

**59-13-A**

APPLICANT – Carl A. Sulfaro, Esq., for Onofrio and Josephine Papia, owners.

SUBJECT – Application February 5, 2013 – Proposed construction of a new one family residence located in the bed of a mapped street, contrary to General City Law Section 35. R1-2 zoning district.

PREMISES AFFECTED – 11-30 143rd Place, west side of 143rd Place, 258.57' south of 11th Avenue, Block 4434, Lot 147, Borough of Queens.

**COMMUNITY BOARD #7Q**

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT –**

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez .....5  
Negative:.....0

**THE RESOLUTION –**

WHEREAS, the decision of the Department of Buildings (“DOB”), dated January 18, 2013, acting on DOB Application No. 420619539, reads in pertinent part: Proposed construction of a new building in the bed of a mapped street is contrary to the General City Law Section 35 and is hereby denied; and

WHEREAS, a public hearing was held on this application on May 20, 2014, after due notice by publication in *The City Record*, and then to decision on June 17, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Commissioner Hinkson, and Commissioner Montanez; and

WHEREAS, this is an application to allow the construction of one-story, one-family dwelling that will be partially located in the bed of 13th Avenue, a mapped street; and

WHEREAS, the subject site lies at the west side of 143rd Place approximately 259 feet south of 11th Avenue, within an R1-2 zoning district; and

WHEREAS, by letter dated April 13, 2013, the Fire Department states that it has reviewed the proposal and offers no objection, provided that the building is fully-sprinklered; and

WHEREAS, in response, the applicant submitted a revised site plan, dated May 30, 2014, which indicates that the building will be fully-sprinklered; and

WHEREAS, by letter dated April 16, 2013, the Department of Environmental Protection (“DEP”) states that: (1) there is an existing 12-inch diameter private sanitary sewer, an eight-inch diameter City water main in 143rd Place fronting the above referenced property; and (2) Amended Drainage Plan No. 37A(5), 37C(1), and 37FS(2) , Sheet 4 of 9, 1942, for the above-referenced location, calls for a future ten-inch diameter sanitary sewer and a 12-inch diameter storm sewer to be

installed in 13th Avenue, between 143<sup>rd</sup> Place and 142<sup>nd</sup> Street; and

WHEREAS, DEP states that the applicant has submitted a survey for the above location which shows: (1) 60-foot width of 13th Avenue between 143<sup>rd</sup> Place and 142<sup>nd</sup> Street; and (2) shows that the property is located in the bed of mapped 13th Avenue; and

WHEREAS, DEP further states that it requires the applicant to submit a revised survey/plan showing: (1) the distances from the westerly lot line of the site to the terminal manhole of the ten-inch diameter private sanitary sewer and to the end cap of the eight-inch diameter City water main in the bed of 13<sup>th</sup> Avenue; (2) show a 32-foot wide sewer corridor in the bed of 13th Avenue along the site for the installation, maintenance and/or reconstruction of the future ten-inch diameter sanitary sewer and the 12-inch diameter; alternatively, the applicant may seek to amend the drainage plan; and

WHEREAS, in response to DEP’s request, by letter dated March 19, 2014, the applicant has submitted a revised architectural survey; the revised survey shows a distance of 25 feet from the terminal manhole of the ten-inch diameter private sanitary sewer and a distance of one foot from the hydrant on the eight-inch diameter City water main to the westerly lot line of the site; and

WHEREAS, DEP states that based on the Topographical Bureau Map No. 3711, dated September 30, 1953, the Drainage Review Section determined that Lots 27 and 151 would benefit from the existing ten-inch diameter sanitary sewer and will discharge storm flow to the future storm sewer in 13th Avenue; and

WHEREAS, based on the above DEP has no further objections; and

WHEREAS, by correspondence dated September 6, 2013, the Department of Transportation (“DOT”) has reviewed the above project and has no objection; and

WHEREAS, the DOT notes that according to the Queens Borough President’s Topographical Bureau: (1) 13th Avenue between 142nd Street and 13th Place is mapped to a 60-foot width on the Final City Map; and (2) the City has no title to the mapped street; and

WHEREAS, DOT also notes that the improvement of 13th Avenue in the location of the site is not presently included in DOT’s Capital Improvement Program; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

*Therefore it is Resolved*, that the Board modifies the decision of DOB, dated January 18, 2013, acting on DOB Application No. 420619539 by the power vested in it by Section 35 of the General City Law, limited to the decision noted above, *on condition* that construction will substantially conform to the drawing filed with the application marked “Received May 30, 2014” – (1) sheet; and *on further condition*:

THAT DOB will review and approve plans associated with the Board’s approval for compliance with

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the underlying zoning regulations as if the unbuilt street were not mapped;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT DOB will review the proposed plans to ensure compliance with all relevant provisions of the Zoning Resolution;

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals on June 17, 2014.

**A true copy of resolution adopted by the Board of Standards and Appeals, June 17, 2014.  
Printed in Bulletin No. 25, Vol. 99.**

**Copies Sent  
To Applicant  
Fire Com'r.  
Borough Com'r.**

