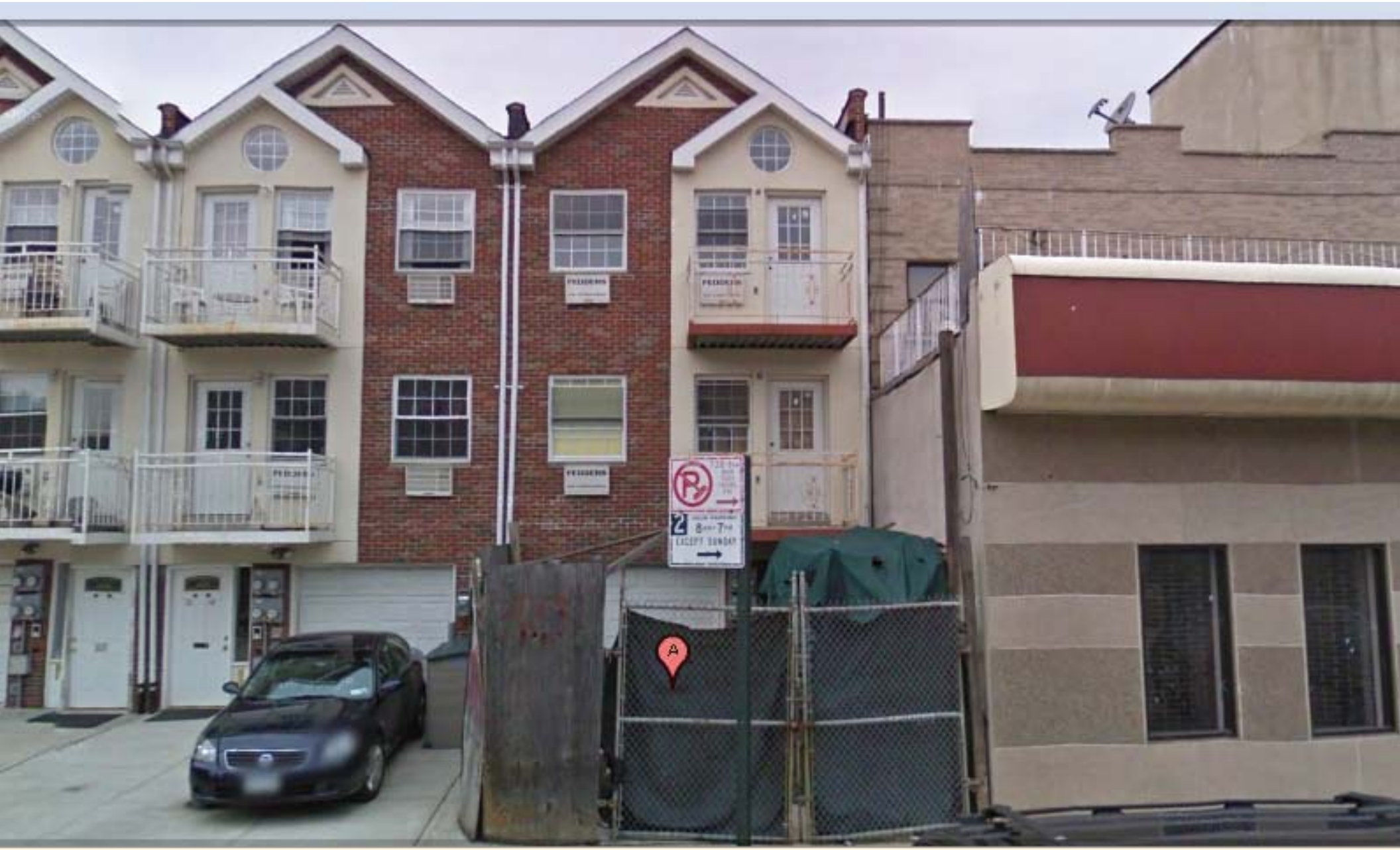


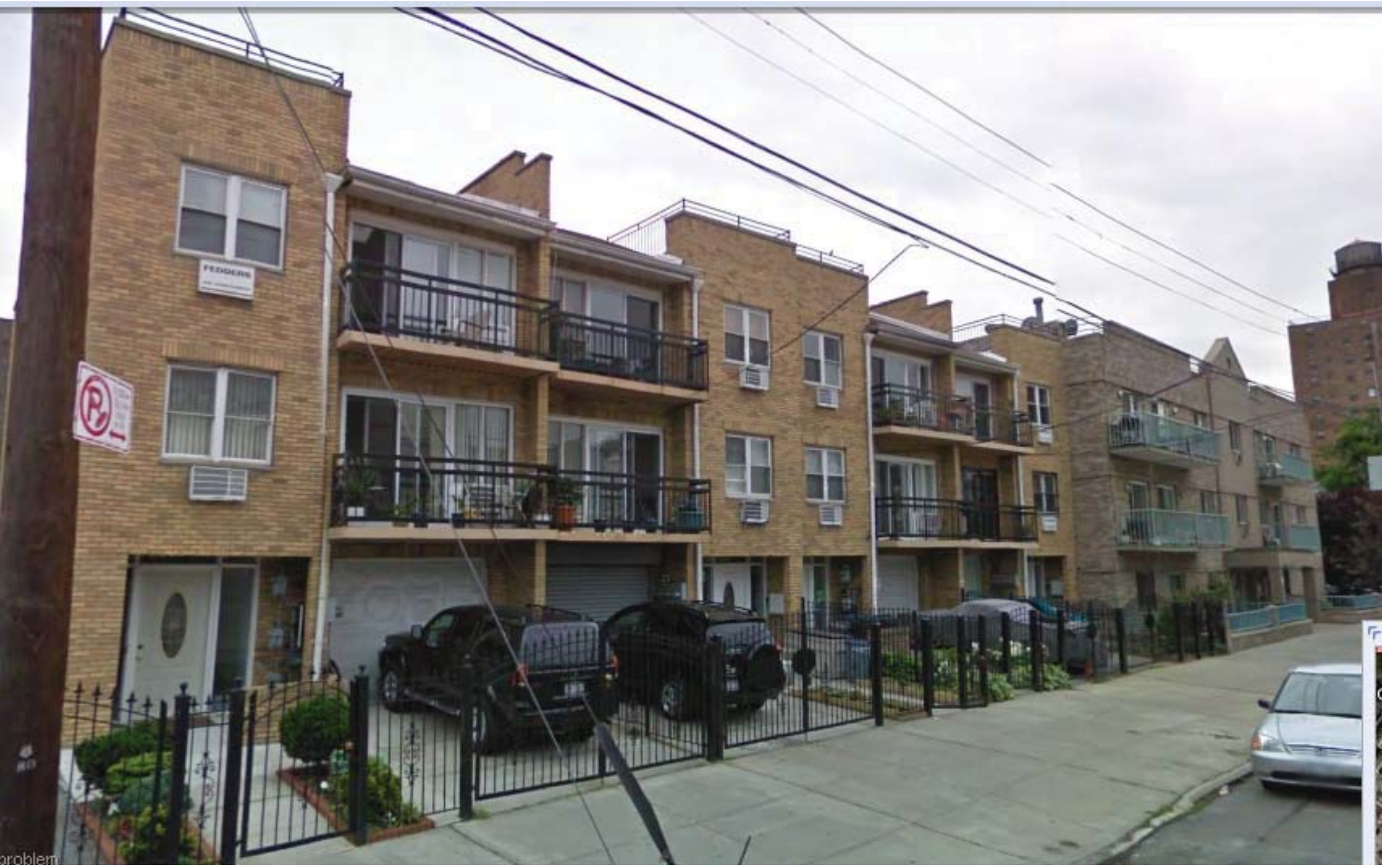
(Does not include aerial photo)


Aerial
Broadway
23rd St
33rd Ave
23rd St


A
23rd St




A




A
Report a problem


23 ST
ONE WAY
ONE WAY


Report a problem

TECHNICAL ANALYSES

1. LAND USE, ZONING AND PUBLIC POLICY

LAND USE

Existing Conditions

Project Site

The Project Site is improved with five attached three-story mixed-use residential and community facility buildings. The four buildings on Lots 1, 42, 40 and 38 are complete and occupied, and the building on Lot 36 is not yet occupied although construction is substantially complete. The buildings have conforming ground floor community facility use (medical offices) and two stories of residential use above.

Directly Affected Area

The land uses within 400' of the Project Site are predominantly multi-family residential, mixed-use and commercial. On the northern half of Block 555 are several mixed residential/commercial and commercial buildings, including a lot line commercial building located adjacent to Tax Lot 36. The non-complying side yard on Tax Lot 36 is adjacent to the side wall of a commercial building occupied by a pharmacy. The remainder of Block 555 is primarily developed with two-story and three-story multi-family residential buildings, with a gas station at the western end of the block, fronting 21st Street. Block 554, to the north of the subject block, is entirely developed with commercial buildings (including a supermarket, bank, restaurant, and retail stores) and parking. Block 566, located to the east of the Rezoning Area, is developed with a three-story multi-family residential building and four three-story multi-family residential buildings fronting 23rd Street directly across from the Rezoning Area. A four-story mixed commercial/residential building on Block 566 facing Broadway contains a ground floor local retail store. The corner of Block 567 at Broadway and 23rd Street, located northeast of the Project Site, is developed with a five-story commercial building used for medical offices. A one-story commercial building is located adjacent to the medical office building, which is currently occupied by a local retail store.

No-Action
Without the proposed action, the existing uses within the surrounding area and the existing conforming residential and community facility uses on the Project Site would remain, although the building on Lot 36 would likely be demolished.

With-Action
Should the proposed action be approved, the building on Lot 36 would be compliant and could be occupied by conforming uses. The existing uses within the surrounding area and the existing conforming residential and community facility uses on the Project Site would remain unchanged.

ZONING

Existing Conditions

The surrounding area is zoned R5 to the south of the rezoning area, with R6A/C1-4 zoning districts located to the north along either side of Broadway, and an R6B on Block 554 and the northern half of Block 567. The existing R5 district is designed to permit a variety of housing types at a higher density, often resulting in three-story attached houses and small apartment buildings. Community facility and residential uses (Use Groups 1-4) are permitted within an R5 zoning district. The existing R5 district allows a maximum residential Floor Area Ratio ("FAR") of 1.25 and a maximum community facility FAR of 2.0. As built, the developed lots within the Rezoning Area have an average FAR of approximately 1.55.

No-Action
Without the proposed action, the existing zoning districts in the surrounding area would remain unchanged, and the zoning district of the Rezoning Area would remain R5.

With-Action
Should the proposed action be approved, the existing zoning districts in the surrounding area would remain unchanged, and the zoning district of the Rezoning Area would be R5/C1-4 instead of R5. The C1-4 district is the most appropriate commercial overlay for the Rezoning Area as it is a natural extension of the recently rezoned commercial overlay district that borders the Rezoning Area to the north, and will bring into compliance the existing non-complying development on the Project Site. The proposed R5/C1-4 district is a medium-density district which permits residential and community facility development, as well as commercial development and mixed-use buildings. In a mixed residential/commercial building, the commercial use must be located beneath the residential use. The proposed C1-4 commercial overlay would be bounded by 23rd Street, 33rd Avenue, the center line of Block 555 and a line parallel to and 100 feet west of 23rd Street. The C1-4 commercial overlay would permit Use Groups 1-6, with a maximum 1.0 FAR for commercial uses. C1-4 districts are intended for local retail and service businesses that serve the surrounding area and do not create significant parking demand. The regulations of the residential district in which the C1-4 overlay is mapped generally govern residential bulk, but certain regulations are waived, including front and side yard requirements.

PUBLIC POLICY

Existing Conditions

In the last decade, there has been a focused effort by the Department of City Planning to rezone large portions of the Borough of Queens. Of these rezonings, two specifically affected the Rezoning Area and this application. As noted above, the northern half of Block 555 was previously rezoned in 2001, under ULURP Application No. C 010047 ZMQ, from an R5 zoning district to an R6B zoning district, with C1-4 overlays extending 100 feet southeasterly of 21st Street and northwesterly of 23rd Street (the "Broadway Rezoning"). The second and most recent rezoning was approved May 25, 2010, under ULURP Application No. C 100199 ZMQ (the "Astoria Rezoning"). As part of the Astoria Rezoning, the Department of City Planning rezoned 238 blocks within the Astoria neighborhood, including the northern half of Block 555, which was rezoned to extend a C1-4 overlay that was mapped on the corners of the block to encompass the entire northern half of the block.

No-Action

Without the proposed action, the building on Lot 36 would be demolished to comply with side yard requirements and two dwelling units would be lost, which would not significantly affect public policy in the area.

With-Action

Should the proposed action be approved, the Rezoning Area will be rezoned with a C1-4 overlay, which would effectively be a continuation of the Astoria Rezoning by further extending the C1-4 overlay to encompass the Rezoning Area. In that regard, the proposed rezoning would be consistent with the continuing objectives of the Department of City Planning within the Borough of Queens to update outdated zoning designations to better reflect existing development.

As described above, no significant adverse impacts on land use, zoning or public policy are anticipated as a result of the proposed action, and therefore no further assessment is warranted.

9. HAZARDOUS MATERIALS

A hazardous materials assessment is generally warranted for development on a vacant or under-utilized site if there is reason to suspect contamination. The Project Site was previously improved with a repair shop and garage. In or around 2002, the repair shop and garage were demolished in anticipation of a new five-building residential development. The Department of Buildings ("DOB") approved plans in 2002 and issued permits in 2003 for this development.

Prior to construction, a Phase I Environmental Assessment Statement was prepared for the Project Site, a copy of which is provided in the Appendix as Item A. The only recognized environmental conditions noted at the Project Site were three underground storage tanks ("USTs"), which, upon information and belief, have been removed and disposed of in accordance with DEP protocol, together with the soil around and beneath each UST.

However, for the reasons noted in the letter dated February 13, 2013, attached as Item B in the Appendix, an updated Phase I cannot be obtained. Therefore, to preclude the potential for significant adverse impacts, we understand that an (E) designation will be placed on Block 555, Lot 36 of the Project Site. Pursuant to ZR Section 11-15 (Environmental Requirements), prior to any DOB permit or action being filed for, including the application for and acceptance of a permanent certificate of occupancy in connection with the existing building on Block 555, Lot 36 that will be legalized as a result of the proposed action, the Department of Buildings shall be furnished with a notice issued by OER stating that OER does not object to the issuance of such building permit or temporary or permanent certification of occupancy.

The fee owner of Block 555, Block 36 must submit to OER for review and approval, a Phase 1 of Block 555, Lot 36 along with a soil and groundwater testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER. If remediation is indicated from the test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

With these provisions in place, no significant adverse impacts due to hazardous materials are expected as the result of the proposed action.

14. AIR QUALITY

An air quality assessment is generally warranted when ambient air quality 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.

Mobile Sources

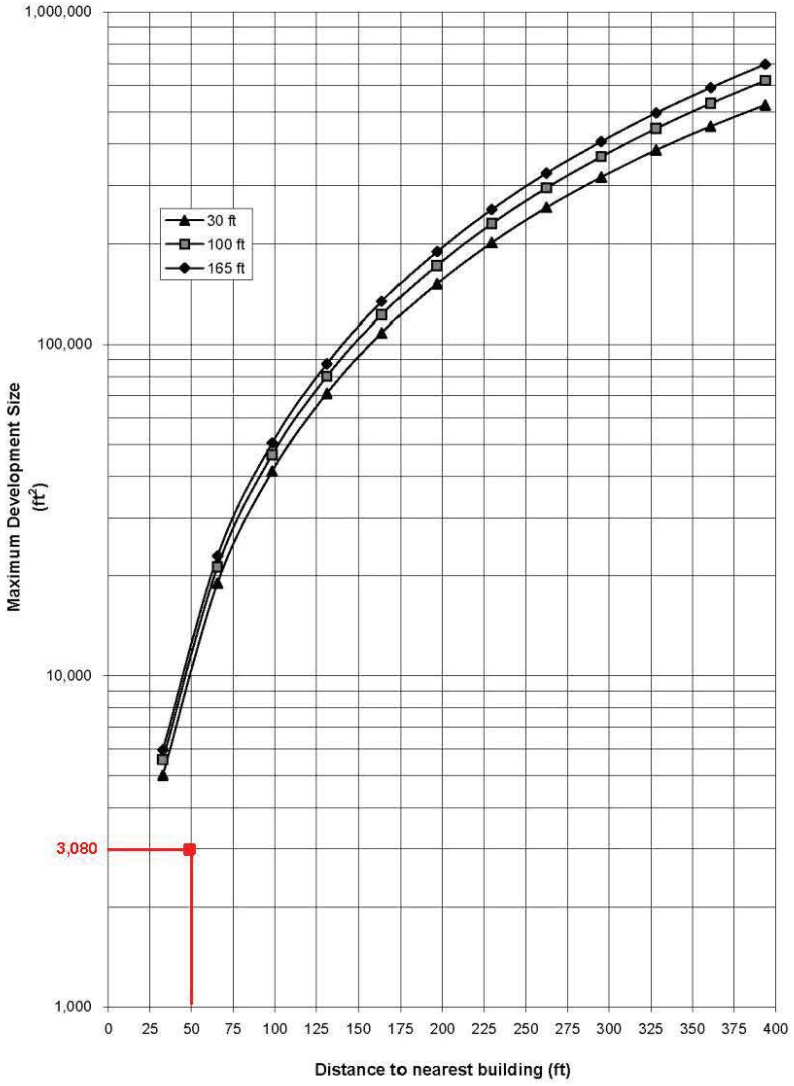
The existing development at the Project Site only added ten new residential units to the area and is well below the threshold for a detailed traffic assessment per Table 16-1 (Minimum Development Densities Potentially Requiring Transportation Analysis). As the development results in less than 170 peak hour vehicle trips, a detailed mobile source analysis is not necessary.

Stationary Sources

The existing development at the Project Site contains five attached residential and community facility buildings, each with rooftop ventilation pipes. In the No-action Scenario, there would be four buildings at the Project Site, reducing the size of the development by approximately 3,081 square feet, from 15,405 square feet to 12,324 square feet. The existing development is a very small emissions source, and the incremental difference in emissions between the No-action Scenario and the With-action Scenario would not significantly impact air quality.

A stationary screen graph was prepared for the portion of the development that would be affected by the proposed action (see below figure). The building on Lot 36, which would be legalized in the With-Action Scenario, is 3,080 square feet in floor area and is 32’-11” tall at the roof ridge (35’-11” assuming a 3’ stack height). The closest building of similar or greater height is located at 21-34 Broadway (Block 555, Lot 29), on the corner of Broadway and 23rd Street, approximately 50’ away from the Site (measured from the adjacent lot line of Lot 36 to the middle of Lot 29). The size of the proposed development was plotted against the distance in feet to the nearest building of greater height, noted in red on the figure below. As the plotted point is below the 30 ft stack curve, a potential significant impact due to boiler stack emissions is unlikely and no further analysis is necessary.

Figure 17-3:
Stationary Source Screen



Industrial Sources

A screening of industrial sources was performed in the Environmental Assessment Statement prepared for the 2010 Astoria Rezoning (CEQR No. 10DCP019Q) for a study area that included the Directly Affected Area. Industrial permit searches and field surveys identified only two industrial uses within a 400' radius of the Project Site: a dry cleaning establishment on Block 554, north of the Rezoning Area, and an auto repair establishment on Block 556, south of the Rezoning Area. Neither of these uses was determined to exceed EPA thresholds for either carcinogenic or non-carcinogenic pollutants.

The proposed action will not result in significant adverse mobile and/or stationary source air quality impacts and therefore no further assessment is needed.

16. NOISE

According to the 2012 CEQR Manual, a noise assessment is generally warranted when a proposed action will either generate any mobile or stationary sources of noise and/or be located in an area with existing high ambient noise levels. The existing five building, 10-unit residential and community facility building at the Project Site will not generate or reroute significant vehicular traffic, 23rd Street and 33rd Avenue are not heavily trafficked thoroughfares and the elevated rail line along 31st Street is located more than 1,500 feet away. The existing development is not a substantial stationary source of noise, and the Project Site is not located within an area with high ambient noise levels resulting from stationary sources, such as unenclosed manufacturing activities or other loud uses. As noted above in the Air Quality section, there are no industrial uses on the subject block and only two within the Directly Affected Area, and there are no playgrounds, car washes or other typical stationary noise sources within the Directly Affected Area.

The proposed action would not change the existing residential and community facility uses at the Project Site, which are the same as those anticipated in the No-action Scenario. Therefore, no further assessment of noise is warranted.

APPENDIX

A. Phase I Environmental Assessment dated August 15, 2002
B. Letter from Sheldon Lobel P.C. dated February 13, 2013

Calendar No.: 380-04-BZ

PHASE I
ENVIRONMENTAL ASSESSMENT

Conducted At :

FUTURE 5-ATTACHED CONDO's SITE

#21-37 33rd AVENUE

ASTORIA, QUEENS 11106

RECEIVED
BD OF STANDARDS & APPEALS
2005 MAR 18 P 1:40
CAL. NO.

Conducted For :

MR. RIDWAN KABIR, and

MR. WILLIAM PARK

BK CORPORATION, INC.

#31-16 43rd STREET

ASTORIA, QUEENS 11103

PROJECT EA - 1,255

Authorized August 15, 2002

Prepared By :

PROF. MALCOLM I. BARKAN, P.E.

MIB CONSULTING

32 EMPRESS PINES DRIVE

NESCONSET, N.Y. 11767

(631) 981-2122

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FUTURE 5-ATTACHED CONDO'S SITE

#21-37 33rd AVENUE

ASTORIA, QUEENS 11106

MIB Consulting

32 EMPRESS PINES DRIVE
NESCONSET, N.Y. 11767
(516) 981-2122
FAX: (516) 981-4131

ENVIRONMENTAL & REMEDIATION ENGINEERING

MALCOLM I. BARKAN, B.C.E., P.E., M.B.A., PHD.

MYKE LEE, V.P.

August 30, 2002

Mr. Ridwan Kabir
Mr. William Park
BK Corporation, Inc.
#31-16 43rd Street
Astoria, Queens 11103

Dear Mr. Kabir & Mr. Park,

The enclosed Phase I level Environmental Assessment was developed from a combination of on-site investigations, plus adjacent & nearby properties, plus all the environmental aspects within a one mile radius from #21-37 33rd Avenue is Astoria, Queens 11106.

These findings required 5 investigative procedures that encompass :

* On-site investigations within and around #21-37 33rd Avenue, corner of 23rd Street, in the Astoria section of Queens 11106.
* Adjacent and nearby properties to #21-37 33rd Avenue parcel. Do any appear to have posed environmental threats ?
* Hydrocarbon spills, within a one mile radius from #21-37 33rd Ave. premises.
* Tank leaks, hydrocarbons or chemicals, within a one mile radius from #21-37 33rd Ave. parcel.
* Superfund sites, NPL & SPL, within a 2 miles radius from #21-37 33rd Ave. locale.

Based upon a referral from Mr. Wai Lee of AmerAsia Bank, Mr. R. Kabir & Mr. W. Park contracted with MIB Consulting to conduct a Phase I Environmental Assessment for #21-37 33rd Avenue in Astoria, 11106. It was determined that 3 underground storage tanks (USTs) were taken out-of-service by the previous owner, but not cleaned out and removed according to NYC-DEP regulations.

The 3 USTs were exposed and cleaned out according to clarification by Prof. Barkan; inspected, then removed, cut up and transported to a Certified scrap dealer. Any residual soil that contained either gasoline (from 2 x 275 gallon USTs) or #2 fuel oil (from a calculated 2000 gallon UST) was removed and sampled for TCLP, then transported to an incinerator in south N.J.

After these procedures were completed, there was no longer any environmental concern within #21-37 33rd Avenue property. Photos in Section H of Part II show #21-37 parcel before UST excavations, view of the 3 USTs just prior to their removal.

Adjacent and nearby properties do not appear to have posed environmental concerns to #21-37 sub-strata; up to the present time. Northwards up 23rd Street are residential and offices over retail stores and a restaurant.

East across 23rd Street are residential and houses west toward 21st Street. South across 33rd Ave. are also residential; photos #1-3, 5, 10-13, 15-18, 20-28.

Environmental investigations, as depicted in Section F map of Astoria, determined there were 37 spills plus 46 tank leaks (S. & TL) within a one mile radius from #21-37 33rd Ave. parcel, as recorded by NYS-DEC, since April 1979.

But, 44 of those 83 S. & TL were recorded as just one gallon each. Because it is unlikely for a one gallon volume to penetrate approx. 20 to 35 feet depth-to-water (DTW) then form a plume and flow up to one mile in semi-turbulent groundwater flows, those 44 S. & TL can be dismissed as not apt to affect #21-37 sub-strata.

The other 39 S. & TL range from 2 to 50,000 gallons. Of those, 14 S. & TL are within 1/2 mile, that range from 2 to 10,000 gallons. According to the Section G - Groundwater Contours Map, flows in this particular area tend west-northwest from Broadway & northwards; but tends to flow west-southwest from 34th Avenue & southwards.

Analysis of S. & TL locations versus directions of groundwater flows, confirms that nearest spill of 5 gallons at 600 feet south-southwest, on the east side of 21st Street and 33rd Road, may have penetrated approx. 20 feet DTW to form a plume, which would have tended to flow westerly *away* from #21-37 premises, toward the East River.

The nearest tank leak, of 525 gallons at 1100 feet south-southwest on 21st Street and 34th Avenue, formed a plume that tended to flow west-southwest *away* from #21-37 parcel, toward East Channel on the east side of Roosevelt Island.

Each of the other 37 S. & TL, at 1/4 to one mile radius from #21-37 33rd Avenue, formed a plume that tended to flow no closer than 1/2 mile north, nor 3/8 mile south, nor 3/4 mile east from #21-37 premises; including a 50,000 gallon spill (in ConEd storage facility) at 5/8 mile northwest, and a 10,000 gallon tank leak at 1/2 mile south-southwest (in a DPW garage).

Thus none of these 39 S. & TL, of 2 to 50K gallons, formed a plume that appears to have flowed closer than 600 feet south, nor 1/2 mile north, nor 3/8 mile south, nor 3/4 mile east, from #21-37 33rd Avenue.

Among 9 Superfund sites in Queens County, National Priorities List (NPL) and State Priorities List (SPL), there are 4 sites within a 2 mile radius from #21-37 property. Closest is an NPL at 5/8 mile northwest; but its plume tended to flow west-northwest *away* from #21-37 premises toward the East River.

An SPL at 3/4 mile southeast, formed a plume that tended to flow south-southeast "down" from 35 feet DTW into a 50 foot DTW "sinkhole". The SPL, at one mile south-southeast, and NPL, at 1-1/8 miles south, formed plumes that tended to flow south-southeast "down" into that 50 foot DTW sinkhole -- see the map in Section G, of Part II.

Thus none of those 4 Superfund sites appear to have affected #21-37 33rd Avenue.

Note : This MIB Consulting report EA-1,255 EXCEEDS minimum ASTM basic requirements for a Phase I report. Additional information is provided in the Environmental Analysis section as : one mile radius for spills and tank leaks plus groundwater flow analysis, not a half mile as required under E-1527-00, a 2 mile radius for Superfund sites (NPL & SPL) not merely 1/2 to one mile radius; plus analysis for radon gas and electro-magnetic radiation, which are optional under E-1527-00.

Mr. R. Kabir
Mr. W. Park

We trust this extensive database, and its analyses, fulfill the requirements of BK Corp., and of AmerAsia Bank. It has been our pleasure to be of service to Mr. Ridwan Kabir and Mr. William Park, as well as for Mr. Wai Lee.

Very Truly,

Malcolm I. Barkan, P.E.
President & Environmental Engineer
Adj. Assoc. Prof., St. Johns Univ.

MIB : mm
Enclosures



A. SITE LOCATION and DESCRIPTION

1.1 SITE LOCATION

Situated on the north side of 33rd Avenue, at the corner of 23rd Street, this parcel in #21-37 is located along a residential thorofare; one-way west toward 11th Street at Vernon Blvd., from 29th Street and past Crescent Street.

At 3/4 mile west is Roosevelt Island, and Bird Coler Hospital. Rainey Park and Queensbridge Park are 5/8 mile west to 1-1/8 miles southwest; Queensboro Bridge is 1-1/4 miles southwest. Astoria Blvd. merges from Grand Central Parkway into the Triboro Bridge approach at one mile north from #21-37 33rd Ave.

The huge LIRR + ConRail switching yards are just over one mile south. Manhattan's East River (FDR) Drive are one mile west; and Rockefeller Univ. + Cornell Medical College Center are 1-1/2 miles west-southwest.

1.2 MAJOR ROADS

The parcel at #21-37 33rd Avenue is located within 1-1/2 miles from 19 principal arteries in this part of Queens County. In an east-west direction are 9 key routes : Broadway, Queens Plaza into Queensboro Bridge; Newtown Ave., Astoria Blvd., Hoyt Ave. into Triboro Bridge approach; Ditmars Blvd., Grand Central Parkway; Northern Blvd., Route 25A; and Queens Blvd., Route 25.

In a north-south direction are 10 vital thorofares : 21st Street, 23rd Street, Crescent Street, Vernon Blvd., Steinway Street, Van Dam Street, 38th Street, Greenpoint Ave., Manhattan Ave., and McGuinness Blvd.

Thus access to #21-37 33rd Avenue is relatively easy from all directions.

2.1 CELLAR DESCRIPTIONS & HISTORY

A former service station, on this site of #21-37 33rd Avenue, had a southeast corner cellar that contained a 2000 gallon #2 fuel oil tank plus a cast iron boiler; as seen in photos #32-34. Cellar was paced-off as approx. 22 feet long (east-west) by approx. 18 feet wide (north-south).

Volume of that former fuel oil tank was likely for reasons of economic fuel purchase, in volume equal to a small apartment house, as well as to have ample fuel to heat a calculated 9,605.5 square feet (SF) vehicle service building.

This one-story brick building appears to have occupied 100% of Lots #177, 179, 181 & 183 in Block #555 according to a May 16, 2002 re-survey, from a Jan. 28, 1852 original survey of Astoria. Cellar was utilized for boiler & fuel oil tank, plus storage of vehicle maintenance materials.

Those 2 x 275 gallon gasoline USTs, photos #29-31, were apparently used to refuel vehicles just repaired; *not* as a commercial refueling station.

Once removed, these 3 USTs and removal of their surrounding soil, permits subsequent construction of multiple dwellings in #21-37 parcel. The previous one-story brick building was said to have pre-dated W.W.I, possibly "Turn of the (20th) Century", 1902-1912.

All of the previous plumbing, mechanical and electrical components were removed. New utilities will be installed as a vital part of new condo construction.

2.2 VEGETATION and TREES

Since this is essentially a residential area, local trees and vegetation appears to be in very healthy conditions.

Photos #1, 3, 5, 12-14, 17, 18, 20-26 & 28 indicate *no* evidence of sub-surface distress from underground contamination.

2.3 OVERHEAD POWER LINES

Pole-mounted cables along 33rd Avenue are telephone and cable-TV, not electrical; in photos #1, 13 & 17.

Yet, there are low-voltage electrical lines on 23rd Street and on the south side of Broadway; photos #14, 20-23, 25-28.

Calculated electro-magnetic radiation (E-MR) from 6600 volt overhead power lines along 23rd Street are in a range of 3.17 to 3.41 milli-gauss (m-g). But since these pole-mounted groups are 49 feet from the east side of #21-37 premises, calculated E-MR becomes 1.62 to 1.77 m-g.

That range is 7.1% to 10.9% of the 15-25 m-g "action level", established by N.Y.S. Dept. of Health (NYS-DOH), which may be considered minimal to negligible potential E-MR danger.

2.4 RADON GAS

A 1997 survey by NYS-DOH determined a 4.5 pico-curies (p-c) Statewide radon gas average, essentially from Upstate rock formations. Downstate radon gas averages tend below a 4.0 p-c "action level".

For Queens County the radon gas average was determined as 1.4 p-c, from 1123 test points. This Astoria area, Zip code 11106, has a radon gas average of 1.4 p-c, from a combined 18 test points in 11106 & 11101 areas.

Since this radon gas average is 35% of the 4.0 p-c "action level", theoretical danger may be deemed minimal. Yet, if future basements in subsequent construction are adequately ventilated, then radon gas potential danger would be negligible.

B. ADJACENT and NEARBY PROPERTIES

3.1 PROPERTY LINES

The south property line is 33rd Avenue; east property line is 23rd Street.

North property line, as seen in photos #2, 4, 10, 11, 15, 16 & 19 is a one-story masonry wall that appears to be the former north wall of #21-37 vehicle service building; beyond is a 2-story office building with stores at 23rd Street level, photo #3.

West property line, beyond the former west masonry wall of #21-37 service building, are the 4-story residences in photos #1, 11-13 & 17.

3.2 ADJACENT PROPERTIES and HAZMAT

Due to the types of adjacent properties, none appear to have posed environmental threats to #21-37 parcel, up to the present time. See 4.2 for USTs on-site.

4.1 NEARBY PROPERTIES

Northwards up 23rd Street are the restaurant, stores, offices and residences in photos #2, 3, 10, 15, 16, 20, 22, 24, 26 & 28. Southdown 23rd Street are mostly residential as seen in photos #20 & 20.

East and West along 32nd Ave are mostly residential, depicted in photos #1, 12, 13, 17, 21-23.

East and West on Broadway are stores, restaurants, offices and residential, photos #25 & 26, plus #27.

4.2 HISTORICAL ENVIRONMENTAL RECOGNIZED CONDITION

Due to the nature and type of nearby properties, none are perceived as having posed environmental threats to #21-37 sub-strata, up to the present time.

Although #21-37 promises itself contained 3 USTs, 2 x 275 gallons for gasoline plus one 2K gallon fuel oil tank. Upon excavations, photos #29 to 34, in-ground control was maintained by NYC DEP procedures for clean out and removal plus out up and disposal to a scrap dealer. Then soil around & below each UST was excavated and disposed of.

Therefore, adjacent and nearby properties are not perceived as having posed environmental threats to #21-37 sub-strata, including on-site USTs, because they, and surround soil, were remediated.

Historically, this area around #21-37 was essentially residential. But several new condos and multiple dwellings were built. Commercial facilities are located west, on 21st Street plus 7 blocks west to East River.

C. ENVIRONMENTAL INVESTIGATIONS

5.1 SECTION A SUMMARY

The preceding Section A detailed features of #21-37 partially excavated Lot(s), its previous UST in that cellar and 2 USTs for gasoline. All utilities and 2 of the previous walls were demolished, easy to sump.

Excavated USTs were scheduled for clean out and removal by Sept. 6, 2002, together with surrounding soil. Then #21-37 parcel will be ready for near-future condo foundations.

5.2 SECTION B ADJACENT & NEARBY PROPERTIES

Due to the nature and type of adjacent and nearby properties, none are perceived as having posed environmental threats to #21-37 sub-strata up to the present time.

6.1 QUEENS SPILLS & TANK LEAKS

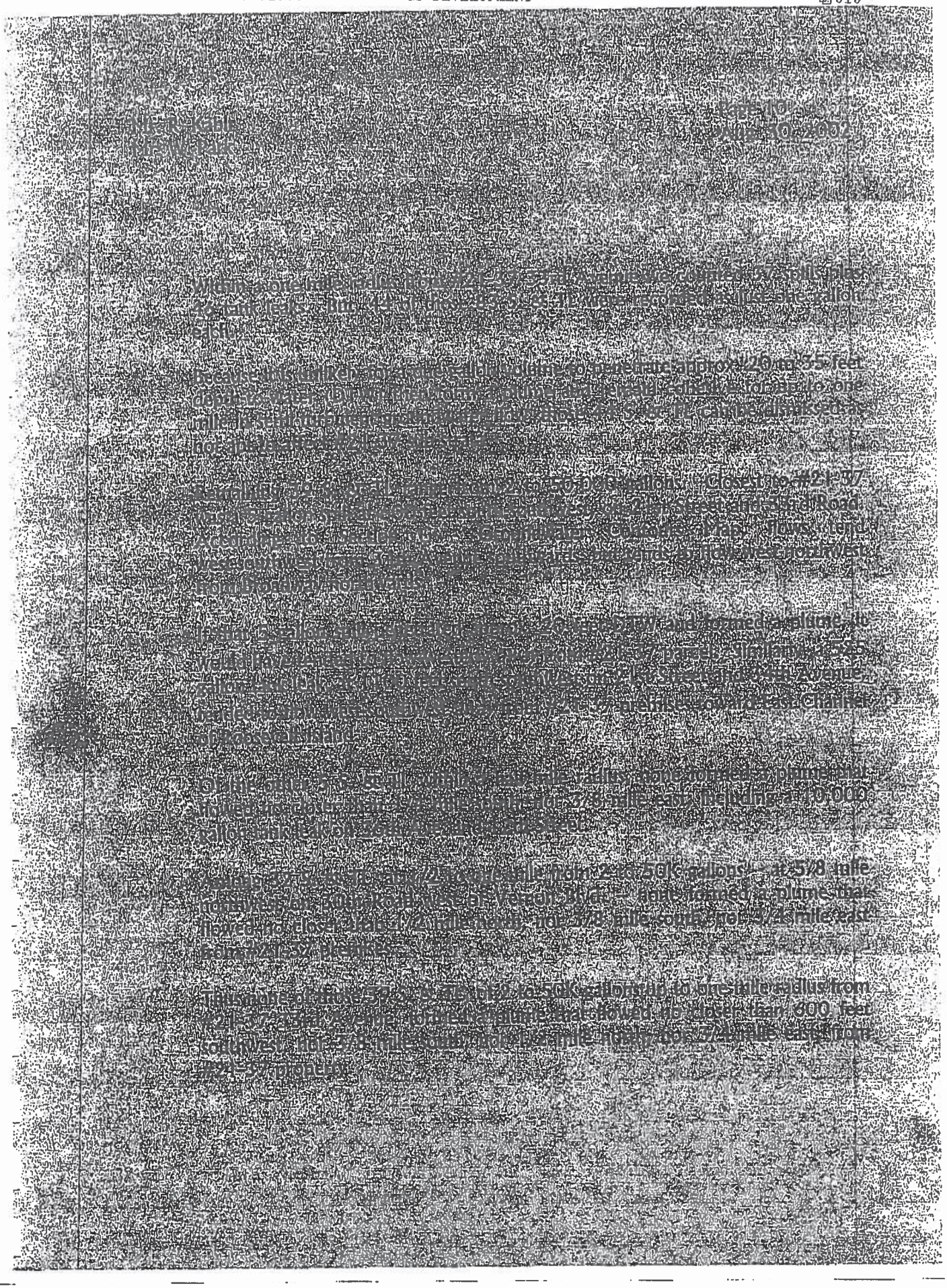
Subsequent investigations into hydrocarbon spills and tank leaks (S- & TL) as recorded by NYSDEC (Queens Co.) determined there were 3,498 spills plus 926 tank leaks recorded in Queens County since April, 1979.

This Astoria area, plus L.I.C., northwest Woodside and southwest Steinway had a combined total of 231 spills plus 258 tank leaks recorded since April, 1979. But, 154 spills and 172 tank leaks were remediated or cleaned up.

Remaining 77 spills plus 86 tank leaks are marked on a large map of those 5 geographic areas.

6.2 ONE MILE RADIUS, SPILLS & TANK LEAKS

The environmental map in Section F, in Part II, was extracted from that larger map of 5 geographic areas.



6.3 SUPERFUND SITES, 2 MILES RADIUS

A. Tiffin Investigation, into Superfund Sites, National Priorities List (NPL) as designated by EPA under CERCLA or State Priorities List (SPL) as identified by NYS DEC under SARA, determined there are 9 sites in Queens County.

Within a 2 miles radius from #21-37 parcel, there are 4 sites. Closest is an NPL at 5/8 mile northwest, on 30th Road west of Vernon Blvd. in a ConEd fuel supply depot, formed a huge plume that flowed west into Hallets Cove.

An SPL at 3/4 mile southeast on Fort Avenue between 35th & 36th Streets, formed a plume that tended to flow south-southeast "down" from approx. 35 feet DTW into a 50 foot DTW "sinkhole". An SPL at one mile south-southeast, plus an NPL at 1 1/8 miles south, formed plumes that tended to flow south-southeast "down" into that 50 foot DTW "sinkhole", per that Section G map.

Thus none of these 4 Superfund sites formed a plume that flowed no closer than 5/8 mile south-southwest, and one mile south, not 5/8 mile northwest, from #21-37 premises.

D. CONCLUSIONS

7.1 CONCLUSIONS - BUSINESS ENVIRONMENTAL RISK

The following conclusions were derived from a combination of 5 investigative procedures, that significantly exceed ASTM E-1527-00 Std. Practice for Enviro Site Assessments - Phase I Process scope and options, for this parcel at #21-37 33rd Avenue.

MIB Consulting was not engaged to detect fraud or subterfuge. Conclusions encompass "Due Diligence" under CERCLA-based assumption of "Innocent Landowner".

Note: Queens Dept. of Buildings data, plus Environmental Control Board violations, should derive from property transfer Title Search documents.

7.1.1 - None of the 4 Superfund sites, 2 NPL, 1 [illegible] SPL, followed a plume that flowed closer than 5/8 mile northwest, nor 5/8 mile southwest, nor one mile southwest, nor 1/2 - 3/4 premises.

7.1.2 - None of the adjacent and nearby properties are perceived as having posed environmental threats to [illegible] subsurface up to the present date.

7.1.3 - None of the [illegible] sites, [illegible] to 50,000 gallons up to a one mile radius from [illegible] parcel formed a plume that appears to have flowed closer than 600 feet southwest, nor 3/8 mile south, nor 1/2 mile north, nor 3/4 mile east [illegible] Page 1.

7.1.4 - The on-site investigation determined that a 1,275 gallon underground storage tanks (USTs) for gasoline plus a 2,000 gallon fuel oil UST in the former cellar were scheduled for removal by Sept. 8, 2002.

7.1.4.1 - [illegible] Mr. William [illegible] and Mr. Ridwan Kahl that each of these 3 USTs must follow NYC DEPARTMENT [illegible] regarding a thorough clean out, [illegible] disposal of [illegible] removal and cut up with disposal to a certified scrap dealer.

7.1.4.2 - Soil around and below each UST must be piled up and covered with a tarp that contains [illegible] soil samples be sent to a certified [illegible] that determines how soil is to be transported and to which permitted [illegible] or landfill.

7.1.5 - Thus, there are no other on-site environmental concerns, or visible problems. Thus, business environmental risk is eliminated, upon removal, or disposal of those 3 USTs, and associated soil around & beneath each UST.

7.2 - PHASE 2 BORINGS CONSIDERATION

Based upon the preceding Conclusions, with protocols followed for 3 UST removals and disposals, there is (then) *no* need for Phase 2 borings.

Besides those 3 USTs, there is no other evidence of sub-surface distress from underground contamination.

Mr. R. Kahn
Mr. W. Park

Page 13
Aug. 30, 2002

We trust this extensive database and its analyses, fulfill the requirements of AmerAsia Bank and BK Corporation. It has been our pleasure to be of service to Mr. Wai Lee, as well as Mr. Gowan Kahn, Et Mr. William Park.

Very Truly,

Malcolm L. Barkan, P.E.
President, Environmental Engineer
Adj. Assoc. Prof., St. Johns Univ.

MIB: bm
Enclosures

PART II

DOCUMENTATION

E. SURVEY OF PARCEL NOTATED

The next sheet contains a reproduction of a survey for the 4-lot parcel at #21-37 33rd Avenue in Astoria, Queens 11106.

F. MAP OF ASTORIA NOTATED

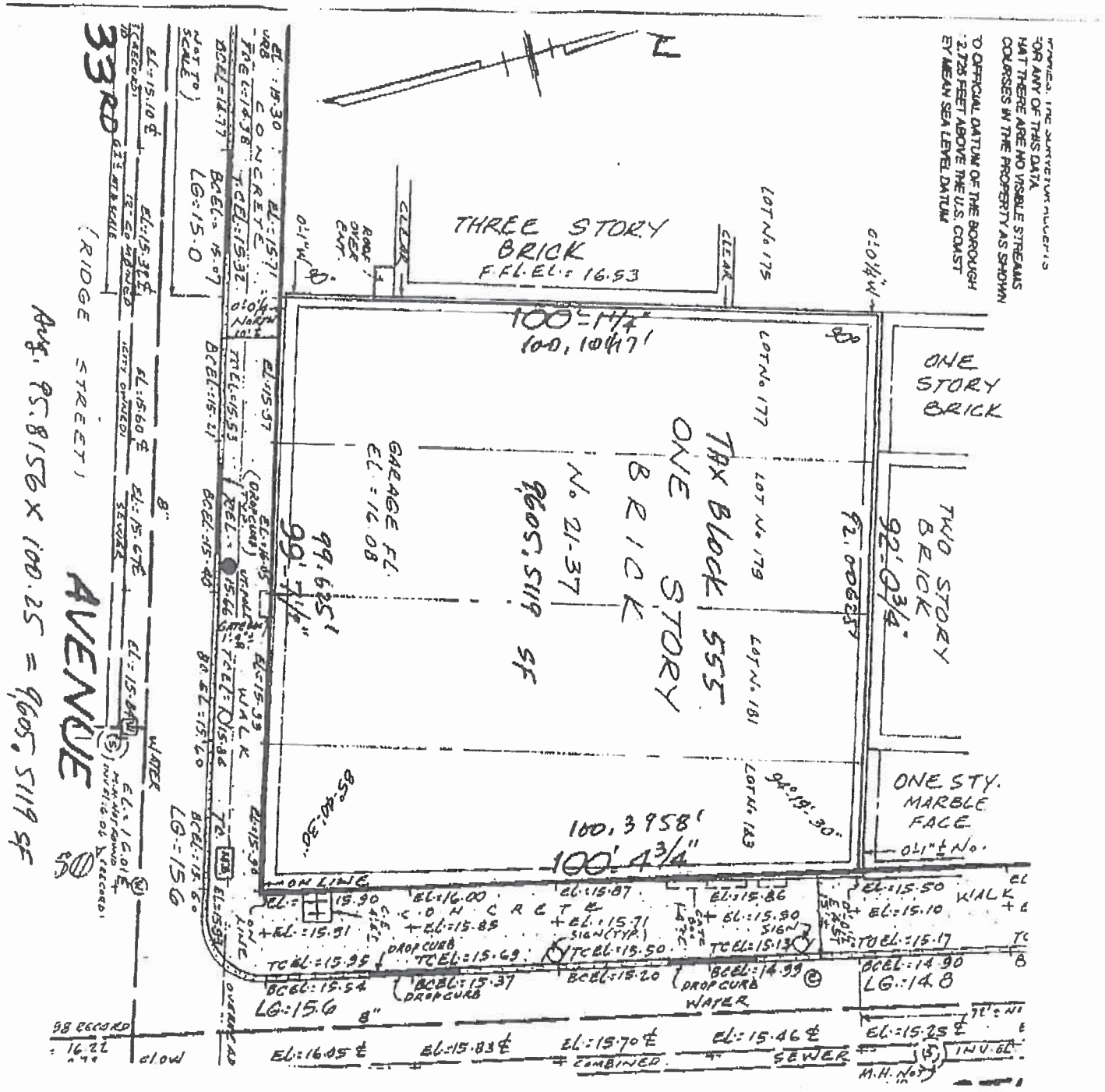
Second page following contains a reproduction of a Hagstrom map for Astoria. It is notated to indicate hydrocarbon spills with an "X". Volumes over one gallon are noted, and tank leaks with a "T". Subertund sites are marked "S".

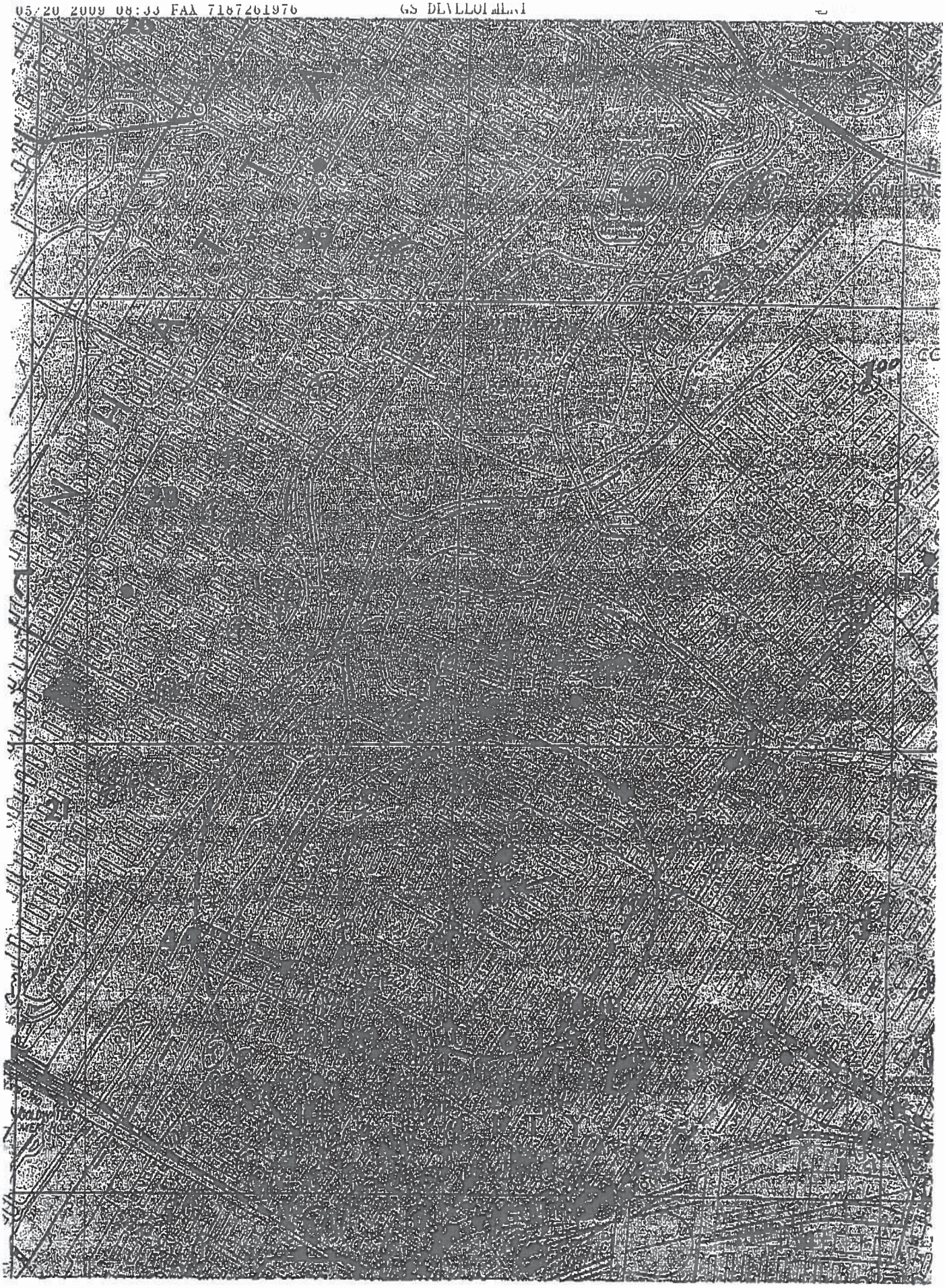
G. GROUNDWATER CONTOURS MAP

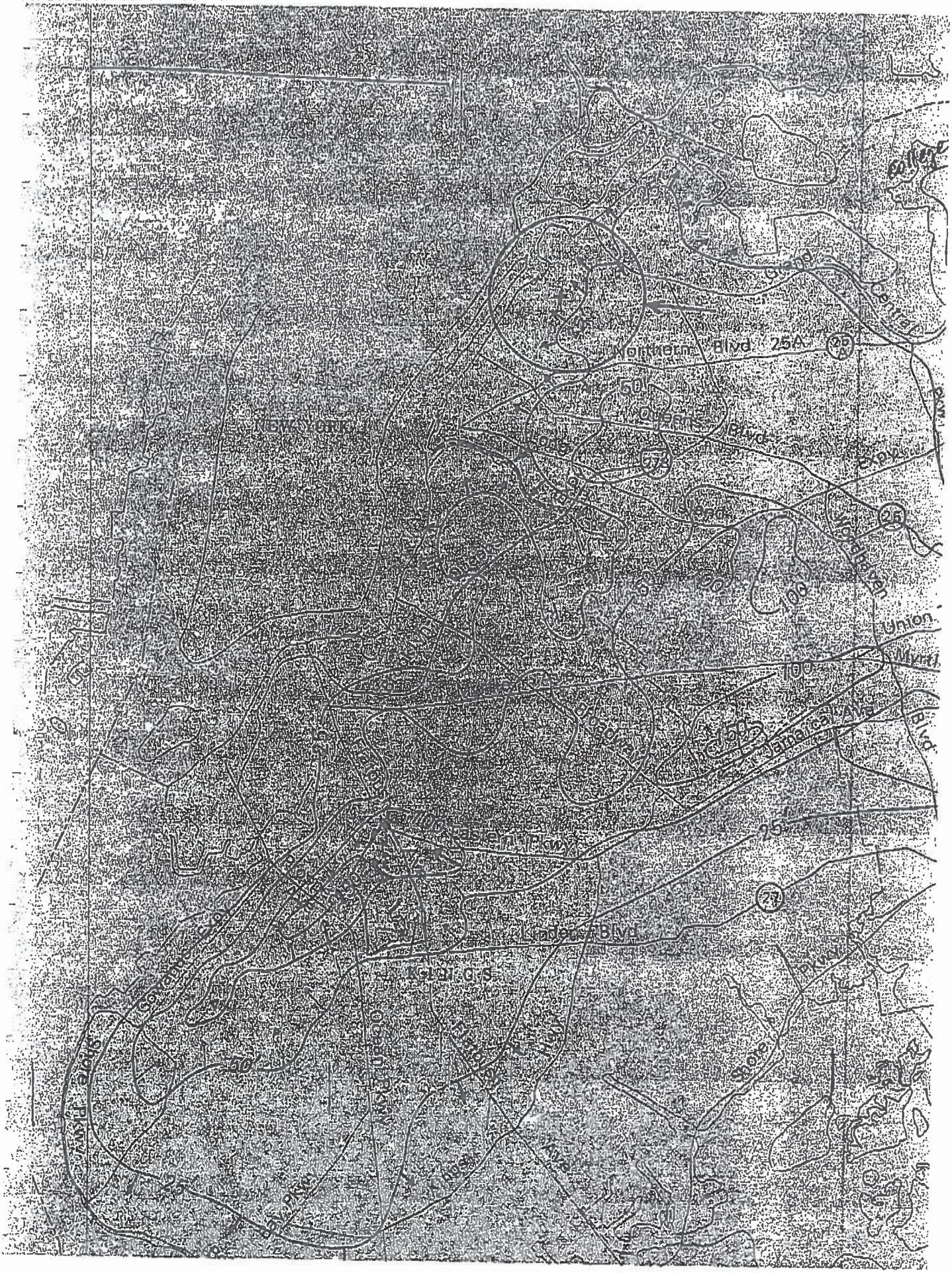
Third page following contains a reproduction of a groundwater contours map for northwest Queens. Approximate location of #21-37 33rd Avenue is circled, and groundwater flow directions are indicated.

H. PHOTOGRAPHS OF PREMISES and SURROUNDING AREAS

Pages 4 thru 15 following contain 34 color photographs of the premises at #21-37 33rd Avenue, and its surrounding areas.


THREE STORY BRICK
F.FL.EL.: 16.53
100'-1 1/4"
100, 10417'
ONE STORY BRICK
TWO STORY BRICK
92'-0 3/4"
TAX BLOCK 555
ONE STORY BRICK
No. 21-37
9,605.5119 SF
GARAGE FL. EL.: 16.08
99.625'
99'-7 1/2"
92.00625'
ONE STY. MARBLE FACE
100, 3958'
100'-4 3/4"
LOT No. 175
LOT No. 177
LOT No. 179
LOT No. 181
LOT No. 183
CLEAR
ROOF OVER ENT.
CONCRETE
WALK
DROP CURB
WATER
SEWER
COMBINED
ON LINE
LG: 15.6
LG: 14.8
LG: 15.0
33RD
(RIDGE STREET)
AVENUE
Avg. 95.8156 X 100.25 = 9,605.5119 SF
50'
8"
CLOW
98 RECORD
EL: 16.05 ℄
EL: 15.83 ℄
EL: 15.70 ℄
EL: 15.46 ℄
EL: 15.25 ℄
M.H. NOT
INV. EL.




Northern Blvd 25A
Queens Blvd
Union
Myrtle
Jamaica Ave
Linden Blvd
Shore
Pkwy
Expy
College
Central
Grand
Woodhaven
Blvd
NEW YORK
50
100
150
25
27

August 15, 2002

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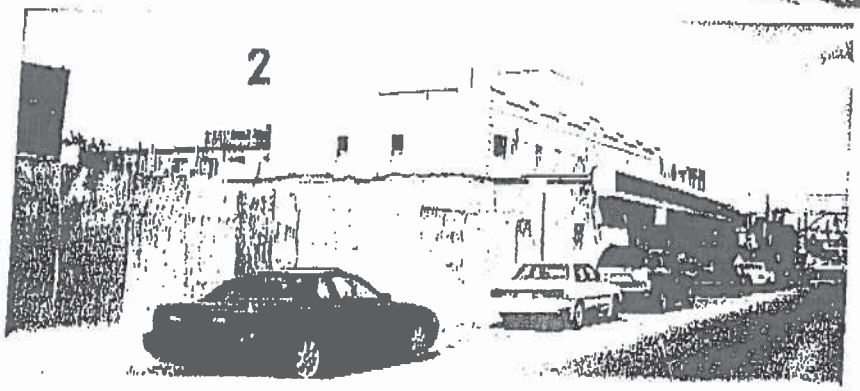
Looking West Along 33rd Ave., South Side of Construction Site.



On 23rd Street, Looking North Along East Side of Site.



View North Up 23rd Street, at Northeast End of Construction Site.

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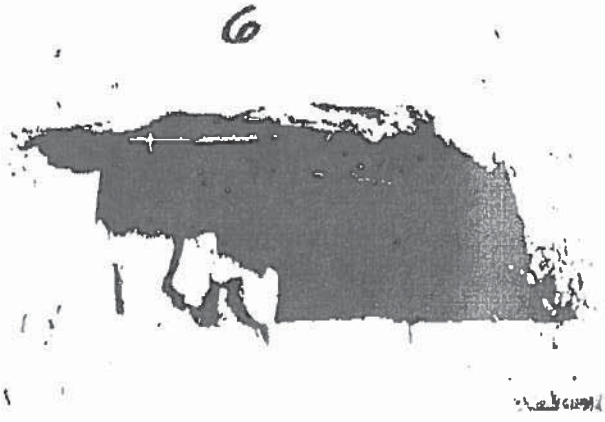
Mr. Ridwan Kabir Pointing Out Approx. Location of 1000 gallon UST.



Foundation Pedestal of Former Gasoline Pump, in Previous Repair Shop.



Looking Into Previous Cellar of Repair Shop Building, in #21-37 Site.

Aug. 15, 2002

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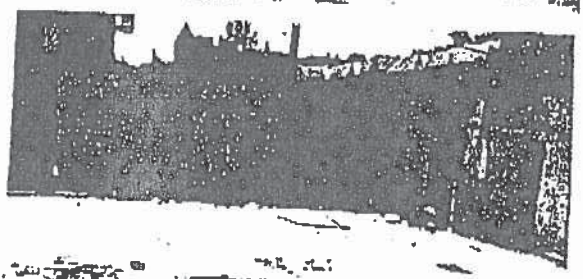
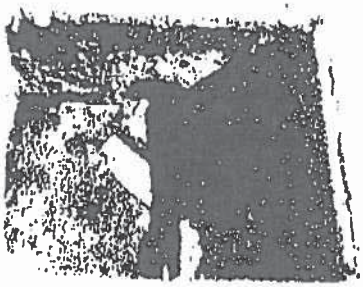
7

Previous Cellar Access, Now Filled In.

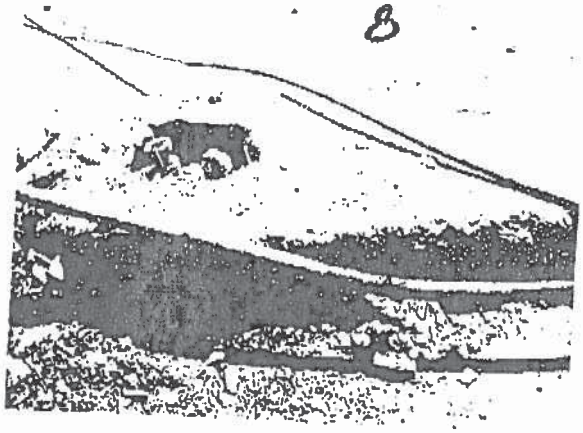




9

Plate Was Removed to Show Access Into Abandoned UST Below.

8



Concrete Slab of Former Repair Shop, See Fill Cap & Pipe of Old UST Below.

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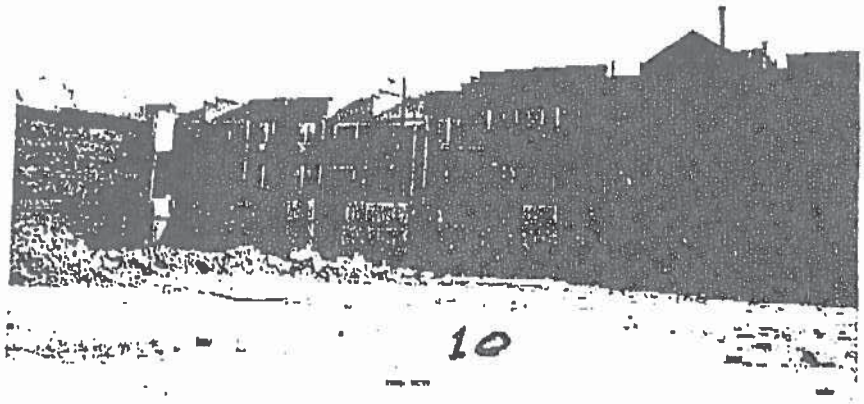
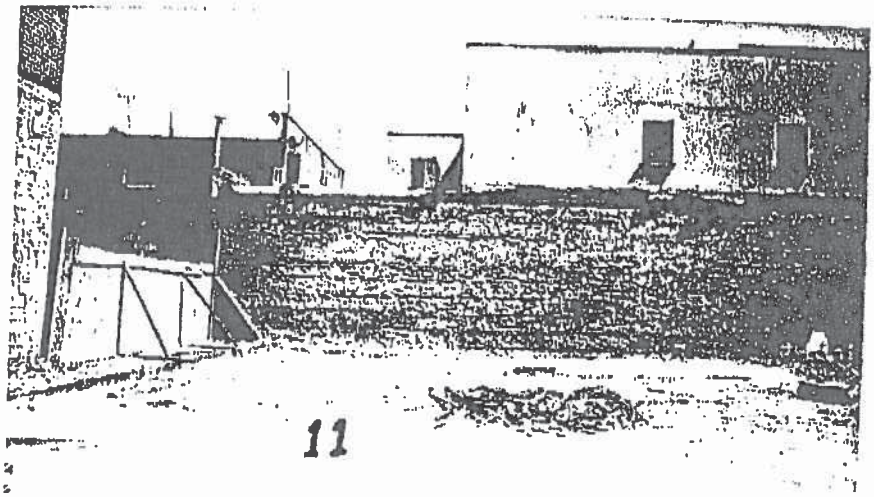
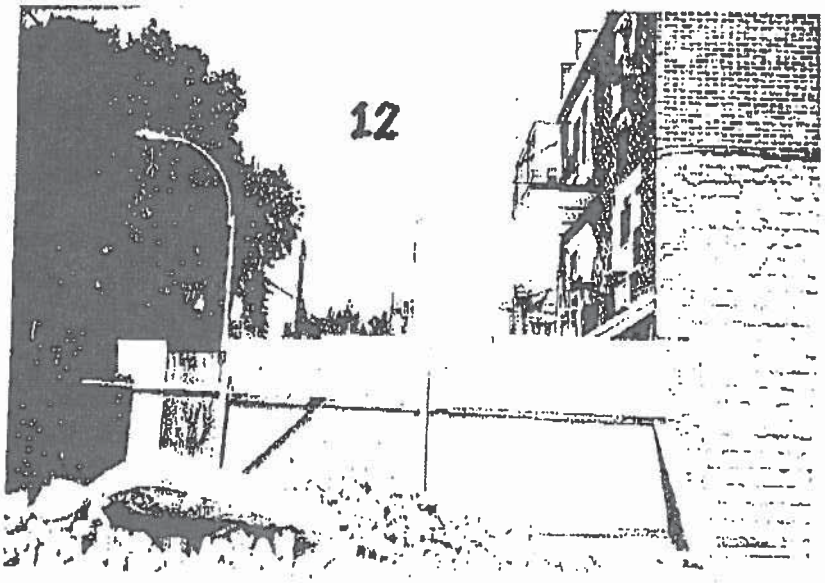
Entire East Fence, and East Half of Site.



Looking Into Northwest Corner of Construction Site.



Adjacent West Residence Facing 33rd Ave.



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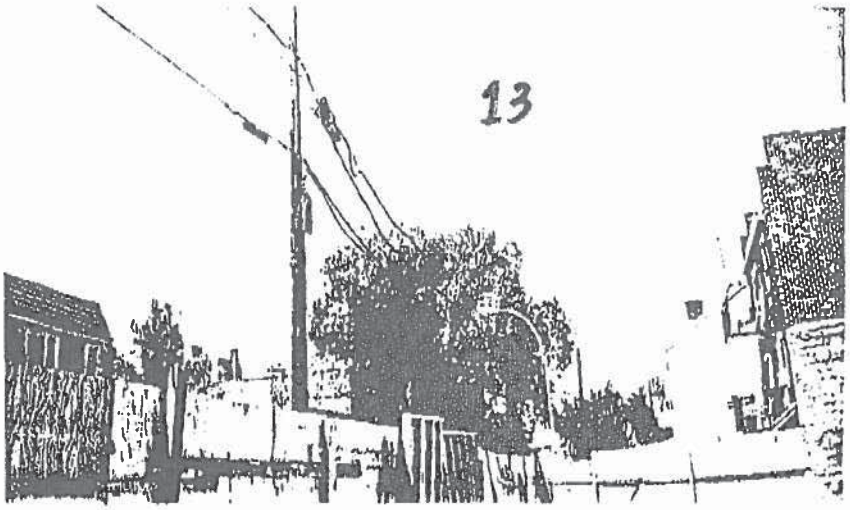
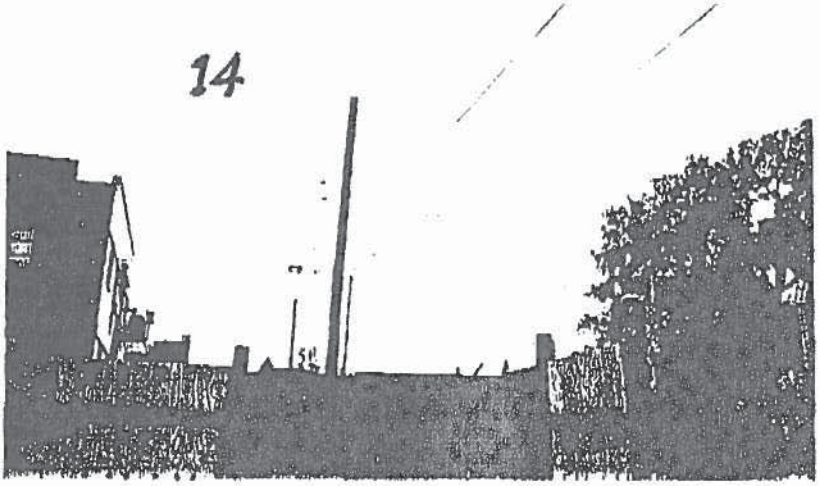


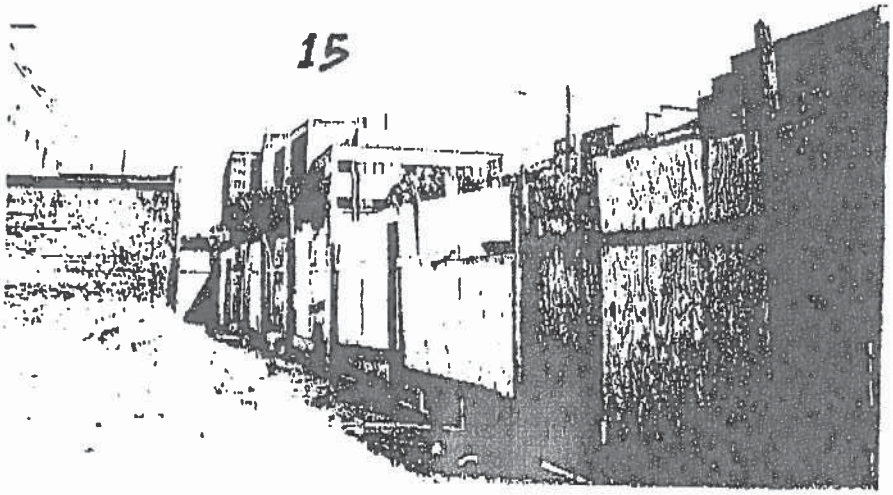
View West Inside
Construction Site;
See Electric Poles
Along 33rd Ave.

14



Power Lines, Northwest
Corner of 33rd Ave.
at 23rd Street.

15



View North from
Inside Site,
Along East Fence.

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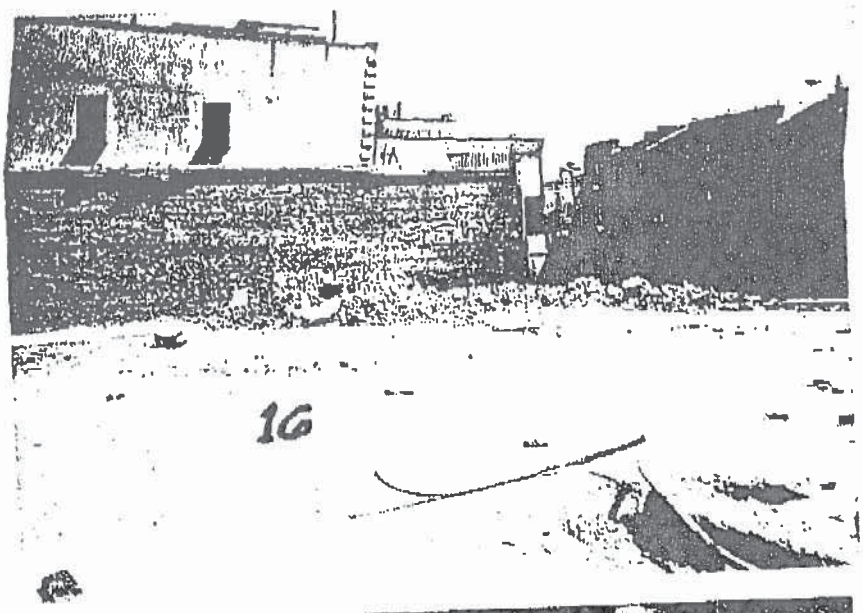
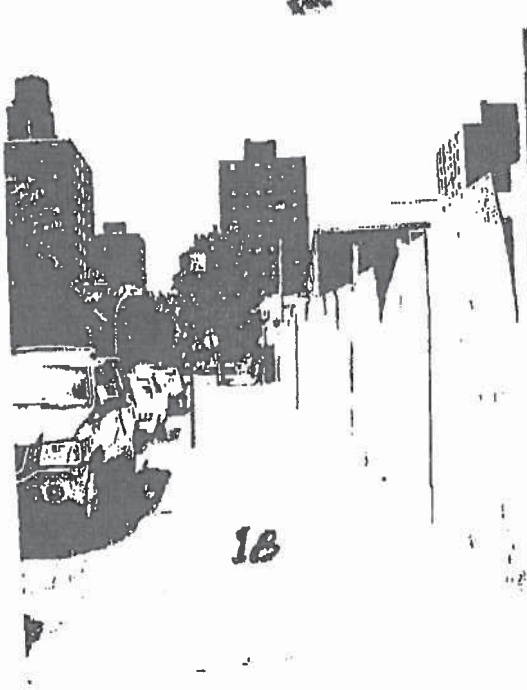
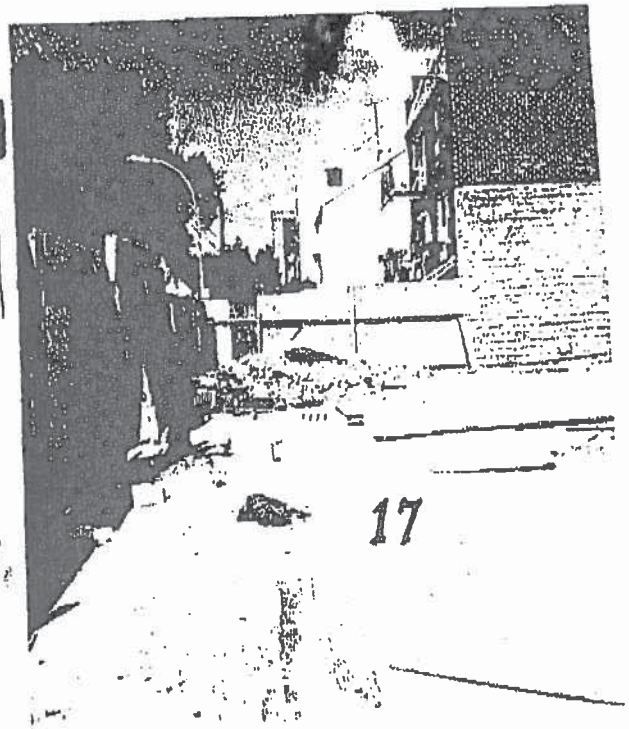


Adjacent North Properties, Offices and Residential.



Looking West on 23rd Street, Toward 33rd Ave.



Southwest Corner Inside Construction Site; See Adjacent West Residential.

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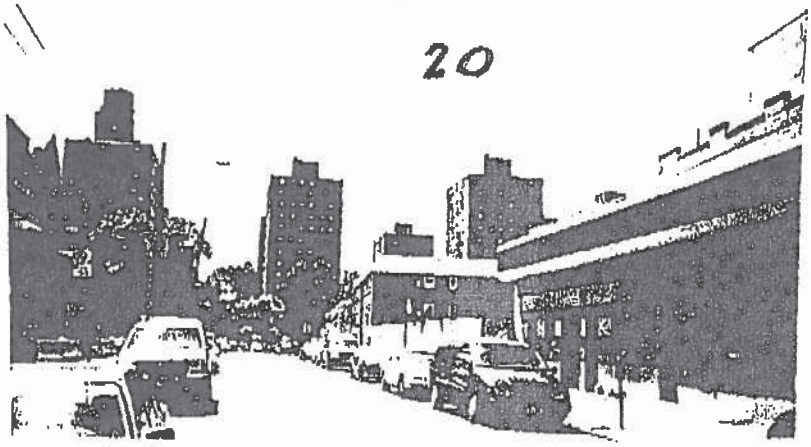
Looking North In the
East Half of #21-37 Site.
See Remnants of Its
Old Cellar.





View West on
33rd Ave., from
23rd Street.



East Along
33rd Ave.,
Toward 23rd Street.

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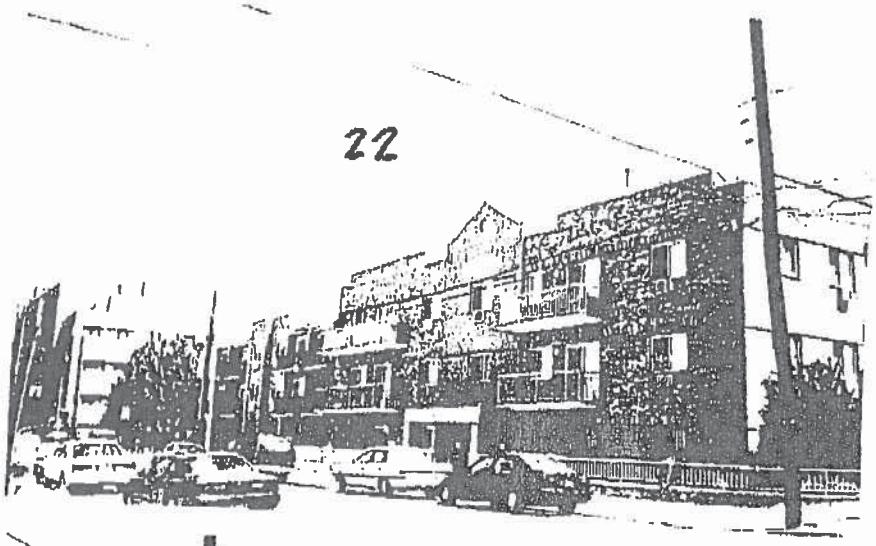
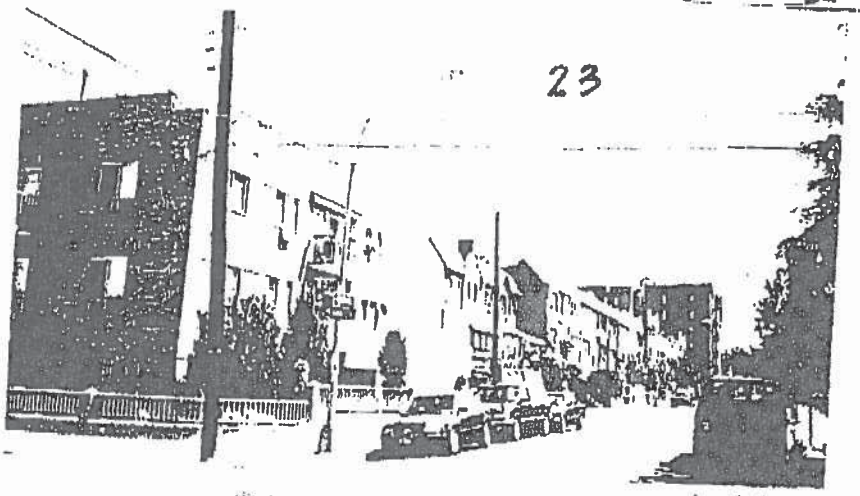
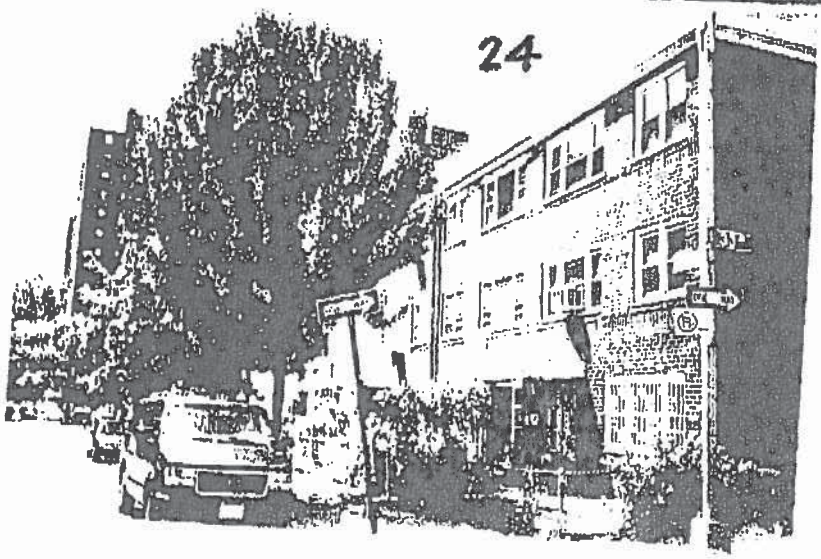
Looking East Across 23rd Street, at Corner of 33rd Ave.



View East on 33rd Ave., from 23rd Street.



Northwest Across 23rd Street, at 33rd Ave., All Residential.



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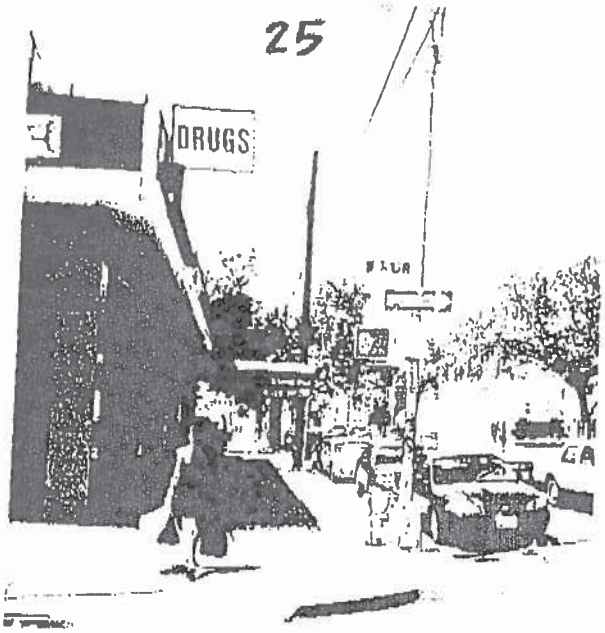
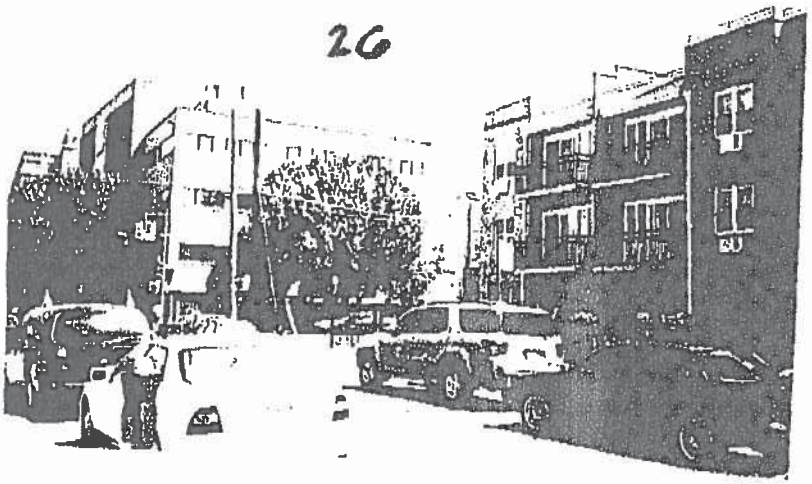
25



Corner of 23rd Street
and Broadway, View West.

26



On 23rd Street,
Looking North
at Broadway.

Aug. 15, 2002

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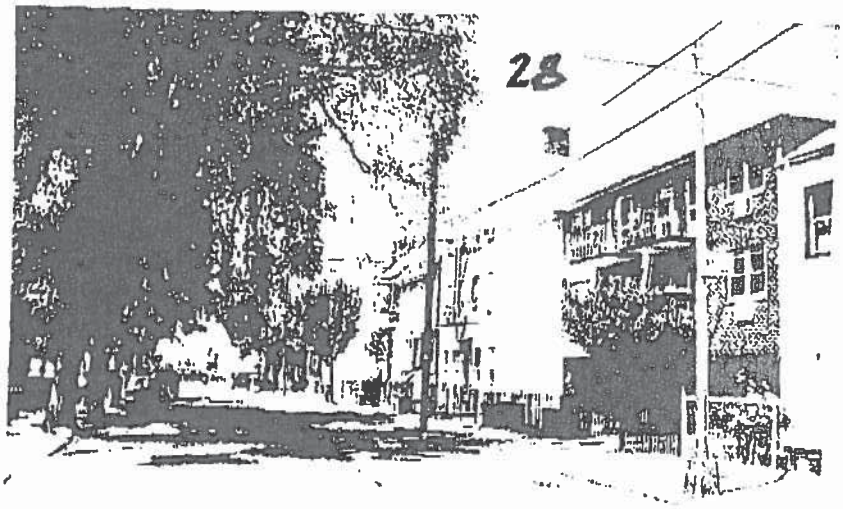
Looking Northeast Across 33rd Ave., at #23-21 & 23-23 Residences.



View North Up 23rd Street, All Residential.

August 30, 2002

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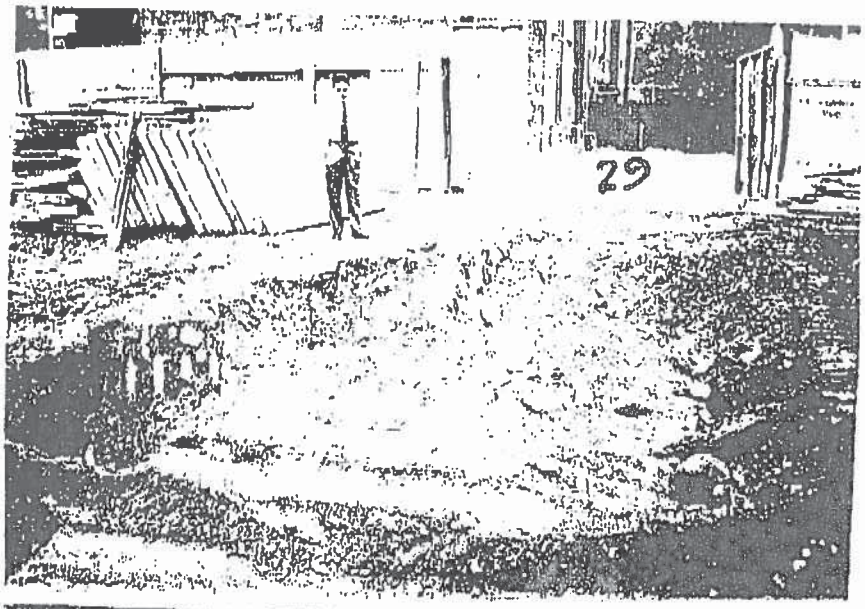

View South Into Excavation Beneath Previous Fuel Dispenser Pump Island, Tops of 2 x 275 Gallon Gasoline USTs; as Supervised by Mr. Kabir.



Looking East From Gasoline UST Excavation Toward Former Cellar.



USTs for Gasoline, Cleaned, Removed & Disposed by Sept. 5, 2002. View Southeast from Excavation; Mr. Kabir Concerned About Backhoe Access.

Aug. 30, 2002

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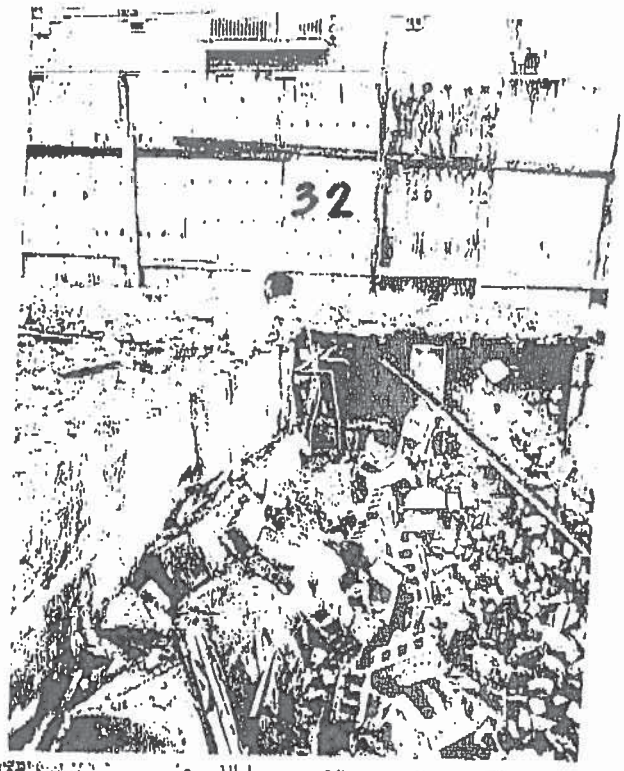
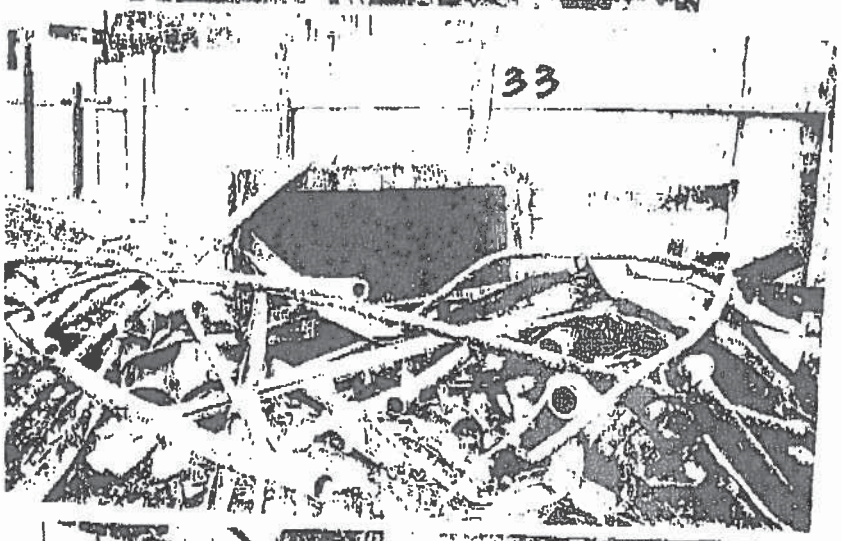
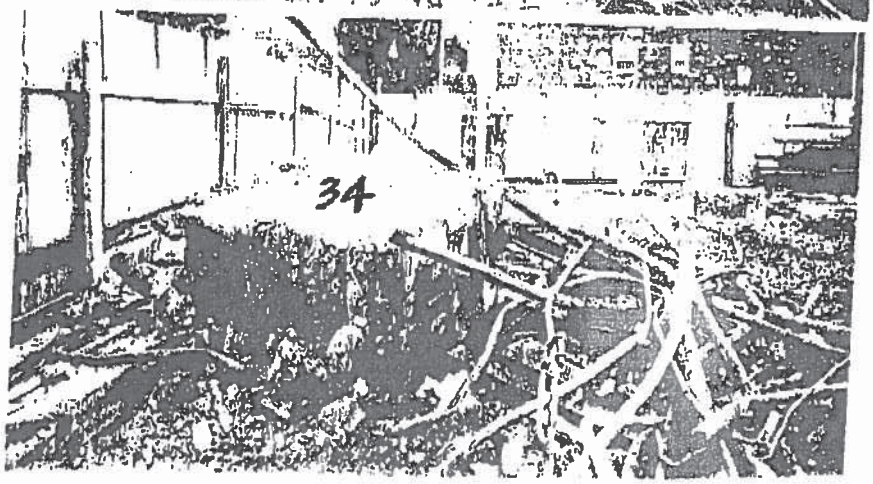


Mr. William Park About to Jump on Top of 2000 gallon Fuel Oil UST; Dip Stick Confirmed Approx. 100 gallons in UST; to be cleaned Out, Removed & Disposed of by Sept. 5, 2002.



Looking East at Previous Cast Iron Boiler Out of Former Cellar; and Heat System Piping for Previous Garage.



View South, Former Large Boiler and Cellar Beyond.

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February 13, 2013

Ms. Celeste Evans, Deputy Director
Environmental Assessment and Review Division
New York City Department of City Planning
22 Reade Street, Room 4E
New York, New York 10007

Re: 23rd Street Rezoning
CEQR No. 11DCP069Q
ULURP No. 110178ZMQ

Ms. Evans:

This letter is in response to EARD's letter dated May 16, 2012, which requests an updated Phase I Environmental Site Assessment for the project site (Tax Block 555, Tax Lots 1, 36, 38, 40, and 42, in Queens). However, an updated Phase I for the project site cannot be provided by the applicant. The development at the site, which consists of five attached buildings, is nearly complete, and four of the five buildings have obtained Certificates of Occupancy. The proposed rezoning would eliminate a side yard non-compliance to legalize the existing building on Lot 36 of the project site, which is substantially complete but not yet occupied. In order to update the Phase I, access to the project site is required and additional testing may be necessary. As discussed, the applicant for the above-referenced rezoning action does not own, control or have access to the project site.

Therefore, to determine whether contamination exists and to perform the appropriate remediation, if necessary, we understand that an E-designation will be placed on Block 555, Lot 36 of the project site. We further understand that the E-designation would describe tasks that must be undertaken by the fee owner of the designated lot prior to any DOB permit or action being filed for, including the application for and acceptance of a permanent certificate of occupancy in connection with the existing building on Lot 36 that will be legalized as a result of the proposed rezoning.

Sincerely,

Richard Lobel

RL:nm
Encls.