



CITY PLANNING COMMISSION

June 9, 2010 / Calendar No. 10

C 050522 ZMQ

IN THE MATTER OF an application submitted by 45-10 94th Street, LLC and 91st Place Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d:

1. changing from an M1-1 District to an R7B District property bounded by the southerly boundary line of the Long Island Rail Road right-of-way (Northside Division), 94th Street, Corona Avenue, a line perpendicular to the northerly street line of Corona Avenue distant 200 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Corona Avenue and northeasterly street line of 91st Place, a line 100 feet northerly of Corona Avenue, and a line 100 feet northeasterly of 91st Place; and
2. establishing within the proposed R7B District a C2-3 District bounded by a line 100 feet northerly of Corona Avenue, 94th Street, Corona Avenue, and a line perpendicular to the northerly street line of Corona Avenue distant 200 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Corona Avenue and northeasterly street line of 91st Place;

Borough of Queens, Community District 4, as shown in a diagram (for illustrative purposes only) dated February 22, 2010 and subject to the conditions of CECR Declaration E-248.

The application for an amendment of the Zoning Map was filed by 45-10 94th Street LLC and 91st Place Realty LLC on June 23, 2005 to change the existing M1-1 zoning district to an R7B district and to extend an existing C2-3 commercial overlay eastward along the north side of Corona Avenue to 94th Street to facilitate the development of a building for residential and commercial use on Corona Avenue in Elmhurst, Queens, Community District 4.

BACKGROUND

The applicant, 45-10 94th Street LLC and 91st Place Realty LLC, is proposing to change a portion of one block from M1-1 to R7B and to establish within the R7B district a C2-3 overlay to facilitate the development of one seven-story, mixed-use building and one seven-story,

residential building. The applicant also intended to construct a five-story, mixed-use building on a portion of Lot 130 which is not included within the proposed rezoning area. However, pursuant to a letter from the applicant's architect dated May 7, 2010, the applicant subsequently decided to construct a 34-foot wide fire apparatus access road in this portion of Lot 130, rather than the five-story, mixed-use building.

The proposed rezoning area is approximately 252,883 square feet (5.8 acres) and consists of four lots (Block 1600, Lot 61, 80, 86, 99) and portions of three lots (Block 1600, Lot 110,120,130) in an M1-1 district. Lots 61, 80, 86, 99,110, 120, and 130 are developed with a public school, a house of worship, a used car lot, a car servicing business, a warehouse/manufacturing business, a warehouse and a mixed residential/retail use. The applicant is the owner of the two largest lots in the proposed rezoning area, Lot 61 and Lot 130. Lot 130 is the applicant's proposed development site and contains a single-story shipping and receiving warehouse. Lot 61 contains a four-story, former manufacturing building that is leased to the New York City School Construction Authority for the operation of four public schools.

The area of Elmhurst surrounding the proposed rezoning block is primarily residentially developed. To the north-west of the rezoning block are two R7B districts, along Lamont and Whitney avenues, which are developed with six- and seven-story apartment buildings. R5 and R6B zoning districts are adjacent to the rezoning area, and are developed with two- to four-story residences. The Corona Avenue frontage just southwest of the proposed rezoning has an existing C2-3 commercial overlay with a depth of 100 feet within an underlying R6B zoning district and contains ground floor commercial and residential uses.

The proposed R7B zoning district would allow new residential and community facility uses at a floor area ratio (FAR) of 3.0. The maximum building height permitted in an R7B district is 75 feet, with a base height of 40 to 60 feet. In R7B districts, accessory, off-street parking spaces are required for 50% of the total number of proposed dwelling units. The proposed C2-3 commercial overlay extension, to be mapped over a portion of the proposed R7B district, would allow commercial uses at a maximum FAR of 2.0.

The applicant intends to develop two new buildings within the rezoning area: one would be a seven-story, 70-foot tall residential building in the central portion of Lot 130, and one would be a seven-story, 70-foot tall mixed-use building on the portion of Lot 130 along Corona Avenue that is also within the proposed C2-3 commercial overlay. The applicant also intended to build one five-story, 50-foot tall mixed-use building on the portion of Lot 130 that is in an existing R6B/C2-3 district outside of the rezoning area, and which is adjacent to the Long Island Railroad, however, pursuant to a letter from the applicant's architect dated May 7, 2010, the applicant subsequently decided to construct a 34-foot wide fire apparatus access road on a portion of Lot 130, rather than the five-story mixed-use building. The three buildings proposed to be built on Lot 130 would have had a total FAR of 2.8 and provide a total of 120 dwelling units. The three buildings would share accessory off-street parking for 60 vehicles, comprised of 36 parking spaces below grade and 24 parking spaces at grade.

Under the current zoning, the applicant's property is limited to low density manufacturing and certain community facility uses. The proposed R7B zoning would allow medium density residential use, which is the proposed use for the applicant's development project on Lot 130. Under the proposed R7B zone, the existing public school on Lot 61 would come into conformance.

While the proposed zone does not permit the warehouse and manufacturing uses contained on Lot 86, these minor uses would be grandfathered and permitted to continue. The proposed zoning boundary would extend onto a minor portion of Lot 120 containing residential and retail use, but Lot 120 would not be affected by the proposed R7B zoning change. Existing uses on Lots 80 and 99 and portions of Lot 110 would conform to the proposed R7B/C2-3 zoning.

ENVIRONMENTAL REVIEW

This application (C 050522 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 05DCP093Q. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action (C 050522 ZMQ), a Conditional Negative Declaration was issued. The lead agency has determined that the proposed actions will have no significant effect on the quality of the environment, once it is modified as follows:

The applicant, 45-10 94th Street LLC, and 91st Place Realty, LLC, 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. The applicant agrees 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 including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

The (E) designation for hazardous materials would be placed on Block 1600, Lots 80, 86, 99 and 110.

The text of the (E) designation for hazardous materials is as follows:

Task 1-Sampling Protocol

A. Petroleum

A soil, soil gas, and groundwater testing protocol (including a description of methods), and a site map with all sampling location represented clearly and precisely, must be submitted to the NYCDEP by the fee owner(s) of the lot which is restricted by this (E) designation, for review and approval.

A site map with the sampling locations clearly identified and a testing protocol with a description of methods, for soil, soil gas, and groundwater, must be submitted by the fee owner(s), of the lot which is restricted by the (E) designation, to the NYCDEP for review and approval.

B. Non-Petroleum

The fee owner(s) of the lot restricted by this (E) designation will be required to prepare a scope of work for any sampling and testing needed to determine if contamination exists 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 NYCDEP 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. For all non-petroleum (E) designated sites, the three generic NYCDEP soil and groundwater sampling protocols should be followed.

A scope of work for any sampling and testing to be completed, which will determine the extent of on-site contamination and the required remediation, must be prepared by the fee owner(s) of the lot restricted by this (E) designation. The scope of work will include the following: site plans, sampling locations, and all other relevant supporting documentation. The scope of work must be submitted to the NYCDEP for review and

confirmation that an adequate testing protocol (i.e., number of samples collected, appropriate parameters for laboratory analysis) has been prepared. The NYCDEP must approve the scope of work before it can be implemented.

For non-petroleum (E) designated sites, one of the three generic soil and groundwater sampling protocols prepared by the NYCDEP should be followed. The protocols are based on three types of releases to soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater, including: the release of a solid hazardous material to ground surface; the release of a liquid hazardous material to the ground surface; and the release of a hazardous material to the subsurface (i.e., storage tank or piping). The type of release defines the areas of soil to be sampled from surface, near-surface, to subsurface. Additionally, it determines the need for groundwater sampling.

A written approval of the sampling protocol must be received from the NYCDEP before commencement of sampling activities. Sample site quantity and location should be determined so as to adequately characterize the site, the source of contamination, and the condition of the remainder of the site. After review of the sampling data, the characterization should have been complete enough to adequately determine what remediation strategy (if any) is necessary. Upon request, NYCDEP will provide guidelines and criteria for choosing sampling sites and performing sampling.

Finally, a Health and Safety Plan must be devised and approved by the NYCDEP before the commencement on any on-site activities.

Task 2-Remediation Determination and Protocol

After sample collection and laboratory analysis have been completed on the soil and/or groundwater samples collected in Task 1, a summary of the data and findings in the form of a written report must be presented to the NYCDEP for review and approval. The NYCDEP will provide a determination as to whether remediation is necessary.

If it is determined that no remediation activities are necessary, a written notice will be released to that effect. However, if it is the NYCDEP's determination that remediation is necessary the fee owner(s) of the lot restricted by the (E) designation must submit a proposed remediation plan to the NYCDEP for review and approval. Once approval has been obtain, and the work completed, the fee owner(s) of the lot restricted by the (E) designation must provide proof to the NYCDEP that the work has been completed satisfactorily.

The proposed (E) designation for air quality would be mapped on Block 1600, Lots 80, 86, 99, 110 and 130. The text of the (E) designation is as follows:

Block 1600, Lot 80: Any new residential and/or commercial development on the above-referenced property must ensure that the heating, ventilating and air conditioning (HVAC) stack(s) are located at least 20 feet from the lot line facing 91st Place AND MAY USE Oil No. 2 or Natural Gas as the type of fuel for space heating and hot water systems, to avoid any potential significant adverse air quality impacts.

Block 1600, Lot 86: Any new residential and/or commercial development on the above-referenced property must ensure that the heating, ventilating and air conditioning (HVAC) stack(s) are located at least 33 feet from the lot line facing 94th Street and 91st Place AND MAY ONLY USE Oil No. 2 or Natural Gas as the type of fuel for space heating and hot water systems, to avoid any potential significant adverse air quality impacts.

Block 1600, Lot 99: Any new residential and/or commercial development on the above-referenced property must ensure that the heating, ventilating and air conditioning (HVAC) stack(s) are located at least 18 feet from the lot line facing 94th Street and 91st Place AND MAY ONLY USE Oil No. 2 or Natural Gas as the type of fuel for space heating and hot water systems, to avoid any potential significant adverse air quality impacts.

Block 1600, Lot 110: Any new residential and/or commercial development on the above-referenced property must ensure that the heating, ventilating and air conditioning (HVAC) stack(s) are located at least 18 feet from the lot line facing 94th Street AND MAY ONLY USE Oil No. 2 or Natural Gas as the type of fuel for space heating and hot water systems, to avoid any potential significant adverse air quality impacts.

Block 1600, Lot 130: Any new residential and/or commercial development on the above-referenced property must ensure that the heating, ventilating and air conditioning (HVAC) stack(s) use ONLY USE Natural Gas as the type of fuel for space heating and hot water systems, to avoid any potential significant adverse air quality impacts.

With the implementation of the above (E) designation, no significant adverse impacts related to air quality would occur.

The (E) designation for noise would be mapped on Block 1600, Lots 80, 86, 99, 110 and 130. The text of the (E) designation is as follows:

In order to ensure an acceptable interior noise environment, future residential and commercial uses must provide a closed window condition with a minimum of 30 dB(A) window/wall attenuation on all facades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

With the implementation of the above (E) designation, no significant adverse impacts related to noise would occur.

The applicant signed the conditional negative declaration on February 19, 2010. The conditional negative declaration was published in the City Record on February 24, 2010 and in the New York State Environmental Bulletin on March 8, 2010. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.99 et seq., a 30-day comment period followed. No comments were received.

Since the issuance of the CND the applicant revised the development program and site plan for Lot 130 to eliminate one of the three proposed buildings. A revised conditional negative declaration reflecting the revised development program and site plan for Lot 130 was issued on June 4, 2010.

UNIFORM LAND USE REVIEW

This application (C 050522 ZMQ) was certified as complete by the Department of City Planning on February 22, 2010, and was duly referred to Community Board 4 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 4 held a public hearing on this application on April 6, 2010, and on that date, by a vote of 34 to 0 with 0 abstentions, adopted a resolution recommending approval of the application (C 050522 ZMQ) with the condition “that more greenery and more parking is added because the area is very congested.”

BOROUGH PRESIDENT RECOMMENDATION

This application (C 050522 ZMQ) was considered by the Borough President, who issued a recommendation approving the application on April 26, 2010 with the following conditions:

The applicant must obtain certification from emergency services that the proposed location and width of the proposed 16 feet wide curb cuts leading into 10 feet driveways on 91st Street and Corona Avenue leading to the second proposed

building are wide enough and provide enough room for emergency responses and operations on site.

Affordable housing is one of the most critical needs for working families in New York City. The applicant has successfully owned many properties in this area and has expressed a desire to give back to the community. This site is located in an economically challenged and culturally diverse neighborhood. Therefore the applicant should make all efforts to include an affordable housing plan in this project using available city programs for moderate to lower income housing.

CITY PLANNING COMMISSION PUBLIC HEARING

On April 28, 2010 (Calendar No. 15), the City Planning Commission scheduled May 12, 2010 for a public hearing on this application (C 050522 ZMQ). The hearing was duly held on May 12, 2010 (Calendar No.30). There were three speakers in favor and one in opposition to the application.

A representative for an adjacent church objected to the rezoning, citing the church's concern over light and shadow impacts on their property that he believed may result from the applicant's proposed building along 91st Place, on Lot 130, now removed.

The applicant's representative summarized the proposal and noted that the proposed residential zoning designation would bring an existing school, currently located in the existing M1-1 district, into conformance. He explained that the proposed zoning designation would make the rezoning area more compatible with surrounding residential properties and that R7B districts are mapped in areas north-west of the rezoning area containing six- and seven-story buildings with larger footprints than residential buildings on area side streets. The applicant's representative also explained that an additional 15 parking spaces would be provided on the development site

for a total of 75 spaces, as compared to the originally proposed 60 parking spaces on site, in response to Community Board 4's recommendation to add more parking to the site.

In response to the Borough President's concerns, the applicant's architect explained that a 34-foot wide fire access road along the northern boundary of the applicant's property would be provided, thereby, eliminating the five-story, as-of-right building that had been proposed on Lot 130 with frontage on 91st Place. The previous proposed fire access lane to the proposed building in the middle of the development site was from 94th Street and ran the length of the school property on Lot 61. At over 400 feet, the FDNY deemed this access lane too long.

The applicant's architect confirmed that the 10,050 square feet floor area of the removed building would not be redistributed elsewhere on the site and that the total unit count would be reduced from 120 to 112 units. The applicant's representative explained that since the five-story building originally proposed along 91st Place next to the church had been removed, the development plan as proposed would have no effect on the quality of light and air on the church property.

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

CONSIDERATION

The Commission believes that this application (C 050522 ZMQ) for an amendment of the Zoning Map is appropriate.

The Commission notes that the proposed zoning change from M1-1 to R7B/C2-3 would facilitate the construction of new residential and mixed-use buildings on an irregular, underutilized parcel where zoning currently restricts development to low-density industrial, commercial and certain community facility uses. The Commission further notes that the proposed zoning change would better match the predominant character of the neighborhood which is residential with commercial and institutional uses and prevent further incompatible manufacturing uses that the existing zoning allows.

The Commission notes that the proposed rezoning will facilitate buildings that will be similar in height and density to buildings located in the nearby R7B districts along Lamont Avenue and Whitney Avenue. The Commission also notes that the development parcel is sizable and deep with frontage along Corona Avenue, a wide, primary street. The Commission believes that the subject parcel could accommodate a moderate increase in height and bulk to foster redevelopment on the site. The Commission notes the proposed R7B zoning district would accommodate the applicant's proposed development project.

With respect to requests of Community Board 4 for an increase in parking and greenery on the proposed development site, the Commission notes that the applicant has responded to their concerns by stating he would provide 15 additional off-street parking spaces, for a total of 75 spaces, compared to the 60 spaces originally proposed, and by proposing to work with the Queens Botanical Garden to introduce more greenery to the proposed open space on the development site.

With respect to the concerns of the Commission and the Queens Borough President regarding emergency access, the Commission is pleased to note that during the public hearing the applicant stated that he has consulted with the New York City Fire Department to develop a site plan that provides for emergency access to the site. The Commission acknowledges that, pursuant to a letter from the applicant's architect dated May 7, 2010, the applicant has adjusted the development proposal to remove the proposed five-story building along 91st Place and add a 34-foot wide fire access road along the site's northern boundary in order to provide emergency access.

The Commission also notes that in response to the Borough President's concerns, the applicant has proposed to take advantage of the 421a Tax Abatement Program to provide affordable housing for 20% of the total 112 residential units proposed.

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:

The applicant, 45-10 94th Street LLC, and 91st Place Realty, LLC, 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. The applicant agrees 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 including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

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 modified, is further amended by changing the Zoning Map, Section No. 9d:

1. Changing from an M1-1 District to an R7B District property bounded by the southerly boundary line of the Long Island Rail Road right-of-way (Northside Division), 94th Street, Corona Avenue, a line perpendicular to the northerly street line of Corona Avenue distant 200 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Corona Avenue and northeasterly street line of 91st Place, a line 100 feet northerly of Corona Avenue, and a line 100 feet northeasterly of 91st Place; and
2. Establishing within the proposed R7B District a C2-3 District bounded by a line 100 feet northerly of Corona Avenue, 94th Street, Corona Avenue, and a line perpendicular to the northerly street line of Corona Avenue distant 200 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Corona Avenue and northeasterly street line of 91st Place;

Borough of Queens, Community District 4, as shown in a diagram (for illustrative purposes only) dated February 22, 2010 and subject to the conditions of CEQR Declaration E-248.

The above resolution (C 050522 ZMQ), duly adopted by the City Planning Commission on June 9, 2010 (Calendar No. 10), 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, Commissioner~~

Community/Borough Board Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

Application # **C 050522 ZMQ**
CEQR # **05DCP093Q**
Community District No. 04 Borough: Queens
Community District No. ___ Borough: _____
Project Name: **94TH Street Corona Avenue Rezoning**

INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.

2. 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 45-10 94th Street LLC and 91st Place Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d:

- changing from an M1-1 District to an R7B District property bounded by the southerly boundary line of the Long Island Rail Road right-of-way (Northside Division), 94th Street, Corona Avenue, a line perpendicular to the northerly street line of Corona Avenue distant 200 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Corona Avenue and northeasterly street line of 91st Place, a line 100 feet northerly of Corona Avenue, and a line 100 feet northeasterly of 91st Place; and
- establishing within the proposed R7B District a C2-3 District bounded by a line 100 feet northerly of Corona Avenue, 94th Street, Corona Avenue, and a line perpendicular to the northerly street line of Corona Avenue distant 200 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Corona Avenue and northeasterly street line of 91st Place;

Borough of Queens, Community District 4, as shown on a diagram (for illustrative purposes only) dated February 22, 2010 and subject to the conditions of CEQR Declaration E-248.

Applicant(s):

45-10 94th Street LLC
203 Meserole Avenue, Brooklyn, NY 11222

91st Place Realty LLC
203 Meserole Avenue, Brooklyn, NY 11222

Applicant's Representative:

Jeffrey A. Chester, Esq.
Einbinder & Dunn, LLP
104 W. 40th Street
New York, NY 10018

Community Board No. **4** Borough: **Queens**

Borough Board

Date of public hearing: 4/6/10

Flander's Field VFW Post 150
Location: 51-11 108 Street
Corona, New York 11368

Was a quorum present? YES NO

A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: 34

Flander's Field VFW Post #150
Location: 51-11 108 Street
Corons, New York 11368

RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

ULURP Committee Chair Miriam Levenson reported the Committee approved the application with the stipulation more greenery and more parking is added because the area is very congested. Miriam Levenson made a motion, seconded by Tom McKenzie to grant the application with the above mentioned recommendation.

By a voice vote, the Board voted 34 in favor, 0 opposed, with 0 abstentions. Motion passed.

Voting

In Favor:	Against:	Abstaining:	Total members appointed to the board:
34	0	0	42



Community/Borough Board Officer

District Manager
Title

April 9, 2010
Date

v.012006w

Queens Borough President Recommendation

APPLICATION: ULURP #050522 ZMQ

COMMUNITY BOARD: Q04

DOCKET DESCRIPTION

IN THE MATTER of an application submitted by Jeffrey A. Chester, Esq. of Einbinder & Dunn, LLP on behalf of 45-10 94th Street LLC and 91st Place Realty LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of zoning map section No. 19d:

1. Changing from an M1-1 District to a R7B District property bounded by the southerly boundary line of the Long Island Railroad right-of-way (North side Division), 94th Street, Corona Avenue, a line perpendicular to the northerly street line of Corona Avenue distant 200 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Corona Avenue and northeasterly street line of 91st Place, a line 100 feet northerly of Corona Avenue, and a line 100 feet northeasterly of 91st Place;
2. Establishing within the proposed R7B District a C2-3 District bounded by a line 100 feet northerly of Corona Avenue, 94th Street, Corona Avenue, and a line perpendicular to the northerly street line of Corona Avenue distant 200 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Corona Avenue and northeasterly street line of 91st Place;

Block 1600, Lots 61, 80, 86, 99, p/o 110, p/o 120, p/o 130, Zoning Map 9d, Corona, Borough of Queens.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Tuesday, April 20, 2010 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 were four (4) other speakers. 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:

- o The applicant is proposing to rezone approximately 252,883 sf parcel (5.8 acres) from the existing M1-1 zoning district to an R7B, and R7B with a C2-3 commercial overlay along Corona Avenue.;
- o The proposed rezoning would allow the applicant to construct a mixed-use residential and commercial development consisting of three (3) buildings with accessory parking at grade and in the cellar. The applicant's development site is a highly irregular triangular lot that tapers down from a width of approximately 200 feet at the eastern edge of the site to a depth of approximately 30 feet 91st Place. Most of the proposed development site is located behind six approximately 125 feet deep tax lots developed with commercial and retail buildings that are 1-4 stories in height fronting on Corona Avenue to the south. Long Island Rail Road tracks border the site to the north and the Elmhurst Education Campus is located directly to the east (lot 61) at 94th Street;
- o The proposed zoning map amendment would bring the recently converted school building on Lot 61 into conformance with zoning use regulations. The school is located on the property owned by the applicant pursuant to a ground lease with the School Construction Authority.;
- o The surrounding area is zoned for low to medium density housing with commercial overlays mapped on some of the busier streets such as Corona Avenue. Corona Avenue is developed with a mix of manufacturing, commercial and residential uses. Corona Avenue is a heavily used narrow thoroughfare with two (2) travel lanes and with one parking lane on either side;
- o Community Board 4 unanimously approved the application with conditions by a vote of thirty-four (34) in favor, with none (0) opposing or none (0) abstaining at a public hearing held on April 6, 2010. The condition of approval is that the new development should include more greenery and more parking should be added due to the congestion in the subject area.

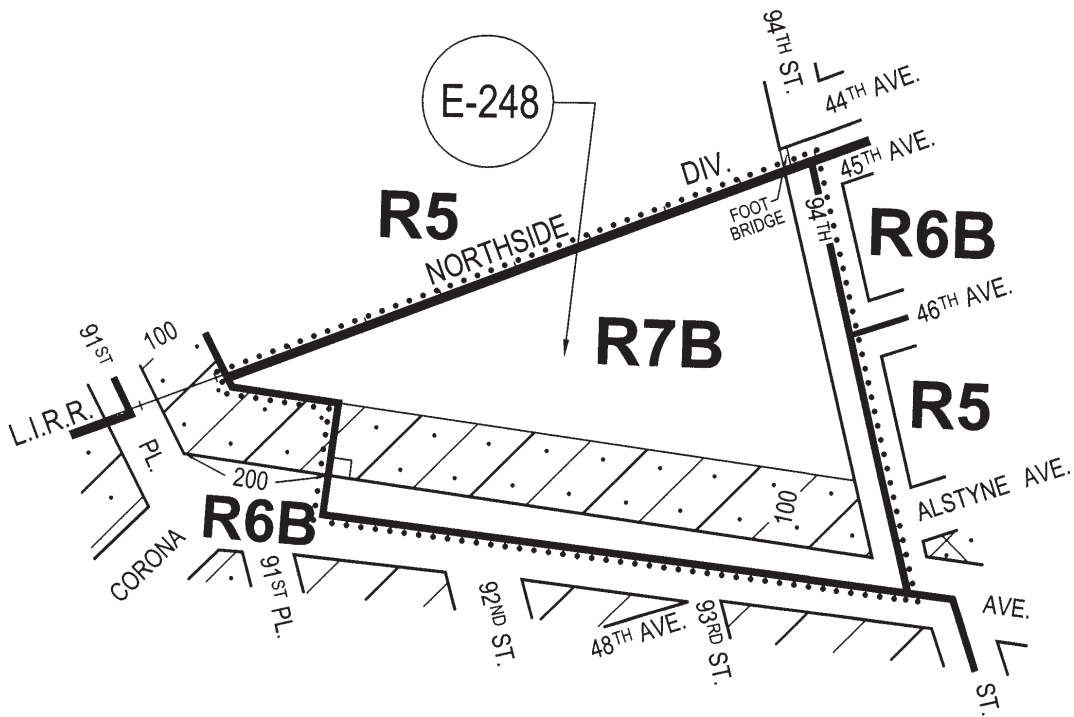
RECOMMENDATION

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

- The applicant must obtain certification from the emergency services that the proposed location and width of the proposed 16 feet wide curb cuts leading into 10 feet driveways on 91st Street and Corona Avenue leading to the second proposed building are wide enough and provide enough room for emergency responses and operations on the site.
- Affordable housing is one of the most critical needs for working families in New York City. The applicant has successfully owned many properties in this area and has expressed a desire to give back to the community. This site is located in an economically challenged and culturally diverse neighborhood. Therefore the applicant should make all efforts to include an affordable housing plan in this project using available city programs for moderate to lower income housing.


PRESIDENT, BOROUGH OF QUEENS


DATE







CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP
9d
 BOROUGH OF
QUEENS

New York, Certification Date
 FEBRUARY 22, 2010

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 changing from an M1-1 District to an R7B District and by establishing a C2-3 within the proposed R7B District.
 -  Indicates a C1-3 District.
 -  Indicates a C2-2 District.
 -  Indicates a C2-3 District.
 -  Indicates a City Environmental Quality Review Declaration, refer to C.E.Q.R. sheet.