



## **CITY PLANNING COMMISSION**

July 27, 2005/Calendar No. 22

C 050241 MMQ

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**IN THE MATTER OF** an application, submitted by Whiterock Ventures 14<sup>th</sup> Avenue LLC, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the elimination of a portion of 132<sup>nd</sup> Street between 11<sup>th</sup> Avenue and 14<sup>th</sup> Avenue;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

Community District 7, Borough of Queens, in accordance with Map No. 4980 dated March 21, 2005 and signed by the Borough President.

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The application (C 050241 MMQ) for an amendment to the City Map was filed by Whiterock Ventures 14<sup>th</sup> Avenue LLC, pursuant to Sections 197-c and 199 of the New York City Charter on December 28, 2004. It involves: the elimination of a portion of 132<sup>nd</sup> Street between 11<sup>th</sup> Avenue and 14<sup>th</sup> Avenue; the adjustment of grades necessitated thereby; and any acquisition or disposition of real property related thereto.

### **BACKGROUND**

The application submitted by Whiterock Ventures 14<sup>th</sup> Avenue LLC proposes the elimination of a portion of 132<sup>nd</sup> Street between 11<sup>th</sup> Avenue and 14<sup>th</sup> Avenue to facilitate a single story commercial/retail development.

132<sup>nd</sup> Street at this location is mapped to a 60 foot width, unimproved and is privately owned.

The subject bed of the street lies in Lot 1 in Block 4011 and Lots 1 and 143 in Block 4012. The applicant owns most of the bed of the street proposed to be eliminated (Lots 1 and 143, Block

4012). The remaining portion of the bed of the street is owned by an abutting property owner who has no objection to this proposal. The bed of the street is currently used for parking by a limousine service company.

132<sup>nd</sup> Street between 11<sup>th</sup> Avenue and 14<sup>th</sup> Avenue can not be developed due to a drastic slope and large grade differential between the existing open portion of the street and proposed to be eliminated portion of the street.

The subject area lies in an M1-1 zoning district. Adjacent zoning districts include R2, R4 and R3-2. The immediate area is developed with commercial establishments. Whitepoint Shopping Center is located east of the proposed site. Powell's Cove Park is located north of 11<sup>th</sup> Avenue and Frank Golden Memorial Park is located two blocks south of the project site.

Agencies were polled on January 18, 2005. No city agency expressed objections to the map change proposal.

## **ENVIRONMENTAL REVIEW**

This application (C 050241 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 No. is 05DCP021Q. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on April 11, 2005.

### **UNIFORM LAND USE REVIEW**

This application (C 050241 MMQ) was certified as complete by the Department of City Planning on April 11, 2005, and was duly referred to Community Board 7 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 7 did not submit a recommendation for this application (C 050241 MMQ).

### **Borough President Recommendation**

This application ( C 050241 MMQ), was considered by the President of the Borough of Queens, who issued a recommendation approving the application on June 13, 2005.

### **City Planning Commission Public Hearing**

On June 8, 2005 (Calendar No. 7), the City Planning Commission scheduled June 22, 2005 for a public hearing on this application (C 050241 MMQ). The hearing was duly held on June 22, 2005 (Calendar No. 25).

There was one speaker in favor and none in opposition to the application. The speaker, representative of the applicant, described the application.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

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

The elimination of 132<sup>nd</sup> Street between 11<sup>th</sup> Avenue and 14<sup>th</sup> Avenue will clear the title of the applicant's properties and facilitate the construction of a single story commercial development.

The portion of 132<sup>nd</sup> Street between 11<sup>th</sup> Avenue and 14<sup>th</sup> Avenue is unimproved and privately owned. The street proposed to be eliminated can not be developed due to a drastic slope and large grade differential between the existing open portion and the proposed to be eliminated portion of the street.

## **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 action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application (C 050241 MMQ) for the amendment to the City Map involving: the elimination of a portion of 132<sup>nd</sup> Street between 11<sup>th</sup> Avenue and 14<sup>th</sup> Avenue; the adjustment of grades necessitated thereby; and any acquisition or disposition of real property related thereto, Community District 7, Borough of Queens, in accordance with Map No. 4980 dated March 21, 2005 and signed by the Borough President, is approved; and be it further

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 4980 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. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition (a) above until the applicant shall have executed an agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission. If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission.

The above resolution, duly adopted by the City Planning Commission on July 27, 2005  
(Calendar No. 22 ), 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 Chair**

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.**  
**ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III**  
**RICHARD W. EADDY, JANE D. GOL**  
**LISA A. GOMEZ, CHRISTOPHER KUI**  
**JOHN MEROLO, KAREN A. PHILLIPS**  
**DOLLY WILLIAMS, Commissioners**