



CITY PLANNING COMMISSION

February 24, 2010 / Calendar No. 11

N 100124 ZRQ

IN THE MATTER OF an application submitted by Skanska USA Civil Northeast Inc. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article XII, Special Purpose Districts, Chapter 6 (Special College Point District), relating to Section 126-233 (b) (Special provisions along district boundaries), Borough of Queens, Community District 7.

The application for an amendment of the Zoning Resolution was filed by Skanska USA Civil Northeast Inc. on October 20, 2009 to modify the requirements of the Special College Point District for planted areas along the boundaries of the special district.

BACKGROUND

In July, 2009, the City Council approved two applications (C090319 ZMQ and N090318 ZRQ) relating to the College Point Corporate Park which is generally bounded by 15th Avenue to the north, the Whitestone Expressway to the east, Flushing Bay to the south and 130th Street to the west in College Point, Queens Community District 7. The applications include the rezoning of the corporate park and establishment of a new Special College Point District (CPSD) that would maintain land use, parking, yards, landscaping and signage regulations originally specified in the College Point II Industrial Urban Renewal Plan that expired April 24, 2009.

During public review of the CPSD, the need for a follow-up corrective text amendment was identified to clarify the requirements of Section 126-233 (b) (Special provisions along district boundaries) of the CPSD text as applied to two lots within the corporate park. Paragraph (b) of Section 126-233 requires 60-foot planted buffer areas within the CPSD manufacturing districts when developments in such districts are adjacent to zoning lots in surrounding residential districts. The buffer areas for two lots within the College Point Corporate Park (Block 4148, Lot 65 and Block 4273, Lot 40) are located partially within an abutting residential zoning district and are not adjacent to a mapped streets. These buffer areas were provided under the provisions of the original College Point II Industrial Urban Renewal Plan. The existing CPSD text would require the buffer to be reconfigured in the event of future

development or enlargement so that the entire 60-foot buffer is within the bounds of CPSD manufacturing districts.

Skanska USA is the owner of Block 4148, Lot 65 which is located along 15th Avenue at the Whitestone Expressway. The property is zoned M1-1 and developed with a three-story office building. A 60-foot buffer area runs along the north side of the Skanska property. Adjacent to Skanska to the north, the area is zoned R2A and occupied by a community facility. In June, 2008 Skanska purchased a 30-foot wide portion of demapped 15th Avenue between 143rd Street and the Whitestone Expressway (Block 4148, Lot 50) to satisfy setback requirements for a proposed enlargement to the existing building. Skanska entered into a deed restriction to use the area as a buffer and to maintain it. Subsequent property surveys indicated that a portion of the buffer area, approximately 25 feet wide, was located in the residential zoning district and, under the current provisions of Section 126-233(b), could not be applied toward the 60-foot buffer required for any future enlargement on Lot 65.

Further review by the Department of City Planning of all areas in the CPSD affected by the 60-foot buffer requirement determined a similar condition existed with Block 4273, Lot 40 in the vicinity of 25th Avenue and 127th Street. This lot is occupied by a warehouse and office buildings and is zoned M2-1. The existing buffer area for Lot 40 straddles the M2-1 manufacturing zone and abutting R2A and R4-1 residential districts.

The proposed zoning text amendment will allow portions of the required 60-foot planted buffer area to be located outside the manufacturing districts only when the buffer area is not adjacent to a street, provided that the open area within the abutting residential district is subject to a recorded restrictive declaration providing for the establishment and maintenance of that portion of the buffer.

ENVIRONMENTAL REVIEW

This application (N 100124 ZRQ) 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

New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 09DME007Q. The lead is the Office of the Deputy Mayor for Economic Development.

After a study of the potential environmental impact of the proposed action (N 100124 ZRQ), a revised Negative Declaration was issued on September 30, 2009.

PUBLIC REVIEW

This application (N 100124 ZRQ) was duly referred on November 30, 2009 to Queens Community Board 7 and the Borough President for information and review in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 7 issued a letter on January 21, 2010, recommending approval of the application with the following condition:

...we will only approve if the wording is changed to read:

“Where the manufacturing district is adjacent to a residential district, that is not abutting a road or a front yard), then the 60’ buffer can include a portion of the residential district, as long as 25’ is still minimally provided within the Manufacturing District”. (sic)

Borough President Recommendation

This application (N 100124 ZRQ) was considered by the Queens Borough President who issued a recommendation approving the application on January 25, 2010 with the following comments:

The proposed text change for that section should be consistent with the language and legal requirements of the entire NYC Zoning Resolution.

City Planning Commission Public Hearing

On January 6, 2010 (Calendar No. 6), the City Planning Commission scheduled January 27, 2010, for a public hearing on this application (N 100124 ZRQ). The hearing was duly held on January 27, 2010 (Calendar No. 16). There was one speaker in favor of the application and no speakers in opposition.

A representative of Skanska USA Civil Northeast Inc. described the intent of the proposed zoning text amendment and how Paragraph (b) of Section 126-233 of the approved CPSD, as currently written, could affect his client's property by having to increase its buffer an additional 30 feet, in effect creating a 90-foot buffer area. He explained that the existing 60-foot buffer adjacent to Skanska's development straddles a zoning boundary between manufacturing and residential districts and runs along the centerline of a demapped street. The representative also testified that the area is deed restricted and that one other lot in the Corporate Park would be similarly affected by the existing CPSD text.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

The application (N 100124 ZRQ) was previously reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, 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 09-007. This action was determined to be consistent with the policies of the New York City Waterfront.

CONSIDERATION

The Commission believes that this application for an amendment to the Zoning Resolution (N 100124 ZRQ) is appropriate.

The Commission notes the proposed zoning text amendment addresses and corrects an unintended consequence of Section 126-233(b) of the College Point Special District (CPSD) zoning text adopted in July, 2009. The proposed text amendment would allow a portion of the required 60-foot planted buffer to be located within the abutting residential district only if the buffer area is not adjacent to a street and is subject to a recorded restrictive declaration

providing for the establishment and maintenance of that portion of the buffer outside the CPSD manufacturing district.

The Commission acknowledges that the open space provisions of the CPSD were intended to add to the aesthetic quality of the College Point Corporate Park, improve storm water management and ensure that business uses in the CPSD would have minimal effects on adjacent residential blocks in College Point. The Commission also acknowledges that without the proposed zoning text amendment, the CPSD would have the unintended consequence of requiring two properties (Block 4148, Lot 65 and Block 4273, Lot 40) to provide unfairly burdensome buffer areas if they enlarged or redeveloped their properties.

The Commission recognizes that the original intent of the CPSD was not to increase the size of buffer areas within the College Point Corporate Park but to continue the open space provisions in the original CPURA. The Commission also notes that the existing buffer separating the applicant's property from an abutting R2A district was established in accordance with the original College Point II Industrial Urban Renewal Plan and is subject to a deed restriction establishing the buffer area with a maintenance agreement.

The Commission believes the modification to the proposed zoning text amendment submitted by Community Board 7 is unnecessary. The proposed text amendment, as referred, is consistent with language used throughout the Zoning Resolution.

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, by the City Planning Commission, pursuant to Section 200 of the New

York City Charter, and based on the environmental determination set forth in the modified Notice of Minor Modification dated October 27, 2005, and the 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 further amended as follows:

Matter in underline is new, to be added;
Matter in strikethrough is old, to be deleted;
Matter within # # is defined in Section 12-10 (DEFINITIONS)
* * * indicates where unchanged text appears in the Resolution

Article XII - Special Purpose Districts

Chapter 6 Special College Point District

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126-20 SPECIAL BULK REGULATIONS

* * *

126-23 Modification of Yard Regulations

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126-233 Special provisions along district boundaries

The following regulations shall supplement the provisions of Section 43-30 (Special Provisions Applying along District Boundaries).

- (a) Sections 43-301 (Required yards along district boundary coincident with side lot line of zoning lot in an R1, R2, R3, R4 or R5 District) and 43-303 (Required yards along district boundary coincident with side lot line of zoning lot in a Manufacturing District) shall be modified so that an open area not higher than #curb level# and at least 20 feet wide shall be provided within the #Manufacturing District# on any #zoning lot# which is within 25 feet of a #residence district#.
- (b) Within the areas depicted on the Special College Point District Map as 60-foot buffer areas, an open area not higher than #curb level# shall be provided within the #Manufacturing District# as follows:

- (1) ~~and at least 60 feet wide, or where such open buffer area is adjacent to a #street#, a #front yard# not higher than #curb level# at least 60 feet in depth, shall be provided within the #Manufacturing District#.~~
- (2) where such buffer area is not adjacent to a #street#, an open area at least 60 feet wide shall be provided along the boundary of the #Manufacturing District#. Such open area may be reduced to a width of not less than 25 feet where there is an open area in an adjacent #Residence District# so that, in combination with the open area within the #Manufacturing District#, there is an open area totaling at least 60 feet in width. The open area in the #Residence District# shall be subject to a restrictive declaration requiring that such area be maintained pursuant to the standards of this Section, in a form approved by the New York City Department of Buildings, and subsequently recorded in the Office of the City Register of the City of New York against all tax lots comprising such restricted open area. Proof of recordation of the restrictive declaration in a form acceptable to the New York City Department of Buildings shall be submitted.

All §such open areas shall not be used for #accessory# off-street parking, #accessory# off-street loading, or for storage or processing of any kind.

- (c) All open areas required pursuant to this Section and Section 43-30 shall be planted, except at entrances to and exits from the #building# and except for access driveways to #accessory# parking and loading areas. In addition, except within #front yards#, there shall be a planting strip at least four feet wide, along the portion of the #lot line# adjoining the #Residence District#, complying with the provisions applicable to Section 126-136 (Screening of storage), provided that paragraph (b) of Section 126-136 shall not be a permitted form of screening.

* * *

The above resolution (N 100124 ZRQ), duly adopted by the City Planning Commission on February 24, 2010 (Calendar No. 11), 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, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, ANNA HAYES LEVIN, SHIRLEY A. McRAE,
KAREN A. PHILLIPS, Commissioners



Community Board 7

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Chairperson

Marilyn Bitterman
District Manager

January 21, 2010

Hon. Amanda Burden
Commissioner
City Planning Commission
22 Reade Street
New York, N.Y. 10007

DEPARTMENT OF CITY PLANNING

JAN 21 2010

QUEENS OFFICE

RE: Special College Point District
Corrective Action – N100124ZRQ

Dear Commissioner Burden:

The above captioned application has been reviewed by Community Board #7, and we would like to submit the following comments:

As per the text modifications (126-233) item #2 (sheet attached and highlighted) we will only approve if the wording is changed to read:

“Where the manufacturing district is adjacent to a residential district, (that is not abutting a road or a front yard), then the 60’ buffer can include a portion of the residential district, as long as 25’ is still minimally provided within the Manufacturing District”.

In addition, the board is looking forward to a meeting with John Young, Councilman Halloran, and our land use chairperson in order to have further discussions relative to this corrective action.

Sincerely,

Eugene T. Kelty, Jr.,
Chairperson

c.c. Councilman Halloran
John Young – Qns City Planning Office
Liz Errico – Queens City Planning
Irving Poy – Office of the Borough President
Charles Apelian – Land Use Co-Chairperson
Adam Rothkrug

Queens Borough President Recommendation

APPLICATION: ULURP# N100124 ZRQ

COMMUNITY BOARD: Q07

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Rothkrug Rothkrug & Spector LLP on behalf of Skanska USA Civil Northeast Inc., pursuant to Section 201 of the NYC Zoning Resolution, to amend Section 126-233 as a follow up corrective action affecting certain properties along district boundaries within the College Point Special District generally bounded by 15th Avenue, Whitestone Expressway, Flushing Bay and 130th Street, Zoning Maps 10a & 7b, Borough of Queens.

PUBLIC HEARING

The hearing was waived.

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:

- o The applicant filed this application to revise Section 126-233 of the College Point Special District regarding provision and maintenance of open space, landscaping and buffers in the College Point Corporate Park. The proposed text amendment would allow consideration of adjoining properties for the purposes of fulfilling open space and buffering requirements if supported by a restrictive declaration specifying and confirming availability of the adjoining property for that purpose.;
- o The College Point Special District was adopted in April 2009 to maintain and reinforce the campus environment of the College Point Corporate Park into the future following expiration of the College Point Corporate Park Urban Renewal Plan in April 2009.
- o As adopted, the text of that section would have an unintended effect of making compliance difficult for two properties within the College Point Special District (Block 4148, Lot 65 and Block 4273, Lot 40). These properties are at the edge of the corporate park where manufacturing districts abut residential districts outside of the corporate park. The configuration of the affected lots would make development on these properties and provision of the required buffer and open space difficult as currently required by the zoning text.;
- o Community Board 7 (CB 7) conditionally approved this application by a letter dated January 21, 2010. The CB 7 condition of approval recommends some alternate text as a clarification for Section 126-233.

RECOMMENDATION

The proposed text change for that section should be consistent with the language and legal requirements of the entire NYC Zoning Resolution. Based on the above consideration, I hereby recommend approval of this application.


PRESIDENT, BOROUGH OF QUEENS

1/25/2010
DATE