



CITY PLANNING COMMISSION

June 9, 2010/Calendar No. 9

C 030223 ZMQ

IN THE MATTER OF an application submitted by C&G Empire Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10a:

1. Changing from an M1-1 district to an R6 District property bounded by Farrington Street, 35th Avenue, Prince Street, and a line 250 feet northwesterly of 35th Avenue; and
2. Establishing within the proposed R6 District a C2-2 District bounded by Farrington Street, 35th Avenue, Prince Street, and a line 250 feet northwesterly of 35th Avenue;

Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated January 25, 2010 and subject to the conditions of CEQR Declaration E-246.

This application for an amendment of the Zoning Map was filed by C & G Empire Realty on November 19, 2002 to rezone a portion of one block from M1-1 to R6/C2-2 in Queens Community District 7.

BACKGROUND

The applicant, C&G Empire Realty LLC, seeks approval of a zoning map amendment from M1-1 to R6/C2-2 to facilitate the development of an 11-story, mixed-use building in Flushing, Queens Community District 7.

The area proposed to be rezoned is approximately 85,221 square feet and consists of three lots (Block 4949; Lots 31, 46 and 8900) located on the north side of 35th Avenue between Prince and Farrington streets at the southern edge of an M1-1 zoning district. Northern Boulevard, a major roadway connecting Queens with Long Island, is located one block to the south. Downtown Flushing, a major regional center in Queens, is located just south of Northern Boulevard.

The applicant is proposing to develop an approximately 43,146 square-foot lot (Block 4949, Lot 46) located at the northeast corner of Prince Street and 35th Avenue. The site is currently is developed with a 2-story building occupied by a wholesale appliance/plumbing facility and 3 retail stores. Also within the rezoning area are two properties not owned by the applicant: Block

4949, Lots 31 and 8900. Lot 31, an approximately 38,775 square-foot lot, is developed with a 1-story nightclub (formerly a warehouse). Lot 8900 is a vacant, approximately 3,300 square-foot lot that provides secondary access to the buildings on Lots 31 and 46. Currently, there are no plans for development on Lots 31 and 8900.

The surrounding area to the north, northwest and southwest of the rezoning area is presently zoned M1-1 and M2-1. Except for an 8-story commercial building located across from the site on Prince Street, nearby properties within the M1 and M2 districts are characterized by a mix of low rise manufacturing, commercial and residential buildings. Properties to the south and east are zoned R6/C2-2 and developed with residential and commercial buildings ranging in height from 1 to 7 stories. A 10-story apartment complex is located one block east of the site within an R6 district. Approval was granted by the Board of Standards and Appeals (156-03BZ) in 2005 to facilitate the construction of a 17-story mixed use building along Northern Boulevard on the block immediately to the south within the R6/C2-2 district. Construction on this building, however, has not yet begun.

The area is well-served by public transportation. The rezoning area is located within one block of bus stops for the Q25, Q34, QBx1 bus lines located on Linden Place, providing residents with convenient transportation between Whitestone, College Point, Jamaica and the Bronx. Bus stops for the Q19, Q65 and Q66 located on Northern Boulevard provide transportation to Astoria, Jamaica and Long Island City. And, immediately south of Northern Boulevard in Downtown Flushing more than a dozen bus routes service Flushing with destinations in Nassau County, the Bronx, Manhattan and other areas of Queens. The #7 subway line is located at Main Street and Roosevelt Avenue with the Long Island Rail Road's Port Washington Branch, Flushing-Main Street stop just one block away.

The area also has good access to the highway network. Northern Boulevard, a major east-west thoroughfare, connects Queens with Nassau County and with the regional highway system.

Nearby highways include the Van Wyck Expressway, the Grand Central Parkway, the Whitestone Expressway and the Long Island Expressway.

The existing M1-1 zoning district is a low density manufacturing district that restricts development to light industrial and commercial uses at a maximum floor area ratio (FAR) of 1.0, and limited community facility uses at a maximum FAR of 2.4. Residential uses are not allowed in M1-1 districts. Building height is regulated by the sky exposure plane. Typical building heights are 1 and 2 stories.

The proposed R6 district is a medium density residential district that permits a maximum residential FAR of 2.40, and a maximum community facility FAR of 4.8. The proposed C2-2 commercial overlay allows the proposed retail uses at a maximum FAR of 2.0. Building height is regulated by the sky exposure plane. Typical building heights in R6 districts range from 6 to 13 stories.

The proposed zoning map amendment would extend the adjacent R6/C2-2 District across 35th Avenue to encompass the proposed rezoning area consisting of the applicant's property (Lot 46) and the two adjoining lots (Lots 8900 and 31) and would facilitate development of the proposed 11-story mixed-use building on the applicant's property at an FAR of 2.91.

The proposed 11- story, approximately 125,570 square-foot mixed-use building would contain approximately 100 residential units (87,780 square feet); 17,640 square feet of ground floor retail space and 20,150 square feet of community facility space for medical offices, offices for charitable and cultural organizations, and a community center. Approximately 170 accessory parking spaces are proposed in the building's cellar and sub-cellar levels and 19 spaces are proposed at grade. The entrance/exit for underground residential parking would be provided on 35th Avenue, and the entrance/exit for the commercial and community facility parking would be provided on Prince Street.

ENVIRONMENTAL REVIEW

This application (C 030223 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 of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 04DCP013Q. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action (C 030223 ZMQ), 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 conduct a Phase II Environmental Site Assessment (Phase II) in accordance with the sampling protocol approved by New York City Department of Environmental Protection (DEP).

The applicant further agrees to perform any necessary remediation of the subject property if hazardous materials are found as the result of the Phase II. The applicant would prepare a Remedial Action Plan, including a sampling protocol and a health and safety plan, for DEP for approval. Remediation measures would be undertaken pursuant to the approved remediation plan.

The restrictive declaration also restricts the applicant from submitting any permit applications to the New York City Department of Buildings (DOB) that would allow for soil disturbance on the subject property until such time that DEP provides the necessary written notice to DOB.

The applicant agrees via a restrictive declaration to conduct archaeological identification, investigation and mitigation in accordance with the CEQR Technical Manual and New York City Landmarks Preservation Commission (LPC) Guidelines for Archaeological Work in New York City.

The restrictive declaration also restricts the applicant from submitting any permit applications to the DOB that would allow for soil disturbance on the subject property until such time that LPC provides the necessary written notice to DOB.

To avoid any potential significant adverse impacts, an (E) designation (E-246) would be mapped as part of the proposed rezoning. The applicant's site (Block 4949, Lot 46) would receive an (E) designation for air quality and noise. The non-applicant site (Block 4949, Lot 31) would receive an (E) designation for hazardous materials, air quality and noise. In addition, the lot that is presently serving as a right-of-way (Block 4949, Lot 8900) would receive an (E) designation for hazardous materials.

Development of a site with an (E) designation for hazardous materials would require that a Phase 1 Environmental Site Assessment in accordance with the American Society of Testing Materials (ASTM) E1527-05 be conducted, and if necessary, a sampling and remediation protocol be developed and implemented to the satisfaction of New York City Department of Environmental Protection (DEP) prior to issuance of a building permit (pursuant to Section 11-15 of the City's Zoning Resolution). Such designation would eliminate the potential for significant adverse impacts from hazardous materials due to implementation of the proposed project.

The text of the (E) designation for hazardous materials for the properties identified below is as follows:

Block 4949, Lots 31 and 8900

Task 1

The fee owner(s) of the lot(s) restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to DEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.

No sampling program may begin until written approval of a work plan and sampling protocol is received from DEP. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by DEP upon request.

Task 2

A written report with finding and a summary of the data must be presented to DEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by DEP if the results indicate that remediation is necessary.

If DEP determines that no remediation is necessary, written notice shall be given by DEP.

If remediation is necessary according to the test results, a proposed remediation plan must be submitted to DEP for review and approval. The fee owner(s) of the lot(s) restricted by this (E) designation must perform such remediation as determined necessary by DEP. After completing the remediation, the fee owner(s) of the lot restricted by this (E) designation should provide proof that the work has been satisfactorily completed.

A DEP-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to DEP for review and approval prior to implementation.

The (E) designation for air quality would preclude the potential for significant adverse air quality impacts related to heating and hot water systems (HVAC) emissions. The text of the (E) designation for air quality for the properties identified below is as follows:

Block 4949, Lot 31

Any new residential and/or commercial development on the above-referenced property must use natural gas for HVAC systems or, if fuel oil No. 4/2 is used, ensure that the heating, ventilating and air conditioning stack(s) are located at least 37 feet from the lot lines facing Prince Street and 35th Avenue, to avoid any potential significant adverse air quality impacts.

Block 4949, Lot 46

Any new residential and/or commercial development on the above-referenced property must use natural gas exclusively as the type of fuel for HVAC systems, to avoid any potential significant adverse air quality impacts.

The (E) designation for noise would preclude the potential for significant adverse impacts related to high levels of ambient noise associated with traffic along 35th Avenue. The text of the (E) designation for certain noise attenuation requirements for the properties identified below is as follows:

Block 4949, Lots 31 and 46

In order to ensure an acceptable interior noise environment, future residential/community facility/commercial uses must provide a closed window condition with a minimum of 30 dBA window/wall attenuation in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.

With the implementation of the above referenced restrictive declaration and (E) designations, no significant adverse impacts related to hazardous materials, air quality or noise would occur. The applicant signed the Conditional Negative Declaration on January 22, 2010. The Conditional Negative Declaration was published in the City record on February 1, 2010 and in the New York State Environmental Notice Bulletin on February 3, 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 June 7, 2010.

UNIFORM LAND USE REVIEW

This application (C 030223 ZMQ) was certified as complete by the Department of City Planning on January 25, 2010, and was duly referred to Community Board 7 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 7 held a public hearing on March 22, 2010 on this application (C 030223 ZMQ), and on April 5, 2010 by a vote of 34 to 3 with no abstentions, adopted a resolution recommending approval of the application with the condition that “any new construction on this site will include space for a 14,000 square foot senior center on the 2nd floor with a separate entrance and elevator access.”

Borough President Recommendation

The application was considered by the Borough President who issued a recommendation on April 26, 2010 approving the application with the following conditions:

- As the applicant agreed with CB7, the development shall include 14,000 sq.ft. of community space that will be available to a qualified senior center at a discounted rental rate;
- The applicant should include some moderate affordable housing in the proposed development to help meet the dire need of affordable housing in New York City.

City Planning Commission Public Hearing

On April 28, 2010 (Calendar No. 14), the City Planning Commission scheduled May 12, 2010, for a public hearing on this application (C 030223 ZMQ). The hearing was duly held on May 12, 2010 (Calendar No. 29). There were two speakers in favor of this application and no speakers opposed.

The speakers included the applicant's representative and a representative for the applicant's architect. The speakers summarized the proposed rezoning and the proposed development. The applicant's representative explained that the area surrounding the project is transitioning from manufacturing to commercial land uses and that a substantial amount of properties on the block proposed to be rezoned are residentially developed. He also explained that an operator for the proposed 14,000 square foot senior citizen center has been identified and that a letter of intent has been received. He further stated that his client would be willing to work with the Borough President's office in providing some affordable housing.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this proposed amendment of the Zoning Map (C 030223 ZMQ), is appropriate.

The Commission notes that the proposed zoning map amendment would extend an existing R6 district with a C2-2 overlay across a portion of one block, currently zoned M1-1. The proposed rezoning would facilitate the development of an 11-story mixed-use building containing 100 dwelling units, 17,640 square feet of ground floor retail and 20,150 square feet of community facility space on the applicant's property.

The Commission notes that the proposed zoning would allow new development with heights and densities currently permitted along the south side of 35th Avenue, which is the project site's southern boundary. The Commission further notes that buildings with moderate heights and densities are located near the rezoning area and include an 8-story commercial building across Prince Street, 4- to 7-story buildings south of the site along 35th Avenue, and a 10-story apartment building complex located one block to the east.

The Commission believes that the proposed R6 district and C2-2 commercial overlay recognizes the potential for the expansion of a mix of residential, community facility and commercial uses onto properties located just one block north of Downtown Flushing, a major transportation hub and regional shopping center. The Commission notes that the rezoning area is well-served by public transportation and has good access to the regional highway network.

The Commission acknowledges recommendations by the Borough President and Community Board 7 that any new construction on the proposed development site should include a 14,000 square foot senior center with a separate entrance and elevator access. The Commission also acknowledges the Borough President's recommendation that some moderate affordable housing should be provided. While the Commission recognizes that the application is for a zoning map amendment, and not for review of a specific building or site plan, the Commission is pleased nonetheless that a letter from the applicant's representative dated April 6, 2010 was sent to Community Board 7 stating that the applicant has agreed to "include 14,000 square feet of community facility space which shall be made available to a qualified senior center at a discounted rental rate in accordance with rates set by the Department for the Aging." The Commission also notes that the applicant's representative stated during his testimony that the owner of the development site would be willing to work with the Queens Borough President's office to provide some affordable housing in the proposed development.

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 conditions:

1. The applicant agrees via a restrictive declaration to conduct a Phase II Environmental Site Assessment (Phase II) in accordance with the sampling protocol approved by New York City Department of Environmental Protection (DEP). The applicant further agrees to perform any necessary remediation of the subject property if hazardous materials are found as the result of Phase II. The applicant would prepare a Remedial Action Plan, including a sampling protocol and a health and safety plan, for DEP for approval. Remediation measures would be undertaken pursuant to the approved remediation plan.

The restrictive declaration also restricts the applicant from submitting any permit applications to the New York City Department of Buildings (DOB) that would allow for soil disturbance on the subject property until such time that DEP provides the necessary written notice to DOB.

2. The applicant agrees via a restrictive declaration to conduct archaeological identification, investigation and mitigation in accordance with the CEQR Technical Manual and New York City Landmarks Preservation Commission (LPC) Guidelines for Archaeological Work in New York City.

The restrictive declaration also restricts the applicant from submitting any permit applications to the DOB that would allow for soil disturbance on the subject property until such time that LPC provides the necessary written notice to DOB.

And be it further

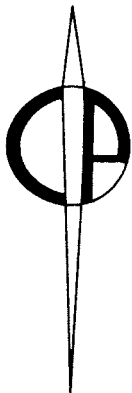
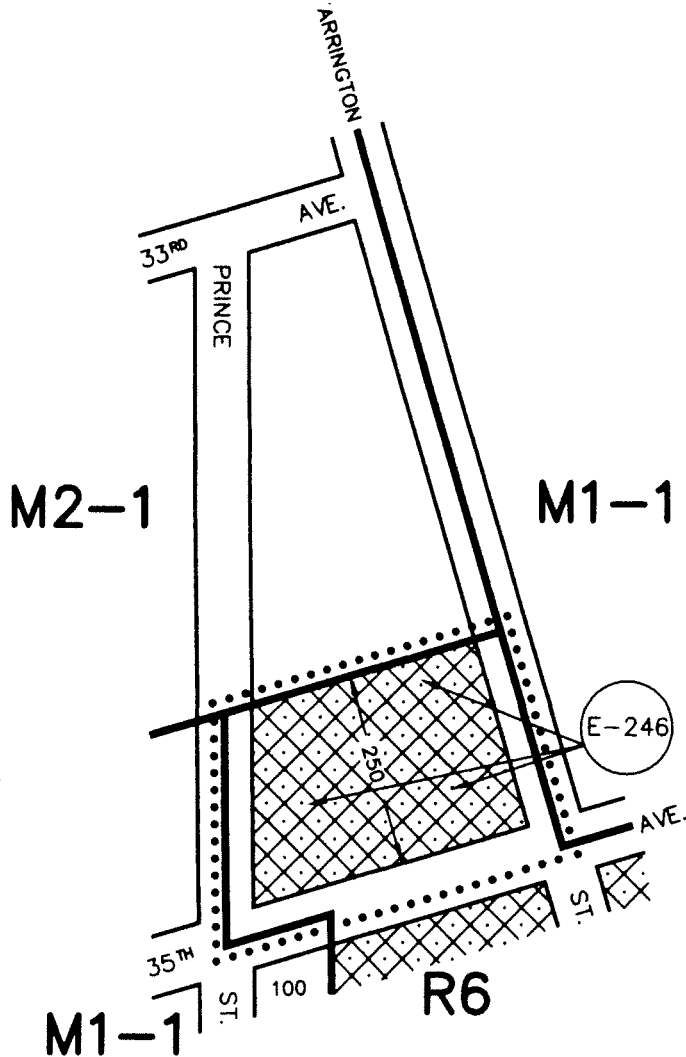
RESOLVED, that the City Planning Commission, pursuant to Section 197-c and 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, is further amended by changing the Zoning Map, Section No. 10a:

1. Changing from an M1-1 district to an R6 District property bounded by Farrington Street, 35th Avenue, Prince Street, and a line 250 feet northwesterly of 35th Avenue; and
2. Establishing within the proposed R6 District a C2-2 District bounded by Farrington Street, 35th Avenue, Prince Street, and a line 250 feet northwesterly of 35th Avenue;

Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated January 25, 2010, and subject to the conditions of CEQR Declaration E-246.

The above resolution (C 030223 ZMQ), duly adopted by the City Planning Commission on June 9, 2010 (Calendar No. 9), 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.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,
SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners

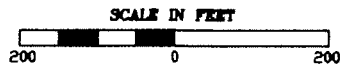


CITY PLANNING COMMISSION
CITY OF NEW YORK





DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP
10a
BOROUGH OF
QUEENS

New York, Certification Date
JANUARY 25, 2010

S. Voyages
S. Voyages, R.A. Director
Technical Review Division



NOTE:

-  Indicates Zoning District boundary.
-  The area enclosed by the dotted line is proposed to be rezoned by changing an M1-1 District to an R6 District and establishing within the proposed R6 District a C2-2 District.
-  Indicates a C2-2 District.
-  Indicates a City Environmental Quality Review Declaration, refer to C.E.Q.R. sheet.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

Queens Borough President Recommendation

APPLICATION: ULURP# C030223 ZMQ

COMMUNITY BOARD: Q07

DOCKET DESCRIPTION

IN THE MATTER of an application submitted by Joseph P. Morsellino, Esq. on behalf of C & G Empire Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No 10a:

1. Changing from an M1-1 District to an R6 district property bounded by Farrington Street, 35th Avenue, Prince Street, and a line 250 feet northwesterly of 35th Avenue; and
2. Establishing within the proposed R6 District a C2-2 district bounded by Farrington Street, 35th Avenue, Prince Street, and a line 250 feet northwesterly of 35th Avenue;

Block 4949, Lots 46, 31 and 8900, Flushing, Borough of Queens

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on April 20, 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 for the application. 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:

- This application is proposing to rezone an area bounded by Farrington Street, 35th Avenue, Prince Street and a line 250 ft northwesterly of 35th Avenue from an M1-1 District to an R6 District with a C2-2 overlay to facilitate construction of an 11-story mixed use building;
- The applicant is proposing to develop an 11-story 125,570 sf mixed-use building comprising 100 dwelling units (2.03 FAR), 17,640 sf of commercial space and 20,150 sf of community facility space. Most of the community facility space will be used for 14,000 sf senior center, the remaining 6,150 sf would be available for doctors, charitable and cultural organizations. The applicant is proposing 189 spaces on a subsurface and surface parking level exceeding by 44 spaces the number required by the proposed zoning. The entrance/exit to the underground parking for the residential portion of the development would be on 35th Avenue and the entrance/exit for the commercial and community facility would be on Prince Street;
- The rezoning area is an approximately 85,221sf parcel and consisting of three tax lots. One of these lots is currently vacant and another is developed with a nightclub in a former warehouse building. The third is a 43,126 sf lot on Prince Street currently developed with a 2-story building occupied by a wholesale plumbing facility and three retail stores. This parcel is owned by the applicant and the site of the proposed development.;
- The surrounding area is zoned M1-1, M2-1 and R6 with a C2-2 overlay which is mapped within the R6 District directly along the south side of 35th Avenue between Prince and Farrington streets. To the north of the site, two- and three-story residential buildings are developed along Prince and Farrington streets. The areas northwest and west of the site are developed with warehouse buildings, one- and two-story commercial and residential buildings. South and southeast of the site is occupied by a mix of residential, commercial and community facility uses with residential buildings ranging from 2- to 5-stories. To the east of the site is developed with several ten-story multiple dwellings;
- Community Board 7 (CB 7) approved this application with conditions by a vote of thirty-four (34) in favor with three (3) against and none (0) abstaining at the Community Board meeting held on April 5, 2010. CB 7's conditions of approval were as follows: any new construction on this site will include space for a 14,000 sf senior center on the 2nd floor with a separate entrance and elevator access;
- The applicant sent a letter to CB 7 Land Use Committee dated April 6, 2010 memorializing the applicant's commitment upon approval of the proposed rezoning that the development shall include a 14,000 sf of community facility space which shall be available to a qualified senior center operator at a discounted rental rate in accordance with rates set by the Department For the Aging. The community space shall be built out to include its shell and core including bathrooms and kitchen facilities to accommodate 200 meals per day and an entrance and an elevator separate from other uses in the proposed structure.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval of this application with the following condition:

- As the applicant agreed with CB7, the development shall include a 14,000sf of community space that will be available to a qualified senior center at a discounted rental rate;
- The applicant should include some moderate affordable housing in the proposed development to help meet the dire need of affordable housing in New York City.


PRESIDENT, BOROUGH OF QUEENS


DATE

Community/Borough Board Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

Application # C 030223 ZMQ
CEQR # 04DCP013Q
Community District No. 07 Borough: Queens
Community District No. 07 Borough: Queens
Project Name: New Millenium Rezoning

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 C & G Empire Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10a:

- changing from an M1-1 District to an R6 District property bounded by Farrington Street, 35th Avenue, Prince Street, and a line 250 feet northwesterly of 35th Avenue; and
- establishing within the proposed R6 District a C2-2 District bounded by Farrington Street, 35th Avenue, Prince Street, and a line 250 feet northwesterly of 35th Avenue;

Borough of Queens, Community District 7, as shown a diagram (for illustrative purposes only) dated January 25, 2010 and subject to the conditions of CEQR Declaration E-246.

Applicant(s):

C & G Empire Realty LLC
134-03 35th Avenue
Flushing, NY 11354

Applicant's Representative:

Joseph P. Morsellino, Esq.
340 West 57th Street
New York, NY 10019
P: 212 333-5552
F: 212 333-5553

Community Board No. 7 Borough: Queens

Borough Board

Date of public hearing: 3/22/10

Location: UNION PLAZA CARE CENTER
33-23 UNION STREET, 1st FLOOR
FLUSHING, NY 11355

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: 4/5/10

Location: UNION PLAZA CARE CENTER

RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

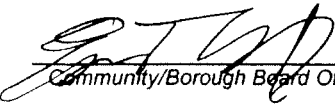
Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

MOTION - TO APPROVE AN AMENDMENT OF THE ZONING MAP, SECTION NO.10a AS STIPULATED ABOVE WITH THE FOLLOWING STIPULATION, WHICH HAS BEEN AGREED TO BY THE APPLICANT PER THE ATTACHED LETTER DATED APRIL 6, 2010

ANY NEW CONSTRUCTION ON THIS SITE WILL INCLUDE SPACE FOR A 14,000 SQUARE FOOT SENIOR CENTER ON THE 2nd FLOOR WITH A SEPARATE ENTRANCE AND ELEVATOR ACCESS.

Voting

In Favor: 34 Against: 3 Abstaining: Total members appointed to the board: 50
*ONE (1) BOARD MEMBER ARRIVED AFTER VOTE.


Community/Borough Board Officer

CHAIRPERSON
Title

APRIL 6, 2010

v.012006w

Date

Joseph P. Morsellino, Esq.

Attorney at Law

340 West 57th Street - Suite 16G

New York, NY 10019

**Eric Palatnik, Esq.: Of Counsel*

Telephone (212) 333-5552

Telefax (212) 333-5553

April 6, 2010

Land Use Committee
Community Planning Board 7
133-32 41st Road, Suite 3B
Flushing, New York 11355

Re: CPC Number 030223ZMQ
134-03 35th Avenue
Queens, New York (the "Premises")

Dear Esteemed Members of the Land Use Committee;

Our office represents the applicant in the instant matter.

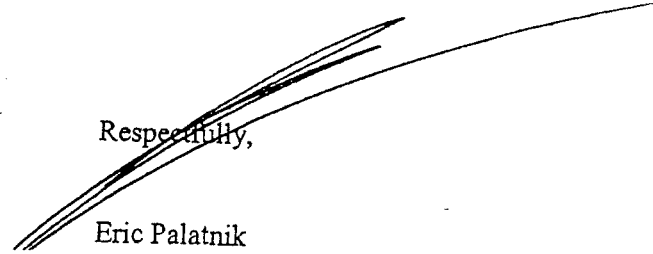
We are writing so as to memorialize conversations with your Committee, during which the applicant has agreed that, if the proposed rezoning application is approved, the development constructed thereon shall include 14,000 square feet of community facility space, which shall be made available to a qualified senior center at a discounted rental rate in accordance with rates set by the Department For the Aging.

Said community facility space shall be built out to include its shell and core. It shall include bathrooms adequate to accommodate the senior center. It shall also include kitchen facilities including an oven, a stove, a microwave, a sink and a dishwasher to accommodate 200 meals per day.

Furthermore, it is agreed that same shall have an entrance and an elevator, separate and apart from all other uses within the proposed structure.

We thank you for your time.

Respectfully,


Eric Palatnik