



CITY PLANNING COMMISSION

May 20, 2009/Calendar No. 12

C 090303 ZMX

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a:

1. changing from an M2-1 District to an R7-2 District property bounded by a line 190 feet southerly of a park and its easterly prolongation, Major Deegan Expressway, Park Avenue and its northeasterly and southwesterly prolongations, and a U.S. Pierhead and Bulkhead Line;
2. changing from an M1-2 District to a C4-4 District property bounded by East 149th Street, Morris Avenue, East 144th Street, Canal Place, East 146th Street, Park Avenue, East 144th Street, and the easterly street line of former Anthony J. Griffin Place and its northerly and southerly prolongations;
3. changing from an M2-1 District to a C4-4 District property bounded by:
 - a. East 149th Street, Major Deegan Boulevard, the northerly boundary of a park and its easterly and westerly prolongations, and a U.S. Pierhead and Bulkhead Line; and
 - b. the southerly boundary line of a park and its easterly and westerly prolongations, Major Deegan Expressway, a line 190 feet southerly of a park and its easterly prolongation, and a U.S. Pierhead and Bulkhead Line;
4. changing from an M1-2 District to a C6-2A District property bounded by East 144th Street, Grand Concourse, a line 120 feet southerly of East 144th Street, a line 100 feet easterly of Grand Concourse, the easterly prolongation of the southerly street line of East 140th Street, the westerly boundary line of the Metro North Rail Road (Harlem Division) right-of-way, East 138th Street, Major Deegan Boulevard, a line 100 feet northerly of East 138th Street, and Walton Avenue;
5. changing from an M2-1 District to a C6-2A District property bounded by a line 100 feet northerly of East 138th Street, Major Deegan Boulevard, East 138th Street, and Major Deegan Expressway;
6. changing from an M1-2 District to an M1-4 District property bounded by:
 - a. a line 75 feet southwesterly of East 138th Street, a line 100 feet northwesterly of Third Avenue, East 136th Street, and Rider Avenue; and

- b. East 138th Street, Park Avenue and its southwesterly centerline prolongation, and an easterly service road of the Major Deegan Expressway;
- 7. changing from an M2-1 District to an M1-4 District property bounded by a line 75 feet southwesterly of East 138th Street, Rider Avenue and its southwesterly centerline prolongation, East 135th Street, the northeasterly centerline prolongation of Park Avenue, Major Deegan Expressway, East 138th Street, an easterly service road of the Major Deegan Expressway, Park Avenue and its southwesterly centerline prolongation, a line 300 feet southwesterly of East 138th Street, and Canal Place;
- 8. changing from an M1-2 District to an M1-4/R6A District property bounded by:
 - a. East 146th Street, Canal Place, East 144th Street, Rider Avenue, a line 150 feet southerly of East 140th Street, Canal Place, East 144th Street, and Park Avenue; and
 - b. a line 200 feet southerly of East 144th Street, Walton Avenue, a line 100 feet northerly of East 138th Street, Major Deegan Boulevard, and Gerard Avenue and its southerly centerline prolongation;
- 9. changing from an M2-1 District to an M1-4/R6A District property bounded by the westerly centerline prolongation of East 140th Street, Major Deegan Boulevard, a line 100 feet northerly of East 138th Street, and Major Deegan Expressway;
- 10. changing from an R6 District to an M1-4/R7A District property bounded by East 142nd Street, Morris Avenue, East 140th Street, and Rider Avenue;
- 11. changing from an M1-2 District to an M1-4/R7A District property bounded by:
 - a. East 144th Street, Morris Avenue, East 142nd Street, and Rider Avenue;
 - b. East 140th Street, Morris Avenue, a line 100 feet northeasterly of East 138th Street, and Rider Avenue; and
 - c. a line 75 feet southwesterly of 138th Street, Lincoln Avenue, Major Deegan Expressway, Rider Avenue and its southwesterly centerline prolongation, East 136th Street, and a line 100 feet northwesterly of Third Avenue;
- 12. changing from an M1-2 District to an M1-4/R7X District property bounded by Park Avenue, a line 150 feet northeasterly of East 138th Street, Canal Place, a line 100 feet northeasterly of East 138th Street, Morris Avenue, Third Avenue, Lincoln

Avenue, a line 75 feet southwesterly of East 138th Street, Rider Avenue, and East 138th Street;

13. changing from an M2-1 District to an M1-4/R7X District property bounded by Park Avenue, East 138th Street, Rider Avenue, a line 75 feet southwesterly of East 138th Street, Canal Place, and a line 300 feet southwesterly of East 138th Street;
14. changing from a C4-4 District to an M1-4/R8A District property bounded by East 149th Street, Walton Avenue, a line midway between East 144th Street and East 146th Street, and Gerard Avenue;
15. changing from an M1-2 District to and M1-4/R8A District property bounded by East 149th Street, Gerard Avenue, a line midway between East 144th Street and East 146th Street, Walton Avenue, a line 200 feet southerly of East 144th Street, Gerard Avenue and its southerly centerline prolongation, and Major Deegan Boulevard;
16. changing from an M2-1 District to an M1-4/R8A District property bounded by Major Deegan Boulevard, the westerly centerline prolongation of East 140th Street, and Major Deegan Expressway;
17. establishing within a proposed R7-2 District a C2-4 District bounded by a line 190 feet southerly of a park, Major Deegan Expressway, Park Avenue and its southwesterly and northeasterly centerline prolongations, and a U.S. Pierhead and Bulkhead Line;
18. establishing a Special Harlem River Waterfront District (HRW) bounded by East 149th Street, Major Deegan Expressway, Park Avenue and its southwesterly and northeasterly centerline prolongations, and a U.S. Pierhead and Bulkhead Line;
19. establishing a Special Mixed Use District (MX-13) bounded by:
 - a. East 149th Street, Walton Avenue, a line 100 feet northerly of East 138th Street, Major Deegan Expressway, Major Deegan Boulevard, the easterly centerline prolongation of East 149th Street, and the southerly centerline prolongation of River Avenue; and
 - b. East 146th Street, Canal Place, East 144th Street, Morris Avenue, Third Avenue, Lincoln Avenue, Major Deegan Expressway, Rider Avenue and its southwesterly centerline prolongation, East 136th Street, a line 100 feet northwesterly of Third Avenue, a line 75 feet southwesterly of East 138th Street, Canal Place, a line 300 feet southwesterly of East 138th Street, Park Avenue, East 138th Street, Park Avenue, a line 150 feet northeasterly of East 138th Street, Canal Place, a line 100 feet northeasterly of East 138th Street, Rider Avenue, a line 150 feet southwesterly of East 140th Street, Canal Place, East 144th Street, and Park Avenue;

Borough of the Bronx, Community District 1, as shown on a diagram (for illustrative purposes only), dated February 2, 2009, and subject to the conditions of CEQR Declaration E-227.

The application for an amendment of the Zoning Map was filed by the Department of City Planning on January 29, 2009. The requested action, in conjunction with the related zoning text amendment and city map change, would facilitate new development in the Lower Concourse area, Community District 1, Borough of the Bronx.

RELATED ACTION

In addition to the proposed amendments to the Zoning map, which is the subject of this report(C 090303 ZMX), implementation of the proposal also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

N 090302 ZRX: An amendment of the Zoning Resolution, establishing the Special Harlem River Waterfront District; a Harlem River Waterfront Access Plan, specifying a Special Mixed Use District (MX-13), applying the Inclusionary Housing program to the rezoning area and amending related sections of the Zoning Resolution

C 090166 MMX: Amendment to the City Map to establish a park along the Harlem River

Background

A full background discussion and description of the proposal appears on the report for the related application for an amendment to the Zoning Resolution (N 090302 ZRX).

ENVIRONMENTAL REVIEW

This application (C 090303 ZMX) in conjunction with the related applications (N 090302 ZRX and C 090166 MMX,) were reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 08DCP071X. The lead is the City Planning Commission.

It was determined that the proposed actions may have a significant effect on the environment. A Positive Declaration was issued on May 14, 2008 and was distributed, published and filed. A summary of the environmental review appears and the Final Environmental Impact Statement (FEIS) appears in the report on the related application for an amendment of the Zoning Resolution (N 090302 ZRX).

(E) DESIGNATIONS

As part of the Zoning Map amendment, (E) Designations would be mapped for hazardous materials, air quality, and noise. An (E) is designated on the appropriate Zoning Map (by block and lot) and indicates that on that site no change of use or development requiring a New York City Department of Buildings (DOB) permit may be issued without approval of the New York City Department of Environmental Protection (DEP). As discussed in the related application (N 090302 ZRX), the City Planning Commission has elected to make modifications to the proposed action and the FEIS analyzed the proposed

modifications in the Canal/Rider Retention Alternative. Under this Alternative, as set forth in the FEIS, (E) designations for Hazardous Materials, Air Quality and Noise would be mapped as part of the proposed rezoning, as detailed below. A complete list of properties requiring (E) designations for hazardous materials, air quality and noise is included in the FEIS and attached hereto as “Attachment A.”

Hazardous Materials

The FEIS has identified 31 projected development sites and 48 potential development sites distributed throughout the rezoning area. Of the 31 projected development sites, one is publically owned by the City; further, the proposed action would provide for the reuse of a 2.26-acre parcel adjacent to the north of a projected development site as a public park. All projected and potential development sites could reasonably be expected to be affected by hazardous materials due to historical and/or current industrial activity, the presence of fuel storage tanks, or some other land use identified in the *CEQR Technical Manual*. As such, all appropriate (i.e., not city-owned) projected and potential development sites would receive an (E) designation pursuant to the proposed action. Such designation would eliminate the potential for significant adverse impacts from hazardous materials due to implementation of the proposed project. In addition, the proposed park site and the City-owned site have executed Memorandums of Understandings (MOUs) in place between DEP and the responsible city agencies to ensure completion of environmental site assessments and any necessary remediation prior to soil disturbance or a change in use of these two sites. Any site that has received an (E) designation for hazardous materials will require that the fee owner of the site conduct a

testing and sampling protocol, and develop a remediation plan, where appropriate, to the satisfaction of DEP before the issuance of a building permit by the DOB (pursuant to Section 11-15 of the Zoning Resolution - Environmental Requirements).

Air Quality

Air quality analyses for heating, ventilation, and air conditioning (HVAC) systems were performed for the FEIS. To preclude the potential for significant adverse air quality impacts on other projected and potential developments from HVAC emissions, an (E) designation would be incorporated into the proposed rezoning for each of the affected sites that would require the use of natural gas as the fuel type or the distance that the vent stack on the building roof must be from the edge of a lot line.

Noise

The *CEQR Technical Manual* establishes building noise attenuation requirements, based on exterior (ambient) noise levels. As part of the proposed action, (E) designations would be placed on the zoning map for select projected and potential development sites to avoid the potential for significant adverse noise impacts. Residential, commercial and community facility development on lots mapped with an (E) designation would be required to provide sufficient noise attenuation of either 35dBA or 40dBA to maintain interior noise levels of 45 dBA or lower. As part of the proposed action, mixed use zoning districts would be created within the rezoning area. These mixed use districts would require at least a 35 dBA level of attenuation and therefore, properties within these mixed use districts would not be subject to any (E) designations.

UNIFORM LAND USE REVIEW

On February 2, 2009, this application (C 090303 ZRX) in conjunction with the related application (C 090166 MMX) was certified as complete by the Department of City Planning, and was duly referred to Community Board 1 and the Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b) along with the related application for a zoning text amendment (N 090302 ZRX), which was referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Review

Community Board 1 held a public hearing on the applications (N 090302 ZRX, C 090303 ZMX and C 090166 MMX) on February 26, 2009, and on that date, by a vote of 26 in favor, 0 opposed and 0 abstaining, adopted a resolution recommending approval of these applications. A summary of the Board's recommendation appears in the report on the related application for an amendment of the Zoning Resolution (N 090302 ZRX).

Borough President Recommendation

The applications (N 090302 ZRX, C 090303 ZMX and C 090166 MMX) were considered by the Borough President, recommending approval of the applications with conditions on March 26, 2009.

A summary of the Borough President's recommendation appears in the report on the related application for an amendment to the zoning resolution (N 090302 ZRX).

City Planning Commission Public Hearing

On March 18, 2009 (Supplemental Calendar No.3), the City Planning Commission scheduled April 1, 2009, for a public hearing on the application (C 090303 ZMX). The hearing was duly held on April 1, 2009 (Calendar No.30), in conjunction with the hearing for the related actions (N 090302 ZRX and C 090166 MMX). There were a number of speakers as described in the report on the related application for an amendment to the Zoning Resolution (N 090302 ZRX) and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application (N 090302 ZRX), in conjunction with those for the related actions (C 090303 ZMX and C 090166 MMX), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 22, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 07-096.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the proposed zoning map amendment (C 090402 ZMX) as modified in conjunction with the related actions (N 090302 ZRX and C 090166 MMX) is appropriate.

A full consideration and analysis of the issues and reasons for approving this application with modifications appears in the report on the related application for an amendment of the Zoning Resolution (N 090302 ZRX).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion ratified herein was issued on May 8, 2009, with respect to this application (CEQR No. 08DCP071X), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that

1. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently modified, is further amended by changing the Zoning Map Section no. 6a:

1. changing from an M2-1 District to an R7-2 District property bounded by a line 190 feet southerly of a park and its easterly prolongation, Major Deegan Expressway, Park Avenue and its northeasterly and southwesterly prolongations, and a U.S. Pierhead and Bulkhead Line;
2. changing from an M1-2 District to a C4-4 District property bounded by East 149th Street, Morris Avenue, East 144th Street, Canal Place, East 146th Street, Park Avenue, East 144th Street, and the easterly street line of former Anthony J. Griffin Place and its northerly and southerly prolongations;
3. changing from an M2-1 District to a C4-4 District property bounded by:
 - a. East 149th Street, Major Deegan Boulevard, the northerly boundary of a park and its easterly and westerly prolongations, and a U.S. Pierhead and Bulkhead Line; and
 - b. the southerly boundary line of a park and its easterly and westerly prolongations, Major Deegan Expressway, a line 190 feet southerly of a park and its easterly prolongation, and a U.S. Pierhead and Bulkhead Line;

4. changing from an M1-2 District to a C6-2A District property bounded by East 144th Street, Grand Concourse, a line 120 feet southerly of East 144th Street, a line 100 feet easterly of Grand Concourse, the easterly prolongation of the southerly street line of East 140th Street, the westerly boundary line of the Metro North Rail Road (Harlem Division) right-of-way, East 138th Street, Major Deegan Boulevard, a line 100 feet northerly of East 138th Street, and Walton Avenue;
5. changing from an M2-1 District to a C6-2A District property bounded by a line 100 feet northerly of East 138th Street, Major Deegan Boulevard, East 138th Street, and Major Deegan Expressway;
6. changing from an M1-2 District to an M1-4 District property bounded by:
 - a. a line 75 feet southwesterly of East 138th Street, a line 100 feet northwesterly of Third Avenue, East 136th Street, and Rider Avenue; and
 - b. East 138th Street, Park Avenue and its southwesterly centerline prolongation, and an easterly service road of the Major Deegan Expressway;
7. changing from an M2-1 District to an M1-4 District property bounded by a line 75 feet southwesterly of East 138th Street, Rider Avenue and its southwesterly centerline prolongation, East 135th Street, the northeasterly centerline prolongation of Park Avenue, Major Deegan Expressway, East 138th Street, an easterly service road of the Major Deegan Expressway, Park Avenue and its southwesterly centerline prolongation, a line 300 feet southwesterly of East 138th Street, and Canal Place;
8. changing from an M1-2 District to an M1-4/R6A District property bounded by:
 - a. East 146th Street, Canal Place, East 144th Street, Rider Avenue, a line 275 feet northerly of East 141st Street, Canal Place, East 144th Street, and Park Avenue; and
 - b. a line 200 feet southerly of East 144th Street, Walton Avenue, a line 100 feet northerly of East 138th Street, Major Deegan Boulevard, and Gerard Avenue and its southerly centerline prolongation;
9. changing from an M2-1 District to an M1-4/R6A District property bounded by the westerly centerline prolongation of East 140th Street, Major Deegan Boulevard, a line 100 feet northerly of East 138th Street, and Major Deegan Expressway;
10. changing from an R6 District to an M1-4/R7A District property bounded by East 142nd Street, Morris Avenue, East 140th Street, and Rider Avenue;

11. changing from an M1-2 District to an M1-4/R7A District property bounded by:
 - a. East 144th Street, Morris Avenue, East 142nd Street, and Rider Avenue;
 - b. East 140th Street, Morris Avenue, a line 100 feet northeasterly of East 138th Street, and Rider Avenue; and
 - c. a line 75 feet southwesterly of 138th Street, Lincoln Avenue, Major Deegan Expressway, Rider Avenue and its southwesterly centerline prolongation, East 136th Street, and a line 100 feet northwesterly of Third Avenue;
12. changing from an M1-2 District to an M1-4/R7X District property bounded by Park Avenue, a line 150 feet northeasterly of East 138th Street, Canal Place, a line 100 feet northeasterly of East 138th Street, Morris Avenue, Third Avenue, Lincoln Avenue, a line 75 feet southwesterly of East 138th Street, Rider Avenue, and East 138th Street;
13. changing from an M2-1 District to an M1-4/R7X District property bounded by Park Avenue, East 138th Street, Rider Avenue, a line 75 feet southwesterly of East 138th Street, Canal Place, and a line 300 feet southwesterly of East 138th Street;
14. changing from a C4-4 District to an M1-4/R8A District property bounded by East 149th Street, Walton Avenue, a line midway between East 144th Street and East 146th Street, and Gerard Avenue;
15. changing from an M1-2 District to and M1-4/R8A District property bounded by East 149th Street, Gerard Avenue, a line midway between East 144th Street and East 146th Street, Walton Avenue, a line 200 feet southerly of East 144th Street, Gerard Avenue and its southerly centerline prolongation, and Major Deegan Boulevard;
16. changing from an M2-1 District to an M1-4/R8A District property bounded by Major Deegan Boulevard, the westerly centerline prolongation of East 140th Street, and Major Deegan Expressway;
17. establishing within a proposed R7-2 District a C2-4 District bounded by a line 190 feet southerly of a park, Major Deegan Expressway, Park Avenue and its southwesterly and northeasterly centerline prolongations, and a U.S. Pierhead and Bulkhead Line;
18. establishing a Special Harlem River Waterfront District (HRW) bounded by East 149th Street, Major Deegan Expressway, Park Avenue and its southwesterly and northeasterly centerline prolongations, and a U.S. Pierhead and Bulkhead Line;
19. establishing a Special Mixed Use District (MX-13) bounded by:

- a. East 149th Street, Walton Avenue, a line 100 feet northerly of East 138th Street, Major Deegan Expressway, Major Deegan Boulevard, the easterly centerline prolongation of East 149th Street, and the southerly centerline prolongation of River Avenue; and
- b. East 146th Street, Canal Place, East 144th Street, Morris Avenue, Third Avenue, Lincoln Avenue, Major Deegan Expressway, Rider Avenue and its southwesterly centerline prolongation, East 136th Street, a line 100 feet northwesterly of Third Avenue, a line 75 feet southwesterly of East 138th Street, Canal Place, a line 300 feet southwesterly of East 138th Street, Park Avenue, East 138th Street, Park Avenue, a line 150 feet northeasterly of East 138th Street, Canal Place, a line 100 feet northeasterly of East 138th Street, Rider Avenue, a line 275 feet northerly of East 141st Street, Canal Place, East 144th Street, and Park Avenue;

Borough of the Bronx, Community District 1, as shown on a diagram (for illustrative purposes only), dated February 2, 2009, modified by the City Planning Commission on May 20, 2009, and which includes CEQR Designation E-227.

The above resolution (C 090303 ZMX), duly adopted, by the City Planning Commission on May 20, 2009 (Calendar No. 12), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
ANGELA R. CAVALUZZI, AIA, MARIA M. DEL TORO,
NATHAN LEVENTHAL, SHIRLEY A. McRAE,
JOHN MEROLO, KAREN PHILLIPS Commissioners

**Attachment A – (E) Designation Lists
Lower Concourse Rezoning and Related Actions**

ULURP Nos. C 090303 ZMX, N 090302 ZRX C 090166 MMX CEQR No. 08DCP071X

A. Hazardous Materials

To avoid any potential impacts associated with hazardous materials, as part of the proposed rezoning, an (E) designation for hazardous materials will be placed on all appropriate (i.e., not city-owned) projected and potential development sites:

Block	Lots
2318	5,7,9,18,19,22
2320	5,6,7,8,9,10,11,41,45,42,43,46,47,50,51,66,73,72,74,77,79
2322	28, 81,101
2323	13,43
2333	1,6,10, 12, 17,31, 33,50,54
2334	38,39, 40,41, 43, 45, 59,61,62,63,66
2335	6, 57,58
2340	1,3,8,11,56,58, 215, 218,221,
2341	6,10, ,23, 28,31,34,37,40,42
2344	1, 11, 17,27,52,60,75, 83,112,110,
2345	1,5,10,12,14,18,22,26,49
2349	15,90,100,112
2350	1, 5,11,16, 34,63
2351	1, 3,12,20, 25,35

Development of a site with an (E) designation would require that a Phase I Environmental Site Assessment in accordance with the American Society of Testing Materials (ASTM) E1527-05 be conducted, and if necessary, a sampling and remediation protocol be developed and implemented to the satisfaction of New York City Department of Environmental Protection (DEP) prior to issuance of a building permit (pursuant to Section 11-15 of the City's Zoning Resolution). Such designation would eliminate the potential for significant adverse impacts from hazardous materials due to implementation of the proposed project.

The applicable text for the (E) designations would be as follows:

Task 1

The fee owner(s) of the lot(s) restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to

what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to DEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis. No sampling program may begin until written approval of a work plan and sampling protocol is received from DEP. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by DEP upon request.

Task 2

A written report with findings and a summary of the data must be presented to DEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by DEP if the results indicate that remediation is necessary. If DEP determines that no remediation is necessary, written notice shall be given by DEP. If remediation is necessary according to test results, a proposed remediation plan must be submitted to DEP for review and approval. The fee owner(s) of the lot(s) restricted by this (E) designation must perform such remediation as determined necessary by DEP. After completing the remediation, the fee owner(s) of the lot restricted by this (E) designation should provide proof that the work has been satisfactorily completed.

A DEP-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to DEP for review and approval prior to implementation.

B. Air Quality

An HVAC analysis was performed to determine whether the proposed action would result in any potential significant adverse air quality impacts (see Section 3.21.4, “Canal/Rider Retention Alternative,” of Chapter 3.21, “Alternatives to the Proposed Action”). The analysis determined that certain sites would require (E) designations that would specify the type of fuel to be used or the distance that the vent stack on the building roof must be from the edge of a lot line. The text for the (E) designations would be as follows:

Site #	Block	Lot(s)	Restrictions*
2	2349	100	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 45 feet from the lot line facing E 149 Street, and at least 37 feet from the lot line facing E 138

			Street, to avoid any potential significant air quality impacts.
4	2349	15	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 35 feet from the lot line facing E 149 Street and at least 30 feet from the lot line facing E 138 Street, to avoid any potential significant air quality impacts. Any new industrial development (Use Group 16C) on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 70 feet from either the lot lines facing E 149 and E 138 Streets, to avoid any potential significant air quality impacts.
5	2351	22	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 27 feet from the lot line facing E 149 Street, to avoid any potential significant air quality impacts.
6	2351	1, 12, 20	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 35 feet from the lot line facing E 146 Street and Major Deegan Expressway to avoid any potential significant air quality impacts.
7	2350	11, 16	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 25 feet from the lot line facing Gerard Avenue, to avoid any potential significant air quality impacts.
11	2344	75	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 18 feet from the lot line facing E 138 Street, to avoid any potential significant air quality impacts.
12	2344	60	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 25 feet from the lot line facing E 138 Street, to avoid any potential significant air quality impacts.
13	2345	5	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 20 feet from the lot line facing E 144 Street, and at least 20 feet from the lot line facing Grand Concourse to avoid any potential significant air quality impacts.
14	2341	37, 40	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 20 feet from the lot line facing E 144 Street, and at least 15 feet from the lot line facing E 138th Street to avoid any potential significant air quality impacts.
15	2341	28	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 28 feet from the lot line facing E 144 Street, and at least 25 feet from the lot line facing E 138 Street to avoid any potential significant air quality impacts.
16	2341	10	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 30 feet from the lot line facing E 144 Street, and at least 35 feet from the lot line facing 138 Street to avoid any potential significant air quality impacts.
19	2333	6, 10	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 20 feet from the lot

			line facing Third Avenue, to avoid any potential significant air quality impacts.
20	2333	1	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 15 feet from the lot line facing Rider Avenue, to avoid any potential significant air quality impacts.
26	2335	58	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 20 feet from the lot line facing Park Avenue and E 146th Street, to avoid any potential significant air quality impacts.
31	2333	31	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 20 feet from the lot line facing Rider Avenue, to avoid any potential significant air quality impacts.
34	2323	43	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 28 feet from the lot line facing Park Avenue (facing Metro North Rail Road), to avoid any potential significant air quality impacts.
35	2349	46, 47	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 34 feet from the lot line facing E 138 Street, to avoid any potential significant air quality impacts.
37	2351	25, 35	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 40 feet from the lot line facing E 146 Street, to avoid any potential significant air quality impacts.
38	2350	34	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 35 feet from the lot line facing E 146 Street, to avoid any potential significant air quality impacts.
39	2350	63	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 20 feet from the lot line facing E 149 Street, to avoid any potential significant air quality impacts.
40	2351	3	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 25 feet from the lot line facing E 144 Street and Gerard Avenue, to avoid any potential significant air quality impacts.
41	2350	5	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 25 feet from the lot line facing E 144 Street and Walton Avenue, to avoid any potential significant air quality impacts.
42	2345	10, 12, 14, 18, 22, 26	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 50 feet from the lot line facing E 140 Street, to avoid any potential significant air quality impacts.

43	2345	1, 49	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 15 feet from the lot line facing Walton Avenue, to avoid any potential significant air quality impacts.
44	2344	83	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 18 feet from the lot line facing E 140 Street, and at least 15 feet from the lot line facing E 138 Street, to avoid any potential significant air quality impacts.
46	2344	11, 17, 27	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 45 feet from the lot line facing E 138 Street, to avoid any potential significant air quality impacts.
47	2344	1	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 22 feet from the lot line facing E 140 Street, to avoid any potential significant air quality impacts.
48	2341	42	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 30 feet from the lot line facing E 138 Street, to avoid any potential significant air quality impacts.
49	2341	34	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 15 feet from the lot line facing E 144 Street, to avoid any potential significant air quality impacts.
50	2341	31	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 15 feet from the lot line facing E 138 Street, and at least 50 feet from the lot line facing E 144 Street to avoid any potential significant air quality impacts.
52	2341	6	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 25 feet from the lot line facing E 144 Street, to avoid any potential significant air quality impacts.
66	2335	6	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 15 feet from the lot line facing E 144 Street and Canal Place, to avoid any potential significant air quality impacts.
71	2334	43, 45, 59	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 32 feet from the lot line facing Rider Avenue, to avoid any potential significant air quality impacts.
72	2334	38, 39, 40, 41, 66	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 15 feet from the lot

			line facing E 143 Street, and at least 15 feet from the lot line facing Rider Avenue, to avoid any potential significant air quality impacts.
75	2333	50, 54	Any new residential and/or commercial development on the above-referenced properties must use natural gas for HVAC systems or, if fuel oil is used, ensure that the boiler stack(s) is located at least 30 feet from the lot line facing E 139 Street, to avoid any potential significant air quality impacts.

C. Noise Analysis

Based on a noise analysis, it was determined that to avoid any potential ambient noise impacts associated with the proposed rezoning, certain sites would require (E) designations specifying certain noise attenuation requirements. A number of projected and potential development sites require noise attenuation in order to avoid impacts from ambient noise. The list of sites that would require (E) designation and the text of the noise (E) designation for those sites requiring noise attenuation of 40 dBA is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 40 dBA window-wall attenuation on all façades in order to maintain an interior noise level of 45 dBA. To achieve 40 dBA of building attenuation, special design features that go beyond the normal double-glazed windows are necessary and may include using specially design windows (i.e., windows with small sizes, windows with air gaps, windows with thicker glazing, etc.), and additional building attenuation. 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. The required degree of window-wall attenuation would require added project costs and could limit the range of design options. The City has not made any determination that cost-effective attenuation measures are available for this site. Commercial uses must provide a closed window condition with a minimum of 35 dBA window-wall attenuation in order to maintain an interior noise level of 50 dBA

The text of the noise (E) designation for those sites requiring noise attenuation of 35 dBA is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 35 dB(A) window-wall attenuation in all façades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

With the attenuation measures specified herein, the Canal/Rider Retention Alternative would not result in any significant adverse noise impacts, and would meet CEQR guidelines

Table O-4: NOISE (E) DESIGNATIONS

Sites Requiring (E) Designation with 40 dBA Noise Attenuation

<i>Projected Development Sites</i>		
Development Site	Block	Lot(s)
1	2349	112
2	2349	100
3	2323	28
4	2349	15
6	2351	1, 12, 20
	2350	1
8	2349	90
<i>Potential Development Sites</i>		
32	2349	38
33	2349	3
34	2323	43
35	2349	47, 46
36	2323	13
40	2351	3

Sites Requiring (E) Designation with 35 dBA Noise Attenuation

<i>Projected Development Sites</i>		
<i>Development Site</i>	<i>Block</i>	<i>Lot (s)</i>
13	2345	5
14	2341	40, 37
15	2341	28
16	2341	10
<i>Potential Development Sites</i>		
42	2345	14, 18, 22, 26
43	2345	1, 49
45	2344	52
46	2344	11, 17, 27
47	2344	1
48	2341	42
49	2341	34
50	2341	31
51	2341	23
52	2341	6

