



CITY PLANNING COMMISSION

July 27, 2005/Calendar No. 21

M 860562(A) ZSQ

IN THE MATTER OF an application submitted by Alexander's of Rego Park II, Inc. and Alexander's Rego Shopping Center Inc. **for the modification of the Declaration**, which was previously approved as part of an application for a special permit (C 860562 ZSQ) to facilitate the enlargement of a mixed use development bounded by the Horace Harding Expressway Service Road, 97th Street, 63rd Drive, Queens Boulevard and Junction Boulevard (Block 2080, Lot 101 and Block 2084, Lot 101), in a C4-2F District and C4-2 District, Borough of Queens, Community District 6.

WHEREAS, on June 25, 2004, Alexander's of Rego Park II, Inc. and Alexander's Rego Shopping Center Inc. submitted an application (M 860562(A) ZSQ) for the modification of Restrictive Declaration D-110 as it relates to Block 2080, Lot 101, in the Borough of Queens; and

WHEREAS, Restrictive Declaration D-110 (the 1986 Declaration) was originally entered into in connection with approval of an amendment to the Zoning Map (C 860560 ZMQ), changes in City Map (C 860559 MMQ), a special permit pursuant to Section 74-93 (C 860562 ZSQ), and a zoning text amendment (N 860561 ZRQ), submitted by Alexander's Inc. to facilitate a 499,000 square-foot retail and commercial development on Block 2080, Lot 101, in Community District 6, Borough of Queens; and

WHEREAS, the Alexander's Inc. project did not proceed and Alexander's Inc. no longer has any interest in developing the subject property pursuant to the earlier approval; and

WHEREAS, the subject application is a request by Alexander's of Rego Park II, Inc. and Alexander's Rego Shopping Center Inc. to modify Restrictive Declaration D-110 as it relates to the subject property on Block 2080, Lot 101 so as to permit an alternative development; and

WHEREAS, as an alternative to the Alexander's Inc. project, Alexander's of Rego Park II, Inc. and Alexander's Rego Shopping Center Inc. propose to develop the subject property with a mixed use development containing approximately 1,164,250 square feet of zoning floor area in accordance with related applications (C 040542 ZSQ and N 040541 ZRQ), which are being considered concurrently; and

WHEREAS, in furtherance thereof, Restrictive Declaration D-110 is proposed to be modified as it relates to the subject property on Block 2080, Lot 101 to remove restrictions limiting development of the subject site either in accordance with previously issued (now lapsed) special permits or subject to regulations applicable in a R7-1 zoning district, and to allow the subject site to be developed in accordance with the C4-2F zoning district regulations that would otherwise apply, and as may be modified by City Planning Commission special permit; and

WHEREAS, Alexander's of Rego Park II, Inc. has agreed to develop, operate and maintain on-site improvements, including approximately 26,700 square feet of publicly-accessible space, as required in the modification to Restrictive Declaration D-110; and

WHEREAS, this application (M 860562(A) ZSQ), in conjunction with the applications for related actions (C 040542 ZSQ and N 040541 ZRQ), 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 04DCP040Q. The lead agency is the City Planning Commission.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related application for the grant of a special permit (C 040542 ZSQ); and

WHEREAS, this application (M 860562(A) ZSQ) was referred to Community Board 6 and the Borough President for information and review in accordance with the Commission's policy for referring non-ULURP matters, in conjunction with the applications for related actions (C 040542 ZSQ and N 040541 ZRQ); and

WHEREAS, a summary of the recommendations of the Community Board and the Borough President may be found in the report on the related application for the grant of a special permit (C 040542 ZSQ); and

WHEREAS, the Commission has determined that the application warrants approval; and

THEREFORE, be it **RESOLVED** that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on July 15, 2005, with respect to this application (CEQR No. 04DCP040Q), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and regulations, have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the environmental impact statement will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the application submitted by Alexander's of Rego Park II, Inc. and Alexander's Rego Shopping Center Inc. for modification of Restrictive Declaration D-110, which was previously approved in connection with an application for the grant of a special permit (C 860562 ZSQ), to provide for development of Block 2080, Lot 101 in Community District 6, Borough of Queens, is approved subject to the following conditions:

1. The property that is the subject of this application (M 860562(A) 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 the architecture firm of Greenberg Farrow, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z2.1	Building Plan	June 30, 2005
Z2.2	Zoning Analysis	June 30, 2005
Z5.0	Ground Floor Plan	June 30, 2005
Z6.0	Height and Setback Sections	June 30, 2005

Z6.1	Height and Setback Sections	June 30, 2005
Z6.2	Height and Setback Sections	June 30, 2005
Z7.0	Parking Plans	June 30, 2005
Z7.1	Parking Plans	June 30, 2005
Z8.0	Vehicular/Pedestrian Bridge Drawings	June 30, 2005
Z9.0	Signage	June 30, 2005
Z9.1	Signage	June 30, 2005

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. Development pursuant to this resolution shall be allowed only after the attached Modification to Declaration dated July 25, 2005, executed by Alexander's of Rego Park II, Inc., the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of Queens.

6. 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 and the attached Modification to Declaration 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 or of the attached Modification to Declaration.

7. 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 approval.

The above resolution (M 860562(A) ZSQ), duly adopted by the City Planning Commission on July 27, 2005 (Calendar No. 21), is filed with the Office of the Speaker, City Council.

AMANDA M. BURDEN, AICP, CHAIR
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