



CITY PLANNING COMMISSION

July 9, 2007/Calendar No. 1

C 070345 PCQ

IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for a site selection and acquisition of property located at 157-41 Cross Bay Boulevard (Block 14152, Lot 104), Community District 10, Borough of Queens, for use as a destratification facility.

This application (C 070345 PCQ) was filed on February 13, 2007, by the Department of Environmental Protection (DEP) and the Department of Citywide Administrative Services (DCAS), for a site selection and acquisition of privately-owned property located at 157-41 Cross Bay Boulevard (Block 14152, Lot 104), to construct a destratification facility.

RELATED ACTIONS

In addition to the site selection and acquisition which is the subject of this report, implementation of the proposed development requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

N 070 346 ZAQ Authorization pursuant to ZR Section 62-722 to modify waterfront public access and visual corridor requirements.

Implementation of the proposed development also requires action by the Chairperson of the City Planning Commission on the following applications which are being considered concurrently with this application:

N 070 347 ZCQ Chairperson's certification pursuant to ZR Section 62-711 showing compliance with waterfront public access and visual corridor regulations for the portion of Lot 104 proposed to be acquired by DEP.

BACKGROUND

DEP and DCAS seek a site selection and acquisition of property located on Block 14152, Lot 104, in Community District 10, Queens. The Department of Environmental Protection proposes the construction of a destratification facility that would result in the improvement of water quality in Shellbank Basin. Block 14152, Lot 104 is located at 157-41 Cross Bay Boulevard, between 157th and 158th Avenues. This lot fronts on Shellbank Basin, making it a waterfront lot. It is zoned R3-1 with a C2-2 commercial overlay. DEP proposes to acquire a 2,000 square foot portion of this lot. The proposed DEP lot would not front Shellbank Basin, and would therefore not be a waterfront lot.

The privately-owned lot is 28,050 square feet in size and is currently developed with a coffee shop and accessory parking lot. The lot was redeveloped for commercial use in 1994 under the current waterfront zoning regulations and was required to provide a waterfront esplanade, an upland connection and a visual corridor (N 940740 ZCQ).

The applicant is proposing to acquire a 2,000 square foot portion of the property at the southern-most end of the lot, as well as a ten-foot wide, underground easement into Shellbank Basin. A 360 square foot building would be built on the site to house two air compressors required for the facility, and the site would also have a 600 square foot parking and access area. The entire site would be surrounded by a locked fence. The remaining 1,039 square feet of the acquired

property would remain undeveloped in order to maintain a portion of the existing visual corridor on the site.

The destratification facility would consist of two electric powered air compressors located in a sound-insulated enclosure approximately 360 square feet in size, with a 0.18 FAR and a height of 15 feet. Pipes would run underground connecting the air compressors and Shellbank Basin in the 10-foot wide easement. A remote monitoring system would also be included in the facility that would alert a DEP location in case of a disturbance to the operation or facility. This permanent facility would replace a temporary destratification facility located at 158-35 Cross Bay Boulevard in Community District 10, Queens.

REQUIRED ACTIONS

In order to facilitate the development of the destratification facility, the following actions are necessary:

Site Selection and Acquisition (C 070345 PCQ)

The Department of Environmental Protection and the Department of Citywide Administrative Services proposes to select and acquire a 2,000 square foot portion of the privately-owned, 28,050 square foot waterfront lot.

Modification of Visual Corridor Requirements (N 070346 ZAQ)

Due to the existing built condition of the lot, the proposed destratification facility needs to be placed in the northernmost 20 feet of a required, 80-foot wide visual corridor. An authorization pursuant to Section 62-722(a) is necessary to modify the visual corridor requirements to reduce the width of the 80-foot wide visual corridor to 60 feet, to facilitate the construction of the proposed destratification facility.

Subdivision of a Waterfront Zoning Lot (N 070348 ZCQ)

As a waterfront zoning lot, the subject site requires a Chairperson's certification to be subdivided into two different zoning lots. DEP is only proposing to acquire a portion of the larger waterfront zoning lot, requiring them to subdivide the lot.

Certification of Waterfront Public Access and View Corridors (N 070347 ZCQ)

The zoning lot to be created by the zoning lot subdivision certification and acquired by DEP also requires a Chairperson's certification that it meets required visual corridor regulations as modified by the requested authorization (N 070346 ZAQ) and that it does not need to provide waterfront access, as it is not a waterfront zoning lot. A site plan also needs to be submitted demonstrating compliance with Sections 62-40 and 62-60.

ENVIRONMENTAL REVIEW

This application (C 070345 PCQ) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New

York Code of Rules and Regulations, Section 617.00 et seq., and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 03DEP046Q. The lead agency is the Department of Environmental Protection.

After a study of the potential environmental impacts of the proposed action, a Revised Negative Declaration was issued on January 17, 2007.

UNIFORM LAND USE REVIEW

This application (C 070345 PCQ) was certified as complete by the Department of City Planning on February 26, 2007, and was duly referred to Community Board 10 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 10 held a public hearing on this application on April 5, 2007, and on that date, by a vote of 23 in favor, 0 against and 0 abstentions, adopted a resolution recommending approval of the application with the following comment:

Site selection will maintain access to the waterfront along its boundary to Shellbank Basin and maintain a clear viewing corridor from the street.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving on May 11, 2007 application, “with the same condition stipulated by the community board.”

City Planning Commission Public Hearing

On May 23, 2007 (Calendar No. 17), the City Planning Commission scheduled June 6, 2007 for a public hearing on this application (C 070345 PCQ). The hearing was duly held on June 6, 2007 (Calendar No. 29). There was one speaker in favor of the application and none in opposition.

A representative from the Department of Environmental Protection appeared in favor and discussed the operation of the proposed destratification facility.

There were no other speakers, and the hearing was closed.

Waterfront Revitalization Program Consistency Review and Findings

This application (C 070345 PCQ) was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront

Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 et seq.) The designated WRP number is 05-022.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services for a site selection and acquisition of property located at 157-41 Cross Bay Boulevard (Block 14152, Lot 104), Queens, for use as a destratification facility is appropriate.

Approval of this application would facilitate the construction of a destratification facility that would result in the improvement of water quality in Shellbank Basin. The applicant would acquire a 2,000 square foot portion of a larger, privately-owned property, and a ten-foot wide easement, on which DEP would construct a 360 square foot building with a 0.18 FAR and a height of 15 feet. The building would house two air compressors required for the operation of the facility, and the site would also have a 600 square foot parking and access area. The entire DEP site would be surrounded by a locked fence.

In response to the Community Board and Borough President's comment that the site selection should maintain access to the waterfront along its boundary to Shellbank Basin and maintain a

clear viewing corridor from the street, the Commission notes that DEP is not acquiring the portion of the privately-owned, waterfront lot that holds the existing waterfront walkway. The Commission further notes that DEP will provide a 60-foot wide visual corridor, as reduced by the proposed authorization (N 070346 ZAQ), in the prolongation of 158th Avenue.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services for site selection and acquisition of property located at 157-41 Cross Bay Boulevard (Block 14152, Lot 104), Community District 10, Borough of Queens, for use as a destratification facility is approved.

The above resolution (C 070345 PCQ), duly adopted by the City Planning Commission on July 9, 2007 (Calendar No. 1), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair

ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,

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DOLLY WILLIAMS, Commissioners