



CITY PLANNING COMMISSION

July 9, 2007/Calendar No. 2

N 070346 ZAQ

IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services for the grant of an authorization pursuant to Section 62-722 of the Zoning Resolution to modify the requirements of Section 62-42 (REQUIREMENTS FOR VISUAL CORRIDORS) to facilitate the development of a destratification facility located at 157-41 Cross Bay Boulevard (Block 14152, Lot 104), Community District 10, Borough of Queens.

WHEREAS, the City Planning Commission has received an application (N 070346 ZAQ) dated February 13, 2007, revised February 23, 2007, from the Department of Environmental Protection (DEP) and the Department of Citywide Administrative Services (DCAS) requesting an authorization pursuant to Section 62-722 of the Zoning Resolution to modify the requirements of Section 62-42 (REQUIREMENTS FOR VISUAL CORRIDORS) to facilitate the development of a destratification facility located at 157-41 Cross Bay Boulevard (Block 14152, Lot 104), Community District 10, Borough of Queens; and

WHEREAS, implementation of the project also requires related applications for a site selection and acquisition of privately-owned property located at 157-41 Cross Bay Boulevard (Block 14152, Lot 104) (C 070345 PCQ), Chairperson's certification pursuant to ZR Section 62-711 showing compliance with waterfront public access and visual corridor regulations for the portion of Lot 104 proposed to be acquired by DEP (N 070347 ZCQ), and Chairperson's certification pursuant to ZR Section 62-712 for a waterfront zoning lot subdivision (N 070348 ZCQ); and

WHEREAS, detailed descriptions of this and the related actions are provided in the Commission report for the related site selection and acquisition application (C 070345 PCQ); and

WHEREAS, this application (N 070346 ZAQ), in conjunction with the applications for the related actions (C 070345 PCQ, N 070347 ZCQ and N 070348 ZCQ) 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 03DEP046Q. The lead agency is the Department of Environmental Protection.

After a study of the potential environmental impact of the proposed action, a revised negative declaration was issued on January 17, 2007; and

WHEREAS, this application (N 070346 ZAQ) was referred to Community Board 10 and the Borough President, in conjunction with the application for the related action (C 070345 PCQ), which was certified as complete by the Department of City Planning on February 26, 2007, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b); and

WHEREAS, a summary of the recommendations of the Community Board and the Borough President may be found in the report on the related site selection and acquisition action (C 070345 PCQ); and

WHEREAS, this application was 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) and determined that it was consistent with the policies of the WRP. The designated WRP number is 05-022; and

WHEREAS, the City Planning Commission hereby makes the following finding pursuant to Section 62-722(a) of the Zoning Resolution:

for a commercial or community facility development, it would be impractical to satisfy the development's programmatic requirements while adhering to the regulations; and

WHEREAS, the Commission has determined that the application warrants approval and therefore adopts the following 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, that based on the environmental determination described in this report, the application (N 070346 ZAQ) of the Department of Environmental Protection and the Department of Citywide Administrative Services requesting an authorization pursuant to Section 62-722 of the Zoning Resolution to modify the requirements of Section 62-42 (REQUIREMENTS FOR VISUAL CORRIDORS) to facilitate a to facilitate the development of a destratification facility located at 157-41 Cross Bay Boulevard (Block 14152, Lot 104),

Community District 10, Borough of Queens, is approved subject to the following terms and conditions:

1. The properties that are the subject of this application (N 070346 ZAQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plan, prepared by the environmental engineer firm of Hazen and Sawyer, and filed with this application and incorporated in this resolution:

Drawing No.	Title	Date
Z-2.2	Visual Corridor Plan	June 12, 2007

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 plan 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 and maintenance.
4. 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 restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the authorization hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said authorization. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning

Commission or of any 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 to disapprove any application for modification, cancellation or amendment of the authorization.

5. 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 authorization.

The above resolution, duly adopted by the City Planning Commission on July 9, 2007 (Calendar No. 2) is filed with the Office of the Speaker, City Council in accordance with Section 62-722(a) of the Zoning Resolution.

AMANDA M. BURDEN, AICP, Chair
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, RICHARD W. EADDY,
LISA A. GOMEZ, NATHAN LEVENTHAL, JOHN MEROLO, KAREN A. PHILLIPS,
DOLLY WILLIAMS, Commissioners