

E-296



CITY PLANNING COMMISSION
CITY OF NEW YORK
OFFICE OF THE CHAIR

February 4, 2013

NEGATIVE DECLARATION

Project Identification

CEQR No. 12DCP125R
ULURP Nos. N130084ZAR; N130085ZCR
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:

Forest Avenue Shoppers Town Retail Expansion

The applicant, KIOP Forest Avenue, L.P., is seeking an authorization pursuant to Section 36-023 of the New York City Zoning Resolution (ZR) for a group parking facility accessory to a commercial enlargement on a zoning lot in excess of 4 acres in a C4-1 zoning district and for a reduction of the parking requirement of ZR Section 36-21. The proposed action would facilitate a proposal by the applicant to enlarge an existing shopping center known as Forest Avenue Shoppers Town (FAST) with an approximately 58,235 gross square foot (gsf) Use Group 6 building, which is expected to replace 38,069 gsf of vacant space and 9,286 gsf of occupied retail space with a supermarket, and reconfigure and upgrade the existing parking lot with 6 additional parking spaces and landscaping improvements. Additionally, as described in more detail below, the proposed action would legalize a 13,360 gsf freestanding one-story Use Group 6 building, currently occupied by a CVS drugstore, on the FAST zoning lots. The proposed action would result in a total of 201,876 gsf of general retail and food store uses (Use Group 6, 8, and 10) and 770 parking spaces and a net increase of 24,240 gsf of general retail (Use Groups 6) and 6 parking spaces.

The proposed project is located at 1489 Forest Avenue (Block 1053, Lots 130, 133, 138, 166, 176, 179 and 200) in the Westerleigh neighborhood of Staten Island, Community District 1. The 14.44 acre project site is located in a C4-1 zoning district and bounded by Forest Avenue, Decker Avenue, and Barrett Avenue.

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In addition to the proposed authorization, the applicant is also seeking the following two ministerial actions, which are not subject to environmental review:

- Certification pursuant to ZR Section 36-592 for the provision of a cross-access connection to serve a retail shopping center enlargement; and
- Certification pursuant to ZR Section 36-596(a) that no cross-access connection is required along a lot line when certain conditions are met.

The existing shopping center consists of five buildings containing a total of approximately 190,996 gsf and 764 accessory parking spaces. The shopping center consists of 152,927 gsf of general retail and food store uses (Use Groups 6, 8 and 10) and 38,069 gsf of vacant space.

The proposed project would demolish the 38,069 gsf of vacant space and 9,286 gsf of occupied retail space and develop a new 58,235 gsf supermarket (Use Group 6). The project would add an additional 6 parking spaces for a total of 770 accessory parking spaces and reconfigure and upgrade the existing parking lot. The parking lot would be upgraded with a 7 foot-wide perimeter landscaping buffer consisting of planting islands, bioswales, trees and shrubs; the addition of pedestrian sidewalks; improved site access conditions at the southernmost entrance on Forest Avenue; and the modification of two entrances along Barrett Avenue.

The proposed action would facilitate the applicant's proposal through authorizing the site plan, which includes the size and location of the proposed uses, and the reconfiguration and number of parking spaces. Additionally, the proposed action would legalize the CVS drugstore (Lots 166, 176, and 179) that was constructed in 2008 and was part of a zoning lot merger with the adjacent zoning lots, which contain FAST. The zoning lot merger was performed in order to provide the required accessory parking spaces for the drugstore. However, the zoning lot was over 4 acres, which requires City Planning Commission authorization for site plan approval pursuant to ZR Section 36-023. The authorization is now being sought as part of the proposed action.

Absent the proposed action, the applicant has stated that the current 38,069 gsf vacant retail space would be reoccupied, the existing 13,360 gsf CVS would close, and the amount of parking provided would remain unchanged for a total of 177,636 gsf and 764 parking spaces. Therefore, the proposed action would result in a net increase of 24,240 gsf of Use Groups 6 retail space and 6 parking spaces. The proposed project is expected to be completed by 2014.

In order to preclude the potential for significant adverse impacts related to hazardous materials, two (E) designations were included in the project. The (E) designation number is E-296.

The first (E) designation is on Block 1053, Lots p/o 138 and 200, which requires, prior to redevelopment, that the property owner of the above lots must develop and submit a Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) to the Mayor's Office of

Environmental Remediation (OER) for review and approval before issuance of construction-related New York City Department of Buildings (DOB) permits (pursuant to Section 11-15 of the *Zoning Resolution*—Environmental Requirements). The RAP should delineate that contaminated soils should be properly disposed of in accordance with the applicable NYSDEC regulations. Additional testing of the soils may be required by the disposal and/or recycling facility.

Additionally, a second (E) designation, to determine if contamination exists and to perform the appropriate remediation, will be placed on Block 1053, Lots 166, 176 and 179, which is the site of the aforementioned CVS drugstore. The following task(s) must be undertaken, as may be modified by OER, by the fee owners(s) of the lot(s) restricted by this E designation prior to any DOB permit or action being filed for, including the application for and acceptance of a permanent certificate of occupancy in connection with any existing buildings that will be legalized as a result of the proposed action:

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase 1A of the site along with a soil and groundwater testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.

If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from the test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

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

All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos-containing materials. For all projected and potential development sites where no E-designation is recommended, in addition to the requirements for lead-based paint and asbestos, requirements (including those of NYSDEC) should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed.

With the placement of the (E) designation on the above block and lots, no significant hazardous materials impacts would be expected as the result of the proposed action.

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 January 9, 2013, prepared in connection with the ULURP Application (No. N130084ZAR; N130085ZCR). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

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

1. The (E) designation for hazardous materials would ensure that the proposed action would not result in significant adverse impacts.
2. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

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

Should you have any questions pertaining to this Negative Declaration, you may contact Jonathan Keller at (212) 720-3419.



Robert Dobruskin, Director, AICP
Environmental Assessment & Review Division
Department of City Planning

Date: 2/1/13



Amanda M. Burden, FAICP, Chair
City Planning Commission

Date: February 4th, 2013