

51-13-A

APPLICANT – Carl A. Sulfaro, for Woodward Avenue Realty, Inc., owner.

SUBJECT – Application January 29, 2013 – Proposed construction of a one-story warehouse located partially within the bed of mapped street (*Metropolitan Avenue*), contrary to General City Law Section 35. M3-1 zoning district.

PREMISES AFFECTED – 10 Woodward Avenue, southwest corner of Metropolitan Avenue and Woodward Avenue, Block 3393, Lot 49, Borough of Queens.

COMMUNITY BOARD #5Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated January 18, 2013 acting on DOB Application No. 420790424, reads in pertinent part:

A portion of the building site and proposed building lies in the bed of a mapped street, contrary to GCL 35; and

WHEREAS, a public hearing was held on this application on May 20, 2014, after due notice by publication in *The City Record*, and then to decision on June 17, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Commissioner Hinkson and Commissioner Montanez; and

WHEREAS, this is an application to allow the construction of one-story warehouse, which will be partially located in the bed of Metropolitan Avenue, a mapped street; and

WHEREAS, the subject site lies at the southwest corner of the intersection of Metropolitan Avenue and Woodward Avenue, within an M3-1 zoning district; and

WHEREAS, Community Board 5, Brooklyn, recommends disapproval of the application, citing traffic safety concerns; and

WHEREAS, by letter dated April 16, 2013, the Fire Department states that it has reviewed the proposal and offers no objections; and

WHEREAS, by letter dated April 22, 2013, the Department of Environmental Protection (“DEP”) states that: (1) there is an existing 36-inch diameter combined sewer, a 12-inch diameter and an eight-inch diameter City water main in the bed of Metropolitan Avenue fronting the above referenced location; and (2) Amended Drainage Plan No. 21(30), dated May 22, 1925, for the above-referenced location, shows a ten-inch diameter sanitary sewer, a 36-inch diameter storm sewer and a ten-inch diameter force main in Metropolitan Avenue west of Woodward Avenue; and

WHEREAS, DEP further states that it requires the

applicant to submit a survey/plan showing: (1) the distances from the lot line of Lot 49 to the 36-inch diameter combined sewer, and the 12-inch diameter and eight-inch diameter City water main in the bed of Metropolitan Avenue; and

WHEREAS, in response to DEP’s request, by letter dated May 6, 2013, the applicant submitted a revised architectural survey, which shows a 100-foot mapped-width for Metropolitan Avenue and a 34-foot widening portion of Metropolitan Avenue southwest of Woodward Avenue; the remaining 66-foot traveled portion of the street will be available for the reconstruction and/or maintenance of the existing and future sewers, and the existing water mains; and

WHEREAS, based on the above DEP has no further objections; and

WHEREAS, by correspondence dated September 6, 2013, the Department of Transportation (“DOT”) has reviewed the above project and has no objections; and

WHEREAS, DOT notes that according to the Queens Borough President’s Topographical Bureau: (1) Metropolitan Avenue between Onderdonk Avenue and Flushing Avenue is mapped to a 100-foot width on the Final City Map; and (2) the City has title to the northerly 66 feet by a deed recorded on June 2, 1873; and

WHEREAS, DOT also notes that the improvement of Metropolitan Avenue fronting the site is not presently included in DOT’s Capital Improvement Program; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the Board modifies the decision of the DOB, dated January 8, 2013, acting on DOB Application No. 420790424 by the power vested in it by Section 35 of the General City Law, limited to the decision noted above, *on condition* that construction will substantially conform to the drawing filed with the application marked “Received June 4, 2014”–(1) sheet; and *on further condition*:

THAT DOB will review and approve plans associated with the Board’s approval for compliance with the underlying zoning regulations as if the unbuilt street were not mapped;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT DOB will review the proposed plans to ensure compliance with all relevant provisions of the Zoning Resolution;

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals on June 17, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, June 17, 2014.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

