

E-322

SUSAN WONG

From: DIANE MCCARTHY
Sent: Friday, September 27, 2013 2:24 PM
To: SUSAN WONG
Cc: ROBERT DOBRUSKIN; CELESTE EVANS; JAMES MIRAGLIA; IRENE SADKO; BASHA GERHARDS; ALINE FADER; GLENN FRIEDMAN
Subject: Bond Street - E memo
Attachments: Bond St Letter to Applicant_CPC approval N130226CMK.pdf; Bond St_E Designation memo_092713.pdf

Susan,

Attached is a (E) memo for the 363-365 Bond Street project. As stated in the memo, the original approval granted for the project included an (E) designation (E-221) for air quality. The applicant requested approval of an as-of-right development pursuant to the Restrictive Declaration approved in connection with the special permit. Therefore, per the Tech Memo prepared for the as-of-right project, a new (E) designation (E-322) is required to reflect new environmental requirements with respect air quality and hazardous materials.

Also attached for your reference is a letter to the applicant conveying the approval granted on March 18, 2013 for their as-of-right development (ULURP No.N130226CMK).

Thanks, Diane M

E-322

Department of City Planning
City of New York

MEMORANDUM

To: Susan Wong

Cc: Robert Dobruskin
Celeste Evans
James Miraglia
Irene Sadko
Basha Gerhards
Aline Fader
Glenn Friedman

From: Diane McCarthy ^{DMC}

Date: September 27, 2013

Re: **363-365 Bond Street - Hazardous Materials and Air Quality (E) Designations**
CEQR No. 08DCP033K
ULURP No. N 130226 CMK
SEQRA Classification: Type I

The original approval granted for the project at the above referenced location in 2009 (C 090047 ZMK, C 090048 ZSK, N 090049 ZRK) included an (E) designation (E-221) for air quality. The applicant for the above-referenced application requested approval of an as-of-right development pursuant to the Restrictive Declaration approved in connection with the special permit. Therefore, and as indicated in the Technical Memorandum prepared for the as-of-right project, a new (E) designation (E-322) is required to reflect new environmental requirements with respect air quality (which include exhaust stack location restrictions in addition to the fuel type restriction in E-221) and hazardous materials, as detailed below.

Hazardous Materials

To avoid any potential impacts associated with hazardous materials, as part of the as-of-right project, an (E) designation for hazardous materials will be placed on Block 452, Lots 1, 15 and Block 458, Lot 1.

The 2009 FEIS disclosed that a Phase I ESA and Phase II Investigations were prepared for the project site, and a Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) were subsequently approved by the New York City of Department of Environmental Protection in 2009. Since that time, environmental remediation of privately-owned sites required under CEQR is now administered by the New York City Mayor's Office of Environmental Remediation (OER).

Development of a site with an (E) designation for hazardous materials would require that all subsurface soil disturbance work associated with the as-of-right project be performed in accordance with a Remedial Action Plan (RAP)/Construction Health and Safety Plan (CHASP) approved by OER.

Accordingly, in addition to the work that was previously completed, the requirements under the (E) designation for hazardous materials on **Block 452, Lots 1, 15 and Block 458, Lot 1** would be as follows if deemed necessary by OER:

Prior to construction or renovation involving subsurface disturbance or conversion from nonresidential to residential use, the property owner would conduct a Phase I ESA in accordance with ASTM E1527-05.

If required by OER and based on the findings of the Phase I ESA, a soil and groundwater testing protocol approved by the OER would be prepared and implemented before development-related building permits can be issued by the DOB. If warranted by the findings of the subsurface investigation, site redevelopment would be conducted in accordance with an OER-approved RAP and CHASP, with a closure report prepared following construction documenting compliance with the RAP/CHASP. Following construction, if long-term monitoring (e.g., of groundwater quality) is required by OER, a Site Management Plan (SMP) would be prepared specifying the necessary and appropriate procedures for operation, maintenance, testing and reporting that remediation efforts, if any, have been employed.

This is in addition to any requirements of the New York State Department of Environmental Conservation and the United States Environmental Protection Agency (EPA), which also have jurisdiction over the project site in connection with on-site hazardous remediation and its adjacency to the Gowanus Canal, which was added to the EPA's Superfund National Priorities List on March 2, 2010.

Air Quality

Based on an HVAC analysis, it was determined that to avoid any potential air quality impacts associated with the as-of-right project, the project site would require an (E) designation that would specify the type of fuel to be used and the distance that the vent stack on the building roof must be from the edge of a lot line.

The requirements of the (E) designation for air quality for the properties identified below are as follows:

Block 452, Lots 1, 15: Any new development must use natural gas as the type of fuel for HVAC systems. Fuel-fired HVAC exhaust stacks for the development shall be located on the highest tier of the building and should be located at least 118 feet way from any operable window or air intakes on buildings of greater height on Tax Block 458.

Block 458, Lot 1: Any new development must use natural gas as the type of fuel for HVAC systems. Fuel-fired HVAC exhaust stacks for the development shall be located on the highest tier of the building and should be located at least 152 feet way from any operable window or air intakes on buildings of greater height on Tax Block 452.



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE COUNSEL

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ALISON R. MCCABE
BARAK WROBEL

March 21, 2013

Jay Segal
Greenberg Traurig, LLP
MetLife Building
200 Park Avenue
New York, NY 10166

Re: N 130226 CMK
363-365 Bond Street
Block 452, Lots 1 and 15; Block 458, Lot 1
MX-11 (M1-4/R7-2) District
Borough of Brooklyn
Community District 6

Dear Mr. Segal:

Please be advised that the above-referenced application (N 130226 CMK), submitted by The Lightstone Group pursuant to Sections 2.1 and 8.1 of the Restrictive Declaration previously approved as part of special permit C090048ZSM (related Application Nos. C090047 ZMK and N090049 ZRK), to facilitate an as-of-right development at the subject property (the "Development") was approved by the City Planning Commission on March 18, 2013.

Consistent with the purposes of the Restrictive Declaration, as discussed at the March 18, 2013 Review Session, the Development maintains the urban design principles of the special permit by: (1) locating taller portions along the Gowanus Canal and lower portions along Bond Street; and (2) providing publicly accessible open space along the Canal, which is now subject to waterfront zoning regulations.

Please be further advised that the Department of City Planning will authorize the Department of Buildings to issue a building permit for the Development upon execution and recordation of the restrictive declaration prepared for the Development, and certification by the Chairperson of waterfront public access areas pursuant to Article VI, Chapter 2 of the Zoning Resolution.

Sincerely,



David Karnovsky

c: Purnima Kapur
Aline Fader
James Miraglia
Ken Ramnarine
Jacquelyn Harris
James Merani
Alison McCabe

CITY PLANNING COMMISSION/REVIEW SESSION

March 18, 2013 @ 1:00 P.M.

	ULURP Number(s)	Page	Description of Request(s)	DISPOSITION
1	130214ZMM N130215ZRM 130216ZSM 130217ZSM 130218ZSM 130219PPM	1	<u>Manhattan Certification</u> <u>MSK/CUNY</u> ; zoning map amendment, zoning text amendment, special permits and disposition of c-o-p. (M8)	CERTIFIED{COMMISSIONER EADDY; RECUSED}
2	N130220ZRQ 130222ZSQ 130223ZSQ 130224ZSQ 130225ZSQ M080221(A)MMQ	46	<u>Queens Certification</u> <u>Willetts Point Development</u> ; zoning text amendment, special permits and minor modification to the city map. (Q7)	CERTIFIED{COMMISSIONER EADDY; RECUSED}
3	130213ZMK N130212ZRK	236	<u>Brooklyn Certification</u> <u>Crown Heights West Rezoning</u> ; zoning map and zoning text amendment. (K8)	CERTIFIED
4	130170ZMQ	336	<u>Queens Certification</u> <u>St. Francis Preparatory School Rezoning</u> ; zoning map amendment. (Q8)	CERTIFIED
5	110154ZSX	349	<u>Bronx Certification</u> <u>New Hope Transitional Housing</u> ; special permit. (X2)	CERTIFIED
6	N130119ZAM	364	<u>Manhattan Non-ULURP Referral</u> <u>361 Broadway</u> ; authorization. (M1)	REFER TO COMMUNITY BOARD FOR 45 DAYS
7	N130112ZAM	401	<u>223-237 St. Nicholas Avenue</u> ; authorization. (M10)	REFER TO COMMUNITY BOARD FOR 45 DAYS
8	N130154CMK	423	<u>Brooklyn Non-ULURP Referral</u> <u>Shops at Gateway</u> ; special permit renewal. (K5)	SEND APPROVAL LETTER TO BUILDINGS DEPARTMENT
9	N130266CMK	453	<u>Brooklyn Non-ULURP</u> <u>363-365 Bond Street</u> ; approval of plans pursuant to restrictive declaration. (K6)	SEND APPROVAL LETTER TO BUILDINGS DEPARTMENT PENDING RECORDATION OF RESTRICTIVE DECLARATION AND CHAIRPERSON WATERFRONT CERTIFICATION {COMMISSIONER DE LA UZ; RECUSED}
10	C130116ZMK N130117ZRK C130118ZSK	503	<u>Brooklyn Pre-Hearing</u> <u>BAM South</u> ; zoning map amendment, zoning text amendment and special permit. (K2) (5/6)	TO PUBLIC HEARING ON 3/20/13 COMMISSIONER DOUEK; RECUSED}
11	130120ZMX	549	<u>Bronx Certification</u> <u>River Plaza Rezoning</u> ; zoning map amendment. (X7)	CERTIFIED