

**606 West 57th Street**

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Street sidewalk. Several gasoline USTs were noted for the proposed project site on historical Sanborn maps on Lots 40, 44 and potentially 55.

The regulatory database search indicated a NYC Fire Department record for a 4,000-gallon No. 2 fuel oil tank on Lot 31. The facility was listed as CX Auto of NY, Inc. at 835 Eleventh Avenue. A 500-gallon waste oil AST was registered with NYSDEC at the same address. This was likely one of the tanks observed at the Lexus service center during the reconnaissance.

Computerized NYC Buildings Department records indicated fuel oil use on Lots 31, 40, and 44 and one or more gasoline USTs on Lot 44. Based on the identified records, in addition to the observed active and abandoned ASTs, gasoline and/or fuel oil underground storage tanks may have been located on-site in the past, and may remain buried beneath the proposed project site.

- A 2,500-gallon fuel oil AST was registered with NYSDEC on Lot 29. The building on Lot 29 was not accessible for inspection as part of the 2012 Phase I ESA.
- Computerized NYC Buildings Department records indicated that an oil-water separator and two spray booths may have been installed on Lot 40 in 1992. No spray booths were located in the building in 2012. Lexus representatives were not certain whether an oil-water separator was installed in 1992.
- Petroleum products and solvents were stored throughout the proposed project site in drums and other containers. Some oil staining was visible on concrete floors in the storage areas.
- Based on the age of the on-site buildings, ACM, lead-based paint and/or PCB-containing electrical equipment, elevator equipment, and fluorescent lighting fixtures may be present. Hydraulic oil for aboveground vehicle lifts on Lots 31, 40 and 44 and suspected underground vehicle lifts on Lots 31, 40, 44 and 55 may also contain PCBs. Fluorescent lighting fixtures and other equipment may contain mercury.
- The surrounding neighborhood had a history of commercial, industrial, and manufacturing use, including automobile-related operations. Past or present petroleum storage tanks were identified at nearby properties. Reported and unknown releases from off-site locations may have affected subsurface conditions within the proposed rezoning area.

**D. THE FUTURE WITHOUT THE PROPOSED PROJECT**

In the future without the proposed project, the proposed project site and Lots 25, 29 and 36 would remain in their current condition. Currently, there are no known significant health risks associated with the project site. Likewise, there would be no significant health risks at the project site in the future without the proposed project. Legal requirements (including NYSDEC regulations) pertaining to petroleum storage tank maintenance and suspect ACM, lead-based paint, and PCB-containing equipment would need to be followed.

**E. THE FUTURE WITH THE PROPOSED PROJECT**

The future with the proposed project would entail subsurface disturbance for the construction of new buildings on the applicant-controlled proposed project site and the non-applicant controlled development site 2, as well as changes in use on both of these sites. The proposed project site is underlain by fill materials with elevated concentrations of SVOCs and metals, and residual petroleum contamination in soil and groundwater associated with active-status Spill No.

0708204. Subsurface conditions beneath development site 2 may also have been affected by past and present, on and off-site uses. Additionally, existing structures on both sites may contain hazardous materials such as ACM, PCBs, and/or lead-based paint. The proposed action could result in the disturbance of these hazardous materials and potentially increase pathways for human or environmental exposure. Impacts would be avoided by implementing the following measures:

#### **DEVELOPMENT SITE 1**

- Remediation of Spill No. 0708204 would continue in accordance with NYSDEC requirements, including continued implementation of the NYSDEC-approved RAWP. Excavation of soil for spill remediation and construction purposes would be performed in accordance with applicable federal, state, and local regulations and guidelines.
- An (E) designation would be assigned to the proposed project site to ensure that remedial activities would be undertaken prior to its redevelopment.

Specifically, the (E) designation will address hazardous materials as follows:

- “Demolition of the on-site buildings would be in compliance with applicable regulatory requirements relating to asbestos-containing materials (ACM), lead-based paint (LBP), polychlorinated biphenyls (PCBs) or mercury.
- The (E) designation would ensure that appropriate procedures for any necessary subsurface disturbance are followed prior to, during, and following construction. Specifically, additional pre-construction subsurface testing may need to be conducted in accordance with an Investigation Work Plan and Health and Safety Plan approved by the Office of Environmental Remediation (OER). Based on the results of the existing and any additional testing, the applicant would then prepare a RAP/CHASP, which would be submitted to OER for approval. The (E) designation would require that an approved RAP/CHASP be obtained in order to receive building permits prior to conducting soil disturbance. The (E) designation would also require that a Notice of Satisfaction be obtained (subsequent to the applicant submitting a Closure Report to OER documenting proper performance of all required procedures) before seeking Certificates of Occupancy for any newly constructed structures.
- Dewatering, if required, would be in accordance with applicable New York City Department of Environmental Protection (DEP) requirements (following pre-treatment, if necessary).”

The (E) designation would ensure that appropriate procedures for any necessary subsurface disturbance are followed prior to, during, and following construction. An OER-approved RAP and CHASP would be prepared for implementation during subsurface disturbance associated with project construction. The (E) designation would require that an approved RAP/CHASP be obtained in order to receive building permits prior to conducting soil disturbance. The RAP would address requirements for items such as soil stockpiling, soil disposal and transportation; capping of soil disturbed by the project with impervious surfaces or clean soil; dust control; quality assurance; vapor control measures, such as the installation of a vapor barrier beneath new building foundations; and procedures for addressing known or unexpectedly encountered petroleum storage tanks, underground hydraulic lifts or contamination. The CHASP would identify potential hazards that may be encountered during construction and specify appropriate health and safety measures to be undertaken to ensure that subsurface disturbance is performed in a manner protective of

workers, the community, and the environment (such as personal protective equipment, air monitoring, and emergency response procedures). Since the bottom of the foundation would extend below the water table, the use of a sub-slab ventilation system is not considered feasible, as it would be inundated with water. Below-grade garage levels would be equipped with a separate ventilation system. Following construction, proper implementation of the RAP/CHASP would be documented to OER. The (E) designation would require that a Notice of Satisfaction be obtained (subsequent to the applicant submitting a Closure Report to OER documenting proper performance of all required procedures) before seeking Certificates of Occupancy for any newly constructed structures.

- During subsurface disturbance, excavated soil would be handled and disposed of in accordance with applicable regulatory requirements. This would include characterization of all fill material sent for off-site disposal in accordance with the requirements of the receiving facility.
- Based on the anticipated depth of excavation, dewatering will be required during the proposed construction, which would be performed in accordance with New York City Department of Environmental Protection (NYCDEP) requirements.
- Known ASTs and any other petroleum storage tanks encountered during construction would be registered, if required, with NYSDEC and/or the New York City Fire Department, and closed and removed, along with any associated contaminated soil, in accordance with applicable regulatory requirements. Any evidence of a petroleum spill would be reported to NYSDEC and addressed in accordance with applicable requirements.
- Prior to demolition, an asbestos survey would be conducted by a NYC-certified asbestos investigator and all ACM would be removed and disposed of in accordance with local, state and federal requirements.
- All demolition activities with the potential to disturb lead-based paint would be performed in accordance with the applicable Occupational Safety and Health Administration regulation (OSHA 29 CFR 1926.62—Lead Exposure in Construction).
- Unless there is labeling or test data indicating that suspect PCB-containing lighting fixtures, electrical equipment and hydraulic equipment do not contain PCBs and that fluorescent lighting fixtures do not contain mercury, if disposal is required, it would be performed in accordance with applicable federal, state, and local requirements.
- Any oils or chemicals requiring disposal would be properly disposed of in accordance with applicable requirements.

#### **DEVELOPMENT SITE 2**

- Since proposed development site 2 is not controlled by the applicant, an (E) designation would be assigned to this site to ensure that investigation and, if warranted, remedial activities would be undertaken prior to its redevelopment.

An (E) designation indicates the presence of requirements relating to hazardous materials and mandates that prior to beginning construction or renovation involving subsurface disturbance (excavation), a Phase I ESA be conducted followed by a subsurface investigation (e.g., soil, groundwater, and soil gas sampling) in accordance with a scope submitted to the OER for review and approval. Based on the results of these studies, a RAP and CHASP are usually required to be prepared, submitted to the OER for review and approval prior to construction, and implemented during construction. A RAP typically addresses requirements for items such as: soil stockpiling, soil disposal, and transportation;

dust control; quality assurance; and contingency measures should petroleum storage tanks or soil or groundwater contamination be encountered. A CHASP typically includes measures for worker and community protection, including personal protective equipment, dust control and air monitoring. Following construction, proper implementation of the RAP/CHASP would be documented to the OER before occupancy permits can be obtained.

- Similarly to the future without the proposed action, legal requirements (including NYSDEC regulations) pertaining to petroleum storage tank maintenance and suspect ACM, lead-based paint and PCB-containing equipment would need to be followed.

With these measures, the proposed project would not result in any significant adverse impacts related to hazardous materials. \*

## F. NOISE ANALYSIS RESULTS

### MOBILE NOISE SOURCE SCREENING ANALYSIS

Using the methodology described above, a screening analysis was performed to determine whether project-generated traffic would have the potential for significantly increasing noise levels. The analysis examined the change in noise levels that would occur at the three receptor locations identified above (Sites 1, 2, and 3). These three locations are immediately adjacent to the project site and are locations where the largest increases in project-generated traffic would be expected to occur. As shown in **Table 14-5** the maximum increase in noise levels with the proposed project is predicted to be 1.0 dBA at receptor site 3. At all three receptor sites the increases in noise levels would not be perceptible, and no significant adverse noise impacts would be expected.

**Table 14-5**  
**Noise Screening Analysis Results**

Site	Time	Existing		No Action			With Action		
		L <sub>eq</sub>	L <sub>10</sub>	L <sub>eq</sub>	L <sub>10</sub>	Increment	L <sub>eq</sub>	L <sub>10</sub>	Increment
1	AM	70.9	73.5	71.3	73.9	0.4	71.4	74.0	0.1
	MD	70.7	72.4	71.0	72.7	0.3	71.2	72.9	0.2
	PM	71.8	74.9	72.2	75.3	0.4	72.4	75.5	0.2
2	AM	74.7	77.2	75.0	77.5	0.3	75.3	77.8	0.3
	MD	74.2	77.0	74.5	77.3	0.3	74.7	77.5	0.2
	PM	74.4	77.3	74.6	77.5	0.2	74.7	77.6	0.1
3	AM	72.4	75.3	72.8	75.7	0.4	73.3	76.2	0.5
	MD	73.6	76.8	74.0	77.2	0.4	74.9	78.1	0.8
	PM	70.1	72.6	70.4	72.9	0.3	70.7	73.2	0.3

### BUILDING NOISE ATTENUATION

As shown in **Table 14-3**, above, the *CEQR Technical Manual* has set noise attenuation quantities for buildings based on exterior L<sub>10(1)</sub> noise levels in order to maintain interior noise levels of 45 dBA or lower for residential, hotel, or community facility uses and interior noise levels of 50 dBA or lower for commercial uses. The results of the building attenuation analysis are summarized in **Table 14-6**.

The attenuation of a composite structure is a function of the attenuation provided by each of its component parts and how much of the area is made up of each part. Normally, a building façade consists of wall, glazing, and any vents or louvers associated with the building mechanical systems in various ratios of area. Currently, the proposed design for the building on the project site includes acoustically rated windows and heat pumps coupled with trickle vents (a means of alternate ventilation). The façades of the building on the proposed project site, including these elements, would be designed to provide a composite Outdoor-Indoor Transmission Class<sup>1</sup>

<sup>1</sup> The OITC classification is defined by ASTM International (ASTM E1332-10a) and provides a single-number rating that is used for designing a building façade including walls, doors, glazing, and combinations thereof. The OITC rating is designed to evaluate building elements by their ability to reduce the overall loudness of ground and air transportation noise.

(OITC) rating greater than or equal to the attenuation requirements listed in **Table 14-5**. The attenuation specifications for both the project site and Projected Development Site 2 would be required by placing (E) designations on both sites. There are three levels of required noise attenuation depending upon the ambient noise levels, 31 dBA, 33, and 35 dBA.

**Table 14-6**  
**CEQR Building Attenuation Requirements**

Location	Façade	Applicable Noise Receptor	Maximum Predicted L <sub>10</sub> (In dBA) <sup>1</sup>	Height <sup>2</sup> (in feet)	Attenuation Required (in dBA) <sup>2</sup>
Block 1104; Lots 31, 40, 44, and 45	North	1, 1a	78.0	0-100	35 <sup>3</sup>
			75.0	101-top	33 <sup>3</sup>
	East	2	77.8	0-100	33
			76.1	101-top	31
	South	3, 3a	78.2	0-100	35
			75.2	101-top	31
	West	3, 3a	78.2	0-100	35
			75.2	101-top	31
Block 1104; Lots 25 and 29	All	2, 3, 3a	77.8, 78.2	all	35

**Notes:**

Attenuation requirements are for spaces containing residential, hotel, or community facility uses. Commercial uses would require 5 dBA less attenuation.

(1) Maximum Predicted L<sub>10</sub> levels reflect the predicted changes in traffic during traffic peak periods.

(2) The maximum L<sub>10</sub> values at elevations above 100 feet were conservatively assumed to be 3 dBA less than the levels at-grade due to increased distance from the at-grade roadways, which are the dominant noise source at this location.

(3) Because the maximum future L<sub>10</sub> noise level at this location is only 0.1 dBA from being in the next highest category of window/wall attenuation requirements, and no increment has been added between the existing and future conditions, the higher category of attenuation requirements has been applied.

The text of the (E) designation for sites requiring 31 dBA attenuation would be as follows:

*In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 31 dB(A) window/wall attenuation in all façades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed window condition, an alternate means of ventilation that brings outside air into the building without degrading the acoustical performance of the building must also be provided. The specific attenuation requirements to be implemented for all façades are provided in the 606 West 57th Street EIS, Table 14-6.*

The text of the (E) designation for sites requiring 33 dBA attenuation would be as follows:

*In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 33 dB(A) window/wall attenuation in all façades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed window condition, an alternate means of ventilation that brings outside air into the building without degrading the acoustical performance of the building must also be provided. The specific attenuation requirements to be implemented for all façades are provided in the 606 West 57th Street EIS, Table 14-6.*

The text of the (E) designation for sites requiring 35 dBA attenuation would be as follows:

*In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum*

*of 35 dB(A) window/wall attenuation in all façades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed window condition, an alternate means of ventilation that brings outside air into the building without degrading the acoustical performance of the building must also be provided. The specific attenuation requirements to be implemented for all façades are provided in the 606 West 57th Street EIS, Table 14-6.*

By adhering to these design specifications, sufficient attenuation will be provided to achieve the CEQR interior noise level guideline of 45 dBA or lower for residential, hotel, or community facility uses and interior noise levels of 50 dBA or lower for commercial uses.

Based upon the measured  $L_{10(1)}$  values, the proposed project's design measures would be expected to provide sufficient attenuation to achieve the CEQR interior noise level requirements.

#### **BUILDING MECHANICAL SYSTEMS**

In addition, the building mechanical systems (i.e., heating, ventilation, and air conditioning systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code and the New York City Department of Buildings Code) and to avoid producing levels that would result in any significant increase in ambient noise levels.

A 1 megawatt natural gas-fueled emergency generator would be installed for development site 1 to serve development site 1 in the event of the loss of utility electrical power. The emergency generator would be tested periodically for a short period to ensure its availability and reliability. The emergency generator would be installed and operated in accordance with all applicable codes and standards. Potential noise impacts from the emergency generator would be insignificant, since it would be used only for testing purposes on a periodic basis for limited durations outside of an actual emergency use.

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**Table 12-13**

**Future Maximum Predicted PM<sub>2.5</sub> Concentrations from Development Site 2 on  
Development Site 1 (Project-on-Project) (in µg/m<sup>3</sup>)**

Pollutant	Averaging Period	Maximum Concentration	De Minimis
PM <sub>2.5</sub>	24-hour	3.53	4 <sup>(1)</sup>
	Annual (discrete)	0.10	0.3
	Annual (Neighborhood Scale)	0.002	0.1

**Note:**  
<sup>(1)</sup> PM<sub>2.5</sub> *de minimis* criteria — 24-hour average, not to exceed more than half the difference between the background concentration and the 24-hour standard of 35 µg/m<sup>3</sup>.

In addition, as shown in **Table 12-14**, maximum concentrations of PM<sub>2.5</sub> are predicted to be below the applicable *de minimis* criteria at elevated receptors on existing and No Build developments, and at ground level locations.

**Table 12-1514**

**Future Maximum Predicted PM<sub>2.5</sub> Concentrations from Development Site 1 on  
Existing Receptors (Project-on-Existing) (in µg/m<sup>3</sup>)**

Pollutant	Averaging Period	Maximum Concentration	De Minimis
PM <sub>2.5</sub>	24-hour	2.82	4 <sup>(1)</sup>
	Annual (discrete)	0.04	0.3

**Note:**  
<sup>(1)</sup> PM<sub>2.5</sub> *de minimis* criteria — 24-hour average, not to exceed more than half the difference between the background concentration and the 24-hour standard of 35 µg/m<sup>3</sup>.

Overall, there would not be any significant adverse air quality impacts due to HVAC systems with the proposed actions. To ensure that there are no significant adverse impacts of PM<sub>2.5</sub> from HVAC emissions, certain restrictions would be required regarding fuel type and exhaust stack location. The text of the (E) designations would be as follows:

- Block 1104, Lots 31, 40, 44 and 55 (Proposed Project Site—Development Site 1)  
 Any new development on the above-referenced property must utilize only natural gas in any fossil fuel-fired heating and hot water equipment and any heating and hot water equipment exhaust stack(s) must be located at least 450 feet above grade, to avoid any potential significant air quality impacts.
- Block 1104 Lots 25 and 29 (Development Site 2)  
 Any new development on the above-referenced property must utilize only natural gas in any fossil fuel-fired heating and hot water equipment, and any heating and hot water equipment exhaust stack(s) must be located at least 323 feet above grade and no more than 44 feet away from the lot line facing 11th Avenue, and must be fitted with low NO<sub>x</sub> burners with a maximum emission concentration of 30 ppm, to avoid any potential significant air quality impacts.

With these restrictions in place, no significant adverse air quality impacts are predicted from the HVAC emission sources as a result of the proposed actions.