



## **CITY PLANNING COMMISSION**

November 5, 2003/Calendar No. 20

C 010129 MMQ

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**IN THE MATTER OF** an application submitted by the Department of Transportation, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the adjustment of grades in Metropolitan Avenue between 61<sup>st</sup> and 62<sup>nd</sup> streets, and in Fresh Pond Road between 62<sup>nd</sup> Road and Bleeker Street;
- the delineation of easements between Fresh Pond Road and 62<sup>nd</sup> Street
- and any acquisition or disposition of real property related thereto,

in the Ridgewood section, Borough of Queens, Community District 5, in accordance with Map No. 4958 dated June 21, 2001 and signed by the Borough President.

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The application (C 010129 MMQ) for an amendment to the City Map was filed by the Department of Transportation (DOT) on September 2, 2000, pursuant to sections 197-c and 199 of the New York City Charter. It involves the adjustment of grades; the delineation of easements; and acquisition or disposition of real property.

### **RELATED ACTIONS:**

In addition to the amendment to the City Map which is the subject of this report, implementation of the applicant's proposal also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

010130PQQ In the matter of an application submitted by DOT pursuant to section 197-c of the NYC Charter for the acquisition of property for bridge reconstruction and maintenance.

### **BACKGROUND**

DOT proposes a change in legal grades of approximately 1-foot in Metropolitan Avenue and in Fresh Pond Road and the delineation on the City Map for informational purposes of permanent structural and maintenance easements on portions of the abutting blocks. The existing bridge is a two-span structure carrying two way traffic on both Metropolitan Avenue and Fresh Pond Road. It also supports a portion of Block 2770, Lot 1, currently occupied by a Mobil Gas Station. DOT proposes to acquire the fee to Lot 1 and, after reconstruction of the Metropolitan Avenue Bridge, place a permanent maintenance easement, as well as development restrictions on the future disposition of this lot. The bridge spans the LIRR Montauk Division right-of-way at the intersection of Metropolitan Avenue and Fresh Pond Road. The LIRR right-of-way is below street grade.

Additionally, DOT proposes to acquire a temporary construction easement, for approximately 14

months, on portions of Block 2747, Lots 85 and 94 in order to access the bridge structures. The area of the temporary easement consists of an approximately 16-foot wide strip of the parking lot of an auto dealership abutting Fresh Pond Road. This portion of the parking lot will not be accessible to the owner for the duration of the temporary easement, DOT is not proposing to acquire any portion of the LIRR right-of-way.

The proposed grades are being maintained as close to existing grades as possible. The existing grades are either maintained or limited to an average proposed grade change of twelve inches, in order to ensure minimal impact on properties located along the northerly and southerly approaches to the bridge. The reconstruction of the bridge is tentatively scheduled to begin on or about November 2004, with estimated duration of construction of 2 years.

Metropolitan Avenue, 100 feet wide, and Fresh Pond Road, 80 feet wide, are mapped, improved streets and open to two-way traffic. The area of the bridge to be modified lies within an M1-1 zoning district. The surrounding area is zoned R4 and R5 and is developed with commercial uses, including restaurants, a gasoline station, auto dealership, a news stand (proposed to be demolished), repair shops and parking lots.

An interagency conference was held on October 30, 2000, no agency or utility objected to the proposal and a mapping precertification report dated February 9, 1999 was issued.

### **ENVIRONMENTAL REVIEW**

This application ( C 010129 MMQ) together with the related application ( C 010130PQQ) 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 00DOT003Q. The lead agency is the Department of Transportation.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on August 16, 2001.

### **UNIFORM LAND USE REVIEW**

This application ( C 010129 MMQ) together with the related application ( C 010130PQQ) was certified as complete by the Department of City Planning on June 16, 2003, and was duly referred to Community Board 5 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 5 held a public hearing on this application ( C 010129 MMQ) together with the related application ( C 010130PQQ), on July 9, 2003, and on August 13, 2003, by a vote of 33 to 0 with 0 abstentions, adopted a resolution recommending approval of the application with the following conditions:

The removal of gasoline storage tanks at the Mobil Gas Station, which the city proposes to acquire, be performed in an environmentally safe manner, according to all federal, state and city standards; and that the city agency responsible for determining the use of this current gas station property, after the bridge project is completed, work with Community Board 5, Queens regarding the future use and /or disposition of the property, before any commitments are made.

### **Borough President Recommendation**

This application ( C 010129 MMQ) together with the related application ( C 010130PQQ) was considered by the Borough President, who issued a recommendation on September 22, 2003 approving the application with the following conditions:

The reconstruction of the Metropolitan Avenue Bridge will require DOT to permanently acquire the portion of the adjoining Mobil gasoline service station (Block 2770, Lot1) that is located on top of the bridge road deck. DOT has stated that the remaining portion of that lot could be sold after the bridge reconstruction is completed. Following the reconstruction of the Metropolitan Avenue Bridge, DOT should work with Community Board 5 and all the neighboring civic organizations to determine the future sale and use of the remaining portion of this property.

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

On September 24, 2003 (Calendar No.6), the City Planning Commission scheduled October 8, 2003 for a hearing on this application ( C 010129 MMQ) together with the related application ( C 010130PQQ).

The hearing was duly held on October 8, 2003 (Calendar No. 22) in conjunction with the public

hearing on the related application ( C 010130PQQ).

There was one speaker, and the hearing was closed.

### **CONSIDERATION**

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

The replacement of the existing superstructure and rehabilitation of the existing substructure will provide a smoother riding surface, improve the speed and riding quality of the roadway and will create a safer driving environment. The proposed grade change will allow the reconstruction of the bridge at or close to existing grade. This will therefore minimize the disruption of adjacent properties.

The Commission also believes that the acquisition of easements is appropriate. Temporary and permanent easements on adjacent properties would permit construction activities, in addition to future maintenance of the bridge structure.

The Commission recommends DOT to continue to discuss all aspects of the bridge reconstruction project with Community Board 5, including the removal of the storage tanks and the future disposition of any property.

### **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 010129 MMQ) for an amendment to the City Map involving the adjustment of grades in Metropolitan Avenue between 61<sup>st</sup> and 62<sup>nd</sup> streets, and Fresh Pond Road between 62<sup>nd</sup> Road and Bleeker Street; the delineation of easements, and any acquisition or disposition of real property related thereto, Borough of Queens, Community District 5, in accordance with Map No. 4958 dated June 21, 2001

and signed by the Borough President, is approved.

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. 4958 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.

The above resolution, duly adopted by the City Planning Commission on November 5, 2003 (Calendar No. 20), 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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DOLLY WILLIAMS, Commissioners.**