



CITY PLANNING COMMISSION

February 2, 2005/Calendar No. 22

C 030248 ZSQ

IN THE MATTER of an application submitted by the Department of Environmental Protection pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-31(f) and 74-733 of the Zoning Resolution to allow the enlargement of an existing municipal sewage disposal plant on property generally bounded by Beach Channel Drive, Beach 104th Street, Rockaway Freeway and Beach 108th Street (Block 16160, Lots 10, 20, and 27, Block 16161, Lot 53, and Block 16162, Lots 3 and 120), in an R4 and M1-1 Districts, Community District 14, Borough of Queens.

The application for the special permit was filed by New York City Department of Environmental on December 10, 2002, for the grant of a special permit to allow the enlargement of an existing municipal sewage disposal plant.

RELATED ACTIONS

In addition to this special permit which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following which being considered concurrently with this application:

C 030247 PCQ Site selection and acquisition for a proposed administration building, electrical substation, and parking.

BACKGROUND

A full background discussion and description of this project appears in the report on the related application for the grant of a special permit (C030247 PCQ).

ENVIRONMENTAL REVIEW

This application (C030248 ZSQ), in conjunction with the application for the related action (C030247 PCQ), 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 01DEP086, the lead agency is the Department of Environmental Protection.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on September 11, 2002.

UNIFORM LAND USE REVIEW

This application (C030248 ZSQ), in conjunction with the application for the related action (C030247 PCQ), was certified as complete by the Department of City Planning on September 20, 2004, and was duly referred to Community Board 14 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 14 held a public hearing on this application on November 11, 2004, and on that day, by a vote of 16 to eight with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application with conditions on December 3, 2004.

A summary of the Borough President's recommendation appears in the report on the related application for the grant of a special permit (C030247 PCQ).

City Planning Commission Public Hearing

On December 22, 2004 (Calendar No. 5), the City Planning Commission scheduled January 5, 2005, for a public hearing on this application (C030248 ZSQ). The hearing was duly held on January 5, 2005 (Calendar No. 13), in conjunction with the public hearing on the application for the related action (C030247 PCQ).

There were no speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 02-006.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the grant of this the special permit 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 (C030247 PCQ).

FINDINGS

The City Planning Commission hereby makes the following 74-31(f) and 74-733 findings pursuant to Sections of the Zoning Resolution:

74-733 **Municipal sewage disposal plants**

There are serious difficulties in locating the facility in a district where it is permitted as-of-right.

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, in its capacity as the City Coastal Commission, has

reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

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 and findings described in this report, the application submitted by the Department of Environmental Protection pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-31(f) and 74-733 of the Zoning Resolution to allow the enlargement of an existing municipal sewage disposal plant on property generally bounded by Beach Channel Drive, Beach 104th Street, Rockaway Freeway and Beach 108th Street (Block 16160, Lots 10, 20, 27, Block 16161, Lot 53, and Block 16162, Lots 3 and 120), in R4 and M1-1 Districts, Borough of Queens, Community District 14, is approved, pursuant to Sections 74-31(f) and 74-733 of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application (C030248 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 Metcalf & Eddy of New York, Inc., filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
2A	Proposed Site Plan	July 7, 2003
2B	Proposed Site Plan with Landscaping	July 7, 2003

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 (C030248 ZSQ), duly adopted by the City Planning Commission on February 2, 2005 (Calendar No. 22), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, AICP, CHAIR
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
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COMMISSIONERS**