



June 22, 2011 / Calendar No. 22

C 100175 ZMQ

IN THE MATTER OF an application submitted by TD Bank, NA pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No.7d, by establishing within an existing R3A District a C1-2 district bounded by 14th Avenue, Cross Island Parkway Service Road South, a line 100 feet northerly of 15th Avenue, and 148th Street, as shown on a diagram (for illustrative purposes only) dated February 14, 2011, and subject to the conditions of CEQR Declaration E-271, Community District 7 , Borough of Queens.

The application for an amendment to the Zoning Map was filed by TD Bank on December 4, 2009 to establish a C1-2 commercial overlay within an existing R3A district on a portion of a block fronting on the Cross Island Parkway Service Road South, to facilitate the construction of a one-story bank building with an at-grade accessory parking lot and drive-thru teller facilities in the Whitestone neighborhood of Queens, Community District 7.

BACKGROUND

TD Bank is seeking to amend the Zoning Map to establish a C1-2 district on a triangular portion of the block bounded by 148th Street, the Cross Island Parkway Service Road South and 14th Avenue (Block 4645, Lots 1, 3, 37 and portion of 22) . The proposed zoning map amendment would facilitate the construction of a one-story bank building with an at-grade accessory parking lot and drive-thru teller facilities.

The rezoning area is irregularly-shaped and encompasses approximately 28,906 square feet of lot area comprising all or parts of four tax lots (Block 4645, Lots 1, 3, 37 and portion of 22). Tax Lots 1 & 37 are currently occupied by an approximately 19,574 square foot non-conforming lumberyard and storage area that is accessed by an existing curb cut on 148th Street. Tax Lot 3, an irregular, approximately 9,882 square foot lot fronting the Cross Island Parkway Service Road South, is developed with an automotive repair facility use approved by the Board of Standards and Appeals (BSA). Lot 22 is an irregularly shaped, 650-square-foot parcel occupied by a non-conforming gas station.

The area south of the Cross Island Parkway is developed predominately with 1- and 2- family residential uses, except for an elementary school (PS 79) located one block south of the rezoning area, and a catering and banquet hall located on 149th Street and the Cross Island Parkway, one block northeast of the rezoning area. The area north of the Cross Island Parkway is predominately developed with local restaurants, retail, service and community facility uses that form the main shopping district of Whitestone. This area north of the Cross Island Parkway is zoned with C1-2 and C2-2 commercial overlays within an existing R3-2 district.

The area subject to the rezoning is currently zoned R3A. R3A zones allow residential uses at a maximum floor area ratio (FAR) of 0.6 (including an attic allowance) and community facility uses at a maximum FAR of 1.0. Commercial uses are not permitted.

The proposed C1-2 district would allow local retail and service uses. C1-2 districts permit Use Groups 1 through 6 and have a maximum allowable commercial FAR of 1.0 when mapped in R3 districts. Most retail uses require 1 parking space per 300 square feet of commercial floor space.

The applicant has a twenty-year lease for the lumber yard site (Block 4645, Lots 1 and 37). The proposed rezoning would facilitate a proposal by the applicant to develop a one-story, 3,849 square-foot bank building approximately 23-feet in height. The proposed development would include an at-grade accessory parking lot for 18 vehicles and drive-through teller facilities. The entrance to the bank building would front on a parking lot with two 24-foot curb cuts, one on the Cross Island Parkway south service road, and the other on 148th Street. A third curb cut of 12-feet would be on 148th Street to provide access to seven parking spaces and the drive-through teller. The parking lot would be screened from neighboring residential uses with a six-foot high fence and dark evergreen shrubs. Seven street trees are proposed to be planted along 148th Street and three street trees along the Cross Island Parkway Service Road South.

ENVIRONMENTAL REVIEW

This application (C 100175 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 City Environmental Quality Review (CEQR) Rules of Procedure and of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 10DCP016Q. The lead is the New York City Planning Commission. After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on February 14, 2011.

UNIFORM LAND USE REVIEW

This application (C 100175 ZMQ) was certified as complete by the Department of City Planning on February 14, 2011, 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 (C 100175 ZMQ) on April 11, 2011, and on that date, by a vote of 31 to 3 with 1 abstention, adopted a resolution recommending approval of the application.

BOROUGH PRESIDENT RECOMMENDATION

This application (C 100175 ZMQ) was considered by the Borough President of Queens, who issued a recommendation approving the application on May 6, 2011, subject to the following condition:

The area between the parking lot of the proposed development and houses adjacent to the site should be properly screened with greenery and well maintained at all times.

CITY PLANNING COMMISSION PUBLIC HEARING

On May 11, 2011 (Calendar No. 2), the City Planning Commission scheduled May 25, 2011 for

a public hearing on this application (C 100175 ZMQ). The hearing was duly held on May 25, 2011 (Calendar No. 15). There were 3 speakers in favor and 1 speaker in opposition to the application. The applicant's representative summarized the proposed rezoning and described the new bank building, saying that it would benefit the community and be screened from the adjacent residential properties with a six-foot green vinyl fence and shrubbery. The Vice President of TD Bank explained that the proposed new bank would be LEED certified and have approximately 20 employees on site at various times of the day. The project engineer said that the landscaping, as well as the design of the new bank building, would be environmentally sensitive, have solar panels on the roof and use drought-tolerant landscaping.

A representative of the Whitestone Taxpayer's Association spoke in opposition to the rezoning saying that, while the proposed bank would be appropriate, the rezoning could also result in other commercial development that would be inappropriate.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application (C 100175 ZMQ) for an amendment to the Zoning Map, is appropriate.

The Commission notes that the proposed C1-2 commercial overlay would facilitate the construction of a one-story LEED certified bank with accessory parking for 18 vehicles on the applicant's property.

The Commission notes that the area proposed to be rezoned is located on the Cross Island Parkway Service Road South, a well-traveled commercial street, and is currently developed with non-conforming commercial uses. The Commission believes that the proposed establishment of a C1-2 commercial overlay would limit future commercial development to a scale and use that is in keeping with the surrounding low-density residential context.

The Commission acknowledges the recommendation of the Queens Borough President that the area between the parking lot of the proposed development and adjacent residences should be properly screened with greenery. While the Commission recognizes that the application for a zoning map amendment, and not for the review of a specific building or site plan, the Commission is pleased nevertheless that applicant has stated that the parking lot would be screened from neighboring residential uses with a six-foot high fence and dark evergreen shrubs. The Commission believes the proposed establishment of a C1-2 district recognizes the existing commercial development on this heavily trafficked portion of the Cross Island Parkway Service Road and would result in the development of new local commercial uses to serve the residents in this portion of Queens.

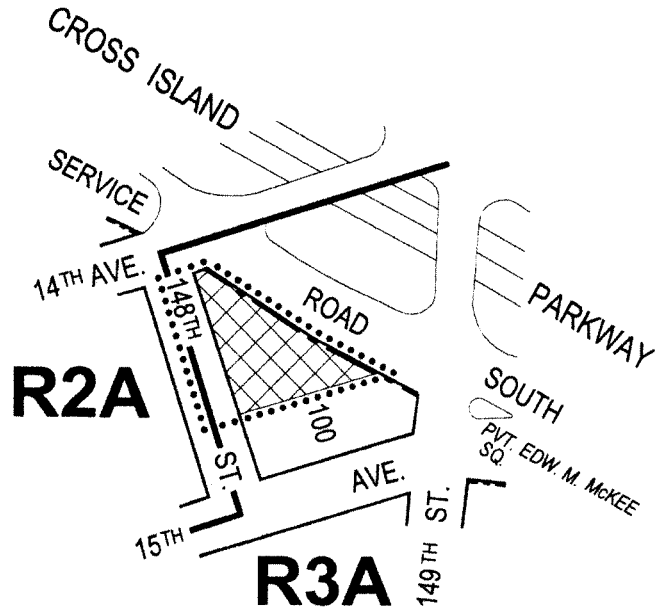
RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant effect on the environment; and be it further RESOLVED, by the City Planning

Commission, pursuant to Section 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. 7d by establishing within an existing R3A District a C1-2 district bounded by 14th Avenue, Cross Island Parkway Service Road South, a line 100 feet northerly of 15th Avenue, and 148th Street, as shown on a diagram (for illustrative purposes only) dated February 14, 2011, and subject to the conditions of CEQR Declaration E-271, Borough of Queens, Community District 7.

The above resolution (C 100175 ZMQ), duly adopted by the City Planning Commission on June 22, 2011 (Calendar No. 22), 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, NATHAN LEVENTHAL, ANNA HAYES LEVIN,
SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners



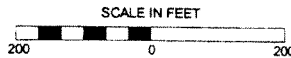
CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP

7d

BOROUGH OF
QUEENS

New York, Certification Date

S. Voyages, R.A. Director
Technical Review Division



- NOTE:**
- Indicates Zoning District Boundary.
 - The area enclosed by the dotted line is proposed to be rezoned by establishing a C1-2 District within an existing R3A District.
 - ▨ Indicates a C1-2 District.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

Application #: **C 100175 ZMQ**

Project Name: **TD Bank**

CEQR Number: **10DCP016Q**

Borough(s): **Queens**
Community District Number(s) **7**

Please use the above application number for all correspondence concerning this application.

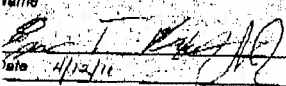
SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (9-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Rensselaer Street, New York, NY 10007
 - FAX:** (212) 720-3356 and note Attention of the Calendar Office
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by TD Bank, NA pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7d, by establishing within an existing R3A District a C1-2 district bounded by 14th Avenue, Cross Island Parkway Service Road South, a line 100 feet northerly of 15th Avenue, and 148th Street, as shown on a diagram (for illustrative purposes only) dated February 14, 2011, and subject to the conditions of CEQR Declaration E-271.

FILE COPY

Applicant(s): TD Bank, N.A. 9000 Atrium Way Mt. Laurel, NJ 08054		Applicant's Representative: Peter G. Geis, Esq. Cozen O'Connor Attorneys 45 Broadway, 16th Floor New York, NY 10006	
Recommendation submitted by: Queens Community Board 7			
Date of public hearing: April 11, 2011		Location: Union Plaza Care Center	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>	
Date of Vote: April 11, 2011		Location: Union Plaza Care Center 33-23 Union Street - Apt 3B, Fl. 4355	
RECOMMENDATION			
<input checked="" type="checkbox"/> Approve - See attached CMT report		<input type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting			
In Favor: 31		# Against: 3	
# Abstaining: 1		Total members appointed to the board: 50	
Name: 		Title: Chairperson	
Date: 4/12/11			

COMMITTEE MEETING
TD BANK
148-02 14TH AVENUE, WHITESTONE
ULURP -100175ZMQ

FRANK MACCHIO: COMMITTEE CHAIR
MEETING DATE: MARCH 9, 2011
LOCATION: UNION PLAZA CARE CENTER
TIME: 7:30 P.M.

THE APPLICANT, TD BANK, WAS REPRESENTED BY PAUL PROULX, ESQ. AND HOWARD HORNSTEIN OF COZEN O'CONNOR ATTORNEYS, AND BOHLER ENGINEERING.

MR. PROULX AND MR. HORNSTEIN MADE THE PRESENTATION WHICH WAS TO AMMEND ZONING MAP 7d, BY ESTABLISHING WITH THE CURRENT AND EXISTING R3A DISTRICT A C1-2 WHICH WOULD INCLUDE LOTS 1, 37, 3 AND PART OF 22.

THE CURRENT "EXISTING/NON-CONFORMING " USES OF THESE LOTS WOULD NOT BE ALLOWED, TODAY, IN R3A.

THIS CHANGE WOULD ALLOW TD BANK TO BUILD IN LOT 1 AND 37 AS WELL AS ANY OTHER CONFORMING C1-2 USES.

THE APPLICANTS REPRESENTATIVES WENT ON TO SAY THAT TDBANK HAD ENTERED INTO AN AGREEMENT WITH THE CURRENT OWNERS TO LEASE THE PROPERTY FOR A TERM OF BETWEEN 20 AND 25 YEARS AND TO BUILD A BANK BUILDING AS PRESENTED. THIS LEASE IS CONTINGENT ON THE POSITIVE RESULTS OF THE ZONE CHANGE.

THE NEW BANK BUILDING WILL BE A LEED CERTIFIED BUILDING OF APPROXIMATELY 4000 SQUARE FEET ON THE ALMOST 20,000 SQUARE FEET SITE. THE BUILDING IS SET BACK FROM THE CROSS ISLAND PARKWAY BY OVER 100 FEET AND IS SITUATED NEAR THE REAR OF THE LOT, ALLOWING FOR PARKING AND LANDSCAPING UP FRONT, AND WILL COMPLY WITH ALL C1-2 REQUIREMENTS.

DISCUSSION AND QUESTIONS ENSUED, AND THE CHAIR ASKED EACH AND EVERYONE IN ATTENDANCE AT THE MEETING IF THEY UNDERSTOOD THE PRESENTATION, AND IF THEY HAD ANY COMMENTS OR QUESTIONS.

SINCE NO ONE HAD ANY ADDITIONAL COMMENTS OR QUESTIONS, I REQUESTED A MOTION FROM THE COMMITTEE.

JOHN BARONE MADE A MOTION IN FAVOR OF THE PLAN AS PRESENTED. CHUCK APELIAN MADE A FRIENDLY MOTION WITH THE PROVISIO THAT ALL DRIVE-IN TRAFFIC EXIT TO THE CROSS ISLAND PARKWAY - EAST ONLY.

ANTHONY CAROLLO 2ND THE MOTION.

A VOTE WAS TAKEN: 6 IN FAVOR
1 AGAINST
0 ABSTAIN

THE VOTES WERE AS SUCH:

JOHN BARONE - YES

ANTHONY CAROLLO - YES

DONALD KIRCHOFER - YES

GWTPA (MARLENE CODY) - NO

KIM OHANIAN - YES

CHUCK APELIAN - YES

FRANK MACCHIO - YES

THE MEETING WAS ADJOURNED AT 9 P.M.

NOTE: AT THE REQUEST OF CB#7., MR. APELIAN CALLED SENATOR AVELLA'S OFFICE THE WEEK OF MAR 1, 2011, TO DISCUSS THIS APPLICATION. LEAVING MESSAGES. SENATOR AVELLA DID NOT RETURN THE CALLS.

RESPECTFULLY SUBMITTED,

FRANK MACCHIO

Queens Borough President Recommendation

APPLICATION: ULURP # 100175 ZMQ

COMMUNITY BOARD: Q07

DOCKET DESCRIPTION

IN THE MATTER of an application submitted by Cozen O'Connor Attorneys on behalf of TD Bank, NA pursuant to Section 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 7d, by establishing within an existing R3A District a C1-2 district bounded by 14th Avenue, Cross Island Parkway Service Road South, a line 100 feet northerly of 15th Avenue, and 148th Street, Block 4645, Lots 1, 37, and part of 22, Zoning Map 13d, Whitestone, Borough of Queens.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on April 28, 2011 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 was one speaker in opposition to the application. 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 requests to amend the zoning map from R3A to R3A with a C1-2 overlay to facilitate the construction of a one-story bank building;
- This rezoning proposal would allow the applicant to develop an approximately 3,849 sf one-story bank building (U.G.6) with drive-through facilities. The site would be landscaped and the building would be LEED certified. There would be 18 parking spaces provided for customers and employees which is more than required 13 spaces. The vehicles using the drive-through teller and employee parking would enter from 148th Street and exit to Cross Island Boulevard service road. The hours of operation would be 7:30 am until 8 pm on weekdays and shorter hours on weekends. The site will be leased to the bank;
- The area proposed to be rezoned is an approximately 28,906 sf triangular area. Currently Lot 3 is developed with an automotive repair facility and a gasoline service station occupies Lot 22. The proposed development site, Lots 1 and 37 are occupied by a non-conforming lumberyard. There are private homes to the south of the rezoning area in the same block;
- The surrounding area is predominantly residentially zoned, however the south side of the Cross Island Parkway contains many commercial uses. The area away from the Cross Island Parkway is mainly developed with detached and semi-detached or row houses. There is also a school one block south of the rezoning area;
- Community Board 7 approved this application by a vote of thirty-one (31) in favor with three (3) against and one (1) abstaining at a public hearing held on April 11, 2011;
- State Senator Anthony Avella has written a letter in opposition to the application for the reason that mapping the C1-2 overlay will open up the block/site for other commercial uses should TD Bank ever vacate the site. Councilmember Dan Halloran wrote a letter to the Borough President in support of this application.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval of this application with the following condition:

- The area between the parking lot of the proposed development and houses adjacent to the site should be properly screened with greenery and well maintained at all times.


PRESIDENT, BOROUGH OF QUEENS


DATE