



CITY PLANNING COMMISSION

November 16, 2011 / Calendar No. 13

C 120052 ZSQ

IN THE MATTER OF an application submitted by the Broad Channel Volunteers Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-67 of the Zoning Resolution as follows:

1. to allow a fire station to be located in a residence district; and
2. to allow the applicable community facility regulations as set forth in Sections 24-33 and 24-521 of the Zoning Resolution to apply;

to facilitate the development of a fire station on property located at 305 Cross Bay Boulevard (Block 15304, Lot 450), in an R3-2 District, in the Borough of Queens, Community District 14.

This application was submitted by the Broad Channel Volunteers, Inc. on August 26, 2011 for the grant of a special permit pursuant to Section 74-67 of the Zoning Resolution to allow a fire station to be located in a residence district and to allow the applicable community facility regulations as set forth in Sections 24-33 and 24-521 of the Zoning Resolution to apply, to facilitate the development of a fire station on property located at 305 Cross Bay Boulevard (Block 15304, Lot 450), in an R3-2 District, in the Borough of Queens, Community District 14.

RELATED ACTIONS

In addition to the requested special permit, which is the subject of this report, implementation of the proposed development also requires an action by the Chairperson of the City Planning Commission, which is being considered concurrently with this application:

N 120053 ZCQ Chair Certification pursuant to Section 62-811 of the Zoning Resolution that there are no requirements for a waterfront public access area or visual corridor.

BACKGROUND

The Broad Channel Volunteers (BCV) seeks a special permit pursuant to Section 74-67 of the Zoning Resolution to allow a fire station to be located in a residential district. The special permit is required because fire stations are not permitted as-of-right in residential districts. The project site is located at 305 Cross Bay Boulevard in an R3-2 district in Broad Channel, Queens, Community District 14.

Broad Channel is an island located in the middle of Jamaica Bay with an approximate population of 3,000 people. It is entirely zoned R3-2 with C1-2 commercial overlays on the east and west sides of Cross Bay Boulevard between 195th Avenue and 197th Avenue and a C2-2 commercial overlay on the east side of Cross Bay Boulevard between 188th Avenue and 189th Avenue. R3-2 districts permit all residential building types and community facility buildings in Use Groups 3 and 4. Broad Channel is primarily developed with one- and two-family residential buildings with local retail uses concentrated in the commercial overlays on Cross Bay Boulevard.

The BCV provides emergency fire and medical service to Broad Channel and to the off-island communities of Howard Beach and the Rockaways through a mutual aid agreement with the New York City Fire Department (FDNY). The BCV is equipped with two fire trucks, two ambulances, and a boat, which enables quick responses to emergencies on the waters of Jamaica Bay.

The BCV's existing facility is located at the northwest corner of Church Road and Noel Road, about five blocks from the project site. It is a two-story wood frame building that occupies nearly the entire 2,500 square-foot lot. The existing facility, which the BCV has occupied since 1907, is too small to house all of the BCV's vehicles, does not provide off-street parking for volunteer personnel, and no longer meets the organization's needs for a new and modern facility.

The applicant purchased the 23,004 square-foot project site from the City of New York, following a disposition approval of city-owned properties on Broad Channel in 1997 (C97040PPQ). The project site is currently vacant and unimproved. The applicant intends to develop the site with a new fire station to replace its existing facility. The new fire station is anticipated to be two-stories tall with a total floor area of approximately 10,000 square feet. The ground floor of the proposed fire station will house the BCV's emergency vehicles and a dispatch room. The second floor will consist of sleeping quarters, a bathroom, a kitchen, and a meeting room. The proposed fire station will be able to accommodate all of the BCV's emergency vehicles inside the station and 20 off-street, accessory parking spaces will be provided for volunteer personnel.

The site is zoned R3-2, and fire stations (Use Group 6D) are not allowed as-of-right in R3-2 districts. The BCV seeks a special permit pursuant to Section 74-67 of the Zoning Resolution to allow the fire station to be located in a residential district. In addition to allowing the proposed use to be located in a residential district, the applicant is also seeking, pursuant to Section 74-67, to use the applicable community facility bulk regulations for the new fire station.

The use of the community facility regulations would allow the fire station to have accessory parking spaces within required front yards and allow the fire station to have a street wall height of 32 feet instead of the 21 feet permitted under the residential regulations. These modifications are necessary in order to ensure that the 20 required accessory parking spaces can be accommodated on-site and to ensure that the proposed building has a tall enough first floor to accommodate the height of the BCV's emergency vehicles with a full second floor to accommodate the organization's training, staff, and equipment storage needs.

The City Planning Commission previously approved a special permit to allow the fire station use utilizing community facility bulk on the same project site on January 28, 2004 (C020522 ZSQ). However, the fire station was not built, and the unused special permit lapsed four years after it was granted in 2008.

ENVIRONMENTAL REVIEW

This application (C120052ZSQ) 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 12DCP012Q. The lead agency is the Department of City Planning.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on September 19, 2011.

Uniform Land Use Review

This application (C120052ZSQ) was certified as complete by the Department of City Planning on September 19, 2011 and was duly referred to Queens Community Board 14 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 14 did not hold a public hearing on this application (C120052ZSQ). On September 27, 2011, Community Board 14 sent a letter noting the Board's unanimous support for the previous special permit application (C020522ZSQ) in November 2003 and the Board's continued support of the project.

Borough President Recommendation

This application (C120052ZSQ) was considered by the Queens Borough President, who issued a recommendation approving the application on October 7, 2011.

City Planning Commission Public Hearing

On October 19, 2011 (Calendar No. 3), the City Planning Commission scheduled November 2, 2011, for a public hearing on this application (C120052ZSQ). The hearing was duly held on November 2, 2011 (Calendar No. 8). There were two speakers in favor of the application and no speakers in opposition.

The speakers included the applicant's attorney and the chief of the Broad Channel Volunteer Fire Department.

The attorney spoke in favor of the application and discussed how a new fire station would allow the BCV to better serve the Broad Channel community. The speaker maintained the BCV had serious difficulty identifying a site that would allow the proposed fire station as-of-right and also met the organization's needs for a new and modern facility. The chief of the Broad Channel Volunteer Fire Department noted the close working relationship the BCV maintains with local

FDNY units and he explained that the BCV is a vital resource to the island community, particularly in the event of an on-water emergency or major storm.

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

Waterfront Revitalization Program Consistency Review

This application (C120052ZSQ), 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 11-053.

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

CONSIDERATION

The Commission believes that the grant of the special permit pursuant to Section 74-67 of the Zoning Resolution to allow a fire station to be located in a residence district and to allow the applicable community facility regulations as set forth in Sections 24-33 and 24-521 of the Zoning Resolution to apply is appropriate.

The Commission notes that approval of the special permit will facilitate the construction of a two-story, approximately 10,000 square-foot fire station on a vacant lot located at 305 Cross Bay Boulevard in an R3-2 district in Broad Channel, Queens, Community District 14. The Commission believes the proposed fire station will allow the BCV to more effectively serve the Broad Channel community by providing a centrally-located building with adequate space to store its vehicles and equipment.

The Commission notes that only four block fronts are commercially-zoned in Broad Channel and that either there are no commercially-zoned properties of sufficient size that could accommodate

the fire station or such properties are already developed with active commercial uses and not available.

The Commission also notes that the proposed fire station will be located to minimize the movement of emergency vehicles through local streets in residential areas. Emergency vehicles would enter and exit the site from Cross Bay Boulevard which is a wide through street. Cross Bay Boulevard will provide quick access to the residential portions of Broad Channel while minimizing the travel of emergency vehicles on local streets.

Furthermore, the Commission believes that the requested modifications of the residential bulk regulations of Sections 23-44 and 23-631 of the Zoning Resolution will allow the proposed fire station to be designed to accommodate the height of the BCV's emergency vehicles with a full second floor to accommodate the organization's training, staff, and equipment storage needs, as well as to accommodate the required number of accessory parking spaces on-site (20) within a surface parking lot with perimeter landscaping. The Commission notes that the proposed facility will meet the applicable community facility bulk regulations set forth in Sections 24-33 and 24-521 of the Zoning Resolution.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-67:

- a) that such use will serve the residential area within which it is provided to be located; that there are serious difficulties in locating it in a district wherein it is permitted as of right and from which it could serve the residential area, which make it necessary to locate such use within a Residence District; and
- b) in the case of fire stations, that such use is so located as to minimize the movement of fire apparatus through local streets in residential areas.

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;

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter that based on the environmental determination, and the considerations and findings described in this report, the application submitted by the Broad Channel Volunteers, Inc. pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-67 of the Zoning Resolution as follows:

1. to allow a fire station to be located in a residence district; and
2. to allow the applicable community facility regulations as set forth in Sections 24-33 and 24-521 of the Zoning Resolution to apply;

to facilitate the development of fire station on property located at 305 Cross Bay Boulevard (Block 15304, Lot 450), in an R3-2 district, Borough of Queens, Community District 14, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C120052ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans, prepared by John D. Calcagnile, and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-001.00	Site Plan & Zoning Computation Table	August 15, 2011
A-002.00	Building Sections	September 9, 2011

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above. All zoning computations are subject to verification and approval of the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this special permit, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this special permit that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C120052ZSQ), duly adopted by the City Planning Commission on November 16, 2011 (Calendar No. 13), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, 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.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
NATHAN LEVENTHAL, ANNA HAYES LEVIN, ORLANDO MARIN,
SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners



COMMUNITY
BOARD #14

September 27, 2011

COMMUNITY BOARD #14
City of New York
Borough of Queens

DOLORES ORR
Chairperson

JONATHAN GASKA
District Manager

Amanda M. Burden
Chairperson/Commissioner
City Planning Commission
Department of City Planning
22 Reade Street Suite 2W
New York, New York 10007

Dear Chairperson Burden,

I write to you regarding the BCV Fire House Special permit
#C 120052ZCQ - 305 Crossbay Boulevard.

Community Board #14 does not plan to hold a public
hearing and vote on this item. The board unanimously voted on
November 12, 2003 to support this item and as we did then, we
continue to support this important project.

At our September 20, 2011 meeting at which a quorum was
present, the board voted unanimously not to hold another public
hearing in order to "speed up" the process. If you wish to discuss
this matter further, feel free to contact us.

I thank you in advance for your effort in this matter.

Sincerely,


Jonathan Gaska
District Manager

JG/dls

cc: Hon. Helen Marshall
Hon. Leroy Comrie
Brendon Pillar, DCP
Sheldon Lobel, PC

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Queens Borough President Recommendation

APPLICATION: ULURP #120052 ZSQ

COMMUNITY BOARD: Q14

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Broad Channel Volunteers Inc, pursuant to Sections 197-c and 201 of the NYC Charter, for the grant of a special permit pursuant to Section 74-67 of the NYC Zoning Resolution as follows:

1. to allow a fire station to be located in a residence district; and
2. to allow the applicable community facility regulations set forth in Sections 24-33 and 24-521 of the NYC Zoning Resolution to apply;

to facilitate development of a fire station on property located in an R3-2 district at **305 Cross Bay Boulevard**, Block 15304, Lot 450, Broad Channel, Borough of Queens.

PUBLIC HEARING

A Public Hearing was not held.

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:

- o The Broad Channel Volunteers Inc. have filed for the special permit to allow construction of a fire station in a R3-2 district;
- o The proposed fire station would be a 2-story, 10,000 square foot building. The ground floor would be used to house the volunteer corps emergency vehicles and dispatch room. The second floor would be used for sleeping quarters, bathroom kitchen and an open meeting area. Twenty accessory parking spaces would be provided onsite.;
- o The proposed site is an approximately 24,000 square feet vacant lot. The site includes portions of mapped streets which the NYC Department of Transportation has no plans to open or improve.;
- o The Broad Channel Volunteers Inc. has operated on the island at another location since 1907. Their current facility is a 2-story frame building located on a 2500 square foot lot. The building occupies a majority of the lot and does not have enough space to park all of their emergency vehicles. Volunteers responding to calls and have to find parking space offsite which cause delays in response time.;
- o A previous special permit application (ULURP #020522 ZSQ) that was approved in 2004 expired before plans could be filed because funding was not secured in time. The previous application was supported by Community Board 14 and the Queens Borough President.;
- o Community Board 14 (CB 14) at its September 20, 2011 monthly meeting voted not to hold a hearing in the interest of expediting review of this application. CB 14 in a letter noted their unanimous support for the Broad Channel Fire Station project in November 2003 and expressed their continued support of the project.

RECOMMENDATION

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


PRESIDENT, BOROUGH OF QUEENS


DATE