NEGATIVE DECLARATION (Use of this form is optional)

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 6 NYCRR, Part 617, State Environmental Quality Review, 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 lead agency 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 the EAS, which finds that the proposed project and related actions sought before the City Planning Commission would have no significant effect on the quality of the environment. Reasons supporting this Determination are noted below.

Noise

1. An (E) designation (E-522) for Noise has been incorporated into the proposed actions. Refer to "Determination of Significance Appendix: (E) Designation" for a list of sites affected by the (E) designation and applicable (E) designation requirements. The analyses conducted for air quality conclude that with the (E) Designation requirements in place, the proposed actions would not result in significant adverse impacts related to noise.

Hazardous Materials

1. An (E) designation (E-522) for hazardous materials has been incorporated into the proposed actions. Refer to "Determination of Significance Appendix: (E) Designation" for a list of sites affected by the (E) designation and applicable (E) designation requirements. The review conducted for hazardous materials concludes that with the (E) Designation requirements in place, the proposed actions would not result in significant adverse impacts related to hazardous materials.

TITLE Acting Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning
NAME Olga Abinader	DATE February 8, 2019
SIGNATURE Olga Abinader	

TITLE Chair, Department of City Planning	
NAME Marisa Lago	DATE February 11, 2019
SIGNATURE Marisa Lago	

Project Name: 76th Drive and Austin Street Rezoning
CEQR #: 19DCP023Q
SEQRA Classification: Unlisted

Appendix I: (E) Designation

To ensure that there would be no significant adverse hazardous materials impacts associated with the proposed project, an E designation (E-522) for hazardous materials and noise will be placed on the project sites.

The E-designation requirements related to noise and hazardous materials would apply to:

Projected Development Site 1:
Block 3342 Lot 1
Block 3342 Lot 61

Hazardous Materials

To ensure that there would be no significant adverse noise impacts associated with the proposed project, an E designation (E-522) will be placed on the Projected Development Site 1 (Block 3342, Lots 1 and 61) as follows:

An (E) Designation for hazardous materials would be placed on the proposed development site (Block 3342, Lots 1 and 61) to ensure requirements pertaining hazardous materials are addressed during future redevelopment, which would impose pre- and post -construction requirements overseen by the New York City Office of Environmental Remediation (OER).

A Remedial Investigation (RI would be conducted for the proposed development site that included the collection of soil, groundwater, and soil vapor samples with laboratory analysis for a full suite of analytical parameters Prior to such testing, an RI Work Plan and Health and Safety Plan (HASP) for the investigation would be submitted to OER for review and approval. Based on the results of the RI, a Remedial Action Work Plan (RAWP) and associated Construction Health and Safety Plan (CHASP) would be prepared for implementation during the subsurface disturbance associated with the Proposed Project. The RAWP and CHASP would address requirements for items such as: petroleum tank removal, dust control, and contingency measures should unforeseen petroleum tanks or soil contamination is encountered. The RAWP would also include any necessary requirements for vapor controls should the RI reveal the potential for soil vapor intrusion. The RAWP and CHASP would be subject to OER approval and, following construction, occupancy permits could only be issued once OER received documentation that the RAWP and CHASP were properly implemented.

Applicable regulatory requirements would be followed at the development site and the projected and potential development sites with oversight from OER, e.g., properly disposing of any excess soil; reporting to New York State Department of Environmental

Conservation (NYSDEC) any signs of a petroleum spill (removing and registering encountered tanks); and following applicable DEP requirements should dewatering be required. Demolition would be conducted in compliance with applicable regulatory requirements, e.g., for ACM, LBP, etc.

The (E) Designation program is administered by OER. Approval of a hazardous materials remedy by OER is required prior to the granting of building permits by the Department of Buildings. The text of the (E) Designation for hazardous materials is as follows:

- Task 1:
  The applicant submits to OER, for review and approval, a Phase 1 ESA for the Project Site along with a soil, soil gas 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.
- Task 2:
  A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER. If remediation is indicated from the test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed. An OER-approved construction-related health and safety plan would be implemented during evacuation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and papproval prior to implementation. All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos-containing materials. In addition to the requirements for lead-based paint and asbestos, requirements (including those of NYSDEC) should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed.

Noise

To preclude the potential for significant adverse impacts related to noise, an (E) designation would be incorporated into the rezoning proposal for Block 3342, Lots 1 and 61. E-522 has been assigned to this project. The text for the E-designation is as follows:

Project Name: 76th Drive and Austin Street Rezoning
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Block 3342, Lots 1 and 61 (Projected Development Site 1): In order to ensure an acceptable interior noise environment, future community facility uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on all building's facades in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.