



## CITY PLANNING COMMISSION

December 22, 2004/Calendar No. 12

C 000189 ZMX

**IN THE MATTER OF** an application submitted by Related Retail Bruckner, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 4b and 7a;

1. eliminating from an existing R4 District a C2-1 District bounded by Cross Bronx Expressway, the Hutchinson River Expressway, a line passing through two points: one on the westerly street line of Hutchinson River Expressway distant 650 feet (as measured along the street line) northerly from the intersection of the northerly Street line of Lafayette Avenue and the westerly street line of Hutchinson River Expressway, and the other distant 350 feet easterly of Brush Avenue on a line perpendicular to the easterly street line of Brush Avenue distant 800 feet (as measured along the street line) southerly from the intersection of the easterly street line of Brush Avenue and the southerly boundary line of a park, and a line 350 feet easterly of Brush Avenue;
2. changing from an M1-1 District to an R4 District property bounded by a line perpendicular to the easterly street line of Brush Avenue distant 800 feet (as measured along the street line) southerly from the intersection of the easterly street line of Brush Avenue and the southerly boundary of a park, a line 350 feet easterly of Brush Avenue, a line perpendicular to the easterly street line of Brush Avenue distant 766 feet (as measured along the street line) southerly from the intersection of the easterly street line of Brush Avenue and the southerly boundary of a park, and Brush Avenue;
3. changing from an M1-2 District to an R4 District property bounded by a line perpendicular to the easterly street line of Brush Avenue distant 766 feet (as measured along the street line) southerly from the intersection of the easterly street line of Brush Avenue and the southerly boundary of a park, a line 350 feet easterly of Brush Avenue, a line passing through two points: one on the easterly street line of Brush Avenue distant 545 feet (as measured along the street line) northerly from the intersection of the northerly street line of Lafayette Avenue and the easterly street line of Brush Avenue and the other on the westerly street line of the Hutchinson River Expressway distant 690 feet (as measured along the street line) from the intersection of the northerly street line of Lafayette Avenue and the westerly street line of the Hutchinson River Expressway, and Brush Avenue; and
4. changing from an R4 District to an M1-2 District property bounded by Cross Bronx Expressway, the Hutchinson River Expressway, a line passing through two points: one on the easterly street line of Brush Avenue distant 545 feet (as measured along the street line) northerly from the intersection of the northerly street line of Lafayette Avenue and the easterly street line of Brush Avenue and the other on the westerly street line of the Hutchinson River Expressway distant 690 feet (as measured along the street line) from the intersection of the

northerly street line of Lafayette Avenue and the westerly street line of the Hutchinson River Expressway, and a line 350 feet westerly of Brush Avenue;

as shown on a diagram (for illustrative purposes) dated August 9, 2004, Community District 10, Borough of the Bronx.

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The application for an amendment of the Zoning Map was filed by the applicant, Related Retail Bruckner, LLC, on November 9, 1999 requesting a zoning map amendment in order to develop a 130,000 square foot large retail store, currently planned as a BJ's Wholesale Club and to correct an inadvertent condition resulting from a 1972 rezoning of this block at a site at the western edge of the Throgs Neck neighborhood in Bronx Community District 10 .

#### **RELATED ACTIONS**

In addition to the amendment of the Zoning Map which is the subject of this report, ( C 000189 ZMX), 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 040123 ZSX: Special Permit pursuant to Section 74-922, to allow certain large retail establishments with no limitation on floor area in an M1 district.

#### **BACKGROUND**

The applicant, Related Retail Bruckner LLC, seeks approval of a zoning map amendment to facilitate the development of a 130,000 square foot proposed BJ's Wholesale to be constructed southwest of the Bruckner Expressway, Cross Bronx Expressway, and Hutchinson River Expressway interchange.

A full background discussion and description of the proposed project appears in the report on the related application for the grant of a special permit, C 040123 ZSX).

## **ENVIRONMENTAL REVIEW**

This application ( C 000189 ZMX ), in conjunction with the application for the related action ( C 040123 ZSX), 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 00DCP027X. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Conditional Negative Declaration, signed by the applicant, was issued on November 15, 2004, stating the following:

1. The applicant agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. To test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan. The restrictive declaration also restricts the manner in which the property may be developed or redeveloped.
  
2. The applicant agrees to work with the New York City Department of Transportation (DOT) to implement traffic improvements at Bruckner Boulevard and Brush Avenue, Bruckner Boulevard North/South and Zerega Avenue, and Bruckner Boulevard North/South and East Tremont Avenue. Improvements include the implementation of signal timing changes, striping and geometric modifications that will allow for improved turning movements and changes to parking regulations.

## **UNIFORM LAND USE REVIEW**

This application (C 000189 ZMX), in conjunction with the application for the related action (C 040123 ZSX), was certified as complete by the Department of City Planning on August 9, 2004 and was duly referred to Bronx Community Board 10 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 10 held a public hearing on the application (C 000189 ZMX ) on September 22, 2004 and on that date by a vote of 21 to 7 with 1 abstention, adopted a resolution recommending approval of the applications.

A summary of the recommendation of Community Board 10 appears in the report on the related application for the grant of a special permit, ( C 040123 ZSX).

### **Borough President Recommendation**

The application ( C 000189 ZMX) was considered by the Borough President, who issued a recommendation on November 12, 2004 approving the applications subject to conditions.

A summary of the Borough President's recommendation appears in the report on the related application for the grant of a special permit, ( C 040123 ZSX).

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

On November 3, 2004 (Calendar No. 1), the City Planning Commission scheduled November 17, 2004 for a public hearing on the application, ( C 000189 ZMX). The hearing was duly held on November 17, 2004 (Calendar No. 7), in conjunction with the public hearing on the related application (C040123 ZSX ).

There were a number of appearances as described in the report for the related application for a special permit ( C 040123ZSX).

After the hearing was closed, a representative of opponents to the proposed project submitted written testimony to the Commission.

### **CONSIDERATION**

The Commission believes that this amendment of the Zoning Map, in conjunction with the related action, is appropriate.

A full consideration and analysis of the issues and the reasons for approving this application, appear in the report on the related application for the grant of a special permit, ( C 040123 ZSX).

### **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 prepare a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. To test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan. The restrictive declaration also restricts the manner in which the property may be developed or redeveloped.
  
2. The applicant agrees to work with the New York Department of Transportation (DOT) to implement traffic improvements at Bruckner Boulevard and Brush Avenue, Bruckner Boulevard North/South and Zerega Avenue, and Bruckner Boulevard North/South and East Tremont Avenue. Improvements include the implementation of signal timing changes, striping and geometric modifications that will allow for improved turning movements and changes to parking regulations.

and be it further

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment,

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 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 amended, is further amended by changing the Zoning Map, Section Nos. 4b & 7a:

1. eliminating from an existing R4 District a C2-1 District bounded by Cross Bronx Expressway, the Hutchinson River Expressway, a line passing through two points: one on the westerly street line of Hutchinson River Expressway distant 650 feet (as measured along the street line) northerly from the intersection of the northerly Street line of Lafayette Avenue and the westerly street line of Hutchinson River Expressway, and the other distant 350 feet easterly of Brush Avenue on a line perpendicular to the easterly street line of Brush Avenue distant 800 feet (as measured along the street line) southerly from the intersection of the easterly street line of Brush Avenue and the southerly boundary line of a park, and a line 350 feet easterly of Brush Avenue;
2. changing from an M1-1 to an R4 District property bounded by a line perpendicular to the easterly street line of Brush Avenue distant 800 feet (as measured along the street line) southerly from the intersection of the easterly street line of Brush Avenue and the southerly boundary of a park, a line 350 feet easterly of Brush Avenue, a line perpendicular to the easterly street line of Brush Avenue distant 766 feet (as measured along the street line)

southerly from the intersection of the easterly street line of Brush Avenue and the southerly boundary of a park, and Brush Avenue;

3. changing from an M1-2 District to an R4 District property bounded by a line perpendicular to the easterly street line of Brush Avenue distant 766 feet (as measured along the street line) southerly from the intersection of the easterly street line of Brush Avenue and the southerly boundary of a park, a line 350 feet easterly of Brush Avenue, a line passing through two points: one on the easterly street line of Brush Avenue distant 545 feet (as measured along the street line) northerly from the intersection of the northerly street line of Lafayette Avenue and the easterly street line of Brush Avenue and the other on the westerly street line of the Hutchinson River Expressway distant 690 feet (as measured along the street line) from the intersection of the northerly street line of Lafayette Avenue and the westerly street line of the Hutchinson River Expressway, and Brush Avenue; and
4. changing from an R4 District to an M1-2 District property bounded by Cross Bronx Expressway, the Hutchinson River Expressway, a line passing through two points: one on the easterly street line of Brush Avenue distant 545 feet (as measured along the street line) northerly from the intersection of the northerly street line of Lafayette Avenue and the easterly street line of Brush Avenue and the other on the westerly street line of the



Hutchinson River Expressway distant 690 feet (as measured along the street line) from the intersection of the northerly street line of Lafayette Avenue and the westerly street line of the Hutchinson River Expressway, and a line 350 feet westerly of Brush Avenue;

as shown on a diagram (for illustrative purposes only) dated August 9, 2004, Community District 10, Borough of the Bronx.

The above resolution ( C 000189 ZMX), duly adopted by the City Planning Commission on December 22, 2004 (Calendar No. 12), 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 Chair**

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, ANGELA R. CAVALUZZI, R.A.,  
P.E., ALFRED CERULLO, RICHARD W. EADDY, JOHN MEROLO, DOLLY WILLIAMS,  
Commissioners**