



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

CONDITIONAL NEGATIVE DECLARATION

June 20, 2011

Project Identification

CEQR No. 10DCP016Q
ULURP No. 100175ZMQ
SEQRA Classification: Unlisted

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal

148-02 14th Avenue

The proposal involves an application by TD Bank for a zoning map amendment to add a C1-2 commercial overlay to an existing R3A district located on Block 4645, Lots 1, 3, 37 and a portion of Lot 22 in the Whitestone section of Queens, Community District 7. The proposed action would facilitate a proposal by the applicant to develop a one-story 3,849 square foot bank with 18 accessory parking spaces and drive-through teller facilities on a 19,573 square foot property located at 148-02 14th Avenue (Block 4645, Lots 1 and 37). The project site is located on the corner of 148th Street, 14th Avenue, and Cross Island Boulevard.

The current R3A zoning district permits residential uses at a maximum FAR of 0.6 and community facility uses at a maximum allowable FAR of 1.0. Commercial uses are not permitted as-of-right.

The applicant owns two of the affected lots, Lots 1 and 37. Lots 1 and 37 are currently occupied by a non-conforming lumberyard and storage area that have been in existence for at least the past 50 years. Lot 1 is an approximately 7,520 square foot irregular lot with frontages along Cross Island Parkway, 14th Avenue and 148th Street, and Lot 37 is an approximately 12,000 square foot lot that fronts along 148th Street. In the Reasonable Worst Case Development Scenario analyzed in the Environmental Assessment Statement (EAS), Lots 1 and 37 are identified as a projected development site, and it is expected that the applicant would redevelop the property with a 1-story (23' tall) bank building at an FAR of 0.20 under the proposed rezoning. The development would include an at grade accessory parking lot for 18 vehicles and drive-through teller facilities. The bank building and drive through facility would be accessed via 24' entrance and exit curb cuts on 148th Street and the Cross Island Parkway. The anticipated build year is 2012. Absent the proposed action the current uses would remain on the project site.

Lot 3, which is not owned by the applicant, is an irregular-sized lot approximately 9,882 square

feet in size that fronts along Cross Island Parkway (service road) and is currently occupied with an automotive repair facility. The automotive use is not permitted as-of-right and exists pursuant to a series of BSA approvals and renewals. The current BSA approval expires in 2011. It is possible that the BSA approvals would be renewed. If not, under the proposed C1-2 commercial overlay, the property could be redeveloped with an approximately 9,882 square foot commercial building. Lot 3 is considered as a potential development site in the Environmental Assessment Statement. Potential sites are less likely to be developed than projected sites. As described below, the rezoning proposal includes an (E) designation for hazardous materials on Lot 3.

Lot 22, which is also not owned by the applicant, is currently occupied by a non-conforming gas station. Approximately one-third of the site would be rezoned with a C1-2 overlay as a result of the proposed action. The proposed overlay is not expected to result in any additional development on Lot 22.

The proposed rezoning includes an (E) designation for hazardous materials. The placement of the (E) designation would eliminate the potential for significant adverse impacts related to hazardous materials on the potential development site (Block 4645, Lot 3).

The text of the (E) designation for hazardous materials is as follows:

Task 1-Sampling Protocol

A. Petroleum

A soil, soil gas, and groundwater testing protocol (including a description of methods), and a site map with all sampling location represented clearly and precisely, must be submitted to the NYCDEP by the fee owner(s) of the lot which is restricted by this (E) designation, for review and approval.

A site map with the sampling locations clearly identified and a testing protocol with a description of methods, for soil, soil gas, and groundwater, must be submitted by the fee owner(s), of the lot which is restricted by the (E) designation, to the NYCDEP for review and approval.

B. Non-Petroleum

The fee owner(s) of the lot restricted by this (E) designation will be required to prepare a scope of work for any sampling and testing needed to determine if contamination exists and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to NYCDEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis. For all non-petroleum (E) designated sites, the three generic NYCDEP soil and groundwater sampling protocols should be followed.

A scope of work for any sampling and testing to be completed, which will determine the extent of on-site contamination and the required remediation, must be prepared by the fee owner(s) of the lot restricted by this (E) designation. The scope of work will include the following: site plans, sampling locations, and all other relevant supporting documentation. The scope of work must be submitted to the NYCDEP for review and confirmation that an adequate testing protocol (i.e., number of samples collected, appropriate parameters for laboratory analysis) has been prepared. The NYCDEP must approve the scope of work before it can be implemented.

For non-petroleum (E) designated sites, one of the three generic soil and groundwater sampling protocols prepared by the NYCDEP should be followed. The protocols are based on three types of releases to soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater, including: the release of a solid hazardous material to ground surface; the release of a liquid hazardous material to the ground surface; and the release of a hazardous material to the subsurface (i.e., storage tank or piping). The type of release defines the areas of soil to be sampled from surface, near-surface, to subsurface. Additionally, it determines the need for groundwater sampling.

A written approval of the sampling protocol must be received from the NYCDEP before commencement of sampling activities. Sample site quantity and location should be determined so as to adequately characterize the site, the source of contamination, and the condition of the remainder of the site. After review of the sampling data, the characterization should have been complete enough to adequately determine what remediation strategy (if any) is necessary. Upon request, NYCDEP will provide guidelines and criteria for choosing sampling sites and performing sampling.

Finally, a Health and Safety Plan must be devised and approved by the NYCDEP before the commencement on any on-site activities.

Task 2-Remediation Determination and Protocol

After sample collection and laboratory analysis have been completed on the soil and/or groundwater samples collected in Task 1, a summary of the data and findings in the form of a written report must be presented to the NYCDEP for review and approval. The NYCDEP will provide a determination as to whether remediation is necessary.

If it is determined that no remediation activities are necessary, a written notice will be released to that effect. However, if it is the NYCDEP's determination that remediation is necessary the fee owner(s) of the lot restricted by the (E) designation must submit a proposed remediation plan to the NYCDEP for review and approval. Once approval has been obtain, and the work completed, the fee owner(s) of the lot restricted by the (E) designation must provide proof to the NYCDEP that the work has been completed satisfactorily.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated February 10, 2011, prepared in connection with the ULURP Application (No. 100175ZMQ). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

The applicant, TD Bank, agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

Supporting Statement:

The above determination is based on an environmental assessment which finds that:

1. Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and pursuant to a letter dated November 8, 2010 a Phase II Environmental Assessment Statement (ESA), hazardous materials sampling protocol and health and safety plan were recommended due to the potential presence of hazardous materials on the site as a result of past on-site and/or surrounding area land uses. As such, the applicant has entered into a restrictive declaration to ensure that a detailed Phase II testing would occur, and hazardous materials sampling protocol including a health and safety plan would be prepared, and is binding upon the property's successors and assigns. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the subsurface soils and groundwater on the project site would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction). The restrictive declaration was executed on December 15, 2010 and submitted for recording on January 7, 2011. Pursuant to a letter from DEP dated January 25, 2011, DEP is in receipt of a signed copy of a DEP-approved restrictive declaration with proof of recording for the site. Consequently, no significant adverse impacts related to hazardous materials will occur.
2. The (E) designation for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials.
3. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

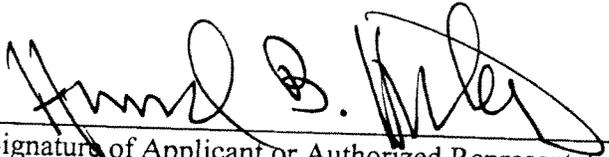
With the implementation of the condition described above, no significant adverse impact related to hazardous materials would occur.

TD Bank
CEQR No. 10DCP016Q
Conditional Negative Declaration

It is fully agreed and understood that if the foregoing conditions, modification, and alterations are not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

This Conditional Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

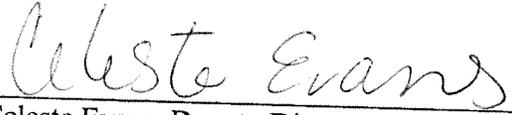
I, the Undersigned, as the applicant or authorized representative for this proposal, hereby affix my signature in acceptance of the above conditions to the proposed action.



Signature of Applicant or Authorized Representative

Date: 2/9/11

HOWARD B. HORNSTEIN
Name of Applicant or Authorized Representative



Celeste Evans, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: 2/11/11



Amanda M. Burden, FAICP, Chair
City Planning Commission

Date: 6/20/11