



## CITY PLANNING COMMISSION

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January 8, 2013 / Calendar No. 20

C 070194 ZMQ

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**IN THE MATTER OF** an application submitted by Tserpes Holding LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning map, Section No. 18d:

1. changing from an R3-2 District to a C4-2 District property bounded by 135<sup>th</sup> Avenue, 142<sup>nd</sup> Street, North Conduit Avenue, and a line 105 feet westerly of 142<sup>nd</sup> Street; and
2. changing from an R3A District to a C4-2 District property bounded by a line 40 feet northerly of North Conduit Avenue (straight line portion), a line 105 feet westerly of 142<sup>nd</sup> Street, North Conduit Avenue, and 140<sup>th</sup> Street;

Borough of Queens, Community District 12, as shown on a diagram (for illustrative purposes only), dated August 19, 2013, and subject to the conditions of CEQR Declaration E-319.

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This application for an amendment to the Zoning Map was filed by Tserpes Holding, LLC on November 2, 2006 to rezone a portion of an R3-2 district and an R3A district to a C4-2 district to facilitate the construction of a 13-story hotel in the South Ozone Park neighborhood of Queens Community District 12.

### **RELATED ACTIONS**

In addition to the proposed amendment to the Zoning Map (C 070194 ZMQ), which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 090033 MMQ      Proposed amendment to the City Map to eliminate, discontinue and close of a portion of North Conduit Avenue, including the extinguishment of an easement located north of the street.

### **BACKGROUND**

The applicant, Tserpes Holding, LLC, proposes a Zoning Map amendment to change R3-2 and R3A districts to a C4-2 district, property bounded by 135<sup>th</sup> Avenue, 142<sup>nd</sup> Street, North Conduit Avenue, and a line 105 feet westerly of 142<sup>nd</sup> Street. The proposed action would facilitate the

construction of a new 13-story hotel at 135-08 142<sup>nd</sup> Street (Block 12095, Lots 2 and 6). The site to be developed is approximately 40,702 square feet in area. It consists of the property currently owned by the applicant (Block 12095, Lots 2 and 6) and portion of North Conduit Avenue that will be discontinued and closed, which the applicant intends to purchase from the City of New York. The development is vacant and unimproved and the portion of North Conduit Avenue to be demapped is also unimproved. In October 2012, the City Planning Commission approved a widening and re-alignment of 142<sup>nd</sup> Street, affecting a 1,000 square-foot triangular-shaped portion of Tax Lot 6 at the intersection of 142<sup>nd</sup> Street and 135<sup>th</sup> Avenue (C 110388 MMQ).

The surrounding area consists of commercial, residential, and transportation uses. The rezoning area is located on the north side of a wide transportation right-of-way for North and South Conduit Avenues, the Nassau Expressway, and the Belt Parkway. John F. Kennedy International Airport is directly to the south of this right-of-way. A 12-story hotel is located immediately east of the rezoning area on North Conduit Avenue in a C4-2 zoning district. Six one- and two-family detached residential buildings are contiguous to the development site, located within the R3A zoning district. Beyond these buildings to the west, across 140<sup>th</sup> Street, is another 12-story hotel in a C4-2 zoning district. To the north of the rezoning area, across 135<sup>th</sup> Avenue, the area is zoned R3A and R3-1 and is primarily comprised of one- and two-family detached and semi-detached residential buildings. R3-1, R3-2, and R3A districts permit a maximum floor area ratio (FAR) of 0.5 for residential development and 1.0 for community facility development, with a building height limit of 35-feet. These districts do not allow commercial uses, including hotels.

In order to facilitate the construction of the hotel, the applicant proposes to change a portion of the existing R3-2 and R3A districts to a C4-2 district. The Zoning Map amendment would create a more cohesive C4-2 district along the north side of North Conduit Avenue, linking the pre-existing C4-2 districts to the east and west of the rezoning area. The C4-2 district permits a maximum floor area ratio (FAR) of 3.4 for commercial development. Residential development is permitted at an R6 equivalent, allowing up to 2.43 FAR, or 3.9 FAR for nonprofit housing for the elderly, or 3.0 FAR on a wide street using the optional Quality Housing Program. Community facility development is permitted at 4.8 FAR. The proposed Zoning Map amendment is sought in conjunction with a City Map Change application (C 090033 MMQ).

The proposed actions would facilitate the development of a 13-story, 344-room hotel building with 96 accessory parking spaces accessed via curb cuts on North Conduit Avenue and 142<sup>nd</sup> Street. The building would have a total floor area of approximately 138,384 square feet at 3.40 FAR and a height of approximately 149 feet. Two loading berths would be provided and accessed via a curb cut on 142<sup>nd</sup> Street. The hotel would be sited 30 feet from the adjacent lot lines on the western portion of the block and be buffered by evergreen shrubs and a 6-foot tall fence.

The related proposal for amendment to the City Map (C 090033 MMQ) would extinguish a temporary easement on the northerly side of North Conduit Avenue between 140<sup>th</sup> and 142<sup>nd</sup> Streets. This temporary easement was created for the purpose of constructing slopes and embankments required in connection with the construction of the Nassau Expressway, which has since been completed. Extinguishment of the easement would allow the applicant to site portions of the proposed building within the easement area. Additionally, the applicant proposes to eliminate from the City Map an unimproved portion of North Conduit Avenue occupying a portion of the southwesterly corner of Block 12095, thereby allowing the applicant to acquire this street-area and integrate it into the overall hotel plan for the purpose of generating floor area. Because the geometry of the street will remain the same, these actions would not affect circulation.

## **ENVIRONMENTAL REVIEW**

This application (C 070194 ZMQ), 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 and Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR Number is 07DCP024Q. The lead is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on August 19, 2013.

## **UNIFORM LAND USE REVIEW**

The application (C 070194 ZMQ), in conjunction with the application for the related action (C090033 MMQ) was certified as complete by the Department of City Planning on August 19, 2013 and was duly referred to Queens Community Board 12 and the Queens 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 12 held a public hearing on the application (C 070194 ZMQ) on November 20, 2013, and on that date, by a vote of 0 in favor, 34 opposed and 0 abstaining, adopted a resolution recommending disapproval of the application.

### **Borough President Recommendation**

This application (C 070194 ZMQ) was considered by the President of the Borough of Queens, who issued a recommendation disapproving the application on November 26, 2013.

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

On November 20, 2013 (Calendar No. 3), the City Planning Commission scheduled December 4, 2013 for a public hearing on the application (C 070194 ZMQ). The hearing was duly held on December 4, 2013 (Calendar No. 20). There were 3 speakers in favor of the application and none in opposition.

The applicant's attorney presented 29 letters of support from local community members, gathered between the time of the Community Board 12 public hearing and the City Planning Commission public hearing. Four of the letters were written by residents who live on the same block (Block 12095) as the applicant's proposed rezoning. The attorney noted that the hotel would include banquet facilities, a health club, and two restaurants. He stated that, given the history of another hotel in the area which was previously used as a homeless shelter but is now

under renovation to return to hotel use, he understands the concerns of the Community Board. However, he also stated that the owner is working with a nationally known hotel chain to develop the site and has no intention to turn it into a homeless shelter.

A local realtor spoke in favor of the proposed rezoning and development. A representative of the Queens Village Committee for Mental Health also spoke in favor of the application.

There were no other speakers, and the hearing was closed.

Following the hearing, the applicant's attorney submitted 37 additional letters of support from the neighborhood surrounding the proposed hotel.

### **CONSIDERATION**

The Commission believes that this application (C 070194 ZMQ) for an amendment of the Zoning Map is appropriate.

The Commission notes that the proposed zoning would facilitate the development of a 13-story hotel fronting on a major vehicular transportation right-of-way. The Commission further notes that existing C4-2 zoning districts are located just east and west of the development site.

The proposed amendment would connect the two existing C4-2 districts along the north side of North Conduit Avenue, thereby creating a more cohesive commercial frontage. The Commission believes that the additional bulk facilitated by the proposed amendments would be consistent with the scale and character of the two adjacent, 12-story hotels in these C4-2 districts.

The Commission recognizes that with rising rates of tourism in New York City and traffic through John F. Kennedy International Airport to the south, construction of new hotels and renovation of existing hotels are increasing in areas easily accessed from the airport by major roadways and transit services. The former hotel on adjacent Block 12093, converted to and operated as a homeless shelter between 2002 and 2005, is currently under renovation to be reopened as a hotel. The Commission has also received from the applicant a letter reaffirming the statements made at the City Planning Commission public hearing: the hotel would be a high-

quality facility and the owner has no intention of using the property to operate a homeless shelter.

The Commission recognizes the concerns of the community board, and is pleased to acknowledge that the applicant has received letters of support from nearby property owners, including a majority of the residents occupying the same block as the proposed hotel.

The Commission also believes that the related application for amendment to the City Map (C 090033 MMQ) is appropriate. The operation of North Conduit Avenue does not require the use of the temporary easement on its northerly side, originally created in connection with the construction of the Nassau Expressway, or the unimproved portion located at the southwesterly corner of Block 12095. The Commission recognizes that the street geometry will not change, thereby ensuring the maintenance of the existing traffic capacity volumes.

## **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

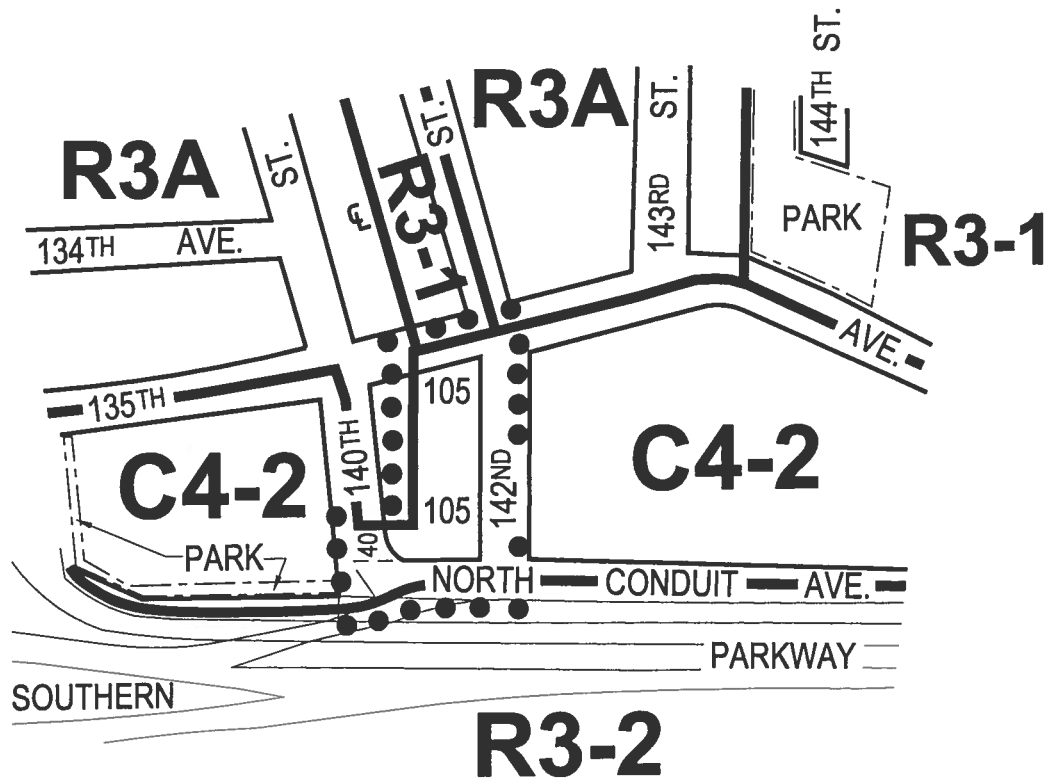
**RESOLVED**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently modified, is further amended by changing the Zoning Map, Section No. 18d:

1. changing from an R3-2 District to a C4-2 District property bounded by 135th Avenue, 142nd Street, North Conduit Avenue, and a line 105 feet westerly of 142nd Street; and
2. changing from an R3A District to a C4-2 District property bounded by a line 40 feet northerly of North Conduit Avenue (straight line portion), a line 105 feet westerly of 142nd Street, North Conduit Avenue, and 140th Street;

Borough of Queens, Community District 12, as shown on a diagram (for illustrative purposes only), dated August 19, 2013, and subject to the conditions of CEQR Declaration E-319.

The above resolution (C 070194 ZMQ), duly adopted by the City Planning Commission on January 8, 2013 (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.

**KENNETH J. KNUCKLES, *Esq., Acting Chair***  
**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, *P.E.*,**  
**ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE DE LA UZ,**  
**MARIA M. DEL TORO, RICHARD W. EADDY, ANNA HAYES LEVIN,**  
**ORLANDO MARIN, *Commissioners***



CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP  
**18d**  
 BOROUGH OF  
**QUEENS**

*J. Miraglia*  
 J. Miraglia, Director  
 Technical Review Division

New York, Certification Date  
 AUGUST 19, 2013



- NOTE:**
- Indicates Zoning District Boundary.
  - ● ● ●** The area enclosed by the dotted line is proposed to be rezoned by changing R3-2 and R3A Districts to a C4-2 District.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.  
 THIS DIAGRAM REFLECTS PROPOSED CHANGES IN THE CITY MAP  
 PURSUANT TO RELATED MAPPING APPLICATION C 090033 MMQ





**Community/Borough Board Recommendation**  
Pursuant to the Uniform Land Use Review Procedure

Application #: **C 070194 ZMQ**

Project Name: **North Conduit Avenue Rezoning**

CEQR Number: 07DCP024Q

Borough(s): Queens

Community District Number(s): 12

Please use the above application number on all correspondence concerning this application

**SUBMISSION INSTRUCTIONS**

- Complete this form and return to the Department of City Planning by one of the following options:
  - EMAIL (recommended):** Send email to [CalendarOffice@ciplan10.nyc.gov](mailto:CalendarOffice@ciplan10.nyc.gov) and include the following subject line: (CB or BP) Recommendation + (5-digit application number), e.g., "CB Recommendation #C10000ZSQ"
  - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Rector Street, New York, NY 10007
  - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- 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 Tserpes Holding LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning map, Section No. 18d:

- changing from an R3-2 District to a C4-2 District property bounded by 135<sup>th</sup> Avenue, 142<sup>nd</sup> Street, North Conduit Avenue, and a line 105 feet westerly of 142<sup>nd</sup> Street; and
- changing from an R3A District to a C4-2 District property bounded by a line 40 feet northerly of North Conduit Avenue (straight line portion), a line 105 feet westerly of 142<sup>nd</sup> Street, North Conduit Avenue\*, and 140<sup>th</sup> Street;

Borough of Queens, Community District 12, as shown on a diagram (for illustrative purposes only), dated August 19, 2010, and subject to the conditions of CEQR Declaration E-319.

\*Note: a portion of North Conduit Avenue is proposed to be demapped under a concurrent related application C 090033 WEMQ.

Applicant(s): Tserpes Holdings LLC 140-16 136th Avenue South Ozone Park, N.Y. 11463		Applicant's Representative: Vincent Petraro Vincent L. Petraro, PLLC 350 7th Avenue New York, N.Y. 10001	
Recommendation submitted by: Queens Community Board 12		<i>Notes: 24 - 10 Disapproval</i>	
Date of public hearing: <i>11/20/2013</i>		Location: <i>Family Life Center 172-17 Linden Blvd Jamaica, NY 11433</i>	
Was a public hearing held? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		A public hearing requires a quorum of 30% of the appointed members of the board, but in no event fewer than seven members.	
Date of Vote: <i>11/30/2013</i>		Location: <i>Family Life Center 172-17 Linden Blvd Jamaica, NY 11433</i>	

# Queens Borough President Recommendation

APPLICATION: ULURP #070194 ZMQ

COMMUNITY BOARD: Q12

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Vincent L. Petraro, LLP on behalf of Tserpes Holdings LLC, pursuant to Sections 197-c and 201 of the NYC Charter, for an amendment of the Zoning Map, Section No. 18d:

1. Changing from an R3-2 District to a C4-2 district property bounded by 135<sup>th</sup> Avenue, 142<sup>nd</sup> Street, North Conduit Avenue, and a line 105 feet westerly of 142<sup>nd</sup> Street; and
2. Changing from an R3A District to a C4-2 District property bounded a line 40 feet northerly of North Conduit Avenue (straight line portion), a line 105 feet westerly of 142<sup>nd</sup> Street, North Conduit Avenue\*, and 140<sup>th</sup> Street:

Borough of Queens, Block 12095 Lots 2, 6, and a portion of North Conduit Avenue, Community District 12, as shown on a diagram (for illustrative purposes only), dated August 19, 2013, and subject to conditions of CEQR Declaration E-319.

\*Note: a portion of North Conduit Avenue is proposed to be demapped under a concurrent related ULURP #090033 MMQ

## PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, November 14, 2014, 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 a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The applicant is proposing to rezone a property currently zoned R3-2 and R3A to C4-2 to facilitate construction of a hotel on their property. The proposed C4-2 district allows a 3.4 commercial FAR.;
- The proposed hotel would be a 13-story, 138,383.84 sf building containing 344 hotel rooms. Included in the proposal are ground floor space for a 1410 sf restaurant and a 2840 sf multipurpose room suitable for community gatherings and meetings. Also included are a restaurant and exercise room on the upper floors with access for both to the rooftop. Two loading berths are planned for the ground floor and a total of 96 accessory parking spaces would be provided and located in an open parking lot and in a cellar level garage.;
- The 40,702 sf project site (Block 12095 Lots 2 & 6) is currently vacant. The areas along North Conduit Avenue on either side of the applicant's property, between the Van Wyck Expressway and 148<sup>th</sup> Street, are developed with hotels and other commercial uses. There are seven (7) parcels directly west of the applicant's site that are zoned for and developed with residences. The areas to the north and east of the site are predominantly developed with one- and two-family houses.;
- Per the applicant, an operator for the proposed hotel has not yet been identified. The applicants stated that there would be a hospitality services training program at the hotel to train those interested in working in the hotel industry. Additionally, the proposed hotel will be seeking area residents to fill employment opportunities.;
- Community Board 12 (CB 12) disapproved this application by a vote of thirty-four (34) against, none (0) in favor with two (2) abstentions. Concerns raised by CB 12 included: letters of support (signed by neighboring property owners) dating from 2006 to 2008 were submitted by the applicant to CB 12 as evidence of neighborhood support, the developer's lack experience as a hotel operator, recent history of conversion and reopening of failed hotels in the area for use as city homeless shelters.;

Continued.....

QUEENS BOROUGH PRESIDENT RECOMMENDATION

ULURP# 070194 ZMQ

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RECOMMENDATION

Based on the above consideration, I hereby recommend disapproval of this application for the following reasons:

- As of this date, the submitted letters of support from area residents are at least five years old and do not indicate current local support of the neighboring residents.;
- There is no clear indication as to the operator of the hotel. This is of concern because there is a recent history in this area of hotels that become homeless facilities if the hotel does not remain profitable or in business.;

  
\_\_\_\_\_  
PRESIDENT, BOROUGH OF QUEENS

  
\_\_\_\_\_  
DATE