



CITY PLANNING COMMISSION

May 26, 2010/Calendar No. 8

C 090356 ZSQ

IN THE MATTER OF an application submitted by Woodhaven Realty LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow a large retail establishment (Use Group 6 and/or 10A uses) with no limitation on floor area, within an existing 1-story building on property located at 72-25 Woodhaven Boulevard (Block 3884, Lot 2), in an M1-1 District, Borough of Queens, Community District 6.

This application for the grant of a special permit was filed by Woodhaven Realty LLC on March 12, 2009, to allow Use Group 6 and/or 10A uses with no limitation on floor area in an existing building located at 72-25 Woodhaven Boulevard, in an M1-1 District in the Forest Hills neighborhood of Queens Community District 6.

BACKGROUND

The applicant is seeking the grant of a special permit to allow a Use Group 10A furniture store with no limitation on floor area in an M1-1 zoning district.

The site is an irregularly shaped lot (Block 3884, Lot 2) of approximately 66,800 square feet, with street frontages on Woodhaven Boulevard, 73rd Avenue and Metropolitan Avenue, in Forest Hills, Queens Community District 6. The site faces two wide streets: Woodhaven Boulevard, which is 150 feet wide with eight lanes, and Metropolitan Avenue, which is 100 feet wide with four lanes. It is developed with a one-story, 44,200 square foot building, formerly used as a bowling alley, which is now vacant.

The remainder of the block is developed with two large retail stores and a service station. Lots located on Metropolitan Avenue, adjacent to the site, are zoned with a C2-2 commercial overlay and are developed with a bank, auto repair facilities, fast-food restaurants and pockets of residences. Immediately to the south, in an M1-1 zone on Woodhaven Boulevard, are several large retail stores. To the north and west of the site are R4 and R4-1 zones that contain a variety of housing types.

The applicant intends to redevelop the existing building on the site with a furniture store. Improvements will be made to the existing building by constructing high arched entryways on the building's western and northern facades, and installing new windows, dark panel coping, and bark metal roof panels. The applicant also proposes to landscape the lot with new trees, shrubbery and plants. In addition, a 15,000 square foot parking area for 42 vehicles will be redeveloped, and an area for bicycle parking and 3 loading berths will be created. The parking area would be accessed from two primary points, which are located approximately 225 feet apart: one 24 foot curb cut on Woodhaven Boulevard and one 24 foot curb cut on Metropolitan Avenue. There would also be one 17 foot egress only curb cut on Metropolitan Avenue that would be primarily used by delivery vehicles. Four public bus lines run immediately adjacent to the site: the Q23 and Q54 bus lines on Metropolitan Avenue and the Q11 and Q53 bus lines on Woodhaven Boulevard.

Section 42-12 of the Zoning Resolution restricts Use Group 10A to selected uses, and limits certain Use Group 6A uses to 10,000 square feet of floor area in M1 zoning districts. Pursuant to Section 74-922, in M1-1 Districts, the City Planning Commission may permit certain Use Group 6 and 10 uses, including furniture stores, with no limitation on floor area. The City Planning Commission must make certain findings related to the ability of local vehicular traffic to accommodate the proposed retail use, the proximity of the proposed retail use to public transit, and the impact of the retail use on the character or future use or development of the surrounding area.

ENVIRONMENTAL REVIEW

This application (C 090356 ZSQ) 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Conditional Negative Declaration was issued. The lead agency has determined that the proposed actions will have no significant effect on the quality of the environment, once it is modified as follows:

The applicant agrees via a restrictive declaration to prepare hazardous materials sampling protocols, including health and safety plans, 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 protocols and, if any such impact is found, submit hazardous material remediation plans including health and safety plans to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plans.

The applicant signed the Conditional Negative Declaration on February 17, 2010. The Conditional Negative Declaration was published in the City Record on March 2, 2010 and in the New York State Environmental Bulletin on March 2, 2010. 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 May 26, 2010.

UNIFORM LAND USE REVIEW

This application (C 090356 ZSQ) was certified as complete by the Department of City Planning on February 22, 2010 and was duly referred to Community Board 6 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 6 held a public hearing on this application on March 10, 2010 and on that date, by a vote of 35 to 0 with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

The application was considered by the Borough President of Queens, who issued a recommendation approving the application on April 13, 2010.

City Planning Commission Public Hearing

On April 14, 2010 (Calendar No. 11), the City Planning Commission scheduled April 28, 2010 for a public hearing on this application (C 090356 ZSQ). The hearing was duly held on April 28, 2010 (Calendar No. 27). There was one speaker in favor of the application and no speakers in opposition.

The applicant's representative described the proposal and the surrounding area, and reiterated the recommendations from the Community Board and Borough President in support of the application.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this special permit (C 090356 ZSQ) is appropriate.

The Commission notes that approval of this special permit application (C 090356 ZSQ) would allow a furniture store in excess of 10,000 square feet (Use Group 10A) on a site currently occupied by a vacant commercial building. The applicant also proposes to restore and improve the existing building's facade and to provide landscaping and street trees along the site's perimeter.

The project site is located at the intersection of two major streets, Metropolitan Avenue and Woodhaven Boulevard, which are 100 feet and 150 feet wide, respectively. Ingress and egress for the proposed development will be from Woodhaven Boulevard and Metropolitan Avenue, two major roadways. As such, vehicular traffic through local streets is minimized.

The Commission notes that access to the proposed 15,000 square foot accessory parking lot would be provided by two 24-foot curb cuts located along Woodhaven Boulevard and Metropolitan Avenue, and one 17-foot curb cut on Metropolitan Avenue. The Commission believes that the proposed vehicular entrances and exits, the parking aisles, and the drive areas are together sufficient to prevent congestion. The entrance and exit proposed to be located on Metropolitan Avenue would be approximately 225 feet from the entrance and exit located on Woodhaven Boulevard. The Commission notes that the project site is immediately served by two public bus lines on Metropolitan Avenue and two public bus lines on Woodhaven Boulevard.

The Commission believes that the proposed project is an appropriate use of land and that its use would be consistent with other large retail stores adjacent to the site. Adjacent lots located on Metropolitan Avenue are zoned with a C2-2 commercial overlay, and are developed with a bank, auto repair facilities, and fast-food restaurants. Other large retail stores are adjacent to the site on Metropolitan Avenue and Woodhaven Boulevard. The Commission further believes the proposed use would not impede the future use or development of the surrounding area.

FINDINGS

The Commission hereby makes the following findings pursuant to Section 74-922 (Certain large retail establishments) of the Zoning Resolution:

- (a) that the principal vehicular access for such *use* is not located on a local *narrow street*;
- (b) that such *use* is so located to draw a minimum of vehicular traffic to and through local *streets*;
- (c) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion;
- (d) that vehicular entrances and exits are provided for such *uses* and are located not less than 100 feet apart;
- (e) that in selecting the site due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;
- (f) that such *use* is so located as not to impair the essential character or the future use of or development of the surrounding area;
- (g) that such *use* will not produce any adverse effects which interfere with the appropriate *use* of land in the district or in any adjacent district;
- (h) not applicable; and
- (i) not applicable.

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 condition:

The applicant agrees via a restrictive declaration to prepare hazardous materials sampling protocols, including health and safety plans, 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 protocols and, if any such impact is found, submit hazardous material remediation plans including health and safety plans to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plans.

And be it further,

RESOLVED, that the City Planning Commission, pursuant to Sections 197-c and 201 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application of Woodhaven Realty LLC, for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow a large retail establishment (Use Group 6 and/or 10A uses) with no limitation on floor area, within an existing 1-story building on property located at 72-25 Woodhaven Boulevard (Block 3884, Lot 2), in an M1-1 District, Borough of Queens, Community District 6, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 090356 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by the architecture firm of Ronald Ogur, P.C., filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
1 of 3	Plot Plan	Dec. 7, 2009

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 which have been filed with this application. All zoning computations are subject to verification and approval by 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. The development shall conform to all conditions, modifications and alterations set forth in the conditional negative declaration (CEQR No. 09DCP063Q), dated May 26, 2010, issued pursuant to the New York State and New York City Environmental Quality Review.
4. All leases, subleases, or 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 application, 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 application 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.

The above resolution (C 090356 ZSQ), duly adopted by the City Planning Commission on May 26, 2010 (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, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,

**BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY,
NATHAN LEVENTHAL, ANNA HAYES LEVIN, SHIRLEY A. MCRAE, Commissioners**

Community/Borough Board Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 726-3396

Application # C 090356 ZSQ
CEQR # 09DCP063Q
Community District No. 06 Borough: Queens
Community District No. 6 Borough: Queens
Project Name _____

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 Woodhaven Realty LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow a large retail establishment (Use Group 6 and/or 10A uses) with no limitation on floor area, within an existing 1-story building on property located at 72-25 Woodhaven Boulevard (Block 3884, Lot 2), in an M1-1 District, Borough of Queens, Community District 6.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

Applicant(s):

Woodhaven Realty LLC
60 East 56th Street, 9th Floor
New York, New York 10002

Applicant's Representative:

Carole Slater
Slater and Beckerman LLP
61 Broadway, Suite 1801
New York, New York 10006

Community Board No. 6 Borough: Queens

Borough Board

Date of public hearing: 3/10/10

Location: 80-02 Kew Gardens Rd., Kew Gardens 11413

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: _____

Location: _____

RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

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

Voting

In Favor: 32 Against: 0 Abstaining: 0

Total members appointed to the board: 36

Frank P. Gulluscio
Community/Borough Board Officer

District Manager
Title

Date March 10, 2010

v.012006w

Queens Borough President Recommendation

APPLICATION: ULURP #090356 ZSQ

COMMUNITY BOARD: Q06

DOCKET DESCRIPTION

IN THE MATTER of an application submitted by Slater and Beckerman LLP on behalf of Woodhaven Realty LLC, pursuant to Sections 197-c and 201 of the NYC Charter, for the grant of a special permit pursuant to Section 74-922 of the NYC Zoning Resolution to allow a retail establishment (U.G. 10A) with no limitation on floor area, within an existing one-story building in an M1-1 district, located at 72-25 Woodhaven Boulevard, Block 3884, Lot 2, Zoning Map 14b, Forest Hills, Borough of Queens.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on April 8, 2010 at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were no other speakers. The hearing was closed.

CONSIDERATION

Subsequent to review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The applicant is requesting the grant of a special permit to allow a large retail establishment with no limitation on floor area;
- The applicant is proposing renovation of an existing vacant commercial building for reuse as U.G. 6 or U.G. 10A retail store occupied by one retail tenant. The building's western and northern facades would be restored and improved with construction of high arched entryways, installation of new windows, dark metal coping and bark metal roof panels. The site plan for the grounds around the building includes extensive landscaping, plantings and trees. There will be a 15,000 sf parking area with space for 42 vehicles, an dedicated area for bicycle parking and three loading berths. There will be three curb cuts, two on Metropolitan Avenue and one on Woodhaven Boulevard;
- The site is an approximately 66,244 sf irregular shaped corner through lot located in an M1-1 district. The property has a street frontage of 305 ft along Woodhaven Boulevard and 93 ft along Metropolitan Avenue. The site is currently improved with a one-story 44,200 sf commercial building that has been vacant since May 2008. The building was formerly used as a bowling alley;
- The site is located adjacent to the junction of two major through fares, Metropolitan Avenue and Woodhaven Boulevard. The immediate surrounding area within the M1-1 district includes large retail uses in excess of 10,000 sf with at-grade parking. The rest of the surrounding area is comprised of an R4 residential zoning district to the west and north, a C2-2 commercial overlay to the north and west of the site and contains primarily commercial and residential uses;
- CB6 approved this application by a vote of thirty-two (32) in favor with none (0) against and none (0) abstaining at a public hearing held on March 10, 2010.

RECOMMENDATION

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


PRESIDENT, BOROUGH OF QUEENS


DATE