



## **CITY PLANNING COMMISSION**

June 20, 2007/Calendar No. 20

C 070077 MMQ

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**IN THE MATTER OF** an application, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et. seq. of the New York City Administrative Code by the Department of Transportation, the Economic Development Corporation and the Department of Parks and Recreation for an amendment to the City Map involving

- the narrowing and realignment of Atlantic Avenue between 94th and 95th avenues;
- the establishment of a park;
- the narrowing of a portion of 94th Avenue between Atlantic Avenue and 138th Place;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real properties related thereto,

Community District 12, Borough of Queens, in accordance with Map No. 4992 dated December 11, 2006, and signed by the Borough President.

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The application (C 070077 MMQ) for an amendment to the City Map was filed by the Department of Transportation, the Economic Development Corporation and the Department of Parks and Recreation, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code on August 24, 2006. It involves: the narrowing and realignment of Atlantic Avenue between 94th and 95th avenues; the establishment of a park; the narrowing of a portion of 94th Avenue between Atlantic Avenue and 138th Place; the adjustment of grades; and any acquisition or disposition of real property related thereto.

### **BACKGROUND**

The applicants propose a change in the city map involving the narrowing and re-alignment of Atlantic Avenue between 94th and 95th avenues, the establishment of a park on portions of block 9990, and the narrowing of a portion of 94th Avenue between Atlantic Avenue and 138th Place to facilitate improvements to vehicular access to the core of the Jamaica Station area and the creation of public open space (park). The segment of Atlantic Avenue proposed to be narrowed is partially privately owned, mapped to a width of approximately 100-feet and is neither improved nor open to traffic. It is proposed to be narrowed and re-aligned between 94th

and 95th avenues. Once re-aligned, Atlantic Avenue will be improved and opened for one-way eastbound traffic.

94th Avenue is currently mapped to a 50-foot width, improved and open to two-way traffic. It is proposed to be narrowed between Atlantic Avenue and 138th Place, to 39 feet. It is proposed to be opened for one-way westbound traffic.

This map change also includes the establishment of a park comprised of approximately 22,400 square-feet located in two areas on the south side of the re-aligned Atlantic Avenue and approximately 15,400 square-feet located on the north side. This application will allow the acquisition of Lots 34 and 46 on Block 9990. Lot 5 on Block 9990 is City owned.

The project site is within an M1-1 district. An R5 district lies to the south of the site. The site is currently improved with several one-story warehouse buildings and a vacant lot which serves as a loading dock for the warehouses. The surrounding area is mainly residential. The Van Wyck Expressway is to the west of the site and the elevated Air Train passes over the project site.

An interagency mapping conference was held on October 6, 2006. No city agency had any objections to this proposal.

## **ENVIRONMENTAL REVIEW**

This application (C 070077 MMQ) 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 No. is 07DOT001Q. The lead agency is the Department of Transportation.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on January 12, 2007.

## **UNIFORM LAND USE REVIEW**

This application (C 070077 MMQ), was certified as complete by the Department of City Planning on January 22, 2007 and was duly referred to Community Board 12 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 12 held a public hearing on this application (C 070077 MMQ) on March 21, 2007, and on that day, by a vote of 27 to 10 with 2 abstentions, adopted a resolution recommending approval of the application with the following conditions:

1. “That a downtown developer commissioner/committee be established to oversee existing businesses and local residents with the “right of first refusal” for downtown Jamaica.
2. That access to capital is made available:
  - a. revolving loan fund guaranteed by Greater Jamaica Development Corporation
  - b. elected officials to increase funds from GJDC for the purpose of creating a lending consortium for businesses and residents (Frame of reference: Port Authority/Air train procedures)
  - c. Hire a consultant firm to work with CB12, developer, residents during life of construction, including EDC and GJDC.
3. That a community liaison be appointed from Community Board’s district to receive complaints regarding: air quality, noise pollution, relocation of businesses and residents affected, and repairs.
4. That north side parking of 95<sup>th</sup> Avenue be instituted for residents before work begins. DOT must engage this task immediately. (1 way parking)
5. That contractors and sub-contractors be responsible for repairing water pipes from homes to streets for one year after completion of projects.
  - a. residents to be provided a 30 to 60 day waiver to repair damaged homes.
6. That a system be put in place to identify and to recruit employees from postal zones 11412, 11413, 11411, 11423, 11434, 11433, 11435, 11436, and 11414.
7. That adequate maintenance and security be incorporated in plan on long-term basis for park and surrounding sites.”

## **BOROUGH PRESIDENT RECOMMENDATION**

This application (C 070077 MMQ) was considered by the Borough President, who issued a recommendation approving the application on May 2, 2007.

## **CITY PLANNING COMMISSION PUBLIC HEARING**

On April 25, 2007 (Calendar No. 4), the City Planning Commission scheduled May 9, 2007, for a public hearing on this application (C 070077 MMQ). The hearing was duly held on May 9, 2007 (Calendar No. 30).

There were three speakers in favor and none in opposition to this application. Two speakers from the Economic Development Corporation described the proposal and the applicant's response to the conditions of the Community Board which were related to the establishment of a downtown development committee, provision of access to capital to the local businesses and residents, hiring a community liaison to receive complaints, contractors responsibilities regarding water pipes, recruiting employees from within certain zip code areas, relocation of existing businesses and residents, maintenance and security. The speakers further stated that the applicants have submitted a letter to the Community Board 12 prior to their public hearing describing the above issues and their resolutions. A resident from Jamaica, Queens, stated that there should be more MTA Subway stations and bus stops in the area.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The City Planning Commission believes that this amendment to the City Map is appropriate.

Atlantic Avenue between 94<sup>th</sup> Avenue and 95<sup>th</sup> Avenue is mapped to a 100-foot width but is currently not improved or open for traffic. In anticipation of easing traffic congestion to and from the downtown Jamaica area, Atlantic Avenue would be realigned and improved as a one-way eastbound roadway while 94<sup>th</sup> Avenue will carry only westbound traffic. Currently, 94<sup>th</sup> Avenue is open for two-way traffic.

This action would also establish a park between 94<sup>th</sup> and 95<sup>th</sup> avenues, east of the Van Wyck Expressway. The new park is designed with a children's playground and seating areas.

In response to concerns raised by the Community Board regarding the establishment of a

downtown development committee, provision of access to capital to the local businesses and residents, hiring a community liaison to receive complaints, contractor's responsibilities regarding water pipes and construction, recruiting employees from within certain zip code areas, relocation of existing businesses and residents, maintenance and security, a letter dated March 16, 2007 was submitted to the Community Board 12 by the New York City Economic Development Corporation (EDC) and the Greater Jamaica Development Corporation(GJDC). It states that:

1. EDC and GJDC will work to identify a sustainable, long-term funding mechanism to address maintenance and security of the park.
2. NYC Department of Transportation (DOT) has agreed to study neighborhood streets as identified by the Community Board in the area south of the Atlantic Avenue Extension. DOT has agreed to study the appropriate traffic control measure at the future intersection of Atlantic Avenue Extension and 95th Avenue.
3. DOT has agreed to act as a liaison to improve communication between the Community Board and the State Department of Transportation, in order to address outstanding concerns related to the Van Wyck Expressway, bridge and service road.
4. The applicant will offer storm window and/or window air conditioning units for residences with windows facing 95th Avenue or the proposed Atlantic Avenue Extension. If, after project implementation, any of the remaining properties on the Atlantic Avenue Extension block (9990) are experiencing unanticipated noise effects, GJDC and EDC will offer the same noise protection measures.
5. EDC and GJDC will designate a point person, with a hotline number during construction, who will be responsible for keeping all neighbors informed during the construction process.
6. EDC and GJDC will continue to monitor other quality of life issues as needed.

This letter addresses the issues and concerns raised by the Community Board and reflects the conditions recommended by Community Board 12.

The Commission believes that the City Map change is an important initiative that will provide more open space in the neighborhood and improve traffic conditions in the downtown Jamaica

area.

## **RESOLUTION**

Therefore, the City Planning Commission, deeming the proposed amendment to the City map and any related acquisition or disposition to be appropriate, 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**, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, that based on the environmental determination and the consideration described in this report, the application (C 070077 MMQ) for the amendment to the City Map involving:

- the narrowing and realignment of Atlantic Avenue between 94th and 95th avenues;
- the establishment of a park;
- the narrowing of a portion of 94th Avenue between Atlantic Avenue and 138th Place;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real properties related thereto,

Community District 12, Borough of Queens, in accordance with Map No. 4992 dated December 11, 2006 and signed by the Borough President, is approved; and be it further

**RESOLVED** that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

**RESOLVED** that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts three (3) counterparts of Map No. 4992 dated December 11,

2006 providing for the discontinuance and closing of portions of 94<sup>th</sup> Avenue between Atlantic Avenue and 138<sup>TH</sup> Place, more particularly described as follows:

**DISCONTINUING AND CLOSING A PORTION OF 94<sup>TH</sup> AVENUE BETWEEN ATLANTIC AVENUE AND 138<sup>TH</sup> PLACE**

Starting at a **Point of Beginning** located at the southerly street line of 94<sup>th</sup> Avenue, said point being distant 85.00 feet westerly from the intersection of the southerly street line of 94<sup>th</sup> Avenue and the westerly street line of 138<sup>th</sup> Place (Rose Avenue), as those streets were hereinbefore laid out on the City Map;

1. Running thence westerly, along the former southerly street line of 94<sup>th</sup> Avenue, discontinued and closed, a distance of 173.31 feet to a point;
2. Running thence northerly, along a newly proposed easterly street line of Atlantic Avenue forming an interior angle with the previous course of 89 degrees, 49 minutes and 28 seconds, a distance of 12.12 feet to a point;
3. Running thence easterly, along a newly proposed southerly street line of 94<sup>th</sup> Avenue forming an interior angle with the previous course of 89 degrees, 59 minutes and 54 seconds, a distance of 173.31 feet to a point;
4. Running thence southerly, along a newly proposed street line of Atlantic Avenue forming an interior angle with the previous course of 90 degrees, 00 minutes and 00 seconds, a distance of 11.54 feet to the **Point of Beginning**.

**RESOLVED** that, all such approvals being 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. 4992 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.

The above resolution (C 070077 MMQ), duly adopted by the City Planning Commission on June 20, 2007 (Calendar No. 20), 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, AICP, Chair**

**KENNETH J. KNUCKLES, Esq. Vice Chair**

**ANGELA M. BATAGLIA, IRWIN G. CANTOR, P.E.**

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**NATHAN LEVENTHAL, KAREN A. PHILLIPS**

**DOLLY WILLIAMS, Commissioners**