



## **CITY PLANNING COMMISSION**

December 15, 2010/Calendar No. 10

N 880710(A) MMQ

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**IN THE MATTER OF** a resolution adopted by the City Planning Commission on September 11, 1989 (Calendar No. 5) approving an application (C 880710 MMQ) for an amendment to the City Map involving, inter alia, the delineation of a street easement at the dead-end of 82<sup>nd</sup> Street north of 57<sup>th</sup> Avenue in Community District 4, Borough of Queens, in accordance with Map No. 4851, dated September 26, 1988, revised on March 8, 1989 and November 22, 2010, and signed by the Borough President.

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**WHEREAS**, at its meeting on September 11, 1989 (Calendar No. 5) in order to facilitate an as-of-right private residential development, the City Planning Commission (the “Commission”) adopted a resolution approving an application (C 880710 MMQ) for an amendment to the City Map, involving, inter alia, the elimination, discontinuance and closing of a portion of 82<sup>nd</sup> Street between 57<sup>th</sup> Avenue and 54<sup>th</sup> Avenue, and the delineation of a street easement, in accordance with Map No. 4851, dated September 26, 1988, revised on March 8, 1989 and signed by the Borough President of Queens; and

**WHEREAS**, at its meeting on October 26, 1989 (Calendar No. 38), the Board of Estimate also approved the application (C 880710 MMQ) for an amendment to the City Map; and

**WHEREAS**, said street easement was delineated on Map No. 4851 for the purpose of providing a vehicle turn-around area as required by the Department of Transportation (“DOT”) and the Fire Department (“FDNY”); and

**WHEREAS**, subsequent to the Board of Estimate’s approval the original applicant abandoned its plans for a residential development and sold its properties which abut the subject portion of 82<sup>nd</sup> Street; and

**WHEREAS**, a Mapping Agreement, as required pursuant to the original approval (C 880710 MMQ), was never executed between the City and the original applicant, and the approved map was never filed and effectuated; and

**WHEREAS**, Mourtil Developers of Forest Hills, Inc., the new owner of the properties abutting the subject portion of 82<sup>nd</sup> Street, filed an application [N 880710(A) MMQ] on November 29, 2010 to modify the said street easement, in order to better accommodate an as-of-right residential development different from that proposed by the original applicant; and

**WHEREAS**, FDNY and DOT issued letters on June 14, 2010 and November 16, 2010, respectively, stating that, having reviewed plans for the proposed modification of the street easement, they have no objections thereto; and

**WHEREAS**, the Borough President of Queens has reviewed and submitted to the Department of

City Planning a revised Map No. 4851, revised on November 22, 2010 (“Revised Map”) which reflects the subject street easement’s modification; and

**WHEREAS**, the City Planning Commission may adopt a resolution approving the Revised Map without review pursuant to the Uniform Land Use Review Procedure (ULURP), since it relates to a modification of an easement, which is shown on the map for informational purposes only and is not part of the official City Map; and

**WHEREAS**, the Revised Map will have no new or different effects on the environment beyond those considered in the original application (CEQR No. 81-093Q) which was the subject of a Conditional Negative Declaration issued on May 19, 1982. As described in a Technical Memorandum dated November 23, 2010 and filed with this application [N 880710(A) MMQ], the modification does not alter the conclusions of the previous environmental review, and the Conditional Negative Declaration remains valid.

**NOW THEREFORE**, the Commission adopts the following resolution:

**RESOLVED**, by the City Planning Commission, based on the considerations described in this report, the Revised Map is hereby approved; and be it further

**RESOLVED**, that for the purpose of aforesaid Mapping Agreement, as required pursuant to the original approval (C 880710 MMQ), the applicant, in all respects, shall be Mourtill Developers of Forest Hills, Inc.; and be it further

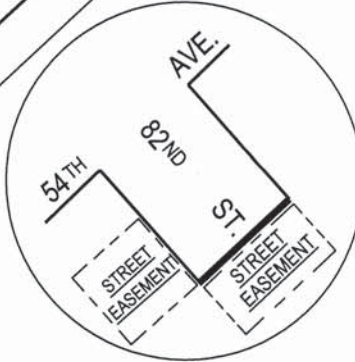
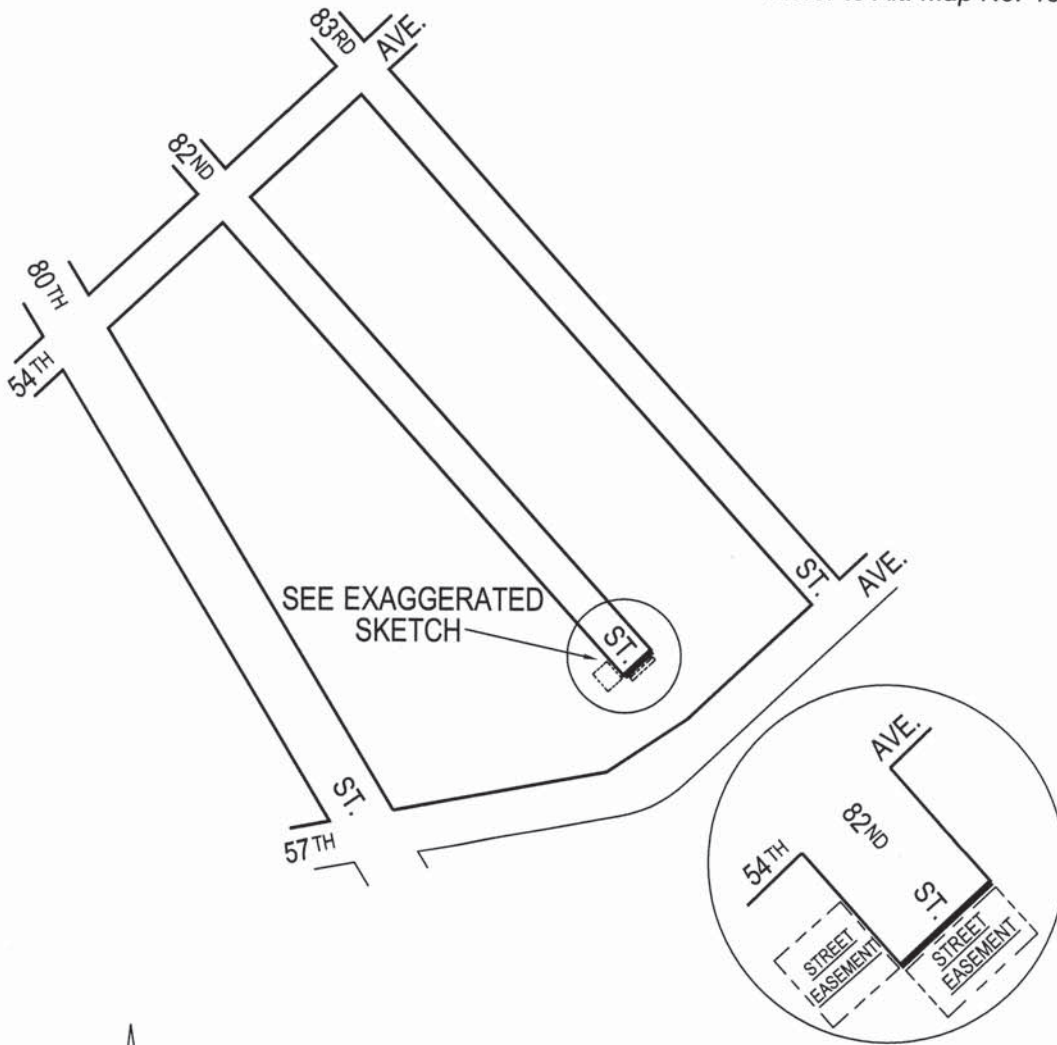
**RESOLVED** that, all such approvals are subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 4851 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 streets 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.
- c. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition “a” above until the applicant shall have executed a Mapping Agreement protecting the City's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission. If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission; and
- d. The Mapping Agreement shall include, but not necessarily be limited to, the following conditions related to the design of the proposed buildings:

1. The windows shall be double-glazed and shall have a minimum attenuation of 35 decibels; and
2. There shall be an alternative means of ventilation.

The above resolution [N 880710(A) MMQ], duly adopted by the City Planning Commission on December 15, 2010 (Calendar No. 10)

**AMANDA M. BURDEN, *FAICP*, Chair**  
**KENNETH J. KNUCKLES, *Esq.*, Vice Chairman**  
**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, *P.E.*,**  
**ALFRED C. CERULLO, *III*, BETTY Y. CHEN, MARIA M. DEL TORO,**  
**RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,**  
**KAREN A. PHILLIPS, Commissioners**



**EXAGGERATED SKETCH**  
(NOT TO SCALE)



CITY PLANNING COMMISSION  
CITY OF NEW YORK  
DIAGRAM SHOWING PROPOSED  
**MAP CHANGE**  
ON SECTIONAL MAP  
**13c**  
BOROUGH OF  
**QUEENS**

New York  
DECEMBER 15, 2010

*I. Sadko*  
I. Sadko, P.E.  
Chief Engineer



- NOTE:
- Indicates line of street legally adopted.
  - Indicates line of street proposed to be established.
  - - - Indicates easement line hereby delineated.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.