



IN THE MATTER OF an application submitted by 18-17 130th Street LLC and 18-19 130 Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 126-43 of the Zoning Resolution to modify the front yard requirements of Section 126-231 (Minimum required front yards) and the side yard requirements 126-232 (Minimum required side yards) in connection with a proposed two-story enlargement of an existing one-story warehouse building on property located at 18-17 130th Street (Block 4136, Lots 11 and 12) in an M1-1 District within the Special College Point District, Borough of Queens, Community District 7.

This application for a special permit was filed by 18-17 130th Street LLC and 18-19 130 Street LLC on March 5, 2019. The proposed action would permit the enlargement of an existing one-story warehouse building within the Special College Point District (SCPD) located at 18-17 130th Street in the College Point neighborhood of Queens, Community District 7.

BACKGROUND

The applicants seek a special permit (C 190320 ZSQ) to facilitate the enlargement of an existing one-story warehouse located within an M1-1 zoning district, within the SCPD. The project area (Block 4136, Lots 11 and 12) is located between 18th Avenue and 20th Avenue with frontage on 130th Street.

The SCPD was established in 2009 to encourage new and retain existing high-performance manufacturing establishments in New York City, to maintain the business campus environment within the College Point Corporate Park, and to promote the most desirable use of land.

Regulations for the corporate park environment require front and side yards, restrict signage and loading locations, and set higher parking requirements for certain commercial uses. Street tree planting and landscaping for front yards and parking lots are required for Use groups 17 and 18. Use Group 17 is comprised of light industrial uses that conform to high performance standards, such as appliance manufacturing or contractor yards, and Use Group 18 is comprised of heavy industrial uses, such as cement plants and junk yards. All applicable uses must adhere to M1 zoning district regulations and provide enclosure or screening to minimize impacts upon neighboring uses.

Block 4136, Lot 11 is a vacant rectangular lot with approximately 2,000 square feet of lot area and 20 feet of frontage along 130th Street. Lot 12 is a rectangular lot with approximately 4,000 square feet of lot area and 40 feet of frontage along 130th Street. It is improved with an existing 2,400-square-foot, one-story sprinkler supply warehouse that was constructed in 1955. The 40-foot wide building has a 2.9-foot non-compliant front yard, 30-foot rear yard and no side yards. The property has an existing 20-foot wide curb cut along 130th Street.

The area immediately surrounding the project site is predominately comprised of light manufacturing and commercial uses contained within one and two-story warehouse buildings, typical of developments within this section of the SCPD. To the east, towards the Whitestone Expressway, a large commercial retail center with big box retail tenants is located along 20th Avenue. The blocks west and south of the project area are primarily comprised of one- and two-family residential developments in a mix of detached, semi-detached and attached building types. Farther southwest of the project area is a large campus that serves as the printing facility for the New York Times, as well as a large distribution facility for the United States Postal Service. Areas located two blocks to the north and five blocks to the west of the project area are mapped with R4A zoning districts reflecting predominantly residential land uses.

The M1-1 district allows a maximum floor area ratio (FAR) of 1.0 for light manufacturing and industrial uses and allows an FAR of 2.4 for community facility uses. M1-1 districts allow for a variety of light industrial uses, such as repair shops, wholesale service and storage facilities, as well as light manufacturing uses subject to stringent performance standards. Building heights are

governed by a sky exposure plane that begins at 30 feet above ground level. Setbacks of 20 feet (narrow streets) and 15 feet (wide streets) are required. Off-street parking and loading requirements vary in M1 districts according to the type and size of the use on the property.

Within the SCPD, a front yard with a depth of 15 feet is required and side yards of 10 feet each are required for developments. The City Planning Commission may grant a special permit pursuant to ZR Section 126-43 to modify use and bulk regulations for properties within the SCPD.

The applicant seeks a special permit to waive the requirements of ZR Section 126-231 (Minimum required front yards) and ZR Section 126-232 (Minimum required side yards) to facilitate the expansion of the existing 2,400-square foot, one-story building to a 6,000-square foot two-story building to encompass the entirety of Lots 11 and 12. The ground floor of the proposed development would contain warehouse space with seven parking spaces and the second floor would contain accessory offices. The proposed development would result in a 60-foot wide two-story building with no side yards. A vertical enlargement to create a second-story would result in a building height of 30 feet and a ground floor enlargement that extends to the rear yard lot line. The proposed development would facilitate a building with a larger ground floor that would allow for storage space and internal truck circulation, as well as accessory office use.

ENVIRONMENTAL REVIEW

This application (C 190320 ZSQ) 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 19DCP135Q. The lead agency is the City Planning Commission.

After a study of the potential impacts of the proposed actions in the Environmental Assessment Statement, a Negative Declaration was issued on August 12, 2019. The Negative Declaration includes an (E) designation (E-530) related to hazardous materials and air quality to avoid the

potential for significant adverse impacts. The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

UNIFORM LAND USE REVIEW

On August 12, 2019, this application (C 190320 ZSQ) was certified as complete by the Department of City Planning and was duly referred to Queens Community Board 7 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

Queens Community Board 7 held a public hearing on this application (C 190320 ZSQ) on September 23, 2019, and by a vote of 33 in favor, one opposed, and two abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

The Queens Borough President held a public hearing on this application (C 190320 ZSQ) on October 31, 2019 and on November 12, 2019, issued a recommendation to approve the application.

City Planning Commission Public Hearing

On November 13, 2019 (Calendar No. 7), the City Planning Commission scheduled December 4, 2019, for a public hearing on this application (C 190320 ZSQ). The hearing was duly held on December 4, 2019 (Calendar No. 15). One speaker testified in favor of the application and none in opposition.

The applicant's representative stated that the special permit was necessary to facilitate a more efficient building floorplate to allow for more functional spaces for the operations of the sprinkler supply warehouse. He also stated that the adjacent properties on the same block have a similar type of development: two-story buildings with no front yards or side yards. The representative stated that the proposal aligns with the character of the surrounding area.

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

CONSIDERATION

The Commission believes that this application for a special permit (C 190320 ZSQ) is appropriate.

The Commission believes the requested waivers to front yard and side yard requirements of the SCPD would achieve an efficient warehouse development that is consistent with the existing commercial and light manufacturing buildings that characterize this block and the immediately surrounding context. The Commission notes that the commercial and manufacturing buildings in the surrounding area are mainly one and two stories in height with high lot coverage and the proposed project will complement the existing commercial and manufacturing characteristics of 130th Street.

The Commission notes that the proposed configuration of the development facilitated by the special permit, allowing for larger floor plates to aid in the operations associated with the sprinkler supply facility, will result in an improved distribution of the bulk and is consistent with the goals of the SCPD. The development will further contribute to a high-quality business campus environment, internalizing business operations and reducing the likelihood of congestion on 130th Street, while also supporting the growth of quality jobs in the city.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 126-43 of the Zoning Resolution:

- (a) use or bulk modification will aid in achieving the general purposes and intent of the Special District;
- (b) [this finding is not applicable; the applicant is not requesting a use modification]
- (c) bulk modifications will enhance the distribution of bulk on the zoning lot;
- (d) bulk modifications will permit adequate access of light and air to surrounding streets and properties; and

(e) use and bulk modification will relate harmoniously to the character of the surrounding area

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, that the City Planning Commission, pursuant to Section 197-c and 200 of the New York Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by 18-17 130th Street LLC and 18-19 130 Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 126-43 of the Zoning Resolution to modify the front yard requirements of Section 126-231 (Minimum required front yards) and the side yard requirements 126-232 (Minimum required side yards) in connection with a proposed two-story enlargement of an existing 1-story warehouse building on property located at 18-17 130th Street (Block 4136, Lots 11 and 12) in an M1-1 District within the Special College Point District, Borough of Queens, Community District 7, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 190320 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Frank Petruso Architect, R.A., filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001.00	Zoning Calculations	02/20/2019
Z-002.00	Proposed Site Plan	02/20/2019
A-001.00	First Floor Plan	04/17/2019
A-002.00	Waiver Plan	04/17/2019
A-003.00	Transversal Sections	02/20/2019
A-004.00	Longitudinal Sections	02/20/2019

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 190320 ZSQ), duly adopted by the City Planning Commission on January 8, 2019 (Calendar No. 10), is filed with the Office of the Speaker, City Council, and the Queens Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, ESQ., *Vice Chairman*

ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO, III,

MICHELLE DE LA UZ, JOSEPH DOUEK, HOPE KNIGHT,

ANNA HAYES LEVIN, LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*

Application #: **C 190320 ZSQ**

Project Name: **18-17 130th Street SCDP**

CEQR Number: 19DCP135Q

Borough(s): **Queens**

Community District Number(s): **7**

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@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 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 18-17 130th Street LLC and 18-19 130 Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 126-43 of the Zoning Resolution to modify the front yard requirements of Section 126-231 (Minimum required front yards) and the side yard requirements 126-232 (Minimum required side yards) in connection with a proposed 2-story enlargement of an existing 1-story warehouse building on property located at 18-17 130th Street (Block 4136, Lots 11 and 12) in an M1-1 District within the Special College Point District, Borough of Queens, Community District 7.

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, N.Y. 10271.

Applicant(s): 18-17 130th Street LLC 22-42 129th Street, College Point, NY 11356 18-19 130 Street LLC 22-42 129th Street, College Point, NY 11356		Applicant's Representative: Eric Palatnik Eric Palatnik P.C. 32 Broadway, Suite 114 New York, NY 10004
Recommendation submitted by: Queens Community Board 7		
Date of public hearing: 9/23/19	Location: UNION Plaza Care Center 33-23 UNION St. Flushing	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>
Date of Vote: 9/23/19	Location:	
RECOMMENDATION <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions Please attach any further explanation of the recommendation on additional sheets, as necessary.		
Voting # In Favor: 33 # Against: 0 # Abstaining: 1 - No conflict 1 - Conflict Total members appointed to the board:		
Name of CB/BB officer completing this form	Title CHAIR	Date 9/24/19

Queens Borough President Recommendation

APPLICATION: ULURP #190320 ZSQ

COMMUNITY BOARD: Q07

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Eric Palatnik, P.C. on behalf of 18-17 130th Street LLC & 18-19 130th Street LLC pursuant to Section 126-46 of the NYC Zoning Resolution, to modify the front yard requirements of Z.R. Section 126-331 (Minimum required front yards), and the side yard requirements of ZR Section 126-232 (Minimum required side yards) in connection with a proposed 2-story enlargement of an existing 1-story warehouse building in an M1-1 District within the Special College Point District on property located at **18-17 130th Street**, Block 4136, Lots 11 & 12, Zoning Map nos. 10a & 7b, College Point, Borough of Queens, Community District 7.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, October 31, 2019 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:

- This application was submitted for a Special Permit in the Special College Point District that would allow a waiver of front and side yard requirements to facilitate enlargement of an existing one-story industrial building into a two-story building for use by a sprinkler supply company.;
- The proposed enlargement of an existing 2401 sf one-story building would result in a two-story 5965 sf building across two lots without the required front and side yards. The building would be used by the applicant's sprinkler supply business for warehouse space, 7 parking spaces and a truck loading berth on the ground floor. The second floor would be occupied by accessory office space.;
- The development site is two parcels Block 4136, Lots 11 & 12 located in an M1-1 District in the Special College Point District. Lot 11 is 20' X 100' and currently vacant. Lot 12 is a 40' X 100' property developed with the one-story 2401 sf industrial building to be enlarged. The building was formerly used by an automotive repair and service business. The areas to the east, north and south of the site are mostly developed with industrial/commercial uses. There are several residential buildings located among industrial buildings to the west of the site.;
- Community Board 7 approved this application by a vote of thirty-three (33) in favor none (0) against and two (2) abstaining at a public hearing held on September 23, 2019.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval of this application.


PRESIDENT, BOROUGH OF QUEENS

11/12/19
DATE