



CITY PLANNING COMMISSION

May 22, 2013, Calendar No. 8

C 120209 MMQ

IN THE MATTER OF an application submitted by Bnos Bais Yaakov of Far Rockaway, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of Beach 12th Street between Caffrey Avenue and Frisco Avenue;
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 14, Borough of Queens, in accordance with Map No. 5017, dated October 22, 2012, and signed by the Borough President.

The application (C 120209 MMQ) for an amendment to the City Map involving the elimination, of Beach 12th Street between Frisco Avenue and Caffrey Avenue; the discontinuance and closing of a portion of Beach 12th Street between Frisco Avenue and Caffrey Avenue; and the adjustment of grades necessitated thereby, including authorization for any acquisition or disposition of real property related thereto, was filed by Bnos Bais Yaakov of Far Rockaway, on March 12, 2012, to facilitate the expansion of an existing private K-12 girls school in the Far Rockaway area of Queens.

BACKGROUND

The applicant, Bnos Bais Yaakov of Far Roackaway, is proposing a change to the City Map involving the elimination of Beach 12th Street between Frisco Avenue and Caffrey Avenue; the discontinuance and closing of a portion of Beach 12th Street between Frisco Avenue and Caffrey Avenue to facilitate the expansion of an existing private K-12 girls school.

The subject portion of Beach 12th Street was established on the City Map in 1954 at a width of 60 feet; however it has never been improved as a public street. Except for a small portion owned by the City (under the jurisdiction of DCAS), and a portion of Tax Lot 33, Block 15585, the rest of the mapped street is owned by the applicant (portions of Lots 11 and 16, Block 15585 and a portion of Lot 52, Block 15584). The total area of street to be eliminated is approximately 20,566

square feet. The City-owned portion, near the intersection with Frisco Avenue, is approximately 5,053 square feet. The applicant would like to acquire this portion from the City to consolidate with his school property. The bed of the mapped street currently contains a paved driveway/parking area, various fences, walls and concrete walkways including a portion of a patio deck for the school's outdoor swimming pool, the lawn of an adjacent home, and a temporary structure used by the applicant for classrooms. The applicant intends to replace these temporary structures with a permanent school facility.

The Applicant, in order to serve the needs of its growing student body, opened modular classrooms for its high school students on portions of his property in 2006. These temporary facilities have a capacity of 30 students per grade (for a total of 120 high school students). However, the current lower-school classes have far more student enrollment than the high school can accommodate in the current modular classrooms. As an example, the Applicant's 2010/2011 Fifth Grade class had 74 girls, more than double the current capacity of 30 students per grade in the modular classrooms. As girls in the lower grades progress to high school, the Applicant will not have room to accommodate all who wish to continue at the school.

To accommodate its current students as they progress to high school, and to complete the development of its school campus, the Applicant plans to construct permanent school facilities on the consolidated site. The new facilities are expected to accommodate up to 360 students and to include classrooms, a gymnasium, an auditorium, a science lab, a computer lab, a library, and administrative offices. The proposed permanent school facilities would allow the school to continue to serve grades K-12 on its school campus and to provide a better educational environment for the high school students than the current temporary classrooms.

The site is located in an R4A zoning district in the Far Rockaway neighborhood which is located on the Rockaway Peninsula in Queens, and is the eastern most section of the Rockaways. The surrounding area is developed with detached and semi-detached single-family homes, multi-family apartment buildings and community facility uses.

Affected agencies and utilities were polled by email on March 21, 2012. Currently, no city agencies have any objections to the proposal.

ENVIRONMENTAL REVIEW

This application (C 120209 MMQ) 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 12DCP094Q. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Conditional Negative Declaration was issued. The lead agency 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, Bnos Bais Yaakov of Far Rockaway agrees via the mapping agreement 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. The applicant also agrees via the mapping agreement to fuel type restrictions on the project site.

The applicant signed the Conditional Negative Declaration on January 18, 2013. The Conditional Negative Declaration was published in the City Record on February 5, 2013 and in the New York State Environmental Notice Bulletin on February 6, 2013. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.*, a 30-day comment period followed. No comments were received and the Conditional Negative Declaration was issued on May 20, 2013.

UNIFORM LAND USE REVIEW

This application (C 120209 MMQ), was certified as complete by the Department of City Planning on January 22, 2013, and was duly referred to Queens Community Board 14 and the

Queens 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 14 held a public hearing on this application (C 120209 MMQ) on March 12, 2013, and on that day, by a vote of 33 to 0, with 0 abstentions, adopted a resolution recommending the application be approved with the condition that no future request for a variance be made at this site.

BOROUGH PRESIDENT RECOMMENDATION

This application (C 120209 MMQ) was considered by the Borough President of Queens, who issued a recommendation of approval on April 23, 2013.

CITY PLANNING COMMISSION PUBLIC HEARING

On April 10, 2013 (Calendar No. 3), the City Planning Commission scheduled April 24, 2013 for a public hearing on this application (C 120209 MMQ). The hearing was duly held on April 24, 2013 (Calendar No. 14). There were four speakers in favor of the application and none in opposition.

The applicant briefly described the application and stated why he believed that the amendment to the City map was appropriate. The second speaker the applicant's representative, further described the application. The third and fourth speakers were neighborhood residents that expressed their support for the application. There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C120209MMQ) 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 12-036.

The City Planning Commission, acting as the City Coastal Commission, having reviewed the waterfront aspects of this action, finds that the actions will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies.

CONSIDERATION

The City Planning Commission believes that this amendment to the City Map is appropriate.

The Commission notes that the portion of Beach 12th Street proposed to be eliminated from the City Map is mostly under private ownership, largely unimproved and not open to pedestrians or traffic. The portion of the applicants property in the bed of the mapped street contains a paved driveway/parking area, various fences, walls and concrete walkways including a portion of a patio deck for the school's outdoor swimming pool, the lawn of an adjacent home, and a temporary structure used by the applicant for classrooms, therefore precluding through traffic. New York City's Department of Transportation had no objections to the proposal, deeming the street unnecessary for current or future traffic patterns.

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map and any related acquisition or disposition to be appropriate, adopts the following resolution:

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment, subject to the following condition:

The applicant, Bnos Bais Yaakov of Far Rockaway, 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;

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 and 199 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code, that based on the environmental determination and the consideration described in this report, the application (C 120209 MMQ) for the amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of Beach 12th Street between Caffrey Avenue and Frisco Avenue;
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 14, Borough of Queens, in accordance with Map No. 5017, dated October 22, 2012, and signed by the Borough President is approved and be it further

RESOLVED that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

RESOLVED that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts the legally required number of counterparts of Map No. 5017 dated October 22, 2012, providing for the discontinuance and closing of Beach 12th Street between Frisco Avenue and Caffrey Avenue, said street to be discontinued and closed being more particularly described as follows:

Starting at a point of beginning located on the northerly line of Frisco Avenue, said point lying 266.65 feet east of the intersection of Frisco Avenue and Mott Avenue, as those streets are laid out on the City Map, thence;

- 1) Running 60.00 feet in a northeasterly direction along the easterly prolongation of the northerly line of Frisco Avenue to a point, thence;
- 2) Running 21.17 feet in a northwesterly direction, said course forming an interior angle with the previous course of 90 degrees, 28 minutes and 20 seconds, thence;
- 3) Running 60.00 feet in a southwesterly direction, said course forming an interior angle with the previous course of 90 degrees, 00 minutes and 00 seconds, thence;
- 4) Running 21.66 feet in a southeasterly direction, said course forming an interior angle with the previous course of 90 degrees, 00 minutes and 00 seconds to the point or place of beginning.

The area described above consists of 1,285 square feet or 0.029 acres and be it further

RESOLVED that, pursuant to subdivision 1a of Section 5-433 of the New York City Administrative Code, public utility facilities within the subsurface of the streets cited herein which are to be discontinued and closed by this action, may be maintained in place or relocated within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or portions of such subsurface, and the requirements of other facilities located therein;

All such approvals being subject to the following conditions:

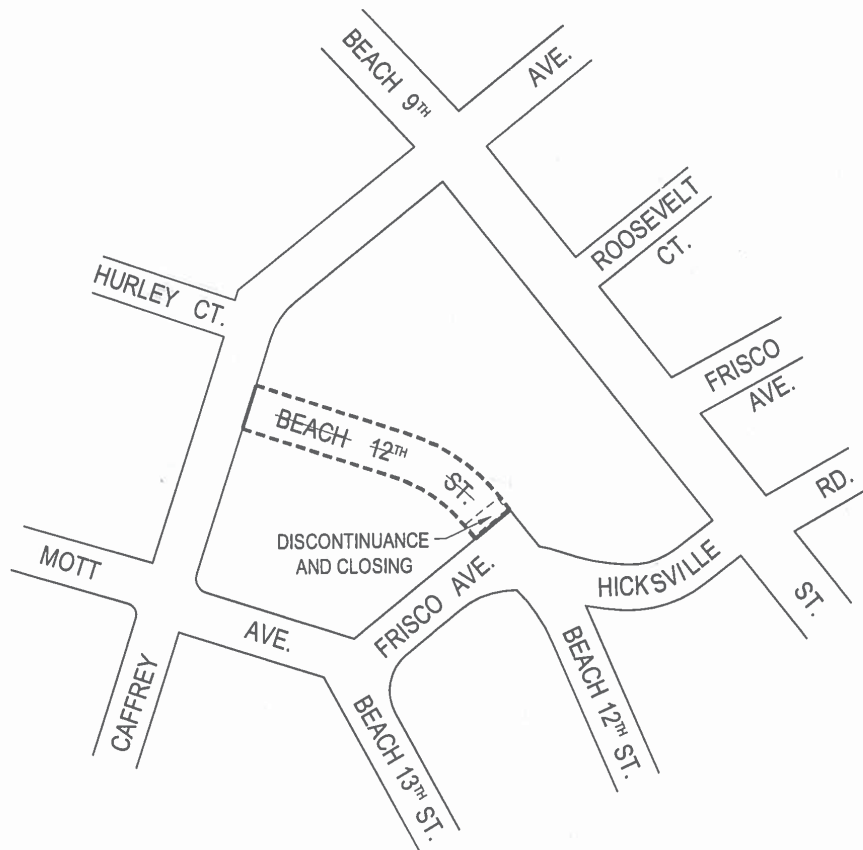
- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 5107 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code; and
- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition “a” above until the applicant shall have executed a mapping agreement protecting the city's interest, approved as to form and sufficiency by the

Corporation Counsel and accepted by the City Planning Commission (the “Mapping Agreement”). If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission; and

- c. The Mapping Agreement shall contain provisions governing, in connection with development of the former street the testing for and remediation of hazardous materials in accordance with DEP requirements, as well as fuel type restrictions, as such environmental requirements are specified in the Conditional Negative Declaration dated May 20, 2013. The applicant or its successor shall submit proof of recording of the restrictive declaration to counsel for the Department of City Planning and DEP; and
- d. The subject street to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

The above resolution (C 120209 MMQ), duly adopted by the City Planning Commission on May 22, 2013 (Calendar No. 8), 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, FAICP, Chair
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
BETTY Y. CHEN, MICHELLE R. DE LA UZ, MARIA M. DEL TORO,
JOSEPH I. DOUEK, RICHARD W. EADDY,
ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
MAP CHANGE
ON SECTIONAL MAP

31a

BOROUGH OF
QUEENS

New York, Certification Date
JANUARY 22, 2013

I. Sadko

I. Sadko, P.E.
Chief Engineer

SCALE IN FEET



NOTE:

- Indicates line of street legally adopted.
- Indicates line of street proposed to be established.
- Indicates line of street proposed to be eliminated.
- Indicates discontinuing and closing line.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

Application #: **C 120209 MMQ**

Project Name: **BEACH 12TH STREET DEMAPPING**

CEQR Number: 12DCP094Q

Borough(s): Queens

Community District Number(s): 14

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
 - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by Bnos Bais Yaakov of Far Rockaway pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Beach 12th Street between Caffrey Avenue and Frisco Avenue; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in the Borough of Queens, Community District 14, in accordance with Map No. 5017 dated October 22, 2012 and signed by the Borough President.

Applicant(s): Bnos Bais Yaakov of Far Rockaway 613 Beach 9th Street Far Rockaway, New York 11691		Applicant's Representative: Melanie Myers Fried Frank Harris Shriver & Jacobson LLP One New York Plaza New York, New York 10004 (212) 859-878
Recommendation submitted by: Queens Community Board 14		
Date of public hearing: 3/12/2013		Location: Knights of Columbus 333 Beach 90 St 11693
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>		
Date of Vote: 3/12/2013		Location: SAME
RECOMMENDATION <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove <input checked="" type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove With Modifications/Conditions *approve with condition that NO Future requires for a Variance.		
Please attach any further explanation of the recommendation on additional sheets, as necessary.		
Voting # In Favor: 33 # Against: 0 # Abstaining: 0 Total members appointed to the board: 49		
Name of CB/BB officer completing this form Jonathan Gaska DM For Your Information Jonathan Gaska Community Board 14	Title District Manager	Date 3/13/2013

Queens Borough President Recommendation

APPLICATION: ULURP #120209MMQ

COMMUNITY BOARD: Q14

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Fried Frank Harris Shriver & Jacobson LLP on behalf of Bnos Bais Yaakov of Far Rockaway pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment of the City Map involving:

- the elimination, discontinuance and closing of Beach 12th Street between Caffrey Avenue and Frisco Avenue; and
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including authorization for any acquisition or disposition of real property related thereto, in the Borough of Queens, Community District 14, in accordance with Map No. 5017 dated October 22, 2012 and signed by the Borough President.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, April 4, 2013 at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were no other speakers. The hearing was closed.

CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The applicant is proposing to demap and eliminate a mapped unimproved portion of Beach 12th Street between Caffrey and Frisco Avenues. The applicant also would like to purchase that portion of the demapped street;
- The proposed demapping would facilitate expansion of an existing private school that is located on properties directly abutting this portion of Beach 12th Street. The enlarged private school would include classrooms, a library, computer and other science labs, a gymnasium and administrative space to accommodate a growing student body.;
- The proposed demapping was referred out to all relevant city agencies for comment and review. None of the city agencies has indicated any need for that portion of Beach 12th Street or objections to the proposed demapping.;
- Community Board 14 approved this application by a vote of thirty-three (33) in favor with none (00) against or abstaining at a public hearing held on March 12, 2013.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval of this application

 4/23/13
PRESIDENT, BOROUGH OF QUEENS DATE