



CITY PLANNING COMMISSION

April 2, 2014 / Calendar No. 9

C 120136 ZSQ

IN THE MATTER OF an application submitted by Meadow Park Rehabilitation Center pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-90 of the Zoning Resolution to allow the enlargement of an existing 4-story nursing home use with no increase in the number of beds on property located at 78-10 164th Street (Block 6851, Lots 9, 11, 12, 23 and 24), in an R3-2 zoning district, Borough of Queens, Community District 8.

This application was filed by Meadow Park Rehabilitation Center on December 13, 2011 for a special permit pursuant to Section 74-90 of the Zoning Resolution to facilitate the enlargement of an existing nursing home located in the Hillcrest neighborhood of Queens, Community District 8.

BACKGROUND

On July 26, 2011, the Board of Standards and Appeals granted a variance (24-09 BZ) to permit the enlargement of the building, awarding relief from floor area, lot coverage, front yard, side yard, and height requirements. The proposed enlargement has also been reviewed by the State Hospital Review and Planning Council and the NYS Department of Health and has received appropriate approvals.

In addition to the BSA variance, approval from the City Planning Commission is also required for the grant of a special permit pursuant to Section 74-90 of the Zoning Resolution to allow the enlargement of an existing nursing home use for property located at 78-10 164th Street (Block 6851, Lot 12) in the Hillcrest neighborhood in Queens Community District 8. The facility is known as Meadow Park Rehabilitation and Health Care Center, which currently contains 143 beds. The proposed enlargement will not increase the number of beds at the facility.

The surrounding area is zoned R3-2 and is developed predominantly with one- and two- family residential uses. R3-2 is the lowest zoning district within which multiple dwellings are permitted. Narrow streets in this vicinity are typically developed with two-family detached buildings. 164th Street, a wide street, contains portions of R3-2/C1-2 and R3-2/C2-2 districts and is comprised of a small number of commercial uses and residential uses. Union Turnpike, located one block south of the project area, is the main commercial corridor in the neighborhood. South of Union Turnpike is an R5D/C1-3 district established in 2006 as part of the Department of City Planning-sponsored Hillcrest/Jamaica Hill Rezoning (C 060337 ZMQ).

The development site and project area consist of five tax lots. Lot 12 contains the existing nursing home, constructed in 1956. The building is a 31,580 square-foot facility with beds for 143 residents. The facility does not currently meet NYS Department of Health standards, including those for room sharing, wheelchair access, and amount of communal and dining space provided. The owners have therefore sought to enlarge and renovate the building to bring it into compliance. The applicant began by purchasing four adjacent properties, Lots 9, 11, 23, and 24, which are adjacent to the nursing home and contain detached two- and three-story buildings originally designed for residential use. These four buildings will be demolished to accommodate the facility's enlargement.

The special permit would facilitate a 28,786 square-foot horizontal enlargement of the existing three-story plus basement building, bringing the total floor area to 60,366 square feet. The enlargement will allow for upgraded and enlarged community space while decreasing room sharing, especially for those residents currently occupying three- and four-person rooms. No additional beds will be added to the facility. The enlargement will also include a 15-space accessory parking lot accessed via an existing curb cut on 78th Avenue.

Queens Community District 8 currently contains 8.5 nursing home beds per 1,000 residents, which is greater than the citywide ratio of 5.5 beds per 1,000 residents. Therefore, the conditions outlined in Zoning Resolution Section 22-42 (Certification of Certain Community Facility Uses) are met and the applicant is eligible for this special permit, which would allow the applicant to occupy the area of enlargement within the building.

The NYS Department of Health requires a safety plan during construction projects on nursing homes. The applicant proposes to provide a system of protection to the residents consisting of temporary partitions and dust-proof barriers. The applicant has stated that every effort possible will be made to keep residents on site during construction, which will be phased to minimize disruption and displacement. The phased work plan will begin with construction of the new wings, followed by the relocation of the beds from the existing space to the new, then the alteration of the existing space, and finally the merging of the new and renovated spaces.

ENVIRONMENTAL REVIEW

This application (C 120136 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 New York City Environmental Quality Review (CEQR) Rules and Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR Number is 09BSA071Q. The lead is the Board of Standards and Appeals (BSA).

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on July 26, 2011.

UNIFORM LAND USE REVIEW

The application (C 120136 ZSQ) was certified as complete by the Department of City Planning on December 2, 2013 and was duly referred to Queens Community Board 8 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 8 held a public hearing on the application (C 120136 ZSQ) on January 7, 2014, and on January 15, 2014, by a vote of 26 in favor, 2 opposed and 0 abstaining, adopted a resolution recommending approval of the application.

Borough President Recommendation

The application (C 120136 ZSQ) was considered by the President of the Borough of Queens, who issued a recommendation approving the application on February 26, 2014.

City Planning Commission Public Hearing

On February 19, 2014 (Calendar No. 3), the City Planning Commission scheduled March 5, 2014 for a public hearing on the application (C 120136 ZSQ). The hearing was duly held on March 5, 2014 (Calendar No. 23). There were two speakers in favor and none opposed.

The applicant's attorney explained that the enlargement of the facility will only provide updated amounts of living and communal space for the residents. He stated further that there will not be an increase in the number of beds and that the enlargement will require the demolition of four adjacent buildings between 78th Avenue and 78th Road, three of which have already been converted to accessory use by the facility. Once enlarged, the facility will maintain a minimum distance of 18 feet to the neighboring lot line with residential building uses so as not to encroach on neighboring properties. During construction, residents will remain in the facility while it is being enlarged, and while the existing space is being renovated, they will be moved to the newly constructed area. Upon completion, residents will occupy the entire facility.

One speaker, the administrator of the facility, explained that all aspects of the enlargement are aimed at enhancing the quality of life of the residents. Both residential and communal spaces will be enlarged, enabling residents to more easily participate in daily activities as well as visits with family and friends without impacting other residents.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this application (C 120136 ZSQ) for a special permit is appropriate.

The Commission notes that the special permit would facilitate the enlargement of an existing 143-bed nursing home, resulting in an increase of floor area from 31,580 square feet to a total of 60,366 square feet, but a decrease in the density of the facility to help meet NYS Department of Health Standards for residential and communal spaces.

The Commission believes that residents will benefit from the reduction of number of beds per room, improved bathroom facilities, improved wheelchair access to all areas, larger resident dining space, and widening of corridors for improved access and fire safety.

The Commission believes that the 15 off-street, accessory parking spaces provided will alleviate some of the on-street parking conditions by providing some parking for visitors and staff.

The Commission notes that the building will be enlarged horizontally, not vertically, along both 78th Avenue and 78th Road and that the design of the expansion would be compatible with the surrounding built context. The Commission further notes that the enlargement will front on both 78th Avenue and 78th Road, and that because outdoor sitting and lawn areas will be located between these portions of the building, the expansion will blend harmoniously with the topography of the surrounding area.

The Commission notes that the expansion will not create any new beds and will serve to accommodate only the existing number of residents and staff of the facility. The Commission, therefore, believes that the expansion will not unduly impact the surrounding community and will not require any significant additions to the area's supporting services. The Commission further notes that because the number of staff and residents is not increasing, there will not be a significant increase in vehicle trips generated, causing no adverse impacts on the streets or thoroughfares in the community. The Commission believes that the addition of 15 off-street accessory parking spaces will alleviate demand for on-street parking in the vicinity of the facility.

The Commission notes that the nursing home, constructed in 1956, utilizes solid waste and sanitation, water, and energy services and does not require any significant additions to the supportive services of the neighborhood to facilitate the enlargement.

The Commission recognizes that Meadow Park Rehabilitation and Health Care Center fills an important role in New York City by providing quality nursing and rehabilitative care to residents since 1956. Therefore, the disadvantages to the community imposed by the concentration of these facilities in the Community District are outweighed by the benefits.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to 74-90 (Use and Bulk Modifications for Certain Community Facility Uses) of the Zoning Resolution:

1. That the architectural landscaping treatment and the height of the proposed building containing such uses blends harmoniously with the topography of the surrounding area;
2. That the proposed development will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made;
3. That the streets providing access to such use are adequate to handle the traffic generated thereby or provision has been made to handle such traffic;
4. That the disadvantages to the community imposed by the concentration of these facilities in the Community District are outweighed by the benefits derived from the proposed use;
and
5. Not applicable.

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 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the application submitted by Meadow Park Rehabilitation Center for the grant of a special permit to allow the enlargement of an existing 4-story nursing home use with no increase in the number of beds on property located at 78-10 164th Street(Block 6851, Lots 9, 11, 12, 23 and 24) in an R3-2 District, Borough of Queens, Community District 8 is approved, pursuant to Section 74-90 of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is subject to this application (C 120136 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 Thomas J. Curro Architect, P.C., filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Revised Date
A-100.00	Zoning Analysis	11/25/2013
A-101.00	Site Plan / Landscape Plan	11/25/2013
A-101.01	Fence and Outdoor Furniture Detail Sheet	11/25/2013
A-102.00	Basement Floor Plan	11/25/2013
A-103.00	1 st Floor Plan	11/25/2013
A-104.00	2 nd Floor Plan	11/25/2013
A-105.00	3 rd Floor Plan	11/25/2013
A-106.00	Exterior Elevations	11/25/2013
A-107.00	Exterior Elevations	11/25/2013
A-108.00	Building Sections	11/25/2013
A-109.00	Streetscape Elevations	11/25/2013

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 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 resolution (C 120136 ZSQ), duly adopted by the City Planning Commission on April 2, 2014 (Calendar No. 9), is filed with the Office of the Speaker, City Council, and the Queens

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.

CARL WEISBROD, *Chairman*

KENNETH J. KNUCKLES, *Esq., Vice-Chairman*

ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, *P.E.*,

ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE DE LA UZ,

MARIA M. DEL TORO, JOSEPH I. DOUEK, RICHARD W. EADDY,

ANNA HAYES LEVIN, ORLANDO MARIN, *Commissioners*

Queens Borough President Recommendation

APPLICATION: ULURP #120136 ZSQ

COMMUNITY BOARD: Q08

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Sheldon Lobel, P.C. on behalf of Meadow Park Rehabilitation Center, pursuant to Sections 197-c and 201 of the NYC Charter, for the grant of a Special Permit pursuant to Section 74-90 of the NYC Zoning Resolution to allow the enlargement of an existing 4-story nursing home with no increase in the number of beds on property located in an R3-2 District at 78-10 164th Street, Block 6851, Lots 9, 11, 12, 23, & 24, Zoning Map 14c, Hillcrest, Borough of Queens.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, February 6, 2014, 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. The hearing was closed.

CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The applicant is applying for a Special Permit that would facilitate expansion of an existing nursing home. This Special Permit is required for facilities that are located in community districts where the ratio of nursing beds per 1000 of population exceeds the citywide average. Per the Department of City Planning, the nursing beds per 1000 of population in Community District 8 is 8.5 versus the citywide 5.5 ratio;
- The applicant is proposing a 28,786 sf expansion of the existing 31,580 sf 143 bed facility. The existing building was built in 1956 and has remained unchanged since then. The proposed expansion is for the purposes of modernization of the facility and bringing it into compliance with current regulatory standards and will not result in an increase of nursing beds at the facility. Residents will benefit from the reduction of number of beds per room, improved bathroom facilities, improved wheelchair access to all areas, larger resident dining space, upgraded staff locker rooms and lounges, new elevators to replace a single elevator, widening of corridors for improved access and fire safety;
- The New York State Department of Health approved the expansion in 2010. The Board of Standards & Appeals approved bulk variances required to facilitate the proposed expansion in 2011;
- The site is located in an R3-2 district on the west side of 164th Street between 78th Avenue and 78th Road. The surrounding area is generally developed with low density homes. Union Turnpike, one block to the south of the site, is a major thoroughfare zoned for and developed with some commercial uses and a few six-story apartment buildings;
- Community Board 8 approved this application by a vote of twenty-six (26) in favor with two (2) against and none (0) abstaining at a public hearing held on January 15, 2014.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval of this application


PRESIDENT, BOROUGH OF QUEENS

2/26/14.
DATE