



CITY PLANNING COMMISSION

September 13, 2006/Calendar No.8

C 020332 MLQ

IN THE MATTER OF an application submitted by Powell Cove Associates LLC, pursuant to Section 197-c of the New York City Charter, for a landfill of approximately 123,000 cu. yd. in an area generally located easterly of 121st Street and its northerly prolongation and northwesterly of Lax Avenue (Block 3916, Lots 90, 100, 120, 300 and 400), in an R4 District in Community District 7, Borough of Queens.

The application (C 020332 MLQ) for a landfill was filed on January 16, 2002 by Powell Cove Associates LLC, to facilitate development of 202 dwelling units in College Point, Community District 7, Queens.

RELATED ACTIONS

In addition to the landfill application, which is the subject of this report, implementation of the applicant's proposal also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

- N 060426 ZRQ An amendment of the Zoning Resolution of the City of New York relating to Section 78-06, regarding ownership requirements for the modification of previously approved large scale residential developments.

- M 820250 (D) ZAQ Modifications of previously approved special permit (CP-23249) and Restrictive Declaration (D-21).

- N 020331 ZAQ Authorization pursuant to Section 78-313(a) to allow floor area for all zoning lots within the development to be distributed without regard for zoning lot lines.

- N 060427 ZAQ Authorization pursuant to Section 23-631(h) for modification of the R4 building perimeter wall height regulations.

N 060428 ZAQ Authorization pursuant to Section 26-26(a) to modify the widths of private roads.

N 020333 ZCQ Certification by the Chair of the City Planning Commission pursuant to section 62-711 (Waterfront Zoning).

BACKGROUND

A full background discussion and project description appears in the report on the related application for the proposed text amendment to the Zoning Resolution (N 060426 ZRQ) and authorizations.

ENVIRONMENTAL REVIEW

This application (C 020332 MLQ), in conjunction with the related authorizations and certification (N 060426 ZAQ, N 020331 ZAQ, N 020333 ZCQ, M 820250 (D) ZAQ, N 060427 ZAQ and N 060428 ZAQ), 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 02DCP036Q.

The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, the lead agency has determined that the proposed action will have no significant impact on the quality of the environment, once it is modified as follows:

The applicant agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health 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 signed the conditional negative declaration on April 17, 2006. The conditional negative declaration was published in the City Record on May 25, 2006 and in the New York State Environmental Notice Bulletin on May 31, 2006 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 July 24, 2006.

UNIFORM LAND USE REVIEW

This application was certified as complete by the Department of City Planning on May 8, 2006, and was duly referred to Queens Community Board 7 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, along with the related applications (N 060426 ZRQ, N 020331 ZAQ, N 020333 ZCQ, M 820250 (D) ZAQ, N 060427 ZAQ and N 060428 ZAQ) which were referred to Queens Community Board 7 and the Borough President on May 8, 2006 for information and review in accordance with the procedure for referring non-ULURP matters.

Community Board Public Hearing

Community Board 7 held a public hearing on this application (C 020332 MLQ) on June 12, 2006 and on that day, by a vote of 42 in favor, 0 opposed and 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 020332 MLQ) was considered by the Borough President of Queens, who issued a recommendation approving the application and the related non-ULURP applications without conditions on July 25, 2006.

City Planning Commission Public Hearing

On July 12, 2006 (Calendar No. 6), the City Planning Commission scheduled July 26, 2006 for a public hearing on this application (C 020332 MLQ). The hearing was duly held on July 26, 2006 (Calendar No. 13) in conjunction with a hearing on the related proposed text change amendment (N 060426 ZRQ). There was one speaker in favor of the application and none in opposition

The applicant's attorney explained the proposal. There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 020332 MLQ), in conjunction with the related authorizations and applications (N 060426 ZRQ, N 020331 ZAQ, N 020333 ZCQ, M 820250 (D) ZAQ, N 060427 ZAQ and N 060428 ZAQ), 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 Resource Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 02-002.

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

CONSIDERATION

The Commission believes this application (C 020332 MLQ) for a landfill is appropriate. A full consideration of the issues and reasons for approving these applications appears in the report on the related application for the proposed text amendment to the Zoning Resolution (N 060426 ZRQ).

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 conditions:

For the lots generally located easterly of 121st Street and its northerly prolongation and northwesterly of Lax Avenue (Block 3916, Lots 90, 100, 120, 300 and 400), the applicant agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health 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 Costal 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, IN THE MATTER OF an application submitted by Powell Cove Associates LLC, pursuant to Section 197-c of the New York City Charter, for a landfill of approximately 123,000 cu. yd. in an area generally located easterly of 121st Street and its northerly prolongation and northwesterly of Lax Avenue (Block 3916, Lots 90, 100, 120, 300 and 400), in an R4 District, Community District 7, Borough of Queens, is approved.

The above resolution (C 0620332 MLQ), duly adopted by the City Planning Commission on September 13, 2006 (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, AICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, ANGELA R. CAVALUZZI, R.A.
ALFRED C. CERULLO, III, RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ,
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Commissioners