



## CITY PLANNING COMMISSION

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October 11, 2006/Calendar No. 12

C 060303 ZMQ

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IN THE MATTER OF an application submitted by the New York Hospital Queens pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10b, changing from an R4 District to an R6 District property bounded by 56<sup>th</sup> Avenue, 141<sup>st</sup> Street, Booth Memorial Avenue, and Main Street, Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated July 10, 2006, and subject to the conditions of CEQR Declaration E-171.

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The application for an amendment of the Zoning Map was filed by New York Hospital Queens (NYHQ) on January 27, 2006, to allow for the construction of a five-story West Wing building and South Entrance in conjunction with the hospital's modernization and expansion plan proposed for its 6.4 acre campus in Flushing, Queens.

### **RELATED ACTIONS**

In addition to the amendment of the Zoning Map which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

1. C 060305 ZSQ      Special permit pursuant to Section 74-53 to modify requirements of Section 25-12 (Maximum Size of Accessory Group Parking Facilities) to allow a 372-space group parking facility.
  
2. N 060304 ZAQ      Authorization pursuant to Section 73-91 for location of accessory off-street parking anywhere within a Large Scale Community Facility Development.

## **BACKGROUND**

The New York Hospital Queens proposes to rezone from R4 District to R6, an area bounded by Main Street, 56<sup>th</sup> Avenue, 141<sup>st</sup> Street and Booth Memorial Avenue. The rezoning would facilitate construction of a five-story, 97,219 square-foot West Wing building and a 2,098 square-foot South Entrance.

A full background discussion and description of this project appears in the report on the related application for the grant of a special permit (C 060305 ZSQ).

## **ENVIRONMENTAL REVIEW**

This application (C 060303 ZMQ), in conjunction with the applications for the related actions (C 060305 ZSQ) and (N 060304 ZAQ), 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 application was determined to be an Unlisted Action. The designated CEQR number is 05DCP066Q. The lead is the City Planning Commission.

After a study of the environmental impact of the subject application (C 060303 ZMQ), a conditional negative declaration was issued on September 25, 2006, which includes conditions related to traffic and pedestrian mitigation measures. The zoning map amendment includes an (E) designation (E-171) for hazardous materials on Block 5165, Lot 28 which would eliminate the potential for significant adverse impacts on that site. A summary of the environmental review and the Conditional Negative Declaration appears in the report on the related application for the grant of a special permit (C 060305 ZSQ).

## **UNIFORM LAND USE REVIEW**

This application (C 060303 ZMQ), in conjunction with the application for the related actions (C 060305 ZSQ), was certified as complete by the Department of City Planning on July 10, 2006, and was duly referred to Community Board 7 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, along with the related authorization (N 060304 ZAQ) which was referred for review and comment.

### **Community Board Public Hearing**

Community Board 7 held a public hearing on this application on September 11, 2006, and on that date, by a vote of 38 to one with no abstentions, adopted a resolution recommending approval of the application with conditions.

A summary of the recommendation of Community Board 7 appears in the report on the related application for the grant of a special permit (C 060305 ZSQ).

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation approving the application with conditions on September 25, 2006.

A summary of the Borough President's recommendation appears in the report on the related application for the grant of a special permit (C 060305 ZSQ).

### **City Planning Commission Public Hearing**

On September 13, 2006 (Calendar No. 3), the City Planning Commission scheduled September 27, 2006, for a public hearing on this application (C 060303 ZMQ). The hearing was duly held on September 27, 2006 (Calendar No. 14), in conjunction with the public hearing on the

application for the related action (C 060305 ZSQ).

There were a number of speakers, as described in the report on the related application for the grant of a special permit (C 060305 ZSQ), and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this amendment of the Zoning Map is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application appears in the report on the related special permit application (C 060305 ZSQ).

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment subject to the following conditions:

Task 1 - The fee owner(s) of the lot restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to the New York City Department of Environmental Protection (DEP) for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.

No sampling program may begin until written approval of a work plan and sampling protocol is received from DEP. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by DEP upon request.

Task 2 - A written report with findings and a summary of the data must be presented to DEP after completion of the testing phase and laboratory analysis for review and

approval. After receiving such test results, a determination will be provided by DEP if the results indicate that remediation is necessary.

If DEP determines that no remediation is necessary, written notice shall be given by DEP.

If remediation is necessary according to test results, a proposed remediation plan must be submitted to DEP for review and approval. The fee owner(s) of the lot restricted by this (E) designation must perform such remediation as determined necessary by DEP. After completing the remediation, the fee owner(s) of the lot restricted by this (E) designation should provide proof that the work has been satisfactorily completed.

A DEP-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to DEP for review and approval prior to implementation; 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 the 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. 10b, changing from an R4 District to an R6 District property bounded by 56<sup>th</sup> Avenue, 141<sup>st</sup> Street, Booth Memorial Avenue, and Main Street, Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated July 10, 2006, and which includes CEQR Designation E-171.

The above resolution (C 060303 ZMQ), duly adopted by the City Planning Commission on October 11, 2006 (Calendar No. 12), 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-Chairman**  
**IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO,III,**  
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**DOLLY WILLIAMS, Commissioners**