



## **CITY PLANNING COMMISSION**

June 17, 2015/Calendar No. 8

C 150173 PPQ

**IN THE MATTER OF** an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition of one city-owned property located at 120-22 28<sup>th</sup> Avenue (Block 4317, p/o Lot 1) in the Special College Point District, pursuant to zoning, Borough of Queens, Community District 7.

The application for the disposition of city-owned property was filed by the New York City Department of Citywide Administrative Services on December 2, 2014 to allow for its sale pursuant to zoning. The affected property is located at 120-22 28<sup>th</sup> Avenue (Block 4317, p/o Lot 1) within Community District 7, Queens.

### **BACKGROUND**

The Department of Citywide Administrative Services (DCAS) seeks the disposition of city-owned property located at 120-22 28<sup>th</sup> Avenue (Block 4317, northern portion of Lot 1) to facilitate the enlargement of a manufacturing facility occupied by S & L Aerospace Metals, a New York limited liability company that supplies structural parts, components, sub-assemblies and assemblies for various segments of the aerospace industry.

The project site (Block 4317, Lot 1) is located in the western portion of the Special College Point District (CP), and it is zoned M2-1. The CP District was adopted on July 29, 2009 (N 090318 ZRQ) subsequent to the April 24, 2009 expiration of the College Point II Industrial Renewal Plan. The CP District was established to maintain the high quality business campus environment previously achieved by the Urban Renewal Plan. The special district regulations supersede the underlying M2-1 zoning regulations and make M1 bulk regulations and performance standards applicable to some locations within the special district, including the project site.

On June 25, 2012, New York City Economic Development Corporation (NYC EDC) issued an Industrial Sites Request for Proposals for College Point (RFP) for the purchase or lease of industrial parcels within the industrial park. The RFP was intended to support the retention and growth of industrial businesses. Pursuant to the RFP, Bao Jia Holding, the owner of the property currently leased by S & L Aerospace Metals (S & L), entered into a Contract of Sale with NYC

EDC for the purchase of the parcel subject to the disposition action. The City intends to dispose the property to the New York City Land Development Corporation, which intends to dispose the property to NYC EDC, which in turn intends for subsequent disposition to Bao Jia Holding, LLC, which is the owner of the property currently occupied by S & L.

S & L currently occupies a one- and two-story building along the western end of block (Block 4317, Lot 41), which is owned by Bao Jia, but this building is not adjacent to the property to be disposed. Therefore, in addition to seeking to purchase the northern portion of Lot 1 which is the subject of this ULURP application, Bao Jia intends to purchase the northern portion of an adjacent lot (Lot 60) which is already owned by NYC EDC and is not subject to the current ULURP action. Lot 60 was the subject of a previous disposition action (C 090320 PPQ) approved in June 2009, which provided for its sale (in all or part) to an asphalt manufacturing business known as Cofire Paving Corp. Subsequently, a portion of the lot was sold to Cofire, and a portion of the lot remained undeveloped and available for future expansion.

The disposition of part of Lot 1 will allow S & L to expand its existing manufacturing facility with a one-story, 24,375 square-foot building on the northern portions of lots 1 and 60. The addition will create an opportunity for at least 20 new manufacturing positions in addition to the more than 80 currently employed on this site.

Surrounding land uses to the west, south and east of the project site include light industrial buildings, largely used for storage and distribution. The area north of the site is predominately residential, generally defined by one- and two-family homes fronting 27<sup>th</sup> and 28<sup>th</sup> Avenues between 120<sup>th</sup> and 122<sup>nd</sup> Streets. To the south, across 29<sup>th</sup> Avenue, light industrial and manufacturing uses predominate, including a Department of Sanitation garage and a concrete plant. The Flushing Bay waterfront lies one block west of the project site.

## **ENVIRONMENTAL REVIEW**

This application (C 150173 PPQ) 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 14DME013Q. The lead agency is the Office of the Deputy Mayor for Housing and Economic Development.

After a study of the potential impacts of the proposed action, a negative declaration was issued on February 9, 2015.

### **UNIFORM LAND USE REVIEW**

This application (C 150173 PPQ) was certified as complete by the Department of City Planning on February 17, 2015 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 this application (C 150173 PPQ) on April 13, 2015 and, on that date by a vote of 33 in favor and 3 opposed with no abstentions, adopted a resolution recommending disapproval of the application. The board, which supports the proposed expansion of S & L Aerospace Metals, voted to disapprove the disposition application citing previous unmet performance of environmental remediation on the southern portion of Lots 1 and 60, Block 4317.

### **Borough President Recommendation**

This application (C 150173 PPQ) was considered by the Borough President, who issued a recommendation disapproving of the application on May 15, 2015 unless the following conditions were met:

A clear and definitive remediation plan must be outlined and approved by the NYS Department of Environmental Conservation;

A clear and definite schedule must be delineated for the start and completion of the necessary remediation work;

There must be affirmation from S & L Aerospace Metals that the remediation plan and timetable to complete the required work are consistent with their planned expansion and construction;

A clear and definitive timetable must be established for the installation and replacement of cleaner and more environmentally efficient equipment at the Cofire Paving Corp. facility.

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

On May 6, 2015 (Calendar No. 4), the City Planning Commission scheduled May 20, 2015 for a public hearing on this application (C 150173 PPQ). The hearing was duly held on May 20, 2015 (Calendar No. 18). There were five speakers who spoke in favor of the application and none opposed.

A representative from the NYC Economic Development Corporation (EDC) spoke in favor of the application, stating that 20 new, full-time, high-value, technology jobs would be created by the proposed disposition and planned expansion of the S & L Aerospace Metals manufacturing facility. The speaker also stated that the adjacent Cofire Paving asphalt plant is proceeding in good faith to implement mandated remediation due to a petroleum tank rupture in 1998 that has affected its property, as well as the proposed disposition site and the site occupied by S & L Aerospace Metals. The speaker also noted that S & L Aerospace Metals is fully aware of these site remediation issues.

A second speaker from EDC explained the remediation steps that were required for site clean-up and identified the technologies that were being used. The speaker further explained that Cofire Paving was engaged in remediating below-grade level water contamination and that this work is proceeding very methodically.

The third speaker on behalf of the application was the Executive Vice President of S & L Aerospace Metals, LLC. He gave a brief history of his company's evolution from its origins as a bicycle parts manufacturer to its present focus on aircraft parts and its moving to its current site in College Point. The planned expansion of their facility to include part of Lot 1 would allow them to build a 24,000 square feet building. He noted the expansion would provide for 20 new,

high-skilled manufacturing positions in addition to the 84 current full-time workers.

The counsel to S & L Aerospace Metals testified about the firm's willingness to be flexible in their construction schedule to allow the site remediation work to be completed.

The last speaker on behalf of the application, a representative for NYC EDC, reiterated that site remediation was ongoing but that it may not have been readily observable to the community since most of the work was happening below grade. The NYC EDC representative noted that future monitoring reports between NYS Department of Environmental Conservation (DEC) and Cofire Paving would be shared with the community board.

There were no other 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 14-132. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

### **CONSIDERATION**

The Commission believes that this application for the disposition of city-owned property pursuant to zoning (C 150173 PPQ) is appropriate.

The Commission notes that the disposition will facilitate the expansion of a manufacturing facility in the Special College Point District and will create new employment opportunities for at least 20 skilled workers. The Commission further notes that the proposed expansion is consistent with the goals of the Special College Point District which are intended to maintain a

high quality business campus environment and attract the kind of industry that will allow the city to successfully compete with other manufacturing centers. S & L Aerospace Metals produces aircraft components which include landing gear for helicopters and assembly components. The Commission further notes that by acquiring the proposed disposition property and the adjacent site already owned by NYC EDC, S & L Aerospace Metals will be able to increase their floor space by 50 percent and expand their production capability.

The Commission acknowledges the concerns raised by the Queens Borough President and the Community Board with respect to previous environmental remediation plans related to the Cofire Paving plant and their affiliate RJR Realty Associates. While the remediation issues are beyond the scope of this application, the Commission is satisfied that those concerns are being addressed based on correspondence received on June 2, 2015 from the New York State Department of Environmental Conservation which states that “DEC believes that Cofire has been working in good faith to remediate the spill. The next step is to delineate and remediate impacted soil and groundwater. To this end, Cofire and DEC met on May 27, 2015 in order to finalize the details of a prospective work plan. The finalized work plan will be submitted to the Department for its review no later than the end of June 2015. The Department is continuing to work with Cofire to move the remediation process forward.”

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the proposed 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 Section 197-c of the New York City Charter that, based on the environmental determination and the consideration described in this report, for the disposition of one city-owned property located at 120-22 28<sup>th</sup> Avenue (Block

4317, p/o Lot 1) in the Special College Point District, pursuant to zoning in the Borough of Queens, Community District 7, proposed in an application submitted by the Department of Citywide Administrative Services, dated December 2, 2014, is approved.

The above resolution (C 150173 PPQ), duly adopted by the City Planning Commission on June 17, 2015 (Calendar No. 8), 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.

**CARL WEISBROD, Chairman**  
**KENNETH KNUCKLES, Esq., Vice Chairman**  
**RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,**  
**MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, CHERYL COHEN EFFRON,**  
**BOMEI JUNG, ANNA HAYES LEVIN, ORLANDO MARIN,**  
**LARISA ORTIZ, Commissioners**



# Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C150173PPQ**Project Name: **120-22 28th Avenue Disposition**

CEQR Number: 14DME013Q

Borough(s): Queens

Community District Number(s): 7

Please use the above application number on all correspondence concerning this application.

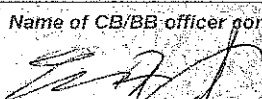
## SUBMISSION INSTRUCTIONS

- 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](mailto: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, Room 2E, 22 Reade Street, New York, NY 10007
  - FAX:** (212) 720-3356 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 the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one city-owned property located at 120-22 28<sup>th</sup> Avenue (Block 4317, p/o Lot 1) in the Special College Point District, pursuant to zoning.

SEE ATTACHED

<b>Applicant(s):</b> Department of Citywide Administrative Services One Centre Street, 20th Floor New York, NY 10007		<b>Applicant's Representative:</b> Robert Holbrook NYC Economic Development Corp. 110 William Street New York, NY 10038 212.312.3706	
<b>Recommendation submitted by:</b> Queens Community Board 7			
<b>Date of public hearing:</b> 4/13/2015		<b>Location:</b> Union Plaza Care Center 33-23 Union Street, Flushing, NY	
<b>Was a quorum present?</b> 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>	
<b>Date of Vote:</b> 4/13/2015		<b>Location:</b> SAME AS ABOVE	
<b>RECOMMENDATION</b>			
<input type="checkbox"/> Approve		<input type="checkbox"/> Approve With Modifications/Conditions	
<input checked="" type="checkbox"/> Disapprove		<input checked="" type="checkbox"/> Disapprove With Modifications/Conditions	
<b>Please attach any further explanation of the recommendation on additional sheets, as necessary.</b>			
<b>Voting</b>			
# In Favor: 33 # Against: 3 # Abstaining: 0 Total members appointed to the board:			
<b>Name of CB/BB officer completing this form</b> 		<b>Title</b> CHAIRPERSON	<b>Date</b> 4/14/2015



**TO:** Gene Keltz – Chair, CB#7 Q

**FROM:** Chuck Apelian – Vice Chair, CB#7Q

**RE:** Disposition City Owned Property -120-22 28<sup>th</sup> Avenue College Point NY  
S & L Aerospace Land Sale and Conveyance  
Block 4317 P/O Lot # 1 & P/O Lot #60

**DATE:** April 8, 2015

Our Committee met on March 19, 2015 and the attendance sheet is attached. This disposition is part of an RFP requested by EDC as a follow up to a land swap done in 2010 with Cofire Asphalt.

Cofire wrote a letter of commitment to CB#7 on June 18, 2010, which included the following promises:

- 1) Replace the existing asphalt plant with Gencor Green Machine Asphalt Mix System and Gencor Emissions Filtration System ("The new Asphalt Plant").
- 2) Construct and operate the New Asphalt Plant in compliance with NYSDEC and NYCDEP regulations and monitoring requirements
- 3) Remediate Block 4317 Lot 60 (the current Cofire Site) to industrial standards
- 4) To maintain our operations at the Site and abide by the sale or transfer restrictions for the Site as specified in our Contract with NYCEDC and which will be recorded with the Deed.

**None of these explicit stipulations were implemented.**

In fact, to further exasperate the issue, the original vote at Queens Borough Board for the 384-B4 conveyance was postponed moments before the vote as our Councilman came with evidence that Cofire was in a Bankruptcy proceeding. On July 12, 2010 Cofire supplied another letter of further explanation to our Board.

We cannot support broken deals, and we cannot approve a land sale of contaminated land that was supposed to be cleaned up five (5) years ago by Cofire. If Cofire has not installed new green technology equipment and remediated Lot #60 in five (5) years, what makes anyone think they will act responsibly within the next 5 months? If this ULURP is approved as presented, it is quite possible S & L could come back to the Board in the near future asking for help because the land they purchase is unbuildable because it is still contaminated.

The June 18, 2010 letter of agreement was the sole reason our Board approved the Cofire land deal and as per item #4 above, it was quite clear that these terms were to be recorded into the Deed transfer. **This did not occur.** We ask Corporation Consul to file an action against Cofire for breach of contract **and** against EDC for not recording these deal points in the Deed.

A follow-up meeting arranged by our State Elected Officials was held on March 27, 2015. Although the meeting was well attended by City officials, the meeting proved to be more of the same with no definitive answers.

I made the motion to table the March 19, 2015 Committee Meeting, which was seconded by Mark Schiffman and unanimously passed by the Committee. The Committee does not have a recommendation and the Board cannot table this due to the ULURLP clock. Therefore, I will make the recommendation to our full Board that we **DENY** the application for the above reasons.

At the full Board Meeting, I made the following Motion:

Community Board #7Q supports S & L in their quest to acquire Block 4317 P/O Lot # 1 & P/O Lot #60 in Queens; however, since Cofire wrote a letter of commitment to CB#7 on June 18, 2010, which included the following promises:

- 1) Replace the existing asphalt plant with Gencor Green Machine Asphalt Mix System and Gencor Emissions Filtration System ("The new Asphalt Plant").
- 2) Construct and operate the New Asphalt Plant in compliance with NYSDEC and NYCDEP regulations and monitoring requirements
- 3) Remediate Block 4317 Lot 60 (the current Cofire Site) to industrial standards
- 4) To maintain our operations at the Site and abide by the sale or transfer restrictions for the Site as specified in our Contract with NYCEDC and which will be recorded with the Deed.

And since *none* of these explicit stipulations were implemented by Cofire and since NYCEDC was irresponsible not to record these covenants as part of the Cofire Deed Restriction, we make the motion to **DISAPPROVE** this application.

The motion was seconded by Peter Kwiath, and the Board voted 33 to 3 to deny this ULURP application.

Respectfully submitted

Charles Apelian  
Committee Chair  
Land Use Chair  
Vice Chair – Community Board #7

# Queens Borough President Recommendation

APPLICATION: ULURP# C150173 PPQ

COMMUNITY BOARD: Q07

## DOCKET DESCRIPTION

**IN THE MATTER OF** an application submitted by the Department of City Wide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one city-owned property located at **120-22 28<sup>th</sup> Avenue**, block 4317, p/o Lot 1 in the Special College Point District, pursuant to zoning.

## PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on April 19, 2015 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 one (1) speaker in favor and one (1) speaker in opposition of 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 proposes disposition of a city owned property in the College Point Corporate Park to S&L Aerospace Metals (Bao Jia Holdings, LLC) to facilitate enlargement of their existing business located on an adjacent parcel;
- The subject property (Block 4317, northern part of Lot 1) proposed for disposition by this application is an approximately 18,750 sf of rectangular site owned by the City of New York. The site is currently occupied by a vacant one-story concrete building which would be demolished.;
- A contiguous property (Block 4317, northern part of Lot 60), already approved for disposition by the NYC Economic Development Corporation (EDC) in another unrelated ULURP action, would be made part of a parcel also to be sold to S&L Aerospace Metals for their proposed expansion. This site is currently developed with a vacant 9,265 sf warehouse.;
- Both properties (Block 4317, northern parts of Lots 1 and 60) were formerly owned and occupied by a business that moved to the southern portions of those lots in an exchange of properties under the jurisdiction of EDC. These properties are subject to environmental remediation of an oil spill under review and supervision by the New York State Department of Environmental Conservation (DEC) according to a Stipulation Agreement with the former occupant of those lots.;
- S&L Aerospace Metals is currently located on Block 4317, Lot 41 which is located directly west of Block 4317, Lots 1 and 60. S&L Aerospace Metals operates out of one-story and part two-story 45,891 sf building. S&L Aerospace Metals is a New York limited liability company that functions as a supplier of structural parts, components, assemblies for a various segments of the aerospace industry. S&L Aerospace Metals has operated in Queens for over fifty years. Their current operation employs 85 full-time workers. The proposed expansion would allow S&L Aerospace Metals to hire approximately twenty or more additional workers while allowing them to remain competitive within their industry and stay in New York City;
- The proposed expansion plan is to demolish the vacant building on Lot 1 for replacement with a new one-story 24,375 sf building and renovation of the existing warehouse on Lot 60. Both of those structures would be combined and connected to the existing S&L Aerospace Metals building on Lot 41 to produce a single facility. Thirty (30) parking spaces would be added to the existing fifty (50) parking spaces located on the southern part of Lot 41.;
- The areas to the west, south and east are located within the College Point Corporate Park and are developed with light industrial buildings, largely used for storage and distribution. The area north of the site is residential and predominantly developed with one- and two-family homes fronting 27<sup>th</sup> and 28<sup>th</sup> Avenues;
- In 2012, EDC issued an Industrial Sites Request for Proposals for the purchase or lease of industrial parcels in College Point Industrial Park. The intent of the RFP was to support retention and growth of industrial businesses. Pursuant to the RFP, Bao Jia Holding, LLC entered into a Contract for Sale dated November 19, 2013 with EDC for the purchase of the parcel (Block 4317, parts of Lots 1 and 60);

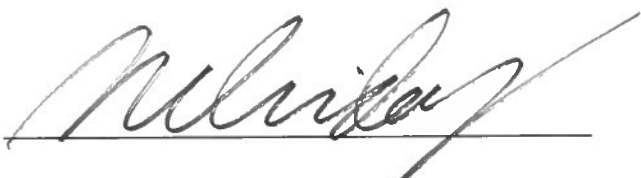
- Community Board 7 (CB 7) disapproved this application by a vote of thirty-three (33) in favor with three (3) against and none (0) abstaining at a community board public meeting held on April 13, 2015. CB 7 stated their support for S&L Aerospace Metal’s expansion because their operation is clean, quiet and they have been a good neighbor. The expansion would add good quality skilled jobs to the area. However, CB 7 disapproved the application because the environmental remediation of the northern parts of Lots 1 and 60 have not been properly completed by as promised during ULURP review that allowed the exchange of land with the previous occupant in 2010. At the time, the former occupant of the site wrote a letter to CB 7 dated July 12, 2010 in which they committed to remediate Block 4317 Lot 60 to industrial standards and to replace their equipment with newer, cleaner and greener system for their new asphalt plant. CB7 requested that EDC and DEC should pressure Cofire Paving Corp. to expedite fulfillment of these commitments. At the community board meeting, another letter from the former occupant dated April 13, 2015 was presented. In that letter, the former occupant stated that they have begun to purchase the new equipment and are anticipating to open the updated facility following installation in the 2<sup>nd</sup> quarter of 2016;
- At the Borough President’s Land Use Public Hearing, a representative from DEC stated that there will have to be reevaluation of current status and extent of the oil spill. The DEC representative stated that there are more areas that must be reviewed and considered for contamination. Following identification and determination of the extent of the contamination a Remedial Action Plan that includes additional remediation methods/processes would have to be approved by DEC. The affected Councilmember sent a statement that he does not support this application unless EDC, DEC and Cofire Paving Corp. give assurances that all necessary environmental remediation will be done;
- Going forward, if disposition of the city–owned property receives ULURP approval, the proposed terms of disposition are subject to Borough Board Approval pursuant to New York City Charter 384(b)(4).

RECOMMENDATION

I fully support and appreciate S&L Aerospace Metals efforts to continue their decades long history in Queens with an expansion which will have positive impacts in the neighborhood and create good quality jobs in the borough. However, the unresolved environmental remediation issues are extremely problematic. It is not clear if the additional remediation that will have to occur will hinder the future operations and expansion of S&L Aerospace Metals.

Based on the above consideration, I hereby recommend disapproval of this application unless the following conditions are met:

- A clear and definitive remediation plan must be outlined and approved by the NYS Department of Environmental Conservation;
- A clear and definitive schedule must be delineated for the start and completion of the necessary remediation work;
- There must be affirmation from S&L Aerospace Metals that the remediation plan and timetable to complete the required work are consistent with their planned expansion and construction;
- A clear and definitive timetable must be established for the installation and replacement of cleaner and more environmentally efficient equipment at the Cofire Paving Corp. facility.

  
PRESIDENT, BOROUGH OF QUEENS

  
DATE