



CITY PLANNING COMMISSION

September 5, 2012 / Calendar No. 15

C 120138 ZMQ

IN THE MATTER OF an application submitted by Frank Marando Landscape Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7b, by changing from an R4A District to an M1-1 District property bounded by 11th Avenue, 131st Street, a line 200 feet southerly of 11th Avenue, and a line midway between 130th Street and 131st Street, Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated June 4, 2012.

The application for an amendment of the Zoning Map was filed by Frank Marando Landscape, Inc. on December 16, 2011 to change a portion of a block from an R4A District to an M1-1 District to allow continued operation of a landscaping business (Use Group 17C) in College Point, Queens, Community District 7.

BACKGROUND

The applicant, Frank Marando Landscape, Inc. proposes a Zoning Map amendment to change, from an R4A District to an M1-1 District, property bounded by 11th Avenue, 131st Street, a line 200 feet southerly of 11th Avenue, and a line midway between 130th Street and 131st Street. Currently, the west side of 131st Street for a distance of 200 feet south of 11th Avenue is zoned R4A. The remainder of this block front and the entire east side of the street between 11th and 14th Avenues is zoned M1-1.

The existing R4A District was established on September 28, 2005 as part of the Department of City Planning's comprehensive rezoning of the College Point neighborhood (C 050482 ZMQ). Prior to the 2005 rezoning the entire western side of 131st Street between 11th and 14th Avenues was zoned M1-1. The applicant's landscaping business was established in 1994 at 11-08 131st Street (Block 4010, Lots 41, 43) as a conforming use (Use Group 17C) in the M1-1 District. The applicant purchased an adjoining residential property (Block 4010, Lot 44) to be used for business offices in 2004, but did not complete the office conversion until after the College Point rezoning was adopted. Consequently, the Department of Buildings issued an ECB violation for the non-conforming use of the property. The applicant is seeking the proposed M1-1 zoning

change to legalize the currently use of Lot 44 and to reflect the predominantly non-residential character of this portion of the block.

The rezoning area is comprised of lots 39, 41, 43, 44, 46 and a small part of 58. The applicant owns four of the lots within the proposed M1-1 rezoning area (Lots 41, 43, 44 and 46) which include a masonry garage structure used for storing landscaping materials, a two-story, former residential building used as a business office, and a vacant, irregular lot used for open storage. The remaining properties in the rezoning area are not owned by the applicant and include a minor portion of Lot 58 which contains a 20,000 square-foot, one-story, light industrial building, and a two-story, residential building on Lot 39. In a letter dated February 22, 2012 and addressed to the Chair of the City Planning Commission, the owner of Lot 39 stated that he had no objection to including his property in the rezoning.

In the surrounding area, lots further to the south along 131st Street are zoned M1-1 that are comprised of a two-story, two-family residential building, a two-story, light industrial building with a ground floor garage with a heating and air conditioning fabricating firm on the second floor, and an automobile service station on the corner of 14th Avenue. Properties east and south of the proposed rezoning area across 131st Street include a commercial physical culture and recreational facility sited at the 11th Avenue intersection and a wood working firm and other light industrial uses located in one- and two-story buildings. Lots immediately to the west of the proposed rezoning area are within the R4A District and are developed with detached and semi-detached residences. North of the rezoning area and 11th Avenue are Powell's Cove Park and Powell's Cove, a small inlet on the East River. East of the park and north of 11th Avenue is an R3-2 District developed with attached residences.

The existing R4A District permits residential and community facility uses listed within Use Groups 1, 2, 3, and 4. A lower density, contextual zone, the district allows one- or two-family, detached residential development at a maximum floor area ratio (FAR) of 0.9. Building bulk regulations set a maximum perimeter wall height at 21 feet, with a maximum building height of 35 feet.

M1-1 zoning allows Use Groups 4 through 14, 16 and 17, including a range of light industrial uses which conform to high performance standards. Typical light industrial uses found in M1-1 districts include manufacturing establishments for food, metal, and wood products. The maximum FAR for commercial and light industrial uses is 1.0. A limited number of community facility uses are allowed in M1-1 districts, with a maximum FAR of 2.4. Maximum building height is determined by a sky exposure plane, which begins at a height of 30 feet above the street line. Off-street parking requirements vary with the use. Residential uses are not permitted.

ENVIRONMENTAL REVIEW

This application (C 120138 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 12DCP083Q. The lead agency is the Department of City Planning.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on June 4, 2012.

Uniform Land Use Review

This application (C 120138 ZMQ) was certified as complete by the Department of City Planning on June 4, 2012, and was duly referred to Community Board 7 and the 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 7 held a public hearing on this application on June 11, 2012, and on that date, by a vote of 38 to 0 with 0 abstentions, adopted a resolution recommending approval of the following application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on July 10, 2012.

City Planning Commission Public Hearing

On July 25, 2012 (Calendar No. 5), the City Planning Commission scheduled August 8, 2012 for a public hearing on the application (C 120138 ZMQ). The hearing was duly held on August 8, 2012 (Calendar No.19). There was one speaker in favor of the application.

The speaker, a community leader, spoke in support of the applicant's presence in the community as a good neighbor. There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this application (C 120138 ZMQ) for an amendment of the Zoning Map is appropriate.

The Commission notes that four of the lots within the M1-1 rezoning area are owned by the applicant, who has operated a landscaping business on 131st Street in College Point since 1994. The Commission also notes that the two other properties affected by the M1-1 rezoning include a small portion of a site containing a 20,000 square-foot, one-story, light industrial building and a two-story, residential building, whose owner supports this zoning change.

The Commission believes that the M1-1 zoning change will facilitate the legalization of the conversion of a former residence to office use begun by the applicant in 2004, but completed after the property's zoning was changed to R4A as part of the 2005 College Point rezoning. The Commission is pleased that the current zoning change will support the operations of a growing local business, which was described as a good neighbor in testimony at the Commission's hearing. The Commission believes that this rezoning also solidifies the M1-1 zoning consistency for the section of 131st Street between 11th and 14th Avenues which contains mostly commercial and light industrial businesses to the south and east of the rezoning area.

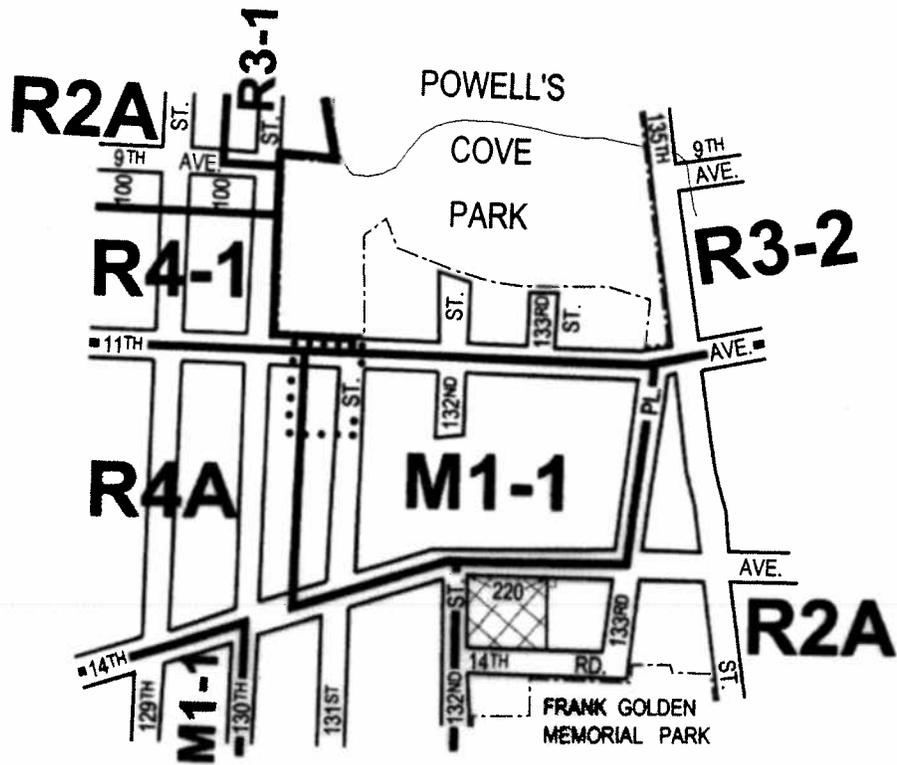
RESOLUTION

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 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 further amended by changing the Zoning Map, Section No. 7b, by changing from an R4A District to an M1-1 District property bounded by 11th Avenue, 131st Street, a line 200 feet southerly of 11th Avenue, and a line midway between 130th Street and 131st Street, Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated June 4, 2012.

The above resolution (C 120138 ZMQ), duly adopted by the City Planning Commission on September 5, 2012 (Calendar No. 15), 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*
RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,
BETTY Y. CHEN, MICHELLE R. DE LA UZ, MARIA M. DEL TORO,
RICHARD W. EADDY, ANNA HAYES LEVIN, ORLANDO MARIN,
SHIRLEY A. McRAE, *Commissioners*



CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE

ON SECTIONAL MAP

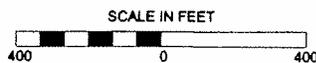
7b

BOROUGH OF
QUEENS

Irene Sadko

I. Sadko, P.E. Deputy Director
 Technical Review Division

New York, Certification Date
 JUNE 04, 2012



- NOTE:
- Indicates Zoning District Boundary.
 - The area enclosed by the dotted line is proposed to be rezoned by changing an R4A District to an M1-1 District.
 - Indicates a C1-2 District.

Queens Borough President Recommendation

APPLICATION: ULURP #C120138 ZMQ

COMMUNITY BOARD: Q07

DOCKET DESCRIPTION

IN THE MATTER of an application submitted by Akerman Senterfitt, LLP on behalf of Frank Marando Landscape, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7b, by changing from an R4A district to an M1-1 district property bounded by 11th Avenue, 131st Street, a line 200 feet southerly of 11th Avenue, and a line midway between 130th Street and 131st Street, Block 4010, Lots 39, 41, 43, 44, 46 and part of 58, Zoning Map 7b, College Point, Borough of Queens.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on June 28, 2012 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

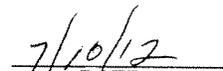
Subsequent to review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The applicant is requesting to change the zoning map from an R4A district to an M1-1 District to legalize and allow continued use of an existing 2-story residential building for business offices and operation of a landscaping business;
- The applicant is proposing to use the site for the continued operation and expansion of a landscaping business. Due to the success of the business, space is needed for office use which will be provided by the conversion of the formerly residential building on Lot 44 to offices. The applicant also intends to purchase Lot 39 and redevelop it for open storage for the business. M1-1 districts allow light manufacturing uses including occupancy with "agriculture, including greenhouses, nurseries or truck gardens" as proposed by the applicant. The zoning change will make the site conforming in use and will allow for expansion of the activity on the site;
- Since 1994, the applicant has owned and operated the landscaping business that currently occupies a portion of the proposed rezoning area. A masonry garage structure on lots 41 and 43 is used to store landscaping materials. A two-story residential building on Lot 44 is used as a business office by the applicant. Lot 46, a small trapezoid shaped lot owned by the applicant is currently vacant. A large, one-story industrial building of approximately 20,000 sf of floor area in Lot 58 is occupied by the Edgewater Machine Company;
- The applicant purchased the property in 2004 when it was zoned M1-1 with the intention of operating the landscaping business on it. The zoning designation changed from an M1-1 district to an R4A district in 2005 as part of College Point Rezoning;
- The immediate surrounding area is developed with a mix of industrial uses and residential uses. In the wider area, to the east of the rezoning area on the west side of 131st Street, there are commercial and industrial uses including a 4 1/2-story physical culture establishment and some residential buildings. To the north of the rezoning area is Powell's Cove Park. To the north and northwest of the rezoning area is almost exclusively residential except for one block with a large school (PS129) and an athletic facility;
- Community Board 7 approved this application by a vote of thirty-eight (38) in favor with none (0) against and none (0) abstaining at a public hearing held on June 11, 2012.

RECOMMENDATION

Based upon the above consideration, I hereby recommend approval of this application.


PRESIDENT, BOROUGH OF QUEENS


DATE