



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

Technical Memorandum for the Willets Point Development Plan FGEIS

CEQR Number 07DME014Q TM002

Updated Projected Public School Pupil and Day Care Ratios, New Phase II Environmental Site Investigation (ESI) Information, and New Business Relocation Plans

November 13, 2008

A. INTRODUCTION

The Office of the Deputy Mayor for Economic Development issued a Notice of Completion for the Willets Point Development Plan Final Generic Environmental Impact Statement (FGEIS) on September 12, 2008. Under the proposed Plan, the approximately 61-acre Willets Point Development District (District) would be redeveloped with up to 8.94 million gross square feet of residential, retail, hotel, convention center, entertainment, commercial office, community facility, open space, and parking uses. The Plan would result in a change to the underlying zoning of the District from an existing M3-1 district (and a small area zoned R3-2) to a C4-4 district, and would include the creation of an Urban Renewal Plan and a zoning Special District.

Subsequent to the issuance of the FGEIS, the City Planning Commission proposed several modifications to the Special Willets Point District zoning regulations. These modifications were described, and their potential for significant adverse environmental impacts examined, in a technical memorandum dated September 23, 2008. The City Planning Commission voted in favor of the proposed Plan with those modifications on September 24, 2008.

Since the City Planning Commission vote, new information related to projected school and day care populations has become available. Specifically, the New York City School Construction Authority (SCA) has updated the pupil generation rates for the projection of school children, which affect the projected enrollment in public schools in the Community School District serving the Willets Point Development District. These updated pupil generation rates replace the rates in the *2001 New York City Environmental Quality Review (CEQR) Technical Manual* (Table 3C-2). In addition, New York City Department of City Planning (DCP) has released updated generation rates for the projection of children eligible for publicly funded day care facilities.

There is also new information with respect to the amount of affordable housing to be provided in the District. In the FGEIS, it was assumed that 20 percent of the proposed units would be reserved for households earning between 60 percent and 130 percent of the U.S. Department of Housing and Urban Development (HUD) Income Limit for New York City. It is now anticipated that 35 percent of the

proposed units would be affordable. Of the affordable units, 60 percent would be reserved for households earning at or below 60 percent of the HUD Income Limit for New York City, and 40 percent would be reserved for households earning up to 130 percent of the HUD Income Limit for New York City.

In addition, there is new information related to environmental conditions on one of the properties located within the District. A Phase II environmental site investigation (ESI) was conducted in November, 2008 for Block 1822, Lot 17.

Finally, the City recently has reached individual agreements to purchase several properties in Willets Point from their owners. As part of its ongoing relocation planning effort, the City has identified viable relocation sites for five of these businesses. It is currently anticipated that three of these five businesses would be accommodated on a new relocation site in College Point, which was not previously analyzed as part of FGEIS Chapter 28, "Potential Effects of Acquisition and Relocation," and that two would be accommodated on a site in College Point which was analyzed as part of the FGEIS, but would undergo modifications to accommodate these additional businesses.

As described in the New York State Department of Environmental Conservation's SEQRA regulations, 6 NYCRR §617.9(a)(7)(i)(a), (b), and (c), and the *2001 CEQR Technical Manual*, the lead agency may require the preparation of a supplemental EIS if there are significant adverse environmental impacts not addressed or inadequately addressed in the EIS that arise from changes proposed for the project; newly discovered information; or a change in circumstances related to the project. This Technical Memorandum evaluates the effects of the changes in SCA's pupil generation rates and DCP's day care eligible children generation rate, assesses the additional demand for school seats and day care slots that would be introduced by the proposed Plan using the new generation rates, and assesses whether these changes would result in new or different significant adverse environmental impacts not previously identified in the FGEIS. The Technical Memorandum also summarizes findings from the recent Phase II ESI and gauges the consistency of these findings with those described in the FGEIS, and assesses whether the new business relocation plans would have the potential to result in significant adverse environmental impacts.

The analysis concludes that neither the new business relocation plans, additional environmental information, nor the newly available updated generation rates would result in significant adverse environmental impacts that were not identified in the FGEIS.

B. SCHOOL ENROLLMENT AND CAPACITY PROJECTIONS

In November 2008, the SCA released updated public school generation rates for the projection of school children, in conjunction with the release of its new Five-Year (2010-2014) Capital Plan. The capital plan is based on student generation rates (i.e., number of school-age children per household) that differ from those used by SCA in the past, and those used in the FEIS based on *2001 CEQR Technical Manual* guidelines.

Using the latest SCA school children generation rates, this Technical Memorandum revisits the FGEIS analysis of the proposed Plan's potential impacts on public schools. In this analysis, enrollment projections were updated by applying the new SCA student generation rates to known No Build projects as well as to the residential units proposed under the proposed Plan and in the No Convention Center Scenario to determine how many additional school children would be introduced.

As reflected in the technical analysis that follows, with the provision of additional school seats as part of the proposed Plan, this change in generation rates would not result in any significant adverse environmental impacts that were not identified in the FGEIS.

UPDATED ENVIRONMENTAL CONDITIONS

PROPOSED PLAN

In the FGEIS, the analysis of the proposed project's effect on public schools relies on student generation rates provided in Table 3C-2 of the *2001 CEQR Technical Manual*. These rates are used to estimate the

number of school age children generated per household given the location (by borough) and affordability level of new residential development. The updated SCA student generation rates account for differences by borough but do not differentiate by income mix.¹

As shown in Table 1, based on the student generation rates presented in Table 3C-2 of the 2001 CEQR Technical Manual, the proposed Plan would generate 858 elementary school students, 418 intermediate school students, and 187 high school students. Based on the updated SCA student generation rates, the proposed plan would generate 1,540 elementary school students, 660 intermediate school students, and 770 high school students. This is an additional 682, 242, and 583 elementary, intermediate, and high school students, respectively, than disclosed in the FGEIS.

Table 1
Estimated Number of Students Generated in Study Area
Future with the Proposed Plan

School	FEIS Student Generation ¹	Updated SCA Student Generation ²	Difference
PS	858	1,540	682
IS	418	660	242
HS	187	770	583
Totals	1,463	2,970	1,507
Notes:			
1. Based on student generation rates provided in the 2001 CEQR Technical Manual (0.15 elementary students, 0.07 intermediate students, and 0.03 high school students per high-income household; 0.18 elementary students, 0.10 intermediate students, and 0.05 high school students per low-moderate income household).			
2. Based on updated SCA student generation rates for Queens (0.28 elementary students, 0.12 intermediate students, and 0.14 high school students per household).			

As described in the FGEIS, the Willetts Point Development Plan includes provision of a new school that would be designed to alleviate the shortfall for seats projected to be generated by the proposed Plan within Zone 2 of Community School District 25. The FGEIS analysis concluded that an 850-seat elementary school would be provided to accommodate the project-generated shortfall, and that the proposed Plan would not result in any significant adverse impacts on public elementary schools.

Using the updated SCA student generation rates, there would be additional demand introduced by the proposed plan. As a result, the proposed elementary school would need to be sized with greater capacity in order to accommodate the project-generated shortfall. In order to meet the project-generated shortfall in elementary school seats within Zone 2 of Community School District 25, the proposed Plan would need to provide 1,540 elementary seats, rather than the 850 seats analyzed in the FGEIS.

With respect to intermediate schools, the FGEIS analysis showed that in the future with the proposed Plan, intermediate schools in the one-mile study area were operating above capacity (with a shortfall of 26 seats), but intermediate schools within Zone 2 of CSD 25 and CSD 25 were operating below capacity with 466 and 3,162 available seats, respectively. The FGEIS analysis concluded that the shortfall of 26 seats could be easily be accommodated by the significant surplus of school seats available in both Zone 2 and throughout CSD 25. Therefore, the proposed Plan would not result in any significant adverse impacts on public intermediate schools.

The increased student population resulting from the updated SCA student generation rates would increase the deficiency of intermediate seats within the one-mile area but would not result in a shortfall of seats in

¹ Although the anticipated percentage of affordable units has increased since the FGEIS was issued, this change does not affect the anticipated number of students generated by the proposed Plan or No Convention Center Scenario, as the updated SCA student generation rates do not differentiate by income mix.

Zone 2 or CSD 25. The proposed Plan would generate 660 intermediate students. There is one intermediate school in the one-mile study area (I.S. 237), which is also located with Zone 2. If all the students generated by the proposed Plan were to attend this school, the one-mile study area would have a shortfall of 396 seats and operate at 127 percent of capacity. However, intermediate students would be able to attend other schools located within the zone. In the future with the proposed Plan, intermediate schools within Zone 2 would have available capacity to accommodate all of the additional students. In Zone 2, all 660 students generated by the proposed Plan could be accommodated by the 780 available seats, with 120 available seats remaining. Thus, in the future with the proposed Plan, intermediate schools in Zone 2 of CSD 25 would operate at 95 percent of capacity. In CSD 25, intermediate schools in the future with the proposed Plan would have 2,791 available seats and would operate at 64 percent of capacity. Therefore, with the increased student population resulting from the updated SCA student generation rates, the proposed Plan would not result in any significant adverse impacts on public intermediate schools.

With respect to high schools, the FGEIS analysis showed that in the future with the proposed Plan, high schools borough-wide would operate below capacity (with 4,523 available seats). The FGEIS analysis concluded that the increased high school enrollment attributable to the proposed Plan would not result in significant adverse impacts on high schools. The updated SCA student generation rates would result in 770 high school students, compared to 187 high school students analyzed in the FGEIS. Even with this increased student population high schools would continue to operate below capacity (with 3,940 available seats). Therefore, with the increased student population resulting from the updated SCA student generation rates, the proposed Plan would not result in any significant adverse impacts on public high schools.

NO CONVENTION CENTER SCENARIO

The FGEIS analysis showed that in the future with the proposed action, the No Convention Center Scenario would generate 913 elementary school students, 445 intermediate school students, and 199 high school students. As shown in Table 2, with the updated SCA student generation rates, the No Convention Center Scenario would generate 1,638 elementary school students, 702 intermediate school students, and 819 high school students. This is an additional 725, 257, and 620 elementary, intermediate, and high school students, respectively, than disclosed in the FGEIS.

As described in the FGEIS, the proposed Plan includes provision of a new school that would be designed to alleviate the shortfall in seats projected to be generated by the No Convention Center Scenario within Zone 2 of Community School District 25. The FGEIS analysis showed that a 900-seat school would need to be provided to accommodate the project-generated shortfall, and that the No Convention Center Scenario would not result in any significant adverse impacts on public elementary schools.

Using the updated SCA student generation rates, there would be additional demand introduced by the No Convention Center Scenario. As a result, the proposed elementary school would need to be sized with greater capacity in order to accommodate the project-generated shortfall. In order to meet the project-generated shortfall in elementary school seats within Zone 2 of Community School District 25, the No Convention Center Scenario would need to provide 1,640 elementary seats, rather than the 900 seats analyzed in the FGEIS.

Table 2
Estimated Number of Students Generated in Study Area
Future with the No Convention Center Scenario

School	FEIS Student Generation ¹	Updated SCA Student Generation ²	Difference
PS	913	1,638	725
IS	445	702	257
HS	199	819	620
Total	1,557	3,159	1,602
Notes: 1. Based on student generation rates provided in the 2001 CEQR Technical Manual (0.15 elementary students, 0.07 intermediate students, and 0.03 high school students per high-income household; 0.18 elementary students, 0.10 intermediate students, and 0.05 high school students per low-moderate income household). 2. Based on updated SCA student generation rates for Queens (0.28 elementary students, 0.12 intermediate students, and 0.14 high school students per household).			

With respect to intermediate schools, in the future with the No Convention Center Scenario, the FGEIS analysis showed that intermediate schools in the one-mile study area would operate above capacity (with a shortfall of 53 seats), but the intermediate schools within Zone 2 of CSD 25 and CSD 25 would operate below capacity with 439 and 3,135 available seats, respectively. The FGEIS analysis concluded that the shortfall of 53 seats could be easily be accommodated by the significant surplus of school seats available in both Zone 2 and throughout CSD 25. Therefore, the No Convention Center Scenario would not result in any significant adverse impacts on public intermediate schools.

The increased student population resulting from the updated SCA student generation rates would increase the deficiency of intermediate seats within the one-mile area but would not result in a shortfall of seats in Zone 2 or CSD 25. The No Convention Center Scenario would generate 702 intermediate students. If all the students generated by the No Convention Center Scenario were to attend I.S. 237 (the only intermediate school in the one-mile study area), the one-mile study area would have a shortfall of 438 seats and operate at 130 percent of capacity. However, as stated above, intermediate students would be able to attend other schools located within the zone. In the future with the No Convention Center Scenario, intermediate schools within Zone 2 would have available capacity to accommodate all of the additional students. In Zone 2, all 702 intermediate students generated by the No Convention Center Scenario could be accommodated by the 780 available seats, with 78 available seats remaining. Thus, with the No Convention Center Scenario, intermediate schools in Zone 2 would operate at 97 percent of capacity. In CSD 25, intermediate schools would have 2,749 available seats and operate at 65 percent of capacity. Therefore, with the increased student population resulting from the updated SCA student generation rates, the No Convention Center Scenario would not result in any significant adverse impacts on public intermediate schools.

With respect to high schools, the FGEIS analysis showed that in the future with the No Convention Center Scenario, high schools borough-wide would operate below capacity (with 4,511 available seats). The FGEIS analysis concluded that the increased high school enrollment attributable to the No Convention Scenario would not result in significant adverse impacts on high schools. The updated SCA student generation rates would result in 819 high school students rather 199. Even with this increased student population high schools would continue to operate below capacity (with 3,891 available seats). Therefore, with the increased student population resulting from the updated SCA student generation rates, the No Convention Center Scenario would not result in any significant adverse impacts on public high schools.

CONCLUSION

As described above, the updated SCA student generation rates are substantially higher than the generation rates used in the FGEIS, which were based on *2001 CEQR Technical Manual* guidelines and are consistent with the figures previously used by SCA. As a result, the estimated number of students introduced to the three school study areas in the future without and the future with the proposed Plan are higher than presented in the FGEIS. In order to meet the project-generated shortfall in elementary school seats, the proposed Plan and No Convention Center Scenario would need to include 1,540 and 1,640 seats, respectively, as compared to the 850 and 900 seats described in the FGEIS. With respect to intermediate seats, there is sufficient available capacity within Zone 2 to accommodate all of the students generated by the proposed Plan and No Convention Center Scenario. No additional high schools seats would be needed as there are a sufficient number of high school seats available in Queens to accommodate the project-generated demand.

With the provision of these school seats, neither the proposed Plan nor the No Convention Center Scenario would result in significant adverse public school impacts. Should the proposed Plan be approved, the City would ensure that the elementary and intermediate seats required to alleviate the project-generated shortfall would be constructed within the District, either by requiring a future developer to construct the necessary school or schools as part of the developer's agreement, or by including the necessary funds in the SCA's Five-Year Capital Plan.

C. DAY CARE ENROLLMENT AND CAPACITY PROJECTIONS

In November 2008, DCP released updated generation rates for the projection of children eligible for publicly funded day care facilities. The new generation rates differentiate between the projected number of children under age 6 that are eligible for publicly funded day care programs, and the projected number of children, aged 6 to 12, that are eligible for publicly funded after school day care programs.

Using the latest DCP day care generation rates, this Technical Memorandum revisits the FGEIS analysis of the proposed Plan's potential impacts on day care facilities. In this analysis, the new DCP day care generation rates were applied to the residential units proposed under the proposed Plan and in the No Convention Center Scenario to determine how many more day care eligible children would be introduced. As discussed in the FGEIS, there are a substantial number of new developments expected to be complete by 2017 independent of the proposed Plan; many of these projects will contain residential uses and may include affordable housing. Therefore, using the updated DCP day care generation rates, there may be a greater demand for day care slots in the future without the proposed Plan and a corresponding higher utilization of day care resources.

As stated in the FGEIS, both the proposed Plan and the No Convention Center Scenario could result in significant adverse impacts on publicly funded day care centers in the study area. To mitigate this potential impact, NYCEDC would require as part of the developer's agreement that a future developer consult with the Administration for Children's Services (ACS) to determine the appropriate way to meet demand for day care services generated by development in the District. Appropriate measures may include adding capacity at existing facilities or the development of a new day care facility within or near the area surrounding the District. As reflected in the technical analysis that follows, with this requirement, the change in generation rates would not result in any significant adverse environmental impacts that were not disclosed in the FGEIS.

UPDATED ENVIRONMENTAL CONDITIONS

PROPOSED PLAN

In the FGEIS, the analysis of the proposed project's effect on day care facilities relies on generation rates provided in Table 3C-4 of the *2001 CEQR Technical Manual*. These rates are used to estimate the number of children eligible for public day care facilities per household given the location (by borough) and the

number of low- income and low- to moderate-income units within a residential development (providing different generation rates for these two housing categories). The updated DCP generation rates differentiate by borough and apply to the total number of low-income and low- to moderate-income units within a residential development, but they do not provide different generation rates for these two affordability levels. In addition, the new generation rates differentiate between the projected number of children under age 6 that are eligible for publicly funded day care programs, and the projected number of children, aged 6 to 12, that are eligible for publicly funded after school day care programs.

In the FGEIS, it was assumed that 20 percent of the proposed units would be affordable, and that the proposed Plan would include approximately 1,100 affordable housing units. Based on the generation rates presented in Table 3C-4 of the *2001 CEQR Technical Manual*, the proposed Plan would generate approximately 198 children under the age of 12 who could be eligible for publicly funded day care.²

It is now anticipated that 35 percent of the proposed units would be affordable, and that the proposed Plan would include 1,925 affordable units. Based on the updated information on affordability and the new DCP generation rates, the proposed Plan would generate approximately 751 children under the age of 6 who could be eligible for publicly funded day care, and approximately 347 children aged 6 to 12 who could be eligible for publicly funded after school day care programs.³

The 751 children under the age of 6 who would be eligible for publicly funded day care programs would represent an increase of 553 children over the number of public day care eligible children presented in the FGEIS. The proposed project could also generate 347 children, aged 6 to 12, who would also be eligible for publicly funded day care services. Because these children are expected to be attending school during most of the day, their need would be for after school care. Eligible children who qualify for ACS vouchers or other programming for after school care could be served by Family Child Care Networks or school-age slots in ACS contracted day care facilities, New York City Department of Youth and Community Development's Out of School Time programs, and/or DOE approved after school programs.

NO CONVENTION CENTER SCENARIO

In the FGEIS, it was assumed that 20 percent of the proposed units would be affordable, and that the No Convention Center Scenario would include approximately 1,170 affordable housing units. Based on the generation rates presented in Table 3C-4 of the *2001 CEQR Technical Manual*, the No Convention Center Scenario would generate approximately 211 children under the age of 12 who could be eligible for publicly funded day care.⁴

It is now anticipated that 35 percent of the proposed units would be affordable, and that the No Convention Center Scenario would include 2,048 affordable units. Based on the new DCP generation rates, the No Convention Center Scenario would generate approximately 799 children under the age of 6 who could be eligible for publicly funded day care, and approximately 369 children aged 6 to 12 who could be eligible for publicly funded after school day care programs.⁵

The 799 children under the age of 6 who would be eligible for publicly funded day care programs would represent an increase of 588 children over the number of public day care eligible children presented in the

² Based on the CEQR generation rates for Queens (0.20 children per low-income household and 0.18 children per low- to moderate-income per household).

³ Based on updated DCP day care generation rates for Queens (0.39 children under age 6 per low- or low-moderate income household and 0.18 children aged 6 to 12 per low- or low-moderate income household).

⁴ Based on the CEQR generation rates for Queens (0.20 children per low-income household and 0.18 children per low- to moderate-income per household).

⁵ Based on updated DCP day care generation rates for Queens (0.39 children under age 6 per low- or low-moderate income household and 0.18 children aged 6 to 12 per low- or low-moderate income household).

FGEIS. The proposed project could also generate 369 children, aged 6 to 12, who would be eligible for publicly funded after school day care services. However, as described above, eligible children who qualify for ACS vouchers or other programming for after school care could be served by a number of available programs, including Family Child Care Networks, school-age slots in ACS contracted day care facilities, New York City Department of Youth and Community Development's Out of School Time programs, and/or DOE approved after school programs.

CONCLUSION

As described above, the updated DCP generation rates for public day care eligible children are substantially higher than the generation rates used in the FGEIS, which were those in Table 3C-4 of the *2001 CEQR Technical Manual*. As a result of the updated DCP generation rates, the estimated number of children eligible for publicly funded day care programs introduced to the study area in the future without and the future with the proposed Plan is considerably higher than presented in the FGEIS, and additional day care capacity would be needed.

The FGEIS concluded that both the proposed Plan and the No Convention Center Scenario could result in significant adverse impacts on publicly funded day care facilities. Utilizing the DCP's updated generation rates, both the proposed Plan and the No Convention Center Scenario would continue to have the potential to result in significant adverse impacts on publicly funded day care facilities. Thus, the change in generation rates would not result in any significant adverse environmental impacts that were not disclosed in the FGEIS.

As described in the FGEIS, possible mitigation measures include adding capacity to existing facilities or providing a new day care facility within or near the area surrounding the District. To mitigate the potential impact on day care facilities, NYCEDC would require as part of the developer's agreement that a future developer consult with ACS to determine the appropriate way to meet demand for day care services generated by development in the District.

D. HAZARDOUS MATERIALS

A subsurface investigation of Block 1822, Lot 17 was recently conducted by HDR, P.C. (Limited Phase II Site Investigation Report, DRAFT November 2008). The investigation consisted of a geophysical study aimed at identifying buried tanks or structures (though this effort was greatly limited by surface storage) and installation of six borings from which six soil and five groundwater samples were collected and laboratory analyzed.

The borings were generally advanced to a depth of 15 feet and the water table was encountered at approximately five to seven feet below the surface. Asphalt, where present, was generally degraded. Historic fill materials (such as wood, brick, and ceramic) were present, but petroleum odors were found in only one boring (near the location of the former underground fuel tanks). A slight sheen was noticed in the groundwater from this and one other location. The samples collected near the former tanks location showed evidence of gasoline contamination in both the soil and the groundwater. The sampling results at other locations were generally consistent with those found sampling historical fill material, though one other location (near the only identified anomaly from the geophysical study) showed evidence of lower levels of gasoline and polychlorinated biphenyls (PCBs).

The findings from this Phase II ESI are consistent with the FGEIS, which anticipated that petroleum contamination and historical fill are likely to be widespread across the District. The FGEIS outlined measures to avoid the potential for significant adverse impacts from hazardous materials, including institutional controls that would require future construction to take place in accordance with NYC Department of Environmental Protection (DEP)-approved work plans addressing both known and unexpectedly encountered contamination, and appropriate design measures such as site capping and

importation of fill. The Phase II ESI findings for Lot 17 confirm the appropriateness of these measures described in the FGEIS.

E. BUSINESS RELOCATION PLANS

Since issuance of the FGEIS, the City has reached several individual agreements to purchase properties in Willetts Point from their owners. As part of its ongoing relocation planning effort, to date the City has identified viable relocation sites for five businesses. These are discussed and evaluated in this analysis.⁶

Since the FGEIS, the City has identified one new relocation site and proposes modifications to a relocation site that was assessed in the FGEIS, in Chapter 28, “Potential Effects of Acquisition and Relocation.” As currently proposed, these two potential relocation sites would accommodate five relocated businesses. The relocation properties consist primarily of City-owned land, but would also require acquisition of one privately owned property. Table 3 and Figure 1 show the two potential sites for business relocation. Site 1 would house two relocated businesses and Site 2 would house three relocated businesses.

**Table 3
Relocation Sites and Potential Uses**

Relocation Site	Location	Existing Use	Potential Use
1	29th Avenue and 122nd Street College Point, Queens Block 4317, Lots 1, 20, and 60	Asphalt manufacturing plant	Two construction contracting businesses in northern portion of site
			Asphalt manufacturing plant relocated to southern portion of site
2	College Point Boulevard and 31st Avenue, College Point, Queens Block 4356, part of Lot 30; Block 4357, part of Lot 1; Block 4358, part of Lot 1; and Block 4359, part of Lot 1	New York Police Department (tow pound)	Wholesale dealer in used auto parts
			Iron fabricator
			Plumbing supply distributor

POTENTIAL RELOCATION SITE—QUEENS BLOCK 4317, LOTS 1, 20, AND 60

Modifications are proposed to one of the potential relocation sites described in Chapter 28 of the FGEIS. This potential relocation site, referred to as Site 2 in the FGEIS, is located at 122nd Street and 29th Avenue in College Point, Queens. Previously, it was expected that the site would consist of Block 4317, Lots 1 and 20, with a lot area of approximately 45,750 square feet. As described in the FGEIS, it was expected that an approximately 8,000-square-foot, one-story building would be constructed to accommodate the relocated businesses, including a wholesaler and dealer in used auto parts. The 8,000-square-foot building would house office space and another structure would be built for parts storage. Access to the site would likely be provided from 29th Avenue. It was expected that the existing asphalt manufacturing plant on the site would move and consolidate with the rest of that company’s operations on a neighboring property.

Since the FGEIS was published, this relocation site and its potential future uses have been modified. The site now consists of Block 4317, Lot 60, in addition to Lots 1 and 20. The total lot area is 78,800 square feet. Lot 60 is currently privately-owned, and would require acquisition by the City to facilitate the

⁶ Since the FGEIS, the City has entered into contracts to purchase the following Willetts Point properties: Parts Authority (Block 1820, Lot 1); WP Property LLC (Block 1824, Lots 21, 28, and 40); House of Spices (Block 1833, Lot 300). No relocation packages have been determined for the businesses currently operating on these properties.

business relocation. The existing asphalt manufacturing plant would remain on the site, but would be relocated and would occupy an approximately 38,800-square-foot area on the southern portion of the site. Although plans are not yet final, it is currently anticipated that the northern portion of the site would be divided into two, 20,000-square-foot parcels, and would be occupied by two construction contracting operations. Both businesses would contain small administration buildings and both enclosed and open storage for construction equipment. One of the businesses would occupy a one-story, 5,000-sf building in the center of the site and may contain a one-story, 9,400-sf enclosed storage structure. The second business would occupy two one-story buildings on the northern portion of the site, containing approximately 4,600 sf and 2,930 sf, and a one-story, 5,500-sf enclosed storage structure. New curb cuts would be required on 28th Avenue and 122nd Street to provide access to these businesses. It is assumed that if this site is not used to house two relocated businesses, the asphalt plant would be relocated to the southern portion of the site and the northern portion of the site would be redeveloped and occupied by other light manufacturing uses.

CHANGES TO POTENTIAL EFFECTS

LAND USE, ZONING, AND PUBLIC POLICY

The site is zoned M1-1, and there are a number of storage, distribution, and other light industrial uses in the area. There are also residential uses to the north of the site, directly across 28th Avenue and approximately 250 feet to the west, on the west side of 120th Street. As shown in Figure 1, the area surrounding the site is zoned primarily M1-1, M3-1, R4 and R5-B. This relocation site is located within the boundaries of the College Point II Urban Renewal Plan (URP) and within the College Point Corporate Park.

The use of the relocation site for two construction contracting businesses would be in keeping with the mix of existing land uses found in the area and would be consistent with the current regulations that apply in the M1-1 zoning district, as well as in the College Point II URP. Although the URP will expire in April 2009, it is anticipated that most of the use, bulk, parking and loading, and other regulations currently mandated by the URP will be continued through a new Special Purpose Zoning District. This proposed Special District will require discretionary approval and will undergo a separate public review and approval process. However, the anticipated uses on this relocation site would be consistent with these regulations, including required front yard and landscaping and planting requirements. Overall, the relocation of these businesses to the site would not be expected to result in significant adverse impacts to land use, zoning, or public policy.

SOCIOECONOMIC CONDITIONS

As described above, according to the *2001 CEQR Technical Manual*, a socioeconomic assessment should be conducted if a proposed project may reasonably be expected to create substantial socioeconomic changes. With the proposed relocation of two construction contracting businesses to the site, there would be no displacement of any residential populations, businesses, or employees, and the businesses would include less than 200,000 square feet of space. There would not be a substantial change in the surrounding neighborhood's overall character, and no change in market-rate rents in the surrounding neighborhood. Overall, there would not be a significant adverse impact on the socioeconomic character of the community surrounding the site.

COMMUNITY FACILITIES AND SERVICES

The potential relocation of two businesses to the site would not involve the development of any residential units. As such, no further analysis is required and the proposed action would not result in any significant adverse impacts to community facilities and services.

OPEN SPACE

The 2001 CEQR Technical Manual's threshold for a detailed analysis of open space is an expected population increase of 200 or more residents or 500 or more employees. The relocation of two construction contracting businesses would not result in any residential development and would result in far less than 500 employees. Therefore, there would not be a significant adverse impact to open space and no further analysis is necessary.

SHADOWS

As described above, one-story office and storage buildings would be constructed to accommodate the relocated businesses. None of these buildings is expected to be 50 feet or greater in height and would not be immediately adjacent to a park, historic resource or important natural feature. Therefore, according to the guidelines of the 2001 CEQR Technical Manual, a detailed analysis is not required and there would not be a significant adverse shadow impact.

HISTORIC RESOURCES

LPC has determined that the relocation site is not sensitive for potential archaeological resources. Therefore, any work on the site would not have any effect on archaeology and there would not be a significant adverse impact.

Study areas for architectural resources are determined based on the area of potential effects for construction-period impacts, such as ground-borne vibrations, and on the area of potential effects for visual or contextual effects. There are no architectural resources on the site or in a 400-foot radius from the site. As there are no architectural resources on the site or in the surrounding area, the proposed relocation of the two businesses to the site would have no adverse direct or indirect impacts on architectural resources.

URBAN DESIGN AND VISUAL RESOURCES

The site is located in a mixed-use context within the College Point Corporate Park that includes distribution, manufacturing, residential, and other uses. There are no visual resources on the site or in the surrounding area. There would be no significant impacts to the urban design of the site itself or the surrounding area. The proposed uses would generally be in keeping with the surrounding area, and significant adverse impacts on urban design or visual resources are not anticipated.

NEIGHBORHOOD CHARACTER

The proposed use would be consistent with the existing neighborhood character, where industrial buildings, storage facilities, residences, and other uses are all found. The proposed use would be consistent with those permitted under zoning and in keeping with the mixed-use character of the area. The proposed relocation of two construction contracting businesses would not result in any significant adverse impacts to land use, traffic, noise, air quality, or any of the other elements that contribute to neighborhood character. Therefore, there would not be a significant adverse impact to neighborhood character.

NATURAL RESOURCES

As described above, a natural resources assessment is conducted when a natural resource is present on or near a site and when a proposed project involves the disturbance of that resource. The relocation site is located in a well-developed light industrial and residential part of Queens, and there are no natural resources on or adjacent to the site. Therefore, the proposed action would not result in significant adverse impacts to natural resources, and no further analysis is required.

HAZARDOUS MATERIALS

A Phase I Environmental Site Assessment (ESA) was performed by TRC Environmental Corporation (TRC), dated June 2008, for Lots 1 and 20 of the relocation site. Previous reports addressing Lot 60,

including an Investigation Summary report dated January 2005, were also reviewed and included in the 2008 ESA prepared by TRC.

The ESA identified that a spill was reported (Spill No. 98-11754) to the New York State Department of Environmental Conservation (NYSDEC) in 1998 related to the removal of petroleum-contaminated soil associated with the closure of six underground storage tanks on Lot 60. Since concentrations of petroleum-related compounds above regulatory criteria and separate phase product (i.e., petroleum floating on the water table) remained in the groundwater in the area of the former tanks, a Remedial Action Plan (RAP) and an Operation, Maintenance and Monitoring Plan were prepared by Enviro-Sciences Inc. (ESI) in February 2007. The remediation technology consisted of a dual phase (separate phase product and groundwater with dissolved contamination) high vacuum extraction system of recovery wells. Tri-annual Groundwater Monitoring Reports have been prepared and the January 2008 report indicated that the extent of separate phase product (at the northwest end of Lot 60, beneath the warehouse building and extending beneath the sidewalk of 28th Avenue) has remained generally the same since 2004.

A Methane Investigation of the relocation site (ESI, August 2007) identified levels of methane exceeding 5 percent (the “lower explosive limit” or “LEL” for methane—the lowest percentage of methane in air where combustion can occur) at two locations, including the south sidewalk of 28th Avenue and the north sidewalk of 29th Avenue. The methane may be attributable to the historical marshlands or the on-site septic system and cesspool.

To avoid the potential for any significant adverse impacts from hazardous materials, the City will use institutional controls (e.g., measures such as restrictive declarations or requirements in a future contract to sell the properties) requiring that future construction be in accordance with a RAP approved by the New York City Department of Environmental Protection (DEP) and, if applicable, NYSDEC. The RAP would include a Health and Safety Plan (HASP), which would detail measures to reduce the potential for exposure (e.g., dust control). The RAP would also include procedures to identify and manage known contamination (i.e., petroleum contamination and methane) unexpectedly encountered contamination, including testing, stockpiling, transporting and disposing of any contaminated soil, as well as managing groundwater and/or dewatering. In addition, the RAP would include appropriate design measures such as site capping and importation of fill, as well as measures for quality assurance /quality control. With these controls in place, it is expected that there would not be any significant adverse impacts from hazardous materials.

WATERFRONT REVITALIZATION PROGRAM

The relocation site is located within the coastal zone. The City’s policy is to review a project’s consistency with the WRP policies if a proposed project is located within a coastal zone area. A Coastal Assessment Form has been prepared that evaluates consistency with New York City Coastal Zone policies and, accounting for the modifications to this relocation site, it has been determined that the anticipated uses on the relocation site would generally be consistent with the WRP. The Coastal Assessment Form is attached.

INFRASTRUCTURE

The use of the relocation site by two construction contracting businesses would not result in an exceptionally large demand for water, nor would it generate unusually large sanitary or stormwater flows. Therefore, it would not result in any significant adverse impacts to infrastructure, and no further analysis is necessary.

SOLID WASTE AND SANITATION SERVICES

In accordance with the 2001 *CEQR Technical Manual*, which states that actions involving construction of housing or other development generally do not require evaluation of solid waste and sanitation impacts unless they are unusually large, a detailed assessment of solid waste and sanitation services is not

warranted. The businesses proposed for relocation are fairly modest in size and will not use public solid waste and sanitation services. Any solid waste generated would be handled by commercial haulers. Overall, no significant adverse solid waste and sanitation services impacts are anticipated.

ENERGY

The proposed relocation of two construction contracting businesses would not result in a substantial demand for energy. According to the *2001 CEQR Technical Manual*, detailed assessments of energy impacts are limited to those actions that would significantly affect the transmission or generation of energy or that generate substantial indirect consumption of energy. The amount of energy that would be consumed would not be significant and would not place excessive burdens on the infrastructure used in the provision of energy. A detailed assessment of energy is not warranted, and there would not be any significant adverse impacts related to energy.

TRAFFIC AND PARKING

The *2001 CEQR Technical Manual* specifies that if a proposed action would generate fewer than 50 peak hour vehicle trips, it is unlikely to result in significant adverse traffic and parking impacts, and detailed quantified analyses are not warranted. Since the two relocated contracting businesses are conforming uses that could otherwise occupy the relocation site as-of-right, in accordance with CEQR guidelines, their trip generation would not be considered incremental trips to the surrounding traffic network. Therefore, there would not be a potential for any significant adverse traffic impacts. In addition, since all or most of the site vehicle activities would be accommodated on site, there would not be a demand for the area's parking resources or a potential for any significant parking impacts.

TRANSIT AND PEDESTRIANS

Transit and pedestrian analyses determine whether a proposed action can be expected to have a significant impact on public transportation facilities and services and on pedestrian flows. Most or all access to the site is expected to be in private vehicles and trucks. Thus, the occupation of the relocation site by two construction contracting businesses would not meet or exceed the thresholds established in the *2001 CEQR Technical Manual*. Therefore, there would not be any significant adverse impacts to transit or pedestrian conditions.

AIR QUALITY

The proposed reuse of the site is not expected to notably alter traffic conditions. The maximum hourly incremental traffic would not exceed the *2001 CEQR Technical Manual* air quality screening threshold of 100 peak hour vehicle trips. Since the businesses proposed for relocation would result in fewer than 100 new peak hour vehicle trips at nearby intersections in the study area, a quantified assessment of on-street mobile source emissions is not warranted. The primary source of on-site emissions would likely be from fossil fuel-fired heating and hot water systems.

The primary pollutant of concern when burning natural gas is nitrogen dioxide, and when burning oil, sulfur dioxide. Section 3Q of the *2001 CEQR Technical Manual* provides a screening methodology to determine the need for detailed analysis of the effects of a project's heating, ventilation, and air conditioning (HVAC) system on other buildings nearby. The nearest distance to a building of a similar or greater height with elevated receptors associated with a sensitive use was determined to be more than 50 feet from the proposed buildings on the relocation site. The FGEIS presented the results of an HVAC system analysis for 8,000 square feet of development. The updated HVAC system analysis conservatively considered the total development area on the site that would be heated (approximately 12,522 square feet in three separate buildings). As in the analysis presented in the FGEIS, it was assumed that the storage areas for the two businesses proposed for relocation would not require heating. Burning either fuel would not result in any significant stationary source air quality impact, since the proposed development on this site is below the maximum permitted size shown in Figure 3Q-3 in the *2001 CEQR Technical Manual*.

Therefore, the proposed reuse of the site would not result in any potential significant adverse air quality impacts.

NOISE

A noise analysis is appropriate if a project would generate any mobile or stationary sources of noise or would occur in an area with high ambient noise levels. According to the *2001 CEQR Technical Manual*, a doubling of traffic volumes over existing levels (in terms of passenger car equivalents, or PCEs) is the increase that would result in a perceptible change to mobile-source noise levels. Since there would not be a doubling of PCEs, there would not be a noticeable change in noise levels due to project-generated traffic. The proposed operations are not expected to result in unusually high operating noise levels and would not result in sensitive uses in an area with existing high noise levels. Overall, there would not be a significant adverse noise impact, and no further analysis is necessary.

CONSTRUCTION IMPACTS

As described above, work will be needed on the site in order to accommodate the business proposed for relocation. This is expected to include construction of one-story offices and storage structures. Construction would result in temporary disruptions to the surrounding community, such as occasional noise and dust. These effects would be short-term and would not be considered significant. The project would be required to comply with applicable control measures for construction noise. Construction noise is regulated by the New York City Noise Control Code and by noise emission standards for construction equipment issued by the U.S. Environmental Protection Agency. These local and federal requirements mandate that certain classifications of construction equipment and motor vehicles meet specified noise standards; that, except under exceptional circumstances, construction activities be limited to weekdays between the hours of 7 AM and 6 PM; and that construction material be handled and transported in such a manner as to not create unnecessary noise. Hazardous materials, if any, will be handled and disposed of in accordance with all applicable regulations and in accordance with a Construction Health and Safety Plan.

PUBLIC HEALTH

As described above, the proposed relocation of two construction contracting businesses would not result in significant adverse impacts to air quality or noise. The proposed plan would not involve solid waste management practices that would attract vermin or pest populations. If it is determined upon further investigation that any hazardous materials conditions are present on the site, measures will be established to ensure that no hazardous materials impacts—including potential effects on public health—would occur.

POTENTIAL RELOCATION SITE—QUEENS BLOCKS 4356, 4357, 4358, AND 4359

Since the FGEIS, a potential relocation site has been identified at College Point Boulevard and 31st Avenue in College Point, Queens. The site is approximately 239,500 square feet (5.5 acres) and consists of Block 4356, part of Lot 30; Block 4357, part of Lot 1; Block 4358, part of Lot 1; and Block 4359, part of Lot 1. This site is entirely City-owned and the majority of the site is currently occupied by part of a New York Police Department (NYPD) tow pound, which extends north of the site to 28th Avenue. A two-story, approximately 17,000-square-foot building associated with the NYPD tow pound is located on the southeastern portion of the site. The strip of land on the western portion of the site, along College Point Boulevard, is currently vacant.

In the future, it is expected that this site would accommodate three relocated businesses, including an auto parts distributor, an iron fabricator, and a plumbing supply distributor. Although plans are not yet final, it is currently anticipated that the site would be divided into three parcels, each with separate entrances. On the eastern parcel, a one-story, 17,000-sf building, and a one-story, 23,000-sf enclosed storage structure would be constructed in the rear. Vehicular access to this parcel would be on 31st Avenue. On the southwestern parcel—at the corner of College Point Boulevard and 31st Avenue—two one-story buildings would be constructed, including a 10,000-sf building and 45,600-sf enclosed storage structure.

Vehicular access to this parcel would be located on College Point Boulevard and 31st Avenue. On the northwestern parcel, an approximately 60,000-sf building would be constructed. It is anticipated that the vehicular access to this parcel may consist of an entrance on College Point Boulevard and exit on 31st Avenue. Immediately adjacent to the site to the east is a stream that extends to the north and east of the site, and to the south of the site is diverted through covered (subsurface) channels connecting to Flushing Bay.

The City has proposed a plan to develop a new NYPD police academy in the area to the north of this potential relocation site, which is currently occupied by the NYPD tow pound. The new police academy, which is planned to be constructed by 2012, will include a 30-acre campus with 250 classrooms, 250 beds for visiting law enforcement agencies, firing ranges, indoor and outdoor tracks, and areas for simulated training activities. Given that the tow pound would relocate regardless of the proposed relocation of three Willetts Point businesses to the site, it is assumed that if this site is not used to house three relocated businesses it would be redeveloped and occupied by other light manufacturing uses.

CHANGES TO POTENTIAL EFFECTS

LAND USE, ZONING, AND PUBLIC POLICY

The site is zoned M3-1, and the surrounding area primarily consists of light manufacturing uses and parking and vehicle storage. Approximately 240 feet to the east of the site there is a large institutional use—the Korea World Mission Center, which also houses the Full Gospel Christian School. The building is up to nine stories in height and contains approximately 132,500 sf. The area to the south is occupied by Crystal Window and Door Systems, a window and door manufacturer which occupied a three-story, 188,500-sf building. The parcel to the west of the site contains a ConEdison facility. The parcel to the southwest is expected to be developed with two printing facilities within the next two years, including Ares Printing and Packaging and the Graphic Communication Center. There are a mix of uses to the north of the site, along College Point Boulevard, including a hotel, Corona Auto, and United Rentals, which leases tools. As shown in Figure 1, the area surrounding the site is zoned primarily M3-1 and M1-1. This relocation site is located within the boundaries of the College Point II URP and within the College Point Corporate Park. As mentioned above, the City proposes to develop a new NYPD police academy by 2012 in the area immediately north of this potential relocation site, which is currently occupied by the tow pound. The new police academy will include classrooms, accommodations for visiting law enforcement agencies, firing ranges, indoor and outdoor tracks, and areas for simulated training activities.

The use of the relocation site for an auto parts distributor, an iron fabricator, and a plumbing supply distributor would be compatible with the mix of existing and planned land uses found in the area and would be consistent with the current regulations that apply in the existing zoning district, as well as in the College Point II URP. As described above, the URP will expire in April 2009, but it is anticipated that most of the use, bulk, parking and loading, and other regulations currently mandated by the URP will be continued through a new Special Purpose Zoning District. The anticipated uses on this relocation site would be consistent with these regulations, including required front yard and landscaping and planting requirements. In addition, the relocated businesses would be required to meet M1 performance standards, pursuant to the requirements of the URP and the proposed Special Purpose Zoning District. With these additional measures in place, the proposed use of this site for these three relocated businesses would be compatible with the existing institutional use to the east. Overall, the relocation of these businesses to the site would not be expected to result in significant adverse impacts to land use, zoning, or public policy.

SOCIOECONOMIC CONDITIONS

As described above, a socioeconomic assessment should be conducted if a proposed project may reasonably be expected to create substantial socioeconomic changes. Given that the tow pound would relocate regardless of the proposed relocation of three Willetts Point businesses to the site, there would be no displacement of any residential populations, businesses, or employees. The proposed relocation of an auto parts distributor, an iron fabricator, and a plumbing supply distributor to the site would introduce less

than 200,000 square feet of space. There would not be a substantial change in the surrounding neighborhood's overall character, and no change in market-rate rents in the surrounding neighborhood. Overall, there would not be a significant adverse impact on the socioeconomic character of the community surrounding the site.

COMMUNITY FACILITIES AND SERVICES

The potential relocation of businesses to the site would not involve the development of any residential units. As such, no further analysis is required and the proposed action would not result in any significant adverse impacts to community facilities and services.

OPEN SPACE

The 2001 CEQR Technical Manual's threshold for a detailed analysis of open space is an expected population increase of 200 or more residents or 500 or more employees. The relocation of an auto parts distributor, an iron fabricator, and a plumbing supply distributor would not result in any residential development and would result in far less than 500 employees (based on the businesses' current operations, there are expected to be approximately 70 full-time employees). Therefore, there would not be a significant adverse impact to open space and no further analysis is necessary.

SHADOWS

As described above, one-story buildings would be constructed to accommodate the relocated businesses. These buildings are not expected to be 50 feet or greater in height and would not be immediately adjacent to a park, historic resource or important natural feature. Therefore, according to the guidelines of the 2001 CEQR Technical Manual, a detailed analysis is not required and there would not be a significant adverse shadow impact.

HISTORIC RESOURCES

LPC has determined that the relocation site is not sensitive for potential archaeological resources. Therefore, any work on the site would not have any effect on archaeology and there would not be a significant adverse impact.

Study areas for architectural resources are determined based on the area of potential effects for construction-period impacts, such as ground-borne vibrations, and on the area of potential effects for visual or contextual effects. There are no architectural resources on the site or in a 400-foot radius from the site. As there are no architectural resources on the site or in the surrounding area, the proposed relocation of the business to the site would have no adverse direct or indirect impacts on architectural resources.

URBAN DESIGN AND VISUAL RESOURCES

The site is located in an area within College Point Corporate Park that includes warehouses, manufacturing, institutional, and other uses. There are no visual resources on the site or in the surrounding area. There would be no significant impacts to the urban design of the site itself or the surrounding area. The proposed use would generally be in keeping with the surrounding area, and significant adverse impacts on urban design or visual resources are not anticipated.

NEIGHBORHOOD CHARACTER

The proposed use would be consistent with the existing neighborhood character, where industrial buildings, storage facilities, institutional, and other uses are all found. The proposed use and development would be consistent with those permitted under zoning and the College Point II URP and in keeping with the primarily light industrial character of the area. The proposed relocation of an auto parts distributor, an iron fabricator, and a plumbing supply distributor would not result in any significant adverse impacts to land use, traffic, noise, air quality, or any of the other elements that contribute to neighborhood character. Therefore, there would not be a significant adverse impact to neighborhood character.

NATURAL RESOURCES

As described above, a natural resources assessment is conducted when a natural resource is present on or near a site and when a proposed project involves the disturbance of that resource. The relocation site is located in a well-developed light industrial part of Queens and primarily contains paved parking areas. A portion of the site was mapped in 1980 as freshwater Palustrine Emergent wetlands on the United States Department of Interior (USDOI) National Wetlands Inventory (NWI) map; however, wetlands are no longer present on the site. The relocation site is adjacent to a linear watercourse (i.e., a stream, also known as “Mill Creek”) which flows through covered (subsurface) channels southwards to Flushing Bay. Despite the tidal influences on this stream, it is not a mapped NYSDEC tidal wetland. The stream adjacent to the site is also hydrologically connected to the former Flushing Airport site, located approximately ¼-mile to the northeast of the site, which contains NYSDEC and USDOI-mapped wetlands. The stream is currently separated from the site by fencing, which would remain in place with the proposed redevelopment of the site, and the stream would not be disturbed either during or after construction is complete.

Therefore, as regulated waters or wetlands are not present on the site and the proposed activity would not disturb the stream adjacent to the site, no significant adverse impacts to natural resources would result from the redevelopment of this site.

HAZARDOUS MATERIALS

Although construction plans for the relocation site are not yet finalized, it is anticipated that the existing building would be renovated and two additional buildings would be constructed, requiring subsurface disturbance. AKRF performed a Phase I Environmental Site Assessment (ESA) of the site in October, 2008 in accordance with ASTM Standard E1527-05, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Practice*. The ESA included: a visual inspection of the site and surrounding area; a review of previous environmental reports regarding the site; a review of historical land-use maps for the site and adjacent properties; and a review of regulatory databases relating to use, generation, storage, treatment and/or disposal of hazardous materials.

The relocation site is mostly paved and used for storage of impounded vehicles, as part of a NYPD tow pound. A two-story concrete and brick building (constructed in 1992) is located on the southeast corner of the site, and used by the NYPD for administrative purposes, storage (including five 55-gallon drums of lubricant oils, other automotive and cleaning fluids, small containers of flammable liquids), and as a garage with two above-ground hydraulic lifts. An emergency generator with an integral diesel day tank is located outside of the northeastern portion of the building.

A Phase I ESA prepared by LiRo Engineers, Inc. (2007) for a larger site that included the relocation site identified several Recognized Environmental Conditions (RECs) associated with current and historic uses on the relocation site and adjacent areas. Prior testing of the parcel between the tow pound lot and College Point Boulevard revealed low levels of a variety of contaminants in soil and groundwater, with higher levels in the vicinity of College Point Boulevard that were likely migrating in a south to southeasterly direction on the site, and an additional ‘contaminant plume’ near 31st Avenue and College Point Boulevard, also reported to be migrating in a south to southeasterly direction.

In 2007, LiRo conducted a subsurface investigation that included collection of seven soil, two groundwater and seven methane samples from the relocation site. Soil sample results were consistent with historic fill materials. Groundwater sample results were consistent with gasoline as well as other compounds likely related to historic fill materials. Methane levels exceeding 5 percent (the “lower explosive limit” or “LEL” for methane—the lowest percentage of methane in air where combustion can occur) were detected in two of the seven samples.

Proposed construction on the relocation site could increase pathways for human exposure during demolition of existing structures (although given the structures were constructed in 1992, asbestos, lead

paint and PCBs are not anticipated), as well as during any excavation activities, should any subsurface contaminants (e.g., related to petroleum or historic fill materials) be encountered. To avoid the potential for any significant adverse impacts from hazardous materials, the City will use institutional controls (e.g., measures such as restrictive declarations or requirements in a future contract to sell the properties) requiring that future construction be in accordance with a RAP approved by DEP and, if applicable, NYSDEC. The RAP would include a HASP, which would detail measures to reduce the potential for exposure (e.g., dust control). The RAP would also include procedures to identify and manage known contamination (i.e., petroleum contamination and methane) unexpectedly encountered contamination, including testing, stockpiling, transporting and disposing of any contaminated soil, as well as managing groundwater and/or dewatering. In addition, the RAP would include appropriate design measures such as site capping and importation of fill, as well as measures for quality assurance /quality control. With these controls in place, it is expected that there would not be any significant adverse impacts from hazardous materials.

WATERFRONT REVITALIZATION PROGRAM

The relocation site is located within the coastal zone. The City's policy is to review a project's consistency with the WRP policies if a proposed project is located within a coastal zone area. A Coastal Assessment Form has been prepared that evaluates consistency with New York City Coastal Zone policies and it has been determined that the anticipated uses on the relocation site would generally be consistent with the WRP. The Coastal Assessment Form is attached.

INFRASTRUCTURE

The use of the relocation site by an auto parts distributor, an iron fabricator, and a plumbing supply distributor would not result in an exceptionally large demand for water, nor would it generate unusually large sanitary or stormwater flows. Therefore, it would not result in any significant adverse impacts to infrastructure, and no further analysis is necessary.

SOLID WASTE AND SANITATION SERVICES

In accordance with the *2001 CEQR Technical Manual*, which states that actions involving construction of housing or other development generally do not require evaluation of solid waste and sanitation impacts unless they are unusually large, a detailed assessment of solid waste and sanitation services is not warranted. The businesses proposed for relocation are fairly modest in size and will not use on public solid waste and sanitation services. Any solid waste generated would be handled by commercial haulers. Overall, no significant adverse solid waste and sanitation services impacts are anticipated.

ENERGY

The proposed relocation of an auto parts distributor, an iron fabricator, and a plumbing supply distributor would not result in a substantial demand for energy. According to the *2001 CEQR Technical Manual*, detailed assessments of energy impacts are limited to those actions that would significantly affect the transmission or generation of energy or that generate substantial indirect consumption of energy. The amount of energy that would be consumed would not be significant and would not place excessive burdens on the infrastructure used in the provision of energy. A detailed assessment of energy is not warranted, and there would not be any significant adverse impacts related to energy.

TRAFFIC AND PARKING

The *2001 CEQR Technical Manual* specifies that if a proposed action would generate fewer than 50 peak hour vehicle trips, it is unlikely to result in significant adverse traffic and parking impacts, and detailed quantified analyses are not warranted. As described above, the relocation site would otherwise be redeveloped and occupied by other light manufacturing uses if it is not used to accommodate the three relocated businesses. Since these businesses, including an auto parts distributor, an iron fabricator, and a plumbing supply distributor are conforming light manufacturing uses, in accordance with CEQR

guidelines, their trip generation would not be considered incremental trips to the surrounding traffic network. Therefore, there would not be a potential for any significant adverse traffic impacts. In addition, since all or most of the site vehicle activities would be accommodated on site, there would not be a demand for the area's parking resources or a potential for any significant adverse parking impacts.

TRANSIT AND PEDESTRIANS

Transit and pedestrian analyses determine whether a proposed action can be expected to have a significant impact on public transportation facilities and services and on pedestrian flows. Most or all access to the site is expected to be in private vehicles and trucks. Thus, the occupation of the relocation site by an auto parts distributor, an iron fabricator, and a plumbing supply distributor would not meet or exceed the thresholds established in the *2001 CEQR Technical Manual*. Therefore, there would not be any significant adverse impacts to transit or pedestrian conditions.

AIR QUALITY

The proposed reuse of the site is not expected to notably alter traffic conditions. The maximum hourly incremental traffic would not exceed the *2001 CEQR Technical Manual* air quality screening threshold of 100 peak hour vehicle trips. Since the proposed business would result in fewer than 100 new peak hour vehicle trips at nearby intersections in the study area, a quantified assessment of on-street mobile source emissions is not warranted. The primary source of on-site emissions would likely be from fossil fuel-fired heating and hot water systems.

The primary pollutant of concern when burning natural gas is nitrogen dioxide, and when burning oil, sulfur dioxide. Section 3Q of the *2001 CEQR Technical Manual* provides a screening methodology to determine the need for detailed analysis of the effects of a project's heating, ventilation, and air conditioning (HVAC) system on other buildings nearby. The nearest distance to a building of a similar or greater height with elevated receptors associated with a sensitive use was determined to be approximately 240 feet. The HVAC system analysis for this relocation site conservatively considered the total development area on the site that would be heated (approximately 87,000 square feet in three separate buildings). The storage areas for the businesses proposed for relocation would not require heating. Burning either fuel would not result in any significant stationary source air quality impact, since the proposed development on this site is below the maximum permitted size shown in Figure 3Q-3 in the *2001 CEQR Technical Manual*. Therefore, the proposed reuse of the site would not result in any potential significant adverse air quality impacts.

NOISE

A noise analysis is appropriate if a project would generate any mobile or stationary sources of noise or would occur in an area with high ambient noise levels. According to the *2001 CEQR Technical Manual*, a doubling of traffic volumes over existing levels (in terms of passenger car equivalents, or PCEs) is the increase that would result in a perceptible change to mobile-source noise levels. Since there would not be a doubling of PCEs, there would not be a noticeable change in noise levels due to project-generated traffic. The proposed operations are not expected to result in unusually high operating noise levels and would not result in sensitive uses in an area with existing high noise levels. Overall, there would not be a significant adverse noise impact, and no further analysis is necessary.

CONSTRUCTION IMPACTS

As described above, work will be needed on the site in order to accommodate the businesses proposed for relocation. This is expected to include construction of one-story buildings and storage structures. Construction would result in temporary disruptions to the surrounding community, such as occasional noise and dust. These effects would be short-term and would not be considered significant. The project would be required to comply with applicable control measures for construction noise. Construction noise is regulated by the New York City Noise Control Code and by noise emission standards for construction equipment issued by the U.S. Environmental Protection Agency. These local and federal requirements

mandate that certain classifications of construction equipment and motor vehicles meet specified noise standards; that, except under exceptional circumstances, construction activities be limited to weekdays between the hours of 7 AM and 6 PM; and that construction material be handled and transported in such a manner as to not create unnecessary noise. Hazardous materials, if any, will be handled and disposed of in accordance with all applicable regulations and in accordance with a Construction Health and Safety Plan.

PUBLIC HEALTH

As described above, the proposed relocation of an auto parts distributor, an iron fabricator, and a plumbing supply distributor would not result in significant adverse impacts to air quality or noise. The proposed relocation does not involve solid waste management practices that would attract vermin or pest populations. If it is determined upon further investigation that any hazardous materials conditions are present on the site, measures will be established to ensure that no hazardous materials impacts—including potential effects on public health—would occur.

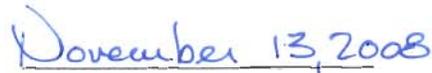
F. CONCLUSIONS

As described in the analysis above, none of the changes that have occurred since the FGEIS was issued—including an increase in the percent of affordable units to be provided in the District, new business relocation plans, new Phase II ESI findings, or the newly available updated pupil or day care eligible children generation rates—would result in significant adverse environmental impacts that were not identified in the FGEIS.

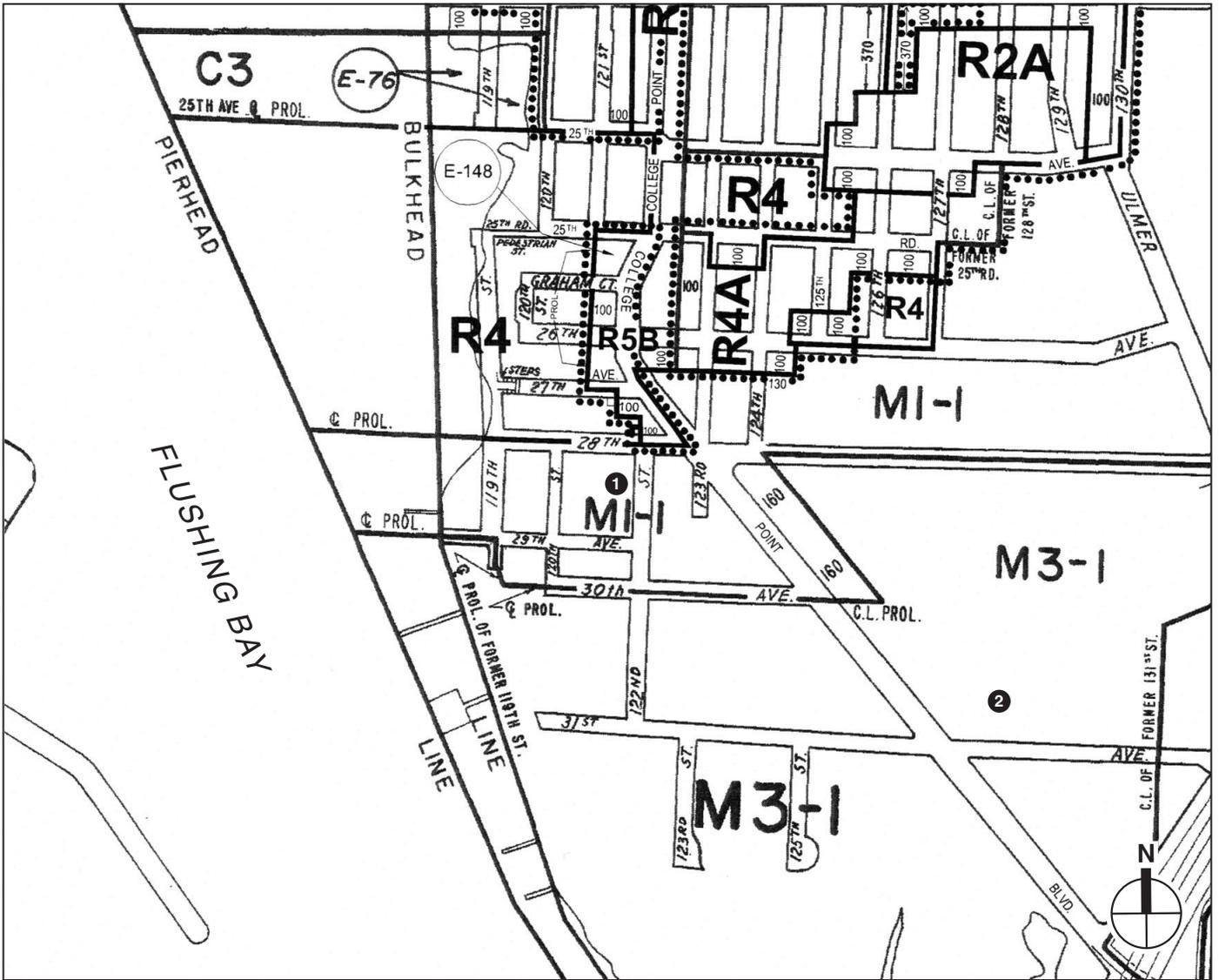


Robert R. Kulikowski, Ph.D.

Assistant to the Mayor



Date:



① Potential Relocation Site

0 400 FEET
SCALE

Figure 1
Potential Relocation Sites
Zoning

For Internal Use Only:	WRP no. _____
Date Received:	DOS no. _____

**NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form**

Proposed actions that are subject to CEQR, ULURP, or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program* (WRP). The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

A. APPLICANT

- Name: New York City Economic Development Corporation
- Address: 110 William Street
New York NY 10038
- Telephone: (212) 312-3703 Fax: (212) 312-3989 E-mail: hadasko@nycedc.com
- Project Site Owner: The City of New York

B. PROPOSED ACTIVITY

- Brief description of activity:
The proposed activity would include relocating two businesses to a site at 122nd Street and 29th Avenue in College Point, Queens. The site consists of Block 4317, Lots 1, 20 and 60, with a total lot area of 78,800 square feet. Lots 1 and 20 are City-owned and Lot 60 is privately-owned. The existing asphalt manufacturing plant would remain on the site, but would be relocated and would occupy an approximately 38,800-square-foot area on the southern portion of the site. It is currently anticipated that the northern portion of the site would be divided into two, 20,000-square-foot parcels, and would be occupied by two construction contracting operations. Both businesses would contain small administration buildings and enclosed and/or open storage for construction equipment. To accommodate the relocated businesses, it is expected that three small one-story buildings totaling approximately 12,500 square feet and possibly two one-story storage structures would be built on the site. Access to the site would likely be provided on 28th Avenue and 122nd Street.
- Purpose of activity: The businesses are currently located in Willets Point, and if the proposed Willets Point Redevelopment Plan is approved and moves forward, the project would require the relocation of the businesses. The property at 122nd Street and 29th Avenue has been identified as a potential relocation site.
- Location of Activity (street address/borough or site description):
122nd Street and 29th Avenue in College Point, Queens (Block 4317, Lots 1, 20, and 60)
- If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:
There is no specific permit information at this time.
- Is federal or state funding being used to finance the project? If so, please identify the funding source(s).
No federal or state funding is being used to finance the project.
- Will the proposed project result in any large physical change to a site within the coastal area that will require the preparation of an environmental impact statement?
Yes _____ No X If yes, identify Lead Agency:

7. Identify city discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.

Disposition of City-owned land and approval of the business terms pursuant to Section 384(b)(4) of the New York City Charter.

C. COASTAL ASSESSMENT

Location Questions:

	Yes	No
1. Is the project site on the waterfront or at the water's edge?	_____	<u>X</u>
2. Does the proposed project require a waterfront use?	_____	<u>X</u>
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?	_____	<u>X</u>

Policy Questions

	Yes	No
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The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)	_____	<u>X</u>
5. Is the project site appropriate for residential or commercial development? (1.1)	_____	<u>X</u>
6. Will the action result in a change in scale or character of a neighborhood? (1.2)	_____	<u>X</u>
7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)	_____	<u>X</u>
8. Is the action located in one of the designated Significant Marine and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)	_____	<u>X</u>
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)	_____	<u>X</u>
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)	_____	<u>X</u>
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)	_____	<u>X</u>
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)	_____	<u>X</u>

Policy Questions cont'd	Yes	No
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)	_____	<u> X </u>
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)	_____	<u> X </u>
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)	_____	<u> X </u>
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)	_____	<u> X </u>
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)	_____	<u> X </u>
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound-East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)	_____	<u> X </u>
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)	_____	<u> X </u>
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1 and 9.2)	_____	<u> X </u>
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)	_____	<u> X </u>
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)	_____	<u> X </u>
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)	_____	<u> X </u>
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)	_____	<u> X </u>
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)	_____	<u> X </u>
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)	_____	<u> X </u>
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)	_____	<u> X </u>
28. Would the action cause violations of the National or State air quality standards? (5.2)	_____	<u> X </u>
29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)	_____	<u> X </u>
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands?	_____	<u> X </u>
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)	_____	<u> X </u>
32. Would the action result in any activities within a Federally designated flood hazard area or State designated erosion hazards area? (6)	_____	<u> X </u>
33. Would the action result in any construction activities that would lead to erosion? (6)	_____	<u> X </u>

Policy Questions cont'd	Yes	No
34. Would the action involve construction or reconstruction of flood or erosion control structure? (6.1)	_____	<u>X</u>
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)	_____	<u>X</u>
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)	_____	<u>X</u>
37. Would the proposed project affect a non-renewable source of sand? (6.3)	_____	<u>X</u>
38. Would the action result in shipping, handling, or storing of solid wastes; hazardous materials, or other pollutants? (7)	_____	<u>X</u>
39. Would the action affect any sites that have been used as landfills? (7.1)	_____	<u>X</u>
40. Would the action result in development of a site that may contain contamination or has history of underground fuel tanks, oil spills, or other form of petroleum use or storage? (7.2)	<u>X</u>	_____
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	_____	<u>X</u>
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)	_____	<u>X</u>
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)	_____	<u>X</u>
44. Would the action result in the provision of open space without the provision for its maintenance? (8.1)	_____	<u>X</u>
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)	_____	<u>X</u>
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)	_____	<u>X</u>
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)	_____	<u>X</u>
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)	_____	<u>X</u>
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)	_____	<u>X</u>
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	_____	<u>X</u>
51. Would the proposed action have a significant adverse impact on historic, archaeological, or cultural resources? (10)	_____	<u>X</u>
52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)	_____	<u>X</u>

D. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name:	<u>New York City Economic Development Corporation, Hardy Adasko, Senior Vice President</u>		
Address:	<u>110 William Street</u>		
	<u>New York, NY 10038</u>	Telephone	<u>(212) 312-3703</u>
Applicant/Agent Signature:	<u><i>H. Hardy Adasko</i></u>	Date	<u>11-12-08</u>

Policy 7.2: Prevent and remediate discharge of petroleum products.

Environmental conditions at the project site were evaluated in a Phase I Environmental Site Assessment (ESA) dated June 2008 and an Investigation Summary Report dated January 2005. The ESA identified that a spill was reported to the New York State Department of Environmental Conservation (NYSDEC) in 1998 related to the removal of petroleum-contaminated soil associated with the closure of six underground storage tanks. Since concentrations of petroleum-related compounds above regulatory criteria and separate phase product (i.e., petroleum floating on the water table) remained in the groundwater in the area of the former tanks, a Remedial Action Plan (RAP) and an Operation, Maintenance and Monitoring Plan were prepared by Enviro-Sciences Inc. (ESI) in February 2007. A Methane Investigation of the relocation site (ESI, August 2007) identified levels of methane exceeding 5 percent (the “lower explosive limit” or “LEL” for methane—the lowest percentage of methane in air where combustion can occur) at two locations, including the south sidewalk of 28th Avenue and the north sidewalk of 29th Avenue. The methane may be attributable to the historical marshlands or the on-site septic system and cesspool.

To avoid the potential for any significant adverse impacts from hazardous materials, the City will use institutional controls (e.g., measures such as restrictive declarations or requirements in a future contract to sell the properties) requiring that future construction be in accordance with a Remedial Action Plan (RAP) approved by the New York City Department of Environmental Protection (DEP) and, if applicable, NYSDEC. The RAP would include a HASP, which would detail measures to reduce the potential for exposure (e.g., dust control). The RAP would also include procedures to identify and manage known contamination (i.e., petroleum contamination and methane) unexpectedly encountered contamination, including testing, stockpiling, transporting and disposing of any contaminated soil, as well as managing groundwater and/or dewatering. In addition, the RAP would include appropriate design measures such as site capping and importation of fill, as well as measures for quality assurance/quality control. With these controls in place, it is expected that there would not be any significant adverse impacts from hazardous materials.

For Internal Use Only:

WRP no. _____

Date Received:

DOS no. _____

**NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form**

Proposed actions that are subject to CEQR, ULURP, or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program* (WRP). The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

A. APPLICANT

1. Name: New York City Economic Development Corporation
2. Address: 110 William Street
New York NY 10038
3. Telephone: (212) 312-3703 Fax: (212) 312-3989 E-mail: hadasko@nycedc.com
4. Project Site Owner: The City of New York

B. PROPOSED ACTIVITY

1. Brief description of activity:
The proposed activity would include relocating three businesses to a site at College Point Boulevard and 31st Avenue in College Point, Queens. The site is approximately 239,500 square feet (5.5 acres) and consists of Block 4356, part of Lot 30; Block 4357, part of Lot 1; Block 4358, part of Lot 1; and Block 4359, part of Lot 1. It is expected that this City-owned site would accommodate three relocated businesses, including an auto parts distributor, an iron fabricator, and a plumbing supply distributor. Although plans are not yet final, it is currently anticipated that the site would be divided into three parcels, each with separate entrances. Each parcel would be developed with a one-story building (including a 17,000-, 10,000-, and 60,000-sf building), and two parcels would contain one-story enclosed storage structures.
2. Purpose of activity: The businesses are currently located in Willets Point, and if the proposed Willets Point Redevelopment Plan is approved and moves forward, the project would require the relocation of the businesses. The property at College Point Boulevard and 31st Avenue has been identified as a potential relocation site.
3. Location of Activity (street address/borough or site description):
College Point Boulevard and 31st Avenue in College Point, Queens (Block 4356, part of Lot 30; Block 4357, part of Lot 1; Block 4358, part of Lot 1; and Block 4359, part of Lot 1)
4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:
There is no specific permit information at this time.
5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).
No federal or state funding is being used to finance the project.
6. Will the proposed project result in any large physical change to a site within the coastal area that will require the preparation of an environmental impact statement?
Yes _____ No X If yes, identify Lead Agency:

7. Identify city discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.
Disposition of City-owned land and approval of the business terms pursuant to Section 384(b)(4) of the New York City Charter.

C. COASTAL ASSESSMENT

Location Questions:	Yes	No
1. Is the project site on the waterfront or at the water's edge?	_____	<u>X</u>
2. Does the proposed project require a waterfront use?	_____	<u>X</u>
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?	_____	<u>X</u>

Policy Questions	Yes	No
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The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)	_____	<u>X</u>
5. Is the project site appropriate for residential or commercial development? (1.1)	_____	<u>X</u>
6. Will the action result in a change in scale or character of a neighborhood? (1.2)	_____	<u>X</u>
7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)	_____	<u>X</u>
8. Is the action located in one of the designated Significant Marine and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)	_____	<u>X</u>
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)	_____	<u>X</u>
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)	_____	<u>X</u>
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)	_____	<u>X</u>
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)	_____	<u>X</u>

Policy Questions cont'd	Yes	No
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)	_____	<u> X </u>
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)	_____	<u> X </u>
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)	_____	<u> X </u>
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)	_____	<u> X </u>
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)	_____	<u> X </u>
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound-East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)	_____	<u> X </u>
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)	_____	<u> X </u>
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1 and 9.2)	_____	<u> X </u>
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)	_____	<u> X </u>
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)	_____	<u> X </u>
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)	_____	<u> X </u>
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)	_____	<u> X </u>
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)	_____	<u> X </u>
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)	_____	<u> X </u>
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)	_____	<u> X </u>
28. Would the action cause violations of the National or State air quality standards? (5.2)	_____	<u> X </u>
29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)	_____	<u> X </u>
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands?	_____	<u> X </u>
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)	_____	<u> X </u>
32. Would the action result in any activities within a Federally designated flood hazard area or State designated erosion hazards area? (6)	_____	<u> X </u>
33. Would the action result in any construction activities that would lead to erosion? (6)	_____	<u> X </u>

Policy Questions cont'd

	Yes	No
34. Would the action involve construction or reconstruction of flood or erosion control structure? (6.1)	_____	<u> X </u>
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)	_____	<u> X </u>
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)	_____	<u> X </u>
37. Would the proposed project affect a non-renewable source of sand? (6.3)	_____	<u> X </u>
38. Would the action result in shipping, handling, or storing of solid wastes; hazardous materials, or other pollutants? (7)	_____	<u> X </u>
39. Would the action affect any sites that have been used as landfills? (7.1)	_____	<u> X </u>
40. Would the action result in development of a site that may contain contamination or has history of underground fuel tanks, oil spills, or other form of petroleum use or storage? (7.2)	<u> X </u>	_____
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	_____	<u> X </u>
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)	_____	<u> X </u>
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)	_____	<u> X </u>
44. Would the action result in the provision of open space without the provision for its maintenance? (8.1)	_____	<u> X </u>
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)	_____	<u> X </u>
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)	_____	<u> X </u>
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)	_____	<u> X </u>
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)	_____	<u> X </u>
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)	_____	<u> X </u>
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	_____	<u> X </u>
51. Would the proposed action have a significant adverse impact on historic, archaeological, or cultural resources? (10)	_____	<u> X </u>
52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)	_____	<u> X </u>

D. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name:	<u>New York City Economic Development Corporation, Hardy Adasko, Senior Vice President</u>
Address:	<u>110 William Street</u>
	<u>New York, NY 10038</u>
	Telephone <u>(212) 312-3703</u>
Applicant/Agent Signature:	<u><i>H. Hardy Adasko</i></u>
	Date <u>11-12-08</u>

Policy 7.2: Prevent and remediate discharge of petroleum products.

Environmental conditions at the site were evaluated in a Phase I Environmental Site Assessment (ESA) performed by AKRF in October, 2008 in accordance with ASTM Standard E1527-05, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Practice*. This Phase I ESA included a review of previous environmental reports regarding the site. A Phase I ESA prepared by LiRo Engineers, Inc. (2007) for a larger site that included the relocation site identified several Recognized Environmental Conditions (RECs) associated with current and historic uses on the relocation site and adjacent areas. Prior testing of the parcel between the tow pound lot and College Point Boulevard revealed low levels of a variety of contaminants in soil and groundwater, with higher levels in the vicinity of College Point Boulevard that were likely migrating in a south to southeasterly direction on the site, and an additional 'contaminant plume' near 31st Avenue and College Point Boulevard, also reported to be migrating in a south to southeasterly direction.

In 2007, LiRo conducted a subsurface investigation that included collection of seven soil, two groundwater and seven methane samples from the relocation site. Soil sample results were consistent with historic fill materials. Groundwater sample results were consistent with gasoline as well as other compounds likely related to historic fill materials. Methane levels exceeding 5 percent (the "lower explosive limit" or "LEL" for methane—the lowest percentage of methane in air where combustion can occur) were detected in two of the seven samples.

Proposed construction on the relocation site could increase pathways for human exposure during demolition of existing structures (although given the structures were constructed in 1992, asbestos, lead paint and PCBs are not anticipated), as well as during any excavation activities, should any subsurface contaminants (e.g., related to petroleum or historic fill materials) be encountered. To avoid the potential for any significant adverse impacts from hazardous materials, the City will use institutional controls (e.g., measures such as restrictive declarations or requirements in a future contract to sell the properties) requiring that future construction be in accordance with a Remedial Action Plan (RAP) approved by DEP and, if applicable, NYSDEC. The RAP would include a HASP, which would detail measures to reduce the potential for exposure (e.g., dust control). The RAP would also include procedures to identify and manage known contamination (i.e., petroleum contamination and methane) unexpectedly encountered contamination, including testing, stockpiling, transporting and disposing of any contaminated soil, as well as managing groundwater and/or dewatering. In addition, the RAP would include appropriate design measures such as site capping and importation of fill, as well as measures for quality assurance/quality control. With these controls in place, it is expected that there would not be any significant adverse impacts from hazardous materials.