



CITY PLANNING COMMISSION

August 10, 2005 | Calendar No. 14

C 050083 ZSQ

IN THE MATTER OF an application submitted by Comprehensive Care Management Corp., pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-921 of the Zoning Resolution to allow a non-profit institution without sleeping accommodations (Use Group 4A) within an existing one-story building and proposed partial second story enlargement located at 11-40 Seneca Avenue (Block 3568, Lot 60), in an M1-4D district, Borough of Queens, Community District 5.

The application for the special permit was filed by Comprehensive Care Management Corporation on September 2, 2004, for a special permit pursuant to Section 74-921, to allow a senior adult day/health facility (Use Group 4A) in an M1-4D district, Community District 5, Queens.

BACKGROUND

The site is zoned M1-4D and is located on a triangular-shaped lot, 12,500 square feet in size, bounded by Seneca Avenue on the east, Saint Felix Avenue on the south and the Long Island Railroad on the west and north. The site holds an existing single-story, 7,600 square-foot vacant building that was last used as a storage facility for sewing machine parts. The applicant is proposing the addition of a 2,430 square-foot partial second story to the existing building, which would result in a total floor area ratio of 0.82. The site will have seven accessory parking spaces.

The proposed senior adult day/health facility on Seneca Avenue is a Use Group 4A, and is not permitted in an M1-4D District except by special permit pursuant to Section 74-921. The facility would serve residents in the surrounding area. The participants in the program would be at least 55 years old, and would be medically eligible for skilled nursing facilities. Services that would

be provided would include social day/health care, home health care and medical services. No overnight residential services will be provided. The social day/health services would include recreational, occupational, physical and speech therapies, as well as nutritional lunches provided in the facility. The medical services would be designed to monitor the health of the participants who utilize the facility.

The surrounding neighborhood is divided by the Long Island Railroad tracks which run along the north and west sides of the property. North of the tracks, the area is zoned M1-4D and R5B and contains a mix of residential uses along with some industrial and manufacturing uses. South of the tracks, the area is zoned R5 and contains predominantly residential uses with some manufacturing uses. Public School 68 is located to the east of the site, across Seneca Avenue.

ENVIRONMENTAL REVIEW

This application (C 050083 ZSQ) 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 05DCP014Q. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Conditional Negative Declaration, signed by the applicant, was issued on March 28, 2005, stating the following:

1. To avoid the potential for impacts related to noise, the proposed action includes sound attenuation by the addition of double-glazed windows and an alternate means of ventilation through the provision of central air conditioning. With these design measures, the window/wall attenuation would be at least 45 dB(A). These mitigation measures will ensure that an interior level of 45 dB(A) will be maintained.

UNIFORM LAND USE REVIEW

This application (C 050083 ZSQ) was certified as complete by the Department of City Planning on March 28, 2005, and was duly referred to Community Board 5 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 5 held a public hearing on this application on April 13, 2005, and on May 11, 2005, by a vote of 31 to 7 with 1 abstention, adopted a resolution recommending approval of the application subject to the following conditions:

1. That this Special Permit be for a ten (10) year term, with renewal options.
2. That the applicant and business operator for this non-for-profit day health facility, stagger the times ambulettes arrive and depart this location so as to avoid the arrival and departure schedules of students at P.S. 68 which is located across the street at 59-09 Saint Felix Avenue.
3. That the HVAC Unit of this proposed health facility be located away from nearby residents, and that the HVAC system be baffled to reduce noise.
4. That street trees be planted along the street line of the property per Parks Department specifications.
5. That the Applicant/Not for Profit Operator sincerely attempt to secure additional off-street parking in the nearby area of this proposed senior adult day/health facility, since parking is at a premium in this area and plans are to only provide such parking for a relatively small number of planned staff at the 11-40 Seneca Avenue site.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on June 29, 2005, with the following conditions:

1. The HVAC unit of this facility should be located away from nearby residences, and properly baffled to reduce its noise impacts to the neighbors.
2. Street trees should be planted along the sidewalks around the property according to the Department of Parks and Recreation specifications.
3. If the staff parking becomes an issue, the applicant should provide a plan to accommodate the parking overflow.

City Planning Commission Public Hearing

On June 22, 2005 (Calendar No. 8), the City Planning Commission scheduled July 13, 2005 for a public hearing on this application (C 050083 ZSQ). The hearing was duly held on July 13, 2005 (Calendar No. 28). There were two speakers in favor of the application and no speakers in opposition.

A representative for the applicant described how participants in the program would arrive and depart from the facility. The applicant explained who participates in the program and how the program would operate within the proposed facility. There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the granting of this special permit (C 050083 ZSQ) is appropriate.

The Commission notes that the dominant land uses found east and south of the site are low-density, residential uses, with a school situated immediately to the east of the site. The Long Island Railroad tracks run along the north side of the site, separating the site from the rest of the M1-4D district. The Commission also acknowledges that the Long Island Railroad generates noise, and that the proposed facility would have window wall attenuation double glazing and central air conditioning to achieve a 45 dB(A).

The Commission is aware that the participants of the program would arrive and depart from the facility in ambulettes, and that these arrival and departure times would be staggered to avoid congestion. The Commission also acknowledges that vehicles driving to the facility can arrive from the north and the east, without the need to travel through local streets.

The Commission notes that the facility would have accessory parking for seven vehicles, including ambulettes, and that there is a 20 foot wide curb cut on Saint Felix Avenue and adequate space to allow drop-offs and pick-ups with minimum congestion.

The Commission acknowledges that the Halsey Street Station on the L subway line is three blocks from the proposed facility, and that the facility is served by six bus routes.

The Commission recognizes that the facility requires a large ground floor space to accommodate participants, many of whom would be ambulatory or mobility impaired, and that the zoning

districts that do allow a Use Group 4A within the area are not large enough to accommodate the facility.

The Commission recognizes that most of the surrounding uses are residential, with an elementary school immediately to the east of the site. The Commission notes that the proposed facility would provide services to area residents and that the facility would be allowed as-of-right in the residential district located across the street from the site.

The Commission acknowledges that Community Board 5 requested that the applicant and business operator for this non-for-profit day health facility, stagger the times ambulettes arrive and depart this location so as to avoid the arrival and departure schedules of students at P.S. 68 which is located across the street at 59-09 Saint Felix Avenue. The Commission notes this concern was addressed at its public hearing when the applicant stated his intention to stagger arrival and departure times for this facility.

Community Board 5 also requested that this special permit be for a ten (10) year term with renewal options; however, the Commission does not believe a time limit is appropriate as adequate controls for special permits already exist.

Both the community board and the Borough President recommended that the HVAC unit of this proposed health facility be located away from nearby residents, and that the HVAC system be baffled to reduce noise. The Commission notes that the site plan of the facility shows the placement of the HVAC units on the roof of the building, away from residents. The applicant has also stated that the HVAC units will be baffled to reduce noise.

The Commission agrees with the community board and the Borough President that street trees be planted along the street line of the property according to Department of Parks and Recreation specifications and notes that the site plan of the facility shows street trees would be placed along St. Felix and Seneca avenues.

The community board and the Borough President recommended that the applicant/not-for-profit operator sincerely attempt to secure additional off-street parking in the nearby area of this proposed senior adult day/health facility, should parking overflow become an issue. The Commission acknowledges the concern, and understands that the applicant completed an on-street parking study in the area that found there to be sufficient on-street parking within one-quarter mile of the facility, south of the LIRR tracks.

FINDINGS

The City Planning Commission hereby makes the findings pursuant to Section 74-921 of the Zoning Resolution:

1. an adequate separation from noise, traffic and other adverse effects of the surrounding non-residential districts is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along lot lines of the zoning lot; and
2. such facility is so located as to draw a minimum of vehicular traffic to and through local streets and that such use will not produce traffic congestion or other adverse effects that interfere with the appropriate use of land in the district or in any adjacent district; and
3. where applicable, adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent congestion; and
4. in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities; and

5. for a Use Group 4A use, within the neighborhood primarily to be served by the community facility, there is no practical possibility of obtaining a site of adequate size located in a district where it is permitted as-of-right because appropriate sites in such districts are occupied by substantial improvements; and
6. such facility will not impair the essential character of the surrounding area.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment subject to the following condition:

1. To avoid the potential for impacts related to noise, the proposed action includes sound attenuation by the addition of double-glazed windows and an alternate means of ventilation through the provision of central air conditioning. With these design measures, the window/wall attenuation would be at least 45 dB(A). These mitigation measures will ensure that an interior level of 45 dB(A) will be maintained; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 201 of the New York Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by the Comprehensive Care Management Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-921 of the Zoning Resolution to allow a non-profit institution without sleeping accommodations (Use Group 4A) within an existing one-story building and proposed partial second story enlargement located at 11-40 Seneca Avenue (Block 3568, Lot 60), in an M1-4D district, Borough of Queens, Community District 5, is approved, subject to the following conditions:

- 1) The property that is the subject of this application (C 050083 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 Rolf Karl, Architect, P.C., filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A1	Site Plan	03/17/05

- 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) The development shall conform to all conditions, modifications and alterations set forth in the conditional negative declaration (CEQR No. 05DCP014Q) dated March 28, 2005, issued pursuant to the New York State and New York City Environmental Quality Review. These conditions, modifications and alterations are as follows:
 1. To avoid the potential for impacts related to noise, the proposed action includes sound attenuation by the addition of double-glazed windows and an alternate means of ventilation through the provision of central air conditioning. With these design measures, the window/wall attenuation would be at least 45 dB(A). These

mitigation measures will ensure that an interior level of 45 dB(A) will be maintained.

- 5) 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.
- 6) 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 and the attached restrictive declaration 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.
- 7) 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 (C 050083 ZSQ), duly adopted by the City Planning Commission on August 10, 2005 (Calendar No. 14), 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, AICP, Chair

KENNETH J. KNUCKLES, Esq., Vice Chair

IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,

ALFRED C. CERULLO, III, RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ,

CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS,

Commissioners

Community/Borough Board
Recommendation

Page 1 of 2

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 050083 ~~EMQ~~ ZSQ

CEQR # 05DCP014Q

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Comprehensive Care Management Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-921 of the Zoning Resolution to allow a non-profit institution without sleeping accommodations (Use Group 4A) within an existing 1-story building and proposed partial second story enlargement located at 11-40 Seneca Avenue (Block 3568, Lot 60), in an M1-4D District, Borough of Queens, Community District 5.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, NY, 10007.

COMMUNITY BOARD NO. 5

BOROUGH Queens

BOROUGH BOARD _____

DATE OF PUBLIC HEARING Wed., April 13, 2005

LOCATION 62-10 Myrtle Avenue
Glendale, NY 11385

WAS QUORUM PRESENT? YES NO

(A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE Wed., May 11, 2005

LOCATION 62-10 Myrtle Avenue
Glendale, NY 11385

RECOMMENDATION

APPROVE APPROVE WITH MODIFICATIONS/CONDITIONS
 DISAPPROVE DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

Community Board 5, Queens recommends approval of this Application to allow a senior adult day/health facility at 11-40 Seneca Avenue in Ridgewood, Queens with the following conditions:

- That this Special Permit be for a ten (10) year term, with renewal options.
- That the applicant and business operator, for this not-for-profit day health facility, stagger the times ambulettes arrive and depart this location so as to avoid the arrival and departure schedules of students at P.S. 68 which is located across the street at 59-09 Saint Felix Avenue.
- That the HVAC Unit of this proposed health facility be located away from nearby residents, and that the HVAC system be baffled to reduce noise.
- That street trees be planted along the street line of the property per Parks Dept. specifications. (cont'd on Page 2)

VOTING

IN FAVOR 31 AGAINST 7 ABSTAINING -1-

TOTAL MEMBERS APPOINTED TO BOARD 49

Nery Giordano - Gary Giordano
COMMUNITY/BOROUGH BOARD OFFICER

May 27, 2005

District Manager
TITLE

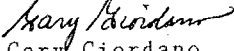
DATE

Community Board 5, Queens
RECOMMENDATION RE: APPLICATION # C050083ZSQ
for Property at 11-40 Seneca Avenue
in Ridgewood, Queens, NY

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (continued)

- That the Applicant/Not For Profit Operator sincerely attempt to secure additional off-street-parking in the nearby area of this proposed senior adult day/health facility, since parking is at a premium in this area and plans are to only provide such parking for a relatively small number of planned staff at the 11-40 Seneca Avenue site.

Sincerely,



Gary Giordano
District Manager
Community Board 5, Queens

Queens Borough President Recommendation

APPLICATION: ULURP # C050083 ZSQ

COMMUNITY BOARD: 05

DOCKET DESCRIPTION

IN THE MATTER of an application submitted by Kramer Levin Naftalis & Frankel LLP on behalf of Comprehensive Care Management Corp. c/o Beth Abraham Family of Health Service, Inc., pursuant to Section 74-921 of the NYC Zoning Resolution, for a special permit to allow a senior adult day health facility without sleeping accommodation (U.G.4A) within an existing one-story building in an M1-4D district located at **11-40 Seneca Avenue**, Block 3568, Lot 60, Zoning Map 13d, Ridgewood, Borough of Queens.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on June 2, 2005, 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 no other speakers. The hearing was closed.

CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The applicant is requesting a special permit to allow a non-profit institution operating a senior adult day health facility without sleeping accommodation (U.G.4A) within an existing one-story building in an M1-4D district;
- The site is an approximately 12,500 sf triangular full block parcel. The property is currently developed with a 7,600 sf one-story vacant building. The building was most recently used for storage of sewing machine parts;
- The applicant proposed to develop a senior adult day health facility in the existing building which would be enlarged by constructing a 2,430 sf partial second story. The partial second story would be used for staff and program offices. There would be seven off-street parking spaces utilizing the existing curb cut on Saint Felix Avenue. Parking is not required for a non-profit institution without sleeping accommodations in this district. The remainder of the lot would be landscaped and there would be a patio adjacent to the building;
- The maximum number of daily participants at the facility would be seventy-five (75). The hours of operation would be 8:30 am to 5:00 pm, 7 days per week. There would be approximately 55 employees and 9 nurses for home care services who would travel daily from the facility to the homes of participants. Participants would arrive and depart the facility at staggered times in ambulettes arriving between 8:30 am and 11:00 am and departing between 2:20 pm and 4:30 pm. There is a "L" line subway station located three blocks from the facility. The area is also serviced by six (6) bus routes as well;
- The property is bounded by the Long Island Railroad on the west and north, Seneca Avenue on the east and Saint Felix Avenue on the south. Across Saint Felix Avenue from the parcel, the block consists of mostly one- and two-story detached residences. Public school No. 68 is located to the east across Seneca Avenue;
- The proposed facility would serve Queens residents in the surrounding area. It would provide a range of services to frail seniors including social/health (i.e. recreational, occupational, physical and speech therapies and meal services), home health care and medical services;

continued...

QUEENS BOROUGH PRESIDENT RECOMMENDATION

ULURP #C 050083 ZSQ

Page Two

- o Community Board 5 approved this application with conditions by a vote of thirty-one (31) in favor, seven (7) against and one (1) abstaining at a public hearing held on May 13, 2005. The conditions of the approval were: this special permit be for a ten (10) year term with renewal options; the applicant and business operator for this not-for-profit day health facility, stagger the times ambulettes arrive and depart this location so as to avoid the arrival and departure schedules of students at PS 68 which is located across the street at 59-09 Saint Felix Avenue; the HVAC unit of this proposed health facility be located away from nearby residents, and the HVAC system be baffled to reduce noise; street trees be planted along the street line of the property per Parks Department specifications; and the applicant/not-for-profit operator sincerely attempt to secure additional off-street parking in the nearby area of this proposed senior adult day health facility, since parking is at a premium in this area and plans are to only provide such parking for a relatively small number of planned staff at the 11-40 Seneca Avenue site.

RECOMMENDATION

Based on the above consideration, I hereby recommend this application with the following conditions:

- The HVAC unit of this facility should be located away from nearby residences, and properly baffled to reduce its noise impacts to the neighbors;
- Street trees should be planted along the sidewalks around the property according to the Department of Parks and Recreation specifications;
- If the staff parking becomes an issue, the applicant should provide a plan to accommodate the parking overflow.


PRESIDENT, BOROUGH OF QUEENS


DATE