



CITY PLANNING COMMISSION

April 27, 2005/Calendar No. 24

C 050191 MMQ

IN THE MATTER OF an application submitted by the Department of City Planning and the Queens Borough President's office, 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:

- a) the elimination, discontinuance and closing of portions of:
- 102nd and 103rd streets between Russell Street and 165th Avenue;
 - 163rd and 165th avenues between 103rd Street and Hawtree Basin,
- b) the establishment of:
- a cul-de-sac at the southern terminus of 103rd Street (aka 104th Street)
 - pedestrian ways on portions of 163rd Avenue, 102nd Street, and 165th Avenue,
- and **any acquisition or disposition of real property related thereto,**

in the borough of Queens, Community District 10, in accordance with map No. 4979, dated December 20, 2004, and signed by the Borough President.

The application (C 050191 MMQ) for an amendment to the City Map was filed by the Department of City Planning and the Queens Borough President's office on November 24, 2004 and revised on March 29th, 2005 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 involving: the elimination, discontinuance and closing of portions of 102nd and 103rd streets, 163rd Avenue and 165th Avenue; and the establishment of cul-de-sacs and pedestrian ways.

BACKGROUND

Hamilton Beach is a small residential waterfront community, located east of Howard Beach and west of John F. Kennedy International Airport, within an R3-1 zoning district. A pedestrian bridge over Hawtree Basin at 163rd Avenue connects Hamilton Beach with Howard Beach to the west. A pedestrian walkway extends along (mapped but unimproved) 103rd Street, north of Russell Street, to provide pedestrian access to the Howard Beach/JFK Airport stop on the A train located at 159th Avenue and to the Airtrain to JFK Airport.

The mapped but unbuilt streets which are the subject of the proposed action can not be built because they are incompatible with the existing development pattern. These mapped but unbuilt streets are predominantly mapped over existing homes, imposing legal encumbrances on such properties and making it difficult for property owners to expand their homes or build new homes on encumbered vacant land. Owners of property located fully or partially within the bed of unbuilt but mapped streets seeking to expand

their homes or otherwise develop their properties must apply to the Board of Standards and Appeals (BSA) pursuant to Section 35 of NYS General City Law for approval. Given the expectation that these streets will never be built, this requirement is considered cumbersome, expensive and an unnecessary burden on the community.

The original application was revised on March 29, 2005 so that a portion of 102nd Street which abuts private property slated for development will not be eliminated. The proposed map changes recognize the existence of the built community and reflect existing conditions while eliminating an impediment to future development.

The existing Hamilton Beach community is developed on a grid pattern of unmapped streets that have Corporation Counsel Opinions of Dedication (CCO's). These record streets are therefore dedicated to public use as public streets, and satisfy the requirements of Section 36 of the NYS General City Law. These streets are built to a width of approximately 20 feet.

The proposed changes to the city map involve the elimination, discontinuance and closing of mapped but unbuilt streets and the establishment of pedestrian ways. The streets proposed to be eliminated are unbuilt, are not open to vehicular traffic and have limited pedestrian use.

102nd Street between Russell Street and 165th Avenue is 70 feet wide, not open or in use. 102nd Street is privately-owned between 163rd Avenue and 165th Avenue and is city owned, between Russell Street and 163rd Avenue. 103rd Street between Russell Street and 165th Avenue is built at a width of approximately 30 feet, but is mapped at a width of 60 feet. Approximately 30 feet of the mapped street width infringes on properties along the west side of the street. 163rd Avenue, which runs east-west just south of Rau Court and north of Davenport Court is 78 feet wide and unimproved. 163rd Avenue west of 102nd Street is privately owned and east of 102nd Street is city-owned. 165th Avenue is an 80-foot wide, dead-end street, running east-west just south of Lockwood Court and north of Hamilton Beach Park. The street is partially improved on its southerly side.

City agencies were polled and no agency raised any objections to the proposal.

ENVIRONMENTAL REVIEW

This application (C 050191 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 05DCP044Q. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on December 20, 2004.

UNIFORM LAND USE REVIEW

This application (C 050191 MMQ) was certified as complete by the Department of City Planning on December 20, 2004 and was duly referred to Community Board 10 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 10 held a public hearing on this application (C 050191 MMQ) on February 3, 2005, and on that date by a vote of 29 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

Borough President's Recommendation

This application (C 050191 MMQ) was considered by the Borough President of Queens, who issued a recommendation approving the application on April 19, 2005.

City Planning Commission Public Hearing

On March 16, 2005 (Calendar No. 19) the City Planning Commission scheduled March 30, 2005 for a hearing on this application (C 050191 MMQ). The hearing was duly held on March 30, 2005 (Calendar No. 33).

There was one speaker who had concerns regarding his property fronting on a portion of 102nd Street proposed to be eliminated. He stated his concern that this proposal would deny his property of street frontage. There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application 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 04-107.

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

CONSIDERATION

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

Currently the mapped but unbuilt streets that are the subject of the proposed action can not be built given existing development patterns. These streets overlying private properties represent legal encumbrances on such properties, making it difficult for property owners seeking to expand their homes or develop their properties in the beds of mapped streets. Pursuant to Section 35 of NYS General City Law such homeowners must file an appeal with the Board of Standards and Appeals (BSA) to build within the bed of a mapped street. Given the expectation that these streets will never be built, this requirement is considered cumbersome, expensive and an unnecessary burden on the community. The original application was revised in order to address concerns regarding properties fronting 102nd Street. The Commission believes that the revised application takes these concerns into consideration. Therefore, the portion of 102nd Street which abuts private property slated for development will not be eliminated. The proposed map changes will recognize the existence of the built community and reflect existing conditions.

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 revised 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; 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 050191

MMQ) for an amendment to the City Map involving:

a) the elimination, discontinuance and closing of portions of:

- 102nd and 103rd streets between Russell Street and 165th Avenue;
- 163rd and 165th avenues between 103rd Street and Hawtree Basin,

b) the establishment of:

- a cul-de-sac at the southern terminus of 103rd Street (aka 104th Street)
- pedestrian ways on portions of 163rd Avenue, 102nd Street, and 165th Avenue,

and **any acquisition or disposition of real property related thereto**, in the borough of Queens, Community District 10, in accordance with map No.4979, dated December 20, 2004, revised on April 20, 2005 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 three (3) counterparts of Map No. 4979 dated December 20, 2004, and revised on April 20, 2005, providing for the discontinuance and closing of portions of: a) 102nd Street between Russell Street and 163rd Avenue, and b) 163rd Avenue between 102nd Street and Hawtree Basin more particularly described as follows:

a) Beginning at a point on the westerly line of 102nd Street, said point being distant 1042.05 feet southerly from the corner formed by the intersection of the southerly line of 160th Avenue and the westerly line of 102nd Street, as said streets are shown on Alteration Map No. 4979 revised April 20, 2005, thence running the following courses:

No. 1 southerly along the former westerly line of 102nd Street, discontinued and closed, for 514.63 feet to a point;

No. 2 Thence easterly along a line, discontinued and closed, forming an interior angle of 90 degrees with the last mentioned course, for 30.00 feet to a point;

No. 3 Thence northerly along a line, discontinued and closed, forming an interior angle of 90 degrees with the last mentioned course, for 521.69 feet to a point;

No. 4 Thence westerly along a line, discontinued and closed, forming an interior angle of 76 degrees 45 minutes 26 seconds with the last mentioned course, for 30.82 feet to a point on the westerly line of 102nd Street, said point being the point or place of beginning;

Beginning at a point on the westerly line of 102nd Street, said point being distant 1586.68 feet southerly from the corner formed by the intersection of the southerly line of 160th Avenue and the westerly line of 102nd Street, as said streets are shown on Alteration Map No. 4979 revised April 20, 2005, thence running the following courses:

No. 1 southerly along the former westerly line of 102nd Street, discontinued and closed, for 100.00 feet to a point;

No. 2 Thence easterly along a line, discontinued and closed, forming an interior angle of 90 degrees with the last mentioned course, for 30.00 feet to a point;

No. 3 Thence northerly along a line, discontinued and closed, forming an interior angle of 90 degrees with the last mentioned course, for 100.00 feet to a point;

No. 4 Thence westerly along a line, discontinued and closed, forming an interior angle of 90 degrees with the last mentioned course, for 30.00 feet to a point on the westerly line of 102nd Street, said point being the point or place of beginning.

Beginning at a point on the easterly line of 102nd Street, said point being distant 1768.35 feet southerly from the corner formed by the intersection of the southerly line of 160th Avenue and the easterly line of 102nd Street, as said streets are shown on Alteration Map No. 4979 revised April 20, 2005, thence running the following courses:

No. 1 southerly along the former easterly line of 102nd Street and its prolongation, discontinued and closed, for 66.65 feet to a point;

No. 2 Thence westerly along a line, discontinued and closed, forming an interior angle of 90 degrees with the last mentioned course, for 35.00 feet to a point;

No. 3 Thence southerly along a line, discontinued and closed, forming an interior angle of 270 degrees with the last mentioned course, for 31.00 to a point;

No. 4 Thence westerly along a line, discontinued and closed, forming an interior angle of 90 degrees with the last mentioned course, for 5.00 feet to a point;

No. 5 Thence northerly along a line, discontinued and closed, forming an interior angle of 90 degrees with the last mentioned course, for 97.65 feet to the southerly terminus line of 102nd Street;

No. 6 Thence easterly along the southerly terminus line of 102nd Street, forming an interior angle of 90 degrees with the last mentioned course, for 40.00 feet to a point on the easterly line of 102nd Street, said point being the point or place of beginning.

b) Beginning at a point on the easterly terminus line of 163rd Avenue, said point being distant 14.93 feet southerly from the northerly line of 163rd Avenue, as said streets are shown on Alteration Map No. 4979 revised April 20, 2005, thence running the following courses:

No. 1 southerly along the easterly terminus line of 163rd Avenue, for 9.61 feet to a point;

No. 2 Thence easterly along a line, discontinued and closed, forming an interior angle of 90 degrees with the last mentioned course, for 19.37 feet to a point;

No. 3 Thence northerly along a line, discontinued and closed, forming an interior angle of 90 degrees with the last mentioned course, for 9.61 feet to a point;

No. 4 Thence westerly along a line, discontinued and closed, forming an interior angle of 90 degrees with the last mentioned course, for 19.37 feet to a point on the easterly terminus line of 163rd Avenue, said point being the point or place of beginning;

Beginning at a point, said point being located by traversing the following two courses and distances from the intersection of the northerly line of 163rd Avenue and the easterly line of the U.S. Pierhead and Bulkhead Line:

1) 291.32 feet easterly along the northerly line of 163rd Avenue; thence

2) 24.54 feet southerly therefrom,

as said streets are shown on Alteration Map No.4979 revised April 20, 2005, thence running the following courses:

No. 1 easterly along a line, discontinued and closed, for 168.66 feet to a point;

No. 2 Thence southerly along a line, discontinued and closed, forming an interior angle of 90 degrees with the last mentioned course, for 33.45 feet to a point;

No. 3 Thence westerly along a line, discontinued and closed, forming an interior angle of 90 degrees with the last mentioned course, for 76.75 feet to a point;

No. 4 Thence northwesterly along a line, discontinued and closed, forming an interior angle of 160 degrees with the last mentioned course, for 97.80 feet to the point or place of beginning.

Beginning at a point on the former southerly line of 163rd Avenue, discontinued and closed, said point being distant 287.79 feet easterly from the easterly line of U.S. Pierhead and Bulkhead Line, as said streets are shown on Alteration Map No. 4979 revised April 20, 2005, thence running the following courses:

No. 1 easterly along the former southerly line of 163rd Avenue, discontinued and closed, for 91.93 feet to a point;

No. 2 Thence northwesterly along a line, discontinued and closed, forming an interior angle of 20 degrees with the last mentioned course, for 97.83 feet to a point;

No. 3 Thence southerly along a line, discontinued and closed, forming an interior angle of 70 degrees with the last mentioned course, for 33.46 feet to a point on the former southerly line of 163rd Avenue, discontinued and closed said point being the point or place of beginning;

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; and be it further

RESOLVED that, pursuant to subdivision 2 of Section 5-433 of the New York City Administrative Code, as the effectual closing of such street, or other public necessity, may require the acquisition of the fee title to the whole or any portion of the land within the street to be closed, as specifically described above, then, if such acquisition is necessary, the mayor is hereby requested to provide for such acquisition simultaneously with the closing of the street,

all such approvals being subject to the following conditions:

- a. that the subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of map 4979 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. that the subject streets to be discontinued and closed shall be 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, duly adopted by the City Planning Commission on April 27, 2005 (Calendar No.24), 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

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