



CITY PLANNING COMMISSION

December 22, 2004/ Calendar No. 13

C 040123 ZSX

IN THE MATTER OF an application submitted by Related Retail Bruckner LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow a large retail establishment (UG 6 and 10A uses) with no limitation on floor area in a proposed one-story commercial building on property located at 900 Brush Avenue a.k.a. 2560 and 2692 Bruckner Avenue (Block 5542, Lots 41, 70, 130, 149 and 151), in an M1-2 District, Community District 10, Borough of the Bronx.

The application for a special permit was filed on September 19, 2003 by Related Retail Bruckner LLC, pursuant to Section 74-922 of the Zoning Resolution, to allow certain large retail establishments with no limitation on floor area in an M1 district. The special permit would facilitate the development of a large retail establishment, planned as a BJ's Wholesale Club, on a site located southwest of the Bruckner Expressway, Cross Bronx Expressway, and Hutchinson River Expressway interchange in the Throgs Neck section of Community District 10, the Bronx.

RELATED ACTIONS

In addition to the special permit application which is the subject of this report (C 040123 ZSX), implementation of the proposed development also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 000189 ZMX: Amendment to the Zoning Map, Section Nos. 4b and 7a.

BACKGROUND

The applicant, Related Retail Bruckner LLC, requests approval of a special permit pursuant to Section 74-922 of the Zoning Resolution, to facilitate the development of a 130,000 square foot large retail store, currently planned as a BJ's Wholesale Club.

In order to achieve the overall development objective for the BJ's Wholesale Club, the applicant seeks approval of two (2) actions: a zoning map amendment to rezone the proposed large retail establishment site with adjoining property from R4/C2-1 to M1-2 and M1-2, M1-1, and R4/C2-1 to R4 (C 000189 ZMX) and a special permit pursuant to Section 74-922 of the Zoning Resolution to allow certain large retail establishments with no limitation on floor area within an M1 district (C 040123 ZSX).

Site Description

The proposed retail development 'Project Site' would occupy approximately 430,000 square feet and is generally bounded by Bruckner Boulevard and Bruckner Expressway to the north, Hutchinson River Expressway to the east, Monsignor Scanlon High School on Lafayette Avenue to the south, and Brush Avenue to the west (Block 5542, Lots 41, 70, 130, 149 and 151). The proposed rezoning area occupies approximately the eastern half of the development site as well as a portion of the Monsignor Scanlon High School Campus, located directly south of the Project Site (Block 5542, Lots 41, 70, and portions of Lots 1 and 30).

The Project Site once included an indoor skating rink, a distribution center for a recycling plant, and a restaurant. It currently includes an approximately 42,500 square foot warehouse building that is used for the storage of paper products; an unoccupied 3,100 square foot restaurant and inn building; automotive storage for an auto dealership; and parking for contractor's vehicles and school buses. The asphalt-paved parking lot formerly associated with the restaurant building is used by the United States Postal Service to store tractor-trailers used to deliver mail. The remainder of the site is vacant. Directly to the south of the proposed retail development site is the Monsignor Scanlon High School campus, which includes a four-story, brick building facing the Hutchinson River Parkway along Lafayette Avenue, a modern, two-story school building just north of the main building, and smaller one-, two-, and three-story buildings scattered on the northern half of the campus. A narrow portion of the campus, along the western boundary with the Project Site, is part of the proposed rezoning area.

Area Description

The Project Site is located adjacent to the junction of three major thoroughfares: the Bruckner Expressway, the Cross-Bronx Expressway, and the Hutchinson River Expressway, which border the site on the east and the north. The campus of Monsignor Scanlon High School is located to the south of the project site. Across the Bruckner Expressway to the north, there is a multiplex movie theater complex. To the west of the site lie vacant and light-industrial lots along Westchester Creek. An office building is under construction to the southwest of the project site and further south there is a driving school. Just south of the high school there is a distribution center of the United States Postal Service.

The project site is isolated from surrounding neighborhoods by the highways, Westchester Creek, and St. Raymond's Cemetery. It is located in the western section of the Throgs Neck neighborhood in Bronx Community District 10. Throgs Neck is a predominantly residential neighborhood but this portion of the neighborhood is generally industrial in nature. St. Raymond's Cemetery and the St. Joseph's School for the Deaf separate the neighborhood from the project site.

The project site is serviced by the Q-Bx-1 and the Q44 bus routes, connecting the site to Queens, as well as the Bx22, Bx42, and the #6 subway line.

Existing Zoning

The western portion of the proposed BJ's Wholesale Club development site is zoned M1-2 and the eastern portion is zoned R4/C2-1. The remaining rezoning area consists of small sections zoned M1-1, M1-2, and R4/C2-1 in the northern portion of the Monsignor Scanlon High School Campus. This is a result of an inadvertent condition resulting from a 1972 rezoning of this block, whereby the high school was located in four different zoning districts, including the R4 district in which the majority of the campus is located. M1-1 and M1-2 are light industrial districts that allow manufacturing and commercial uses with a maximum FAR of 1.0 and 2.0 respectively. The R4/C2-1 zoning district does not allow manufacturing uses, but allows residential, community facility, and commercial uses at FARs of 0.75, 2.0, and 1.0, respectively.

The surrounding area includes M1-2, C8-1 and R4 zoning districts. C8 districts form a bridge between commercial and manufacturing uses and include automotive and other heavy commercial services with a maximum FAR of 1.0. Housing is not permitted in C8 districts. R4 zoning districts allow residential buildings with a maximum FAR of 0.75 (0.9 with an attic allowance).

PROJECT DESCRIPTION

Related Retail Bruckner, LLC, is proposing to build an approximately 130,000 square-foot retail store, currently planned as a BJ's Wholesale Club, and a 493 space surface parking lot on a 431,653 square-foot site. The applicant is required to provide 430 parking spaces. The project would be served by two vehicular access and exit points: one along Brush Avenue and one along the Hutchinson River Expressway Service Road. A loading dock would be located at the southeast corner of the building, close to the Hutchinson River Expressway Service Road entrance.

The proposed project would also include off-site transportation improvements, designed to improve vehicular flow to and from the site. Such improvements include signal timing and parking regulation changes, restriping and geometric modifications at three intersections, Bruckner Boulevard and Brush Avenue, Bruckner Boulevard North/South and Zerega Avenue and Bruckner Boulevard North/South and East Tremont Avenue.

The one-story building would be built at grade and would rise to a maximum height of 30 feet. There will be landscaping consisting of a 10-foot wide vegetative buffer with four-foot high shrubs and trees

along the entire length of its Brush Avenue, Bruckner Boulevard, and Hutchinson River Expressway Service Road frontage. Shrubbery and trees will be planted throughout the parking lot and trees will also be planted along the sidewalk of the proposed building. A fence, a retaining wall, heavy vegetation, newly planted trees, and a significant grade differential will buffer the proposed use from the adjacent high school. Project completion is expected by 2006.

PROPOSED ACTIONS

Zoning Map Amendment (C 000189 ZMX)

The rezoning area includes approximately half of the project site and the lot located directly south of the project site that is comprised of a private high school. Several changes are proposed:

- The majority of the area currently zoned R4A/C2-1 is proposed to be rezoned to M1-2 , extending the existing M1-2 district eastward. This is the site of the proposed large retail establishment. The proposed rezoning would increase the manufacturing/commercial FAR from 1.0 to 2.0, would no longer permit residential uses and would have a parking requirement of one parking space per 300 square feet. The proposed M1-2 zoning district would permit light manufacturing, as well as limited commercial and community facility uses, large retail stores are permitted by City Planning Commission Special Permit. This rezoning is appropriate since the proposed use is not a local retail use that would generally be found in a R4A/C2-1 district requiring one parking space per 100 square feet, but a large retail development that is permitted in an M1-2 district with a parking requirement of one parking space per 300 feet.

- The remaining rezoning area consists of small sections currently zoned M1-1, M1-2, and R4/C2-1. This area is proposed to be rezoned to an R4 district. This will correct an inadvertent condition resulting from a 1972 rezoning of this block, whereby the lot of the high school was located in four different zoning districts. These zoning changes would create a consolidated R4 parcel on which the school is located. The proposed rezoning to R4 would no longer permit commercial or manufacturing uses.

Special Permit for Certain Large Retail Establishment (C 040123 ZSX)

To facilitate the development of a BJ's Wholesale Club, the applicant also seeks approval of a special permit pursuant to 74-922 of the Zoning Resolution to allow certain large retail uses with no floor area limitations in an M1 district (C 040123 ZSX).

The large retail establishment, planned to be a BJ's Wholesale Club will be located in an M1-2 district. Pursuant to Section 74-922 of the Zoning Resolution, in M1 Districts, the City Planning Commission may permit department stores, carpet, rug, linoleum or other floor covering stores, clothing or clothing accessory stores, dry goods or fabric stores, food stores, furniture stores, television, radio, phonograph or household appliance stores, or variety stores, with no limitation on floor area per establishment. The special permit requires that the City Planning Commission find that the proposed project will not have significant traffic impact or impair the essential character of the surrounding neighborhood.

ENVIRONMENTAL REVIEW

This application (C 040123 ZSX), in conjunction with the applications for the related action (C 000189 ZSX), were 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 00DCP027X. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Conditional Negative Declaration, signed by the applicant, was issued November 15, 2004, stating the following:

1. The applicant agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. To test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan. The restrictive declaration also restricts the manner in which the property may be developed or redeveloped.
2. The applicant agrees to work with the New York Department of Transportation (DOT) to implement traffic improvements at Bruckner Boulevard and Brush Avenue, Bruckner Boulevard North/South and Zerega Avenue, and Bruckner Boulevard North/South and East Tremont Avenue. Improvements include the implementation of signal timing changes, striping and geometric modifications that will allow for improved turning movements and changes to parking regulations.

UNIFORM LAND USE REVIEW

This application (C 040123 ZSX), in conjunction with the application for the related action (C000189 ZMX) was certified as complete by the Department of City Planning on August 9, 2004 and was duly referred to Bronx Community Board 10 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 10 held a public hearing on this application (C 040123 ZSX) on

September 22, 2004 and on that date by a vote of 21 to 7 with 1 abstention, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 040123 ZSX) was considered by the Borough President, who issued a recommendation on November 12, 2004 approving the application with the following condition:

- 1) Add landscaping and street trees to the parking lot design, including a tree lined median within the circulation roadway. This may be achieved by reducing the number of parking spaces which under zoning need not exceed 430. Such landscaping reduces water-run off, absorbs carbon dioxide gases and minimizes heat generated by sunlight on parked vehicles.
- 2) Incorporate sustainable technologies such as efficient energy systems and green roofs into the project to minimize energy consumption and rain water run-off. BJ's has introduced such technologies at four of its Wholesale Clubs on Long Island, in Farmingdale, Islandia, Riverhead and Westbury. The BJ's solar power plant produce 10 kilowatt of sustainable power by converting sunlight to electricity without fuel, noise or pollution. More recently another large retailer, Ikea, is installing green roof technology in Red Hook, Brooklyn. The use of this technology is no less appropriate for the Bronx.
- 3) The applicant will work with the Bronx Overall Economic Corporation (BOEDC) to insure that the developers hire local contractors for the project and give Bronx residents priority for permanent employment through my "Bronx At Work" program.
- 4) The applicant will offer the work force the unfettered opportunity to affiliate with established labor unions.

- 5) The applicant agrees to participate in BOEDC's "Buy Bronx" program which gives priority to providers of material, equipment and services based in the Bronx and New York City.
- 6) The Department of Environmental Protection will commit to enforce regulations prohibiting the idling of truck engines and routinely monitor the area for violations.
- 7) The applicant and the Department of Transportation (DOT) will minimize the potential for traffic congestion on the Unionport Bridge by installing signaling and vehicular management mechanisms (pursuant to the Conditional Negative Declaration).
- 8) The applicant and Department of Environmental Protection (DEP) will provide my office with all findings pursuant to the Environmental Assessment Statement's Conditional Negative Declaration issued by the City Planning Commission on August 5, 2004.

City Planning Commission Public Hearing

On November 3, 2004 (Calendar No.2), the City Planning Commission scheduled November 17, 2004 for a public hearing on this application (C 040123 ZSX).

The hearing was duly held on November 17, 2004 (Calendar No.8) in conjunction with the public hearing on the related application, (C 000189 ZMX). There were four speakers representing the applicant in favor of the application and no speakers in opposition.

Speakers in favor included the architect, the transportation planner and two attorneys for the applicant.

The speakers described the proposed project and the positive effect the project will have in the area. They testified that most people coming to the site will arrive by car given its proximity to several major highways,

thus limiting impacts on local roads. They all stated that this type of development was needed in the community and would be an improvement over the current uses; a vacant restaurant and automotive storage.

There were no other speakers and the hearing was closed.

After the hearing was closed, a representative of opponents to the project submitted written testimony to the Commission.

CONSIDERATION

The Commission believes that the grant of the special permit (C 040123 ZSX), in conjunction with the related application for a zoning map amendment (C 000189 ZMX) is appropriate.

The requested action, in conjunction with the related action, would facilitate the development of a BJ's Wholesale Club, a 130,000 square foot retail establishment located at the interchange of the Bruckner Expressway, Cross Bronx Expressway, and Hutchinson River Expressway.

The Commission finds that the location of the proposed retail development, at the interchange of three major highways would facilitate direct access to the site. The Commission believes that this location along with transportation improvements at Bruckner Boulevard and Brush Avenue, Bruckner Boulevard North/South and Zerega Avenue and Bruckner Boulevard North/South and East Tremont Avenue will minimize traffic to and from the retail development on local and narrow streets.

The Commission notes that the proposed project is located at the interchange of the Bruckner, Cross Bronx Expressways and the Hutchinson River Expressway and is surrounded by light industrial uses. Primary access to the project site will be from Bruckner Boulevard, a major connecting street in the Borough onto Brush Avenue which is also a wide street. The Commission also notes that the project site has two entry and exit points at Brush Avenue and on the Hutchinson River Expressway Service Road and that the project has sufficient reservoir space to prevent any backups due to vehicles entering the site. The project site is serviced by the Q-Bx-1 and the Q44 bus routes, connecting the site to Queens, as well as the Bx22, Bx42, and the #6 subway line.

The Commission believes that the proposed zoning map amendment from R4/C2-1 to M1-2 and from M1-2, M2-1, and R4/C2-1 to R4 is appropriate. The proposed M1-2 extends the existing M1-2 zoning designation eastward to encompass the entire proposed project site. This is appropriate because it will allow for the development of a large retail development that is compatible with the surrounding light industrial uses and movie theater use, will bring activity to the block and surrounding area, improve safety conditions and will provide shopping options to area residents.

The proposed R4 zoning district falls within the property of Monsignor Scanlon High School and would result in the school falling within one zoning district and would correct a condition in the existing zoning which results in a condition where one lot, comprised of Monsignor Scanlon High School, exists in four separate zoning districts.

The Commission shares the concerns of the Borough President related to the design and landscaping in the parking lot and the use of sustainable technology in the development of the building. In response to these concerns the applicant has stated in letters that they will commit to the following rooftop environmental efficiency measures: installation of a 15,000 square foot vegetative beds and/or succulents; the installation of photovoltaic cells; and the installation of skylights to reduce energy costs by using more natural light. In addition the applicant will provide an eight foot wide planting strip in the middle of the parking lot in addition to the ten foot wide landscaped buffer along street frontages and the area adjacent to Monsignor Scanlon High School.

The Commission also notes the applicant's commitment to outreach to the local community for the jobs at the proposed retail establishment, their commitment to work with local contractors on hiring for construction jobs and to participate in the Borough President's "Buy Bronx" program.

The Commission acknowledges comments received from opponents of the proposed project but notes that this project provides needed shopping options for area residents and that the site is located on underutilized lots in an industrial area with good access to regional highways that would limit traffic on local roads

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-922 of the Zoning Resolution:

As a condition of granting a special permit for such large retail establishments, the Commission finds:

- (a) that the principal vehicular access for such use is not located on a local narrow street;
- (b) that such use is so located to draw a minimum of vehicular traffic to and through local streets;
- (c) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion;
- (d) that vehicular entrances and exits are provided for such uses and are located not less than 100 feet apart;
- (e) that in selecting the site due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;
- (f) that such use is so located as not to impair the essential character or the future use of or development of the surrounding area;
- (g) that such use will not produce any adverse effects which interfere with the appropriate use of land in the district or in any adjacent district;
- (h) Not Applicable
- (i) Not Applicable

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment,

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 and findings described in this report, the application submitted by Related Retail Bruckner LLC, for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow a large retail establishment (Use Group 6 and 10A) with no limitation on floor area in a proposed one-story commercial building located at 900 Brush Avenue (Block 5542, Lots 41, 70, 130, 149 and 151), in an M1-1 District, Borough of the Bronx, Community District 10, is approved subject to the following terms and conditions:

1. The property of this application (C040123ZSX) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Greenberg Farrow Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Date Last Revised</u>
Z2.0	Zoning Analysis, Maps	December 20, 2004
Z3.0	Site Plan	December 20, 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 th 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 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 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.

7. The applicant agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. To test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan. The restrictive declaration also restricts the manner in which the property may be developed or redeveloped.

8. The applicant agrees to work with the New York Department of Transportation (DOT) to implement traffic improvements at Bruckner Boulevard and Brush Avenue, Bruckner Boulevard North/South and Zerega Avenue, and Bruckner Boulevard North/South and East Tremont Avenue. Improvements include the implementation of signal timing changes, striping and geometric modifications that will allow for improved turning movements and changes to parking regulations.

and be it further

The above resolution (C 040123 ZSX), duly adopted by the City Planning Commission on December 22, 2004, (Calendar No. 13) 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 J. KNUCKLES, ESQ., Vice Chair

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, ANGELA R. CAVALUZZI, R.A.,
P.E., ALFRED CERULLO, RICHARD W. EADDY, JOHN MEROLO, DOLLY WILLIAMS,
Commissioners**