



## **CITY PLANNING COMMISSION**

June 17, 2009, Calendar No. 22

C 070429

MMQ

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**IN THE MATTER OF** an application submitted by the Department of Transportation pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of 70<sup>th</sup> Avenue between Sybilla Street and Ursula Place; and a portion of Ursula Place between 70<sup>th</sup> Avenue and 70<sup>th</sup> Road;

Community District 6, Borough of Queens, in accordance with Map No. 4998, dated December 15, 2008, and signed by the Borough President.

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The application (C 070429 MMQ) for an amendment to the City Map involving the elimination, discontinuance and closing of 70<sup>th</sup> Avenue between Sybilla Street and Ursula Place; and a portion of Ursula Place between 70<sup>th</sup> Avenue and 70<sup>th</sup> Road in the Glendale neighborhood of Queens was filed by the New York City Department of Transportation (“DOT”) on April 18, 2007, in order to facilitate a reconfiguration of the site-layout at its existing maintenance facility known as Glendale Yard.

### **BACKGROUND**

Both street segments proposed to be eliminated from the City Map are City-owned, and, although paved, are not improved as streets, and are not open to the public. Seventieth Avenue between Sybilla Street and Ursula Place is currently mapped to a width of 60 feet, and Ursula Place between 70<sup>th</sup> Avenue and 70<sup>th</sup> Road is currently mapped to a width of 45 feet. The street beds have been used since the early 1930’s as part of DOT’s maintenance facility known as Glendale Yard. The street-beds are occupied by an office trailer, fuel tanks and fuel dispensers, and a driveway and parking area for the two existing DOT maintenance units which occupy the lots abutting these street beds.

The two DOT maintenance units that comprise Glendale Yard are the Queens Street Maintenance

Unit (“Street Unit”) located east of 70<sup>th</sup> Avenue and north of Ursula Place; and the Facilities Maintenance Unit (“Facilities Unit”) to the west of 70<sup>th</sup> Avenue. The Facilities Unit houses various tradesmen including carpenters, electricians, plumbers, painters, and maintenance workers who are dispatched to different facilities every day. Their main building contains a carpentry shop and other rooms that are used for the storage of parts for all the trades. The Street Unit is responsible for milling, paving, and pothole repair operations. The Street Unit’s side of the yard is used to store large trucks, equipment, and materials needed to perform their operation on a daily basis. The yard also contains a gasoline & diesel station for fueling the DOT vehicles. Offices for the directors and supervisors of both units are also located in the yard. DOT’s fourfold plan is to relocate the Facilities Unit out of Glendale Yard, to raze the Street Unit’s old and structurally failing buildings to the east of 70<sup>th</sup> Avenue, to provide an improved parking and driveway area at the location of the razed buildings, and to house the displaced Street Unit’s personnel and equipment into the Facilities Unit’s vacated main building.

Located to the west of DOT’s facility, on Lot 800 in Block 3886, is the site of a new public school. Construction of the school is currently underway and its anticipated opening date is in 2010. The school’s secondary driveway entrance will be located at the southerly end of 70<sup>th</sup> Road where it currently dead-ends at a 30-foot-wide chain-link gate. Currently this gated entrance is used by DOT’s large vehicles for access to Glendale Yard. In order to allow the new school to have exclusive and secured access through this location at 70<sup>th</sup> Road, DOT will relocate its existing entrance to the northeasterly corner of the Yard along 70<sup>th</sup> Road near its intersection with Sybilla Street. Both Sybilla Street and 70<sup>th</sup> Road are mapped to widths of 60 feet and are open to two-way traffic.

The DOT-owned lots which comprise Glendale Yard, Lot 558 in Block 3886, and Lot 12 in Block 3897, are the only lots that abut the portion of 70<sup>th</sup> Avenue to be eliminated. Another DOT-owned parcel, lot 37 in Block 3897, whose sole street frontage is along 70<sup>th</sup> Road, is leased to the Forest Equine Center for use as a horse stable. A privately-owned parcel, Lot 1 in Block 3897, occupied by Lynn’s Riding School, abuts a portion of Ursula Place; however, its main access is via 70<sup>th</sup> Road along which its building fronts. DOT had given the riding school’s owner informal permission to

traverse DOT's property via DOT's gated entrance at Ursula Place in order to access the rear of the riding school's building for periodic horse waste removal. However, this portion of Ursula Place has been used as part of DOT's Yard and not as an open public street since the early 1930s, and the open area behind the riding school's building is DOT property. The riding school has no formal right-of-way agreement with DOT for the use of either the DOT-occupied Ursula Place or the DOT property behind the riding school's building.

Glendale Yard lies within an M1-1 zoning district. Other zoning districts nearby include an R3-2 to the east, and an R3A to the north. The land-use in these areas is generally low-density residential. The horse stable and riding school abut the easterly boundary of DOT's yard, and a private construction company abuts the westerly boundary. The Long Island Rail Road's Montauk line runs to the south of the site, and Forest Park is located to the southeast of the site.

An interagency mapping conference was held on June 8, 2007. No City agency had any objections to the proposal.

### **ENVIRONMENTAL REVIEW**

This application (C 070429 MMQ) 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 07DOT006Q. The lead agency is the New York City Department of Transportation.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on July 6, 2007.

### **UNIFORM LAND USE REVIEW**

This application (C 070429 MMQ), was certified as complete by the Department of City Planning on March 2, 2009, and was duly referred to Community Board 6 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 6 held a public hearing on this application (C 070429 MMQ) on April 7, 2009, and on that day, by a vote of 22 to 2 with 0 abstentions, adopted a resolution recommending approval of the application with the condition that:

Lynn's Riding School and the Forest Equine Center be granted access to their property using Ursula Place as they always have in the past.

### **Borough President Recommendation**

This application (C 070429 MMQ) was considered by the Borough President of Queens, who issued a recommendation approving the application on May 15, 2009.

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

On May 6, 2009 (Calendar No. 8), the City Planning Commission scheduled May 20, 2009 for a public hearing on this application (C 070429 MMQ). The hearing was duly held on May 20, 2009 (Calendar No. 27).

One speaker, a representative of DOT, appeared in favor, to present the application. There were no other speakers, and the hearing was closed.

### **CONSIDERATION**

The City Planning Commission believes that this amendment to the City Map is appropriate.

The proposed amendment to the City Map will facilitate the re-organization and re-configuration of DOT's Glendale Yard, which has been in place at this location since the early 1930s. Existing deteriorating buildings will be demolished allowing for an increase in the Yard's operational efficiency. The streets proposed to be eliminated are not improved or open to traffic and have been an integral part of this DOT facility for many decades. The facility's reconfiguration and re-organization

will recognize existing street conditions at this location and will further allow DOT to operate in a more efficient and effective manner by allowing for an improved internal traffic flow and vehicle parking configuration. Additionally, the proposed action will allow for a safe and secure secondary vehicular entrance at the south-east of the Glendale Yard for the public school currently under construction.

In response to concerns regarding the riding school's access to the rear of its building, in a letter dated June 4, 2009, DOT stated that:

DOT has offered the terms of, and intends to grant, an access permit through DOT property to the adjacent stable owner, Lynne's Riding School, through the yard's proposed new entrance on 70<sup>th</sup> Road as shown in the enclosed diagram for purposes of horse waste removal. It is DOT's understanding that all other activities of the riding school are carried out through 70<sup>th</sup> Road and the access permit is needed for horse waste removal only. This access permit, which would be revocable upon 25-days written notice, will provide access Monday through Friday from 7 am to 4 pm. Counsel for Lynne's Riding school has communicated to the Corporation Counsel's Office that the owner of the school agrees with the terms of the permit.

The Commission is pleased that, although DOT is not legally bound to provide access for the riding school through DOT's property, DOT is willing to accommodate the riding school by offering an "access permit", an improvement upon the existing informal arrangement between the two parties.

## **RESOLUTION**

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map and any related acquisition or disposition to be appropriate, adopts the following 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**, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code, that based

on the environmental determination and the consideration described in this report, the application (C 070429 MMQ) for the amendment to the City Map involving:

- the elimination, discontinuance and closing of 70<sup>th</sup> Avenue between Sybilla Street and Ursula Place; and a portion of Ursula Place between 70<sup>th</sup> Avenue and 70<sup>th</sup> Road;

Community District 6, Borough of Queens, in accordance with Map No. 4998, dated December 15, 2008, and signed by the Borough President, is approved; and be it further

**RESOLVED** that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

**RESOLVED** that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts the legally required number of counterparts of Map No. 4998, dated December 15, 2008, providing for the discontinuance and closing of 70<sup>th</sup> Avenue between Sybilla Street and Ursula Place; and a portion of Ursula Place between 70<sup>th</sup> Avenue and 70<sup>th</sup> Road, more particularly described as follows:

Beginning at a Point located at the intersection of the southerly line of Sybilla Street and the former easterly line of 70<sup>th</sup> Avenue, said Point being distant 200 feet westerly along the southerly line of Sybilla Street from its intersection with the westerly line of 70<sup>th</sup> Road, as said streets are shown on Map No. 4998 dated December 15, 2008;

1. Thence, running westerly 60 feet to a point at the intersection of the southerly line of Sybilla Street and the former westerly line of 70<sup>th</sup> Avenue, discontinued and closed;
2. Thence, running southerly 258.00 feet, along a line which forms an interior angle of 90 degrees with the previously-mentioned course, to a point at the intersection of the former westerly line of 70<sup>th</sup> Avenue, discontinued and closed, and the former southerly line of Ursula Place,

discontinued and closed;

3. Thence, running easterly 42.17 feet, along a line which forms an interior angle of 123 degrees, 30 minutes, and 30.21 seconds with the previously-mentioned course, to a point on the former southerly line of Ursula Place, discontinued and closed;

4. Thence, running easterly 170.43 feet, along a curve to the left having a radius of 1089.740 feet, and included angle of 8 degrees, 57 minutes and 22 seconds, to a point;

5. Thence, running northerly 45 feet, along a line which forms an interior angle of 90 degrees with the tangent to the previously-mentioned curve, to a point;

6. Thence, running westerly 163.31 feet, along a curve to the right having a radius of 1044.740 feet and included angle of 8 degrees, 57 minutes and 23.3 seconds, whose tangent to said curve forms an interior angle of 90 degrees with the previously-mentioned course, to a point at the intersection of the former northerly line of Ursula Place, discontinued and closed, and the former easterly line of 70<sup>th</sup> Avenue, discontinued and closed;

7. Thence, running northerly 243.76 feet along a line which forms an interior angle of 133 degrees, 8 minutes, and 15.4 seconds with the tangent to the previously-mentioned curve, to the Point of Beginning.

Said lands have an area of 23,508.6 square feet or 0.540 acres; and be it further

**RESOLVED** that, pursuant to subdivision 1a of Section 5-433 of the New York City Administrative Code, public utility facilities within the subsurface of the streets cited herein which are to be discontinued and closed by this action, may be maintained in place or relocated within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or portions of such subsurface, and the requirements of other

facilities located therein; and be it further

**RESOLVED** that, all such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 4998 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code;
- b. The subject street to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

The above resolution (C 070429 MMQ), duly adopted by the City Planning Commission on June 17, 2009 (Calendar No. 22), 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**  
**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.**  
**ANGELA R.CAVALUZZI, AIA, ALFRED C. CERULLO, III,**  
**BETTY Y. CHEN, MARIA M. DEL TORO,**  
**RICHARD W. EADDY, NATHAN LEVENTHAL,**  
**SHIRLEY A. McRAE, KAREN A. PHILLIPS, Commissioners**

**RAYANN BESSER, Commissioner, ABSTAINING**