



December 5, 2018 / Calendar No. 14

C 170492 ZMQ

IN THE MATTER OF an application submitted by Cohancy Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 18b, by establishing within an existing R3X District a C2-2 District bounded by Cohancy Street, a line 190 feet northerly of North Conduit Avenue, the northeasterly boundary of a Railroad Right-Of-Way (N.Y.C.T.A Rockaway Beach Division), and North Conduit Avenue, Borough of Queens, Community District 10, as shown on a diagram (for illustrative purposes only) dated August 20, 2018, and subject to the conditions of CEQR Declaration E-493.

This application (C 170492 ZMQ) for a zoning map amendment was filed by Cohancy Realty LLC on May 19, 2017 to establish a C2-2 commercial overlay zoning district within an existing R3X district on a portion of one block at the northeast corner of North Conduit Avenue and Cohancy Street in the Ozone Park neighborhood of Queens, Community District 10. The proposed action would enable the applicant to request a Board of Standards and Appeals (BSA) special permit, which would in turn facilitate the development of an auto service automotive service station and convenience store within the project area.

BACKGROUND

The applicant, Cohancy Realty LLC, proposes a zoning map amendment to establish a C2-2 commercial overlay over all or portions of eight lots within an existing R3X district on the north side of North Conduit Avenue, between Cohancy Street and the New York City Transit (NYCT) right-of-way in Ozone Park. The rezoning area consists of approximately 57,315 square feet of lot area and has approximately 385 feet of frontage on North Conduit Avenue. It includes the development site (Block 11562, Lots 106, 111, 113, and 119) and the adjacent NYCT right-of-way (Block 11562, Lot 100 and portions of Lots 1, 5, and 206).

The site's historical uses included an automotive service station since the early 1930s. On October 28, 1952, the BSA granted a variance to permit the reconstruction and enlargement of the service station. The service station use continued until the 1990s, and the site has remained vacant since that time.

The project area was zoned R4 upon the establishment of the Zoning Resolution (ZR) in 1961. On December 10, 2013, the property was rezoned from R4 to R3X as part of the Department of City Planning's Ozone Park Rezoning (C 140079 ZMQ), a 530-block comprehensive rezoning intended to prevent out-of-character development on area side streets while directing new residential and mixed-use development to locations along the area's main commercial corridors and near mass transit resources. The project area is located in one of two areas to the east and west of Aqueduct Racetrack that were rezoned to R3X to reinforce the area's predominant character of one- and two-family detached residential buildings.

The development site is adjacent to the elevated train tracks of the New York City Transit "A" Train to the east and north. The entrance to the Aqueduct-North Conduit Avenue subway station is located immediately east of the site along North Conduit Avenue. On the eastern side of the train tracks is the Aqueduct Racetrack and Casino, a large commercial entertainment complex with surface parking lots, located within a C8-1 zoning district. Directly north of the development site is a commercial contractor yard. West of the site, across Cohancy Street, there are some vacant properties as well as newly constructed one- and two-family detached residential buildings.

North Conduit Avenue is a service road that runs parallel to the Belt Parkway, a major east-west limited access highway that connects Brooklyn and Queens to Long Island. The development site is approximately 209 feet from its southern lot line to the northern right-of-way of the Belt Parkway.

The proposed zoning map amendment would establish a C2-2 commercial overlay district within the R3X district located along North Conduit Avenue. The C2-2 district

allows local retail in low- to medium density areas, while the existing R3X district allows one- and two-family detached homes with a maximum building height of 35 feet. The proposed zoning map amendment would enable the applicant to pursue a BSA special permit pursuant to ZR Section 73-211 to allow an automotive service station.

These proposed actions would facilitate the development of a new automotive service station containing eight fuel pumps under a canopy area on the southern portion of the development site. The site would also be developed with a one-story convenience store, of approximately 3,990 square feet, on the northern portion of the development site. The building and canopy would rise to a height of 18 feet. Thirteen accessory parking spaces would be provided. Four 30-foot-wide curb cuts would be provided, two along North Conduit Avenue and two along Cohancy Street.

ENVIRONMENTAL REVIEW

This application (C 170492 ZMQ) 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 18DCP017Q. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on August 17, 2018. This Negative Declaration was prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

UNIFORM LAND USE REVIEW

This application (C 170492 ZMQ) was certified as complete by the Department of City Planning on August 20, 2018 and duly referred to Queens Community Board 10 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 10 held a public hearing on this application (C 170492 ZMQ) on September 6, 2018 and on that date, by a vote of 28 in favor, with none opposed and no abstentions, recommended approval of the application with the following conditions:

“ Both the Land Use Committee and full Board voted in favor of CPC granting a zoning map amendment to rezone the premises and four additional properties as described in the CPC Application # 170492 ZMQ. The zoning map amendment will rezone the property from R3X to a R3X/C2-2 Overlay. This zoning map amendment will facilitate the future development of the rezoning property for an Automotive Service Station with 8 fuel pumps under a canopy and a one story Convenience Store as presented in the drawings/renderings to both the Land Use Committee and Full Board. This R3X/C2-2 rezoning would also permit a Use Group 6 Hotel transient occupancy. Therefore this rezoning can impose a future non-desirable development of the property if the proposed development for the Automotive Service Station and Convenience Store does not work out, they out of business and/or the property is sold.

Therefore the condition for approval by CB #10 is that the submitted revised ‘Restrictive Declaration’ as prepared by the applicant’s attorney be executed and filed prior to CPC acting upon Application # 170492 ZMQ. This declaration will declare that the premise shall not be developed/permitted with a Use Group #5 hotel transient use. Also that no modification, amendment or termination to the declaration can be executed without prior review/written consent by CB #10 and that all the covenants in the document shall run with the land and be binding upon all heirs, legal representatives, successors and assigns.

Also requested and noted in the declaration is that the document be recorded in the City Register's Office of the City of New York against the premises title and that the registered filing # (CRFN#) is to appear on all temporary and final Certificate of Occupancy for the proposed Automobile Service Station and Convenience Store."

Borough President Recommendation

The Queens Borough President held a public hearing on the application (C 170492 ZMQ) on October 4, 2018, and on October 15, 2018 issued a recommendation to approve the application with the following condition:

"The applicant as agreed executes and files the restrictive declaration with Community Board 10 as the party-in-interest prohibiting any hotel development in the applicant's property."

City Planning Commission Public Hearing

On October 17, 2018 (Calendar No. 4), the Commission scheduled October 31, 2018 for a public hearing on this application (C 170492 ZMQ). The hearing was duly held on October 31, 2018 (Calendar No. 28). The applicant team, consisting of three speakers, testified in favor of the application.

The applicant's representative provided a summary of the requested action and described the site. He described the signage plan, which shows a free-standing sign on the corner of North Conduit and Cohancy Street and branding signage of 11 square feet on the overhead canopy.

The applicant prepared a separate restrictive declaration in response to the concerns and comments by the Community Board, however it is not part of the action before the Commission.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 170492 ZMQ) is appropriate.

The proposed C2-2 overlay rezoning will allow the applicant to seek a BSA special permit (ZR73-211) to facilitate the development of an automotive service station and a single-story convenience store containing approximately 57,315 square feet of floor area on Block 11562, Lots 106, 111, 113, and 119, located along North Conduit Avenue in the Ozone Park neighborhood of Queens.

Establishing a C2-2 overlay district at the intersection of North Conduit Avenue and Cohancy Street is appropriate along this part of North Conduit Avenue, a heavily traveled service road to Belt Parkway.

The proposed C2-2 overlay district will serve as a transition between the C8-1 district to the east developed with the Aqueduct Racetrack and Casino and the low-density residential district to the west.

The Commission acknowledges the recommendation of Queens Community Board 10 and Queens Borough President that a restrictive declaration be filed with the City Register's Office of the City of New York declaring a transient hotel not be permitted on the property. The Commission notes that while the applicant's representatives described this document at the public hearing, it is not within the scope of the requested action or a condition of this approval.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on August 17, 2018 with respect to this application (CEQR No. 18DCP017Q), the City Planning Commission finds that the action described herein will have no significant impact on the quality of the environment; and be it further

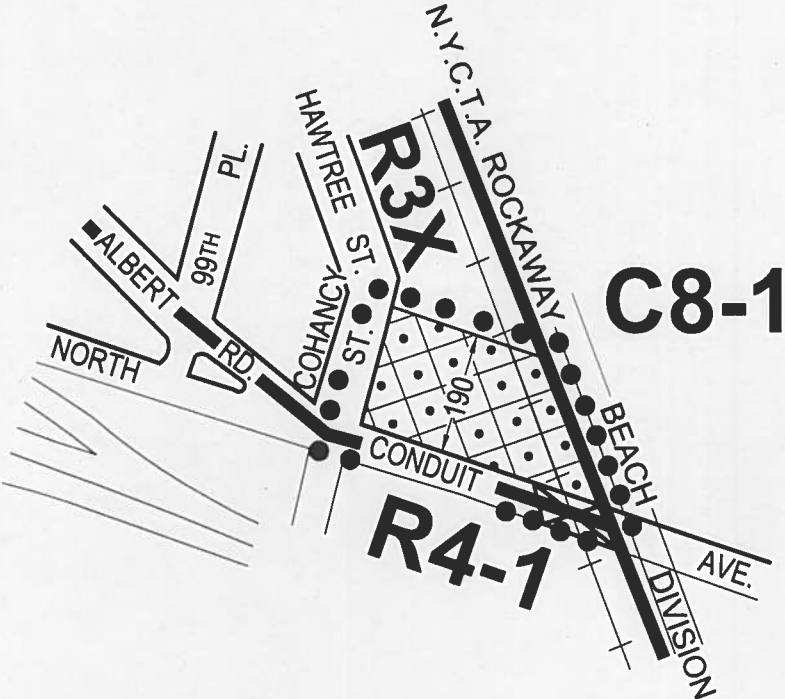
RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby amended by changing the Zoning Map, Section No. 18b, establishing within an existing R3X District a C2-2 District bounded by Cohancy Street, a line 190 feet northerly of North Conduit Avenue, the northeasterly boundary of a Railroad Right-Of-Way (N.Y.C.T.A Rockaway Beach Division), and North Conduit Avenue, Borough of Queens, Community District 10, as shown on a diagram (for illustrative purposes only) dated August 20, 2018, and subject to the conditions of CEQR Declaration E-493.

The above resolution (C 170492 ZMQ), duly adopted by the City Planning Commission on December 5, 2018 (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.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, Esq., *Vice-Chairman*

**ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III, MICHELLE de la UZ,
JOSEPH I. DOUEK, RICHARD W. EADDY, CHERYL COHEN EFFRON,
HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ,
RAJ RAMPERSHAD** *Commissioners*



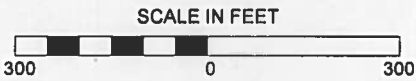
C8-1



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP
18b
BOROUGH OF
BROOKLYN

[Signature]
S. Lenard, Director
Technical Review Division

New York, Certification Date
AUGUST 20, 2018



- NOTE:
- Indicates Zoning District Boundary.
 - The area enclosed by the dotted line is proposed to be rezoned by establishing a C2-2 District in an existing R3X District.
 - Indicates a C2-2 District.

Community/Borough Board Recommendation
Pursuant to the Uniform Land Use Review Procedure

Application #: **C 170492 ZMQ**

Project Name: **100-03 North Conduit Avenue Rezoning**

CEQR Number: 18DCP017Q

Borough(s): Queens

Community District Number(s): 10

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 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, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 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 Cohancy Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 18b, establishing within an existing R3X District a C2-2 District bounded by Cohancy Street, a line 190 feet northerly of North Conduit Avenue, the northeasterly boundary of a Railroad Right-Of-Way (N.Y.C.T.A Rockaway Beach Division), and North Conduit Avenue, Borough of Queens, Community District 10, as shown on a diagram (for illustrative purposes only) dated August 20, 2018, and subject to the conditions of CEQR Declaration E-493.

Recommendation/Conditions attached

Applicant(s): Cohancy Realty LLC 40 Cutter Mill Road Great Neck, NY 11021	Applicant's Representative: Eric Palatnik Eric Palatnik P.C. 32 Broadway, Suite 114 New York, NY 10004		
Recommendation submitted by: Queens Community Board 10			
Date of public hearing: September 6, 2018 Location: 135-45 Lefferts Blvd., South Ozone Park, NY			
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.			
Date of Vote: September 6, 2018 Location: 135-45 Lefferts Blvd, S. Ozone Park, NY			
RECOMMENDATION <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove </div> <div> <input checked="" type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove With Modifications/Conditions </div> </div> <p>Please attach any further explanation of the recommendation on additional sheets, as necessary.</p>			
Voting # In Favor: 28 # Against: 0 # Abstaining: 0 Total members appointed to the board: 41			
Name of CB/BB officer completing this form Elizabeth Braton	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Title Chairperson</td> <td style="width: 50%;">Date 9/17/18</td> </tr> </table>	Title Chairperson	Date 9/17/18
Title Chairperson	Date 9/17/18		

CB #10 recommendation is for approval with conditions as follows:

- 1). Both the Land Use Committee and full Board voted in favor of CPC granting a zoning map amendment to rezone the premises and four additional properties as described in CPC Application # 170492 ZMQ. The zoning map amendment will rezone the property from a R3X to a R3X / C2-2 Overlay. This zoning map amendment will facilitate the future development of the rezoned property for a Automotive Service Station with 8 fuel pumps under a canopy and a one story Convenience Store as presented in drawings/renderings to both the Land Use Committee and full Board. This R3X / C2-2 rezoning would also permit a Use Group 5 Hotel transient occupancy. Therefore this rezoning can impose a future non-desirable development of the property if the proposed development for the Automobile Service Station and Convenience Store does not work out, they go out of business and/or the property is sold.
- 2). Therefore the condition for approval by CB # 10 is that the submitted revised "Restrictive Declaration " as prepared by the applicants Attorney be executed and filed prior to CPC acting upon Application # 17042 ZMQ.

This Declaration will declare that the premise shall not be develop/permited with a Use Group #5 Hotel transient use .Also that no modification, amendment or termination to the Declaration can be executed without prior review/written consent by CB# 10 and that all the covenants in the document shall run with the land and be binding upon all heirs, legal representatives, successors and assigns.
- 3). Also requested and noted in the Declaration is that the document is to be recorded in the City Register's Office of the City of New York against the premises title and that the Registered filing #(CRFN#) is to appear on all temporary and final Certificate of Occupancy for the proposed Automobile Service Station and Convenience Store.

Queens Borough President Recommendation

APPLICATION: ULURP #170492 ZMQ

COMMUNITY BOARD: Q10

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Eric Palatnik P.C. on behalf of Cohancy Realty LLC, pursuant to Sections 197-c and 201 of the NYC Charter for an amendment of the Zoning Map, Section 18b, establishing within an existing R3X District a C2-2 District bounded by Cohancy Street, a line 190 feet northerly of North Conduit Avenue, the northeasterly boundary of a Railroad Right-of-Way (NYCTA Rockaway Beach Division) and North Conduit Avenue, Borough of Queens, Community District 10, as shown on a diagram (for illustrative purposes only) dated August 20, 2018, and subject to the conditions of CEQR Declaration E-493

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, October 4, 2018 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 proposing to map a C2-2 overlay onto an existing R3X district. The area to be rezoned includes the applicant's property and a portion of the adjacent rail right-of-way. The affected properties would be Block 11562 Lots 100, 106, 111, 113, p/o 19, p/o 1, p/o 5, p/o 206.;
- The applicant is proposing the mapping of the C2-2 overlay to qualify their property for a Board and Standards of Appeals special permit that would allow development of an automotive service station and convenience store. The proposed automotive service station would house a canopied gasoline pump island with eight pumps and a 3900 sf convenience store;
- The development site is located on North Conduit Avenue which is the (westbound) service road for the Belt Parkway. It is also bounded on the east by the embankment for the NYCTA A train right-of-way. The Belt Parkway and the subway right-of-way separates the site from the areas to the east and south. The areas to the west and north of the site are generally developed with low-density, low-rise housing. The site has a history of automotive uses dating back to the 1930's up to 1990. Some structures remain on the site and has been unoccupied since;
- Community Board 10 (CB 10) conditionally approved this application by a vote of twenty-eight (28) in favor with none (0) opposed or abstaining at a public hearing held on September 6, 2018. CB 10's condition: while CB 10 is supportive of the applicant's proposed automotive service station with gasoline sales they are also concerned that the C2-2 overlay allows potential as-of-right hotel development on the property. CB 10 wants the applicant to execute a restrictive declaration prohibiting future development of the site as a Use Group 5 transient hotel and identifies CB 10 as a party-in-interest prior to the City Planning Commission's public hearing/action on this application. Any revisions of the restrictive declaration must require CB 10's review and written consent. The restrictive declaration should be filed with the City Register and noted on the title, as well on all temporary and final Certificates of Occupancy for the proposed automotive service station and convenience store.
- The applicant has indicated their agreement and intent to execute the restrictive declaration as stipulated by CB 10.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval of this application on the condition that the applicant as agreed executes and files the restrictive declaration with Community Board 10 as the party-in-interest prohibiting any hotel development on the applicant's property.



PRESIDENT, BOROUGH OF QUEENS

10/15/18
DATE