



CITY PLANNING COMMISSION

July 28, 2004 /Calendar No. 44

C 030385 ZSQ

IN THE MATTER OF an application submitted by the Islamic Center of Queens, N.Y. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-921 of the Zoning Resolution to allow a church (Use Group 4A) on property located at 57-14 37th Avenue, (Block 1212, Lot 9), in an M1-1 District, Community District 2, Borough of Queens.

The application for a grant of a special permit was filed by The Islamic Center of Queens on March 13, 2003 to allow the construction of a church (Use Group 4A, Community Facility) in an M1 zoning district in Woodside, Queens.

BACKGROUND

The applicant, the Islamic Center of Queens (“the Center”), requests a special permit pursuant to Zoning Resolution (“ZR”) Section 74-921 to construct a three-story church on a 2,500 square foot lot in an M1-1 zoning district where churches are not allowed as-of-right. The site is located in Woodside on 37th Avenue between 57th and 58th streets and is generally equidistant from Northern Boulevard to the north and Roosevelt Avenue to the south.

The project site, with frontage on 37th Avenue, contains a small vacant two-story house with a large rear yard. This building, to be razed to make way for the proposed development, was previously occupied by the Center for religious services from 1987 to February, 2004. The Center had also occupied the cellar of a one-story commercial building directly abutting the subject property. The ground floor level of this building is used for auto repair services. These church uses were contrary to zoning. Subsequently, a Department of Buildings violation was

issued on February 4, 2004 and the Center vacated both properties.

The project site is located within an M1-1 zoned industrial corridor (37th Avenue); the adjacent midblocks, zoned R5, are developed with a mix of two-story multi-family housing and light industry. The lot immediately to the east of the site is developed with three buildings: a small one-story brick structure, a one story industrial building, and a three-story commercial building located on the corner of 57th Street and 37th Avenue. An auto repair and service establishment is located on the ground floor of the one-story industrial building in which the existing Center recently held prayer services in the cellar. The small one-story structure is connected to this larger building and provides access to its cellar. Directly to the west of the site is a one-story industrial building used for the storage and distribution of decorative lighting sets. This lighting firm also occupies buildings along the entire frontage opposite the site on 37th Avenue. Further along 37th Avenue to the east on the subject block are two one-story warehouses.

The applicant is proposing a new church containing 6,000 square feet of floor area and an FAR of 2.40 (the maximum permitted for community facilities in M1-1 districts). Within this proposed three-story church, there will be three prayer rooms to accommodate 190 worshipers. While the Center's total membership is 225 persons, prayer services are typically attended by 15 to 50 persons. Only the Friday afternoon service is expected to be attended at the maximum capacity of 190 persons. Ninety seven percent of the Center's worshipers are expected to either walk or take mass transit.

The project site is located on a wide, two-way street which is used by commercial vehicles. The site is also well served by mass transit. The elevated “7” line and Long Island Rail Road stops at 61st Street and Roosevelt Avenue and the “R” and “V” lines stop at 54th Street and Northern Boulevard. Both are approximately four blocks from the site. Additionally, the Q18 bus line, which travels from Long Island City to Maspeth, runs along 58th Street adjacent to the project site.

The special permit that is the subject of this report is pursuant to Zoning Resolution Section 74-921. In order for the City Planning Commission to grant this special permit, the applicant must demonstrate that the findings found in this section are met. Generally, the Commission must find that the proposed facility will not be exposed to environmental impacts potentially found in a manufacturing district, that the facility will not produce traffic impacts, and that the facility will not be out of character with the immediate neighborhood.

ENVIRONMENTAL REVIEW

This application (C 030385 ZSQ) 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 and Procedures of 1991 and Executive Order No.91 of 1977. The designated CEQR number is 04DCP002Q. The lead is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on March 22, 2004.

UNIFORM LAND USE REVIEW

This application (C 030385 ZSQ) was certified as complete by the Department of City Planning on March 22, 2004 and was duly referred to Community Board 2 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 2 held a public hearing on this application on May 6, 2004 and on that date, by a vote of 38 in favor to 1 against and 0 abstaining, adopted a recommendation to approve the application.

Borough President Recommendation

This application (C 030385 ZSQ) was considered by the Borough President who issued a recommendation to approve the application on June 15, 2004. However, the Borough President's recommendation was submitted after the 30-day review period and was therefore non-complying.

City Planning Commission Public Hearing

On June 9, 2004 (Calender No.2), the City Planning Commission scheduled June 23, 2004 for a

public hearing. The hearing was duly held on June 23 (Calendar No.13). There was one speaker in favor of the application, the applicant's representative and none in opposition.

The applicant's representative described the proposal and stated that it is consistent with the City's current proposal governing community facilities.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit is appropriate.

The Commission notes that an R5 zoning district directly abuts the subject property to the south.

The Commission notes that the plans filed in connection with this application indicate the provision of new masonry exterior walls and new concrete floors and roof. The Commission also notes that the filed plans show the use of operable double-glazed windows on the south and east facades to provide sound attenuation. Furthermore, the prayer areas within the proposed house of worship are located in the middle of the building, and will be adequately separated from the 37th Avenue frontage.

The Commission notes that 37th Avenue is a 75 foot wide, two-way street and is used for commercial traffic servicing the buildings in the M1-1 zoning district. The Commission further

notes that there are several wide streets feeding into 37th Avenue (Broadway and Northern Boulevard are both 100 feet wide). Moreover, the Commission notes that typical services during the week will be attended by 15 to 50 persons. Additionally, the overwhelming majority of worshipers are expected to walk or take public transportation to the Center. As such, the Commission believes that the streets in the vicinity of the church will be able to handle the modest traffic generated by the Center.

Furthermore, the Commission notes that there are several modes of public transportation available to the congregation within a five to ten minute walk including the #7 elevated line and Long Island Rail Road at 61st Street and Roosevelt Avenue and the “R” and “V” subway lines at 54th Street and Northern Boulevard.

The Commission notes that the neighborhood to be primarily served by the Islamic Center of Queens is a substantially built-up residential neighborhood comprised of multi-family walkup buildings, rowhouses, commercial uses and other community facilities. Therefore, there is no practical possibility of obtaining a site of adequate size located in the area’s zoning districts wherein the church would be allowed as-of-right.

The Commission believes that the grant of this special permit will not adversely impact the character of the immediate and surrounding neighborhood. The Islamic Center of Queens has occupied a vacant detached house on the 2,500 square foot subject property and a portion of an adjacent lot since 1987 and has had no land use conflicts with the immediate or surrounding

neighborhood.

Based on the consideration and the findings pursuant to section 74-921 of the Zoning Resolution, the City Planning Commission believes that the grant of this special permit is appropriate.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-921 (Use Group 3A and 4A Community Facilities in Manufacturing Districts) of the Zoning Resolution.

- (a) an adequate separation from noise, traffic and other adverse effects of the surrounding non-residential districts is achieved through the use of sound-attenuating exterior wall and window construction or by the provision of adequate open areas along lot lines of the zoning lot;
- (b) such facility is so located as to draw a minimum of vehicular traffic to and through local streets and that such use will not produce traffic congestion or other adverse effects that interfere with the appropriate use of land in the district or in any adjacent district;
- (d) in selecting the site, due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;
- (e) for a Use Group 4A use, within the neighborhood primarily to be served by the community facility, there is no practical possibility of obtaining a site of adequate size located in a district where it is permitted as-of-right because appropriate sites in such districts are occupied by substantial improvements and;
- (f) such facility will not impair the essential character of the surrounding area;

Findings (c) is not applicable.

RESOLUTION

RESOLVED, 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 and 200 of the New York City Charter, that based on the environmental determination and the consideration in this report, the application of The Islamic Center of Queens, for the grant of a special permit, pursuant to Section 74-921 of the Zoning Resolution to allow a church (Use Group 4A) on property located at 57-14 37th Avenue (Block 1212, Lot 9), in an M1-1 Zoning District, Borough of Queens, Community District 2 is approved, pursuant to Section 74-921 of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application (C 030385 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Jacob Munir of Hi-Tech International Engineering, P.C., filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-1	Site Plan	July 16, 2004

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 plans 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, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee, or occupant.
5. 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 covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other 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 or the City Council, as applicable, to disapprove any

application for modification, cancellation or amendment of the special permit hereby granted.

6. 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 special permit.

The above resolution (C 030385 ZSQ), duly adopted by the City Planning Commission on July 28, 2004, Calendar No.44, is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter

AMANDA M. BURDEN, *AICP, Chair*

KENNETH KNUCKLES, *Esq., Vice Chair*

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