



## **CITY PLANNING COMMISSION**

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May 6, 2009/Calendar No.13

C 090366 PCQ

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**IN THE MATTER OF** an application submitted by the Department of Transportation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of property located at 130-31 Northern Boulevard (Block 1791, Lots 52 and 68), for use as an asphalt plant, Borough of Queens, Community District 7.

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The application was filed by the Department of Transportation (DOT) and the Department of Citywide Administrative Services (DCAS) on March 25, 2009 for the acquisition of property located at 130-31 Northern Boulevard (Block 1791, Lots 52, 68, and 72), to facilitate the continued use as an asphalt plant by the City in Community District 7, Borough of Queens. The application was subsequently revised on April 10, 2009, reflecting DOT's intention to acquire only Lots 52 and 68.

### **BACKGROUND**

The Department of Transportation (DOT) and the Department of Citywide Administrative Services (DCAS) propose to acquire an existing, privately-owned asphalt plant. The 3.4-acre site is located at the northern end of the Willets Point peninsula in an M3-1 zoning district, and is bounded by the Flushing River to the east, Northern Boulevard to the south, the elevated Whitestone Expressway to the northwest, and a Van Wyck Expressway access ramp to the southwest.

The privately-owned plant has been in operation since 1981 and has provided DOT with about one-half of the plant's 250,000 tons approximate annual output of asphalt. This constitutes one-third of DOT's asphalt supply for Queens' operations. The proposed acquisition would ensure the plant's continued operation and the provision of a reliable and adequate source of paving material for DOT's Division of Roadway Repair and Maintenance for Queens.

The subject site is developed with three two-story metal buildings accommodating generators, maintenance facilities and a control tower, several one-story, buildings including a gate house and foam house, a bulk-headed dock, a variety of materials hoppers (open and enclosed), multiple silos, drum dryers and other equipment. The total floor area on the site is 14,300 square feet.

Currently, the facility employs 10 workers and usually hosts 10 heavy industrial vehicles. DOT intends to maintain the same physical plant and level of operations on-site in order to secure the asphalt supply,

and has no plans to expand production at the plant.

The site is isolated from nearby uses by the complex of elevated roadways and ramps of the Whitestone and Van Wyck expressways, Northern Boulevard and by the Flushing River. Neighboring areas beyond the highway network and the river are mostly zoned for industrial uses. DOT's Harper Street maintenance facility occupies the adjacent M3-1 district to the west and is directly accessible to the proposed site beneath the elevated ramp to the Whitestone Expressway's Flushing River Bridge. The Downtown Flushing and College Point waterfronts located eastward across the Flushing River are also heavily industrial areas zoned M3-1 along the Flushing River waterfront with M2-1 and M1-1 districts mapped further upland.

Southwest of the site, the area known as Willets Point is developed with a mix of automobile repair shops and industrial uses. Several land use applications including the creation of the Special Willets Point (zoning) District were approved by the City Council on November 18, 2008 to facilitate the City's comprehensive planning strategy aimed at transforming the area into a lively, mixed-use, sustainable community and regional destination. New development envisioned for the special district includes new retail and entertainment uses, offices, hotels, a convention center, up to 5,500 dwelling units, a new public school and a range of public open spaces.

A previous application (C 090111 PCQ) by DCAS and DOT for site selection and acquisition of the same property (including Block 1791, Lot 72) was approved by the City Planning Commission on February 4, 2009 (Calendar No. 17). The application was withdrawn on March 24, 2009 while pending consideration by the City Council, due to the inadvertent failure to provide the current property owner(s) with notice of hearings pursuant to the ULURP Rules.

## **ENVIRONMENTAL REVIEW**

The application (C 090366 PCQ) was reviewed pursuant to the New York State Environmental Quality Act (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 and Procedures of 1991 and Executive Order No. 91 of 1977. The lead agency is the NYC Department of Transportation. The designated CEQR number is 08DOT005Q.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on July 18, 2008.

## **UNIFORM LAND USE REVIEW**

This application (C 090366 PCQ) was certified as complete by the Department of City Planning on March 30, 2009, and was duly referred to 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**

Community Board 7 held a public hearing on this application (C 090366 PCQ) on April 13, 2009 and on that date, by a vote of 22 to 13 with no abstentions, adopted a resolution recommending approval of this application with the following condition:

It is strongly recommended that all other avenues of acquisition be considered before eminent domain is used. Also it is understood that DOT is no longer seeking to acquire Lot 72 in block 1791 and will acquire only Block 1791, Lots 52 and 68 as per attached letter from the Department of Transportation”

### **Borough President Recommendations**

This application (C 090366 PCQ) was considered by the Queens Borough President, who issued a recommendation approving the application on April 21, 2009 with the following conditions:

- At the end of the asphalt plant’s five year useful life, it must be replaced with a state-of-the-art facility using the most energy efficient technology and meet the cleanest emissions standards possible;
- The parcel of land under the jurisdiction of the Department of Parks and Recreation used by DOT as storage for the adjoining Harper Street Facility must be cleared and restored as an extension of the Flushing Bay Promenade.

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

On April 1, 2009 (Supplemental Calendar No. 1), the City Planning Commission scheduled April 22, 2009 for a public hearing on this application (C 090366 PCQ). The hearing was duly held on April 22, 2009 (Calendar No. 31). There was one speaker in favor of the application, one speaker with no position, and three speakers in opposition.

A representative from the Department of Transportation briefly described the application as modified, explaining that DOT was no longer interested in acquiring Lot 72.

A member of the Board of Trustees of Grace Asphalt stated she had no position on the application, but only wished to receive a fair payment for the city's acquisition of the property.

The three speakers in opposition were representatives of other local asphalt plants located in Queens. They believed that there was ample capacity for the existing privately-owned asphalt plants to meet the borough's needs and that the City should not be acquiring private businesses. They also questioned the City's cost analysis and the City's ability to operate an asphalt plant efficiently.

There were no other speakers and the hearing was closed.

#### **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

This application (C 090366 PCQ) was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, and 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 WRP#08-053.

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

#### **CONSIDERATION**

The City Planning Commission believes that this application by the Department of Transportation (DOT) and the Department of Citywide Administrative Services (DCAS) for the site selection and acquisition of property located at 130-31 Northern Boulevard (Block 1791, Lots 52 and 68) for use as an asphalt plant is appropriate.

The Commission recognizes that the purpose of the proposed acquisition is to ensure that DOT will continue to have an adequate source of paving material for the Borough of Queens.

The Commission further notes that the subject site is located in an M3-1 district, a zone that allows heavy industrial uses. The Commission believes that the waterfront location is particularly suitable because it provides for the transport of raw materials to the site by barge and has good access to the city's highway system. The Commission further acknowledges DOT's view that the site has locational advantages in that it would better provide for a cost effective delivery of materials and permit additional efficiencies associated with the closer integration of DOT's Harper Street Maintenance facility.

The Commission notes that in response to the Queens Borough President's conditions DOT has expressed its commitment to upgrading the plant's operations, as well as working with the Department of Parks and Recreation towards restoring the parcel of land adjacent to its Harper Street facility.

The Commission notes the views expressed by those speaking in opposition at the public hearing regarding cost efficiency, asphalt production capacity and public policy related to the method of acquisition of a private business, but believes that these issues are unrelated to the land use impacts and implications that are the subject of the ULURP process for site selection and acquisition.

The Commission further notes that a previous application (C 090111 PCQ) by DCAS and DOT for site selection and acquisition of the same property (including Block 1791, Lot 72) was approved by the City Planning Commission on February 4, 2009 (Calendar # 17). The application was withdrawn on March 24, 2009 while pending consideration by the City Council, due to the inadvertent failure to provide the current property owner(s) with notice of hearings pursuant to the ULURP Rules.

## **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**, that the City Planning Commission, pursuant to Sections 197-c of the New York City Charter that, based on the environmental determination and the consideration described in this report, the application of the NYC Department of Transportation and the Department of Citywide Administrative Services, as subsequently amended, for site selection and acquisition of property located at 130-31 Northern Boulevard (Block 1791, Lots 52 and 68), Community District 7, Borough of Queens, for use as an asphalt plant, is approved.

The above resolution (C 090366 PCQ), duly adopted by the City Planning Commission on May 6, 2009 (Calendar No. 13), 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, FAICP**, Chair

**KENNETH J. KNUCKLES, ESQ.**, VICE CHAIRMAN

**IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, AIA.,**

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**NATHAN LEVENTHAL, SHIRLEY A. MCRAE, JOHN MEROLO, KAREN A. PHILLIPS**, Commissioners