



CITY PLANNING COMMISSION

May 23, 2007/Calendar No. 25

N 070411 HKQ

IN THE MATTER OF a communication dated April 9, 2007 from the Executive Director of the Landmarks Preservation Commission regarding an amendment to the Boundary Description of the Douglaston Hill Historic District to re-include 41-45 240th Street Building (Block 8105, Lot 9), amended by the Landmarks Preservation Commission on April 3, 2007 (List No. 389 / LP No. 2155-A). The district boundaries are:

properties bounded by a line beginning at northwest corner of 43rd Avenue and 243rd Street, extending northerly along the western curbline of 243rd Street, then westerly along the northern property line of 242-19 43rd Avenue (aka 242-17 43rd Avenue and 42-40 243rd Street), then northerly along part of the eastern property line of 242-09 43rd Avenue, then westerly along the northern property lines 242-09, 242-03, 242-01, 240-51, and 240-45 43rd Avenue, then northerly along part of eastern property line of 240-35 43rd Avenue and the eastern property line of 240-42 42nd Avenue to the southern curbline of 42nd Avenue, then westerly along said curbline to the point formed by its intersection with a line extending southerly from the eastern property line of 240-01 42nd Avenue (aka 41-23 240th Street and 22 240th Street), then northerly across 42nd Avenue and along the eastern property line of 240-01 42nd Avenue, then easterly along part of the southern property line of 41-45 240th Street, then northerly along the eastern property line of 41-45 240th Street, then northerly across Depew Avenue to the northern curbline of Depew Avenue, then easterly along the northern curbline of Depew Avenue to a point in said curbline formed by a line extending southerly from the eastern property line of 240-35 Depew Avenue (aka 240-33 Depew Avenue and 105 Depew Avenue), then northerly along the eastern property line of 240-35 Depew Avenue, then southwestward along the northwestern property lines of 240-35 and 240-27 Depew Avenue to the northeast corner of Depew Avenue and 40th Avenue, then southerly across Depew Avenue to the southeast corner of Depew Avenue and 40th Avenue, then southwestward along the southeastern curbline of 40th Avenue to the southeast corner of 40th Avenue and 240th Street, then westerly across 240th Street to the southwest corner of 240th Street and the Long Island Railroad right-of-way, then southwestward along the northwest property lines of 41-10-- 41-14 and 41-18 240th Street (aka 35 and 33 240th Street, respectively), then southerly along the western property line of 41-18 240th Street, then easterly along the southern property line of 41-18 240th Street to the western curbline of 240th Street, then easterly across 240th Street, then southerly along the eastern curbline of 240th Street, across 42nd Avenue and continuing southerly along said curbline to a point formed by its intersection with a line extending westerly from the southern property line of 42-25 240th Street (aka 8- 240th Street), then easterly along part of the southern property line of 42-25 240th Street, then southerly along the western property line of 240-17 43rd Avenue (aka 240-15 -- 240-17 43rd Avenue) to the northern curbline of 43rd Avenue, then easterly along said curbline to a point formed by its intersection with a line extending northerly from the western property line of 240-16 43rd Avenue (aka 240-14 -- 240-16 43rd Avenue), then southerly across 43rd Avenue and along the western property line of 240-16 43rd Avenue, then easterly along the southern property lines of 240-16, 240-20 -- 240-22, 240-34, 240-40, 240-44 43rd Avenue, and 240-48 43rd Avenue (aka 240-28 -- 240-52 43rd Avenue and 43-02 242nd Street) to the western curbline of 242nd Street, then northerly along said curbline to the southwest corner of 242nd

Street and 43rd Avenue, then northerly across 43rd Avenue to the northern curbline of 43rd Avenue, then easterly along the northern curbline of 43rd Avenue to the point of the beginning, Borough of Queens, Community District 11.

Pursuant to Section 3020.8(a) and (b) of the City Charter, the City Planning Commission shall submit to the City Council a report with respect to the relation of the designation by the Landmarks Preservation Commission, whether of a historic district or a landmark, to the Zoning Resolution, projected public improvements, and any plans for the development, growth, improvement or renewal of the area involved.

On April, 3 2007, the Landmarks Preservation Commission (LPC) designated the building at 41-45 240th to be re-included within the boundaries of the Douglaston Hill Historic District (List 389, LP-2155A). The district is located in the center of the Douglaston neighborhood, between Alley Pond Park and Udall's Ravine in northeastern Queens, Community District 11. The LPC amendment to the boundary description of the Douglaston Hill Historic District was the result of a legal action that removed the building from the historic district.

Subsequent to the designation of the Douglaston Hill Historic District (List 358, LP-2155) on December 14, 2004, the owner of the subject building commenced a legal action challenging its inclusion in the district on the grounds that the description of the building in the designation report was inaccurate. Specifically, the owner claimed that the building dated from the 1920s and was not, as written in the designation report, an altered mid-nineteenth century house. On December 7, 2005, a Justice of the New York State Supreme Court ruled that the LPC should have a public hearing to consider the information submitted by the owner, and vacated the historic designation of the building.

The LPC held a public hearing on the proposed re-designation on March 13, 2007 and submitted a revised profile for the subject building. The LPC report recognized that the building was built in the 1920s but that it retains “attributes that support its inclusion within the boundaries of the historic district.”

Development rights may be transferred from lots occupied by individually designated landmark buildings or other structures by City Planning Commission special permit pursuant to section 74-79 of the Zoning Resolution. No transfer of development rights is permitted from any structure within a historic district. There are no individually designated landmarks located in the Douglaston Hill Historic District.

All landmark buildings within Historic Districts are eligible to apply for use and bulk waivers pursuant to Section 74-711 of the Zoning Resolution.

The re-inclusion does not conflict with the Zoning Resolution, project public improvements or any plans for development, growth, improvement or renewal in the vicinity of the landmark.

City Planning Commission Public Hearing

Pursuant to Section 3020.8(a) of the City Charter, the City Planning Commission held a public hearing on May 9, 2007, (Calendar No.32). There was one speaker in favor of the application and two in opposition. Counsel for the Landmarks Preservation Commission appeared in support of the re-inclusion. The two homeowners of 41-45 240th Street spoke in opposition. The homeowners

testified that the re-inclusion of their building within the boundaries of the Douglaston Hill Historic District was an undue burden. There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission has evaluated the amendment to the boundary of the Douglaston Hill Historic District in relation to the Zoning Resolution and the economic growth and development in the area.

The Commission believes that the proposed amendment to the boundary of the Douglaston Hill Historic District is consistent with plans for the area's future development and improvement.

The proposed amendment does not conflict with the Zoning Resolution, projected public improvements or any plans for the development, growth, improvement or renewal within the historic district or surrounding area.

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