



CITY PLANNING COMMISSION

March 16, 2011 / Calendar No. 10

C 100229 HAQ

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1.) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 161-79 86th Avenue (Block 9774, Lots 165 & 167) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2.) pursuant to Section 197-c of the New York City Charter for the disposition of such property;

to facilitate the disposition of the property through HPD's Asset Sales Program, Community District 8, Borough of Queens.

Approval of three separate matters is required:

1. the designation of property located at 161-79 86th Avenue (Block 9774, Lots 165 & 167) as an Urban Development Action Area; and
2. an Urban Development Action Area Project for such area; and
3. the disposition of such property to a developer selected by HPD through the Asset Sales Program.

The application for the Urban Development Action Area designation and project approval and disposition of city-owned property was submitted by the Department of Housing Preservation and Development (HPD) on October 19, 2010.

Approval of this application would facilitate the disposition of city-owned property located at 161-79 86th Avenue (Block 9774, Lots 165, 167), through HPD's Asset Sales Program, for residential development.

The Department of Housing Preservation and Development states in its application that:

The project area consists of underutilized vacant property that tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, insanitary, and blighting conditions. The project activities would protect and promote health and safety and would promote sound growth and development. The project area is therefore eligible to be an Urban Development Action Area and the proposed project is

therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

RELATED ACTION

In addition to the Urban Development Action Area Project designation and the project approval and the disposition of city-owned property for a site located at 161-79 86th Avenue (Block 9774, Lots 165 and 167), which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 100228 MMQ: An application by the Department of Housing Preservation and Development 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

BACKGROUND

The Department of Housing Preservation and Development (HPD) is seeking an Urban Development Action Area Project (UDAAP) designation, project approval, and disposition of city-owned property for a site located at 161-79 86th Avenue (Block 9774, Lots 165 and 167) in the Jamaica Hill section of Queens Community District 8. In addition to lots 165 and 167 on block 9774, the disposition area also consists of a portion of mapped 162nd Street that is proposed to be discontinued, eliminated, and closed in accordance with the related action (C 100228 MMQ).

The disposition area is approximately 8,173 square feet in size. It contains a vacant one-family, 2½ -story residential building that is sited partially in the mapped street and partially on lot 165. Lot 167 is vacant. The land included in the disposition area was acquired by the City of New York on December 29, 1966 via condemnation for street construction. Although mapped, this portion of 162nd Street is not improved and there is no connection to the surrounding street network. The Department of Transportation has no plans to construct a roadway on this portion of 162nd Street and has consented to its elimination from the City Map.

The driveway serving an adjacent residential property located at 161-77 86th Avenue (Block 9774, Lot 163) runs across a small triangular portion of the mapped street to be closed. HPD intends to offer this portion of the disposition area directly to the owner of the affected property.

The remaining majority of the disposition area will be subdivided into two lots and disposed through HPD's Asset Sales Program, under which City-owned properties are sold to buyers in an "as-is" condition. Properties are made available through a request-for-offers competitive process. HPD will not provide construction or permanent financing for development on the subject property. Properties sold through the Asset Sales Program are restricted to residential uses for a twenty-year period following the date of sale. Furthermore, the terms of the sale will include a stipulation that the existing residential building in the disposition area not be demolished without HPD permission.

The disposition area is located within an R4A zoning district, which allows one- and two-family detached residences with a maximum Floor Area Ratio (FAR) of 0.9, including a 0.15 FAR attic allowance. The minimum allowed lot area is 2,850 square feet and the minimum lot width is 30 feet. Thus, the maximum permitted residential development within the disposition area is two two-family homes. Community facility uses are also allowed in R4A districts at a FAR of 2.0. However, as noted above, the property would be restricted to residential use for a period of twenty years.

Land use in the surrounding area is primarily residential. The majority of lots are developed with one- and two-family detached houses. The neighborhood's closest commercial corridors are Parsons Boulevard, approximately one-half mile to the west and Hillside Avenue, approximately one-half mile to the south.

ENVIRONMENTAL REVIEW

This application (C 100229 HAQ) 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 09HPD029Q. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential impact of the proposed action, a Negative Declaration was issued on September 10, 2010.

UNIFORM LAND USE REVIEW

This application (C 100229 HAQ), in conjunction with the application for the related action, was certified as complete by the Department of City Planning on November 15, 2010, and was duly referred to Community Board 8 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 8 held a public hearing on this application on December 14, 2010, and on December 29, 2010, by a vote of 33 in favor, 3 opposed, 0 abstaining, adopted a resolution “to approve the application subject to the condition that, “[HPD] transfers the triangular portion of the street to [the] affected adjoining property owner for the nominal fee of \$1.”

Borough President Recommendation

The Borough President did not submit a recommendation on this application.

City Planning Commission Public Hearing

On January 26, 2011 (Calendar No. 10), the City Planning Commission scheduled February 16, 2011, for a public hearing on this application (C 110096 HAM). The hearing was duly held on February 16, 2011 (Calendar No.32) in conjunction with the public hearing on the application for the related action (C100228 MMQ).

There was one speaker in favor of the application and no speakers in opposition. A representative of HPD spoke in favor and described the project. There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the approval of this application for an Urban Development Action Area designation and project approval, and the disposition of city-owned property, along with the related action to eliminate, discontinue and close 162nd Street, between 86th Avenue and Glenn Avenue (C110125 ZMM) is appropriate.

The Commission believes that the approval of the UDAPP for the disposition site would facilitate the development of vacated and undeveloped city-owned property. The Commission is pleased to note that HPD has taken measures to ensure that development on the disposition area

would be consistent with the existing development in the surrounding neighborhood, which is primarily developed with one-and two family detached buildings. The Commission also notes that the Asset Sales Program encourages residential use by permitting only residential uses on the property for a twenty-year period. Furthermore, HPD intends to subdivide the disposition area into two lots approximating the original configuration of lots prior to acquisition by the City.

The City Planning Commission also believes that the approval of the UDAPP for the disposition site would facilitate the rehabilitation of the existing, vacated house on Lot 165. The Commission notes that demolition of the existing residential building at 161-79 86th Avenue would be prohibited except by permission of HPD. The Commission also notes that, for a twenty-year period, the Asset Sales Program would only allow residential uses on the property. Additionally, the Commission notes that, in a letter dated March 9, 2011, HPD confirmed that, “The purchaser or purchasers of these properties will be required to sign a land disposition agreement requiring the rehabilitation of the vacant house and the new construction on the vacant lot. HPD will not convey the properties until the purchaser(s) provide evidence that the rehabilitation and/or development is ready to begin. In addition, the Asset Sales Program does not allow purchasers to resell properties for five years without HPD permission.”

The City Planning Commission further believes that the amendment to the City Map is appropriate. The portion of 162nd Street proposed to be eliminated has not been built, nor are there any plans for its future improvement. This portion of 162nd Street is the last remnant of a thoroughfare that was never developed and has been incrementally eliminated from the map. On January 5, 2011 (Calendar No. 26) the City Planning Commission voted to approve the elimination, discontinuance, and closing of the Glenn Avenue (C 090363 MMQ), which is adjacent to the subject site. Therefore, the elimination of the subject portion of 162nd Street would not diminish connectivity to the local street network. The City Planning Commission further notes that the Department of Transportation has consented to its elimination. The City Planning Commission believes that the elimination of this portion of 162nd Street increases the development potential of the disposition property and adds to viability of the successful redevelopment of the property.

The Commission acknowledges the concern of Queens Community Board 8 regarding the neighboring property owner's access to the driveway at 161-77 86th Avenue (Block 9774, Lot 163). The Commission is pleased to note that, at the Community Board public hearing on December 14, 2010, a representative for HPD stated that the applicant is willing to negotiate directly with the owner of the property to determine a fair price for the portion of the disposition area that affects access to the property owner's driveway and that this portion of the disposition area will not be included in the Asset Sales Program request-for-offers.

The City Planning Commission believes that these applications would facilitate the sale and eventual rehabilitation or redevelopment of underutilized city-owned property. The Commission further believes that the return of this property to productive use would enable this city-owned property to be developed with uses that would serve the needs of Queens Community District 8 and the City of New York.

RESOLUTION

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

WHEREAS, the Department of Housing Preservation and Development has recommended the designation of property located at 161-79 86th Avenue (Block 9774, Lots 165 & 167), as an Urban Development Action Area; and

WHEREAS, the Department of Housing Preservation and Development has also recommended the approval of an Urban Development Action Area Project for such property;

THEREFORE, BE IT FURTHER RESOLVED, that the City Planning Commission after due consideration of the appropriateness of the actions, certifies its unqualified approval of the following matters pursuant to the Urban Development Action Area Act;

- a. the designation of property located at 161-79 86th Avenue (Block 9774, Lots 165 & 167) as an Urban Development Action Area; and

- b. an Urban Development Action Area Project for such area; and

BE IT FURTHER RESOLVED, the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the Department of Housing Preservation and Development for the disposition of property located at 161-79 86th Avenue (Block 9774, Lots 165 & 167), Community District 8, Borough of Queens, to a developer selected by HPD, is approved.

The above resolution (C 100229 HAQ), duly adopted by the City Planning Commission on March 16, 2011 (Calendar No. 10), 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
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,
SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners

Community/Borough Board Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

Application # C 100228 MMQ
CEQR # 09HPD029Q
Community District No. 08 Borough: Queens
Community District No. ___ Borough: ___
Project Name: 162ND STREET CITY MAP CHANGE

INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.

2. 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 the Department of Housing Preservation and Development, 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 162nd Street between 86th Avenue and Glenn Avenue; and
- the modification of grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in Community District 8, Borough of Queens, in accordance with Map No. 5011, dated July 9, 2010 and signed by the Borough President.

Applicant(s):

Department of Housing Preservation and Development
100 Gold Street
NY, NY 10038

Applicant's Representative:

Charles Marcus
Department of Housing Preservation and Development
100 Gold Street
New York, New York 10038
MARCUSC@hpd.nyc.gov

Community Board No. 8 Borough: Queens

Borough Board

Date of public hearing: December 14, 2010

Location: Margaret Tietz Nursing Center
164-11 Chapin Parkway, Flushing, NY

Was a quorum present? YES NO

A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: Yes

Location: Hillcrest Jewish Center
183-02 Union Turnpike, Flushing, NY

RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

Please see attached minutes of Public Hearing and Board Meeting.

Voting

In Favor:

33

Against:

3

Abstaining:

0

Total members appointed to the board:

48

Alvin Wansharrick *M.C.*
Community/Borough Board Officer

Chairperson
Title

January 4, 2011
Date

v.012006w

Community/Borough Board Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

Application # C100229HAQ
CEQR # 09HPD029Q
Community District No. 08 Borough: Queens
Community District No. 08 Borough: Queens
Project Name: 162nd Street Demapping

INSTRUCTIONS

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- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - c) the designation of property located at 161-79 86th Street (Block 9774, Lots 165, 167); as an Urban Development Action Area; and
 - d) an Urban Development Action Area Project for such area; and

pursuant to Section 197-c of the New York City Charter for the disposition of such property.

Applicant(s):

Department of Housing Preservation and Development
100 Gold Street
NY, NY 10038

Applicant's Representative:

Charles Marcus
Department of Housing Preservation and Development
100 Gold Street
New York, New York 10038

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RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

Please see attached minutes of Public Hearing and Board Meeting.

Voting

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Against:

Abstaining:

Total members appointed to the board:

33

3

0

48

Abim Waidanik
Community/Borough Board Officer

Chairperson
Title

January 4, 2011
Date

v.012006w

* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.

- There was a caregiver of a 93 year old Alzheimer's patient. She was able to refinance one of his properties and stole it. They were able to use Hate Crime laws and she is serving 2-6 years in jail.
- Mortgage Fraud is a big problem in NYC, especially Jamaica.
- They encourage family members to sign up. There is no limit as to how many people could sign up for notifications on the property. You give your name and address and your interest in the property. There is certification that requires you to be truthful.
- Go to ACRIS on the Department of Finance website if you suspect something is wrong.
- Can I register my neighbor? He doesn't have a computer. Yes sure you can.
- What if it is too late? This will only guarantee future protection and not whatever happened in the past.
- Is this for NYC only or NYS too? This does include Staten Island, unusual for ACRIS, but it is not statewide.

District Manager's Report

- District Manager's report was distributed.
- Happy Birthday to Board Members: Allen Eisenstein, Jesse Rosenbaum, Steve Konigsberg, Annie Salvatore, Seymour Schwartz, Tammy Oshero, Stan Weinblatt, Tami Hirsch, Charlton Rhee and Dr. Allen Bennett
- A pharmacist came from the Fran Hill Pharmacy to discuss the possibility of having a health fair in the Fran Hill Shopping Center. I felt that instead of limiting it to just a small area, it should be open to the whole community. I proposed to the Executive Board to have a district wide health fair at Cunningham Park. The office is looking for volunteers or people with contacts. Mary Maggio Fischer is on board. Alvin thinks it is a great idea and thanks Marie and the staff for this great undertaking. We are not sure when or where it will be but we are putting it together.
- She also mentioned that Mark Lefkof and his wife celebrated their 40th wedding anniversary.

Committee Report:

Zoning Committee Report (*Steve Konigsberg, Zoning Chair*) – Review of ULURP applications submitted by the Department of Housing Preservation (HPD):

ULURP – C100228 MMQ– Demapping of 162nd Street between 86th Avenue and Glenn Avenue; modification of grades authorization of acquisition/disposition of real property – in accordance with Map No. 5011 dated 7/9/2010 signed by the Borough President.

ULURP – C100229 HAQ – Designation of the property located at 161-79 86th Avenue (BBL 4-9774-165 &167) as an Urban Development Action Area Project and disposition of such property.

- There was a public hearing on both of the items on December 14, 2010. There was no quorum. At the conclusions of the public hearing a motion to approve both ULURP applications was passed by a vote of 3-2.
- HPD is seeking approval to amend the City Map. They want to demap a portion of 162nd Street between 86th Avenue and Glenn Avenue and remap it as a residential property. This is a property that has been a mapped street since 1966. The City is looking to correct this and make it a residential property.
- At the public hearing, it was suggested that they speak to a lawyer about their rights as owners. This could be a good bargaining position.
- There are two city-owned houses. The city not only owns the streets, but the property as well. They spilt the property into two tax lots and to be sold for residential use.

- At the conclusion of the public hearing, the recommendation that came out of that evening was we should approve the applications.
- Ian Hegarty from the Department of City Planning said there will be a term on the sale of the property that this could be sold for residential use only for a period of 20 years. Any development on this property could only be for residential purposes. It is in a R4A (1-2 family detached) district. The highest development possible is have 2 detached family homes.
- A motion was made by Marc A. Haken to approve the applications with the condition that the city transfers the triangular portion of the street to affected adjoining property owner for the nominal fee of \$1, seconded by Kevin Forrestal

The Vote: In Favor 33 Opposed 3 Abstained 0

The Board Members who voted in favor of the ULURP Applications C100228 MMQ and C100229 HAQ, with amendment: Dilafroz Ahmed, Dr. Allen J. Bennett, Maurice Braithwaite, Kenneth Cohen II, Maria Dehnocentiis, Allen Eisenstein, Mary Maggio Fischer, Kevin Forrestal, Howard A. Fried, James Gailagher, Jr., Joshua Glikman, Marc A. Haken, Michael Hannibal, Robert Harris, Steven Konigsberg, Mark J. Lefkof, Mitch Lisker, Frank Magri, Agatha E. Michael, Tammy Osherov, Frances Peterson, Samuel Rodriguez, Jesse Rosenbaum, Steven Sadofsky, Annie Salvatore, Anna Sawchuk, Seymour Schwartz, Michael F. Sidell, Harbachan Singh, Norma Stegmaier, Martha Taylor, Robert Van Pelt, Alvin Warshaviak and Jacob Weinberg

The Board Members who opposed the ULURP Applications C100228 MMQ and C100229 HAQ : Susan D. Cleary, Bernard Diamond and Florence Fisher

Adjournment

The Board Meeting adjourned at approximately 8:50 p.m.
Respectfully submitted, Jennifer Phillips, CB8 Staff Member
December 29, 2010