

**33-12-A thru 37-12-A**

APPLICANT – Sheldon Lobel, P.C., for Indian Cultural and Community Center, Incorporated, owner. SUBJECT – Application February 9, 2012 – Proposed construction of two mixed use buildings that do not have frontage on a legally mapped street, contrary to General City Law Section 36. C8-1 Zoning District.

PREMISES AFFECTED – 78-70 Winchester Boulevard, Premises is a landlocked parcel located just south of Union Turnpike and west of 242nd Street, Block 7880, Lots 550, 500 Borough of Queens.

**COMMUNITY BOARD #13Q**

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

Affirmative: Chair Perlmutter, Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.....4  
Negative:.....0

**THE RESOLUTION** –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated February 1, 2012, acting on DOB Application No. 420340848, reads, in pertinent part:

The proposed development is contrary to General City Law Section 36, and does not have at least 8% of the total perimeter of the building fronting directly upon a street or frontage space per building Code Section 27-291; and

WHEREAS, this is an application, filed pursuant to General City Law §36, to allow the proposed construction not fronting on a mapped street; and

WHEREAS, the applicant filed a companion case under BSA Calendar No. 78-11-BZ, to permit, pursuant to ZR § 72-21, on a site within a C8-1 zoning district, the construction of a four-story mixed residential (Use Group 2) and community facility (Use Group 4) building with 57 dwelling units for persons 55 years of age or older, contrary to ZR § 32-11.

WHEREAS, a public hearing was held on this application on September 10, 2013, after due notice by publication in *The City Record*, with continued hearings on February 25, 2014, July 22, 2014, September 23, 2014, and November 25, 2014, and then to decision on March 10, 2015; and

WHEREAS, the site, which does not front on a mapped street, is located within the boundaries of the Creedmoor Psychiatric Center Campus (“Creedmoor”), an approximately 300-acre parcel bounded by Union Turnpike, Winchester Boulevard, Hillside Avenue, and the Cross-Island Parkway; and

WHEREAS, the site has approximately 83,252 sq. ft. of lot area and has been used for vehicle storage and other industrial uses; and

WHEREAS, the applicant seeks to construct a four-story building with a maximum building height of 43’-6” (excluding bulkheads), 66,563 sq. ft. of floor area (0.80

FAR) (10,380 sq. ft. of community facility floor area and 56,183 sq. ft. of residential floor area), 57 dwelling units, and 75 parking spaces; and

WHEREAS, the applicant states that the site (both lots 500 and 550) does not have any frontage on a mapped street, but is benefitted by easements over the Creedmoor street grid and to access 82<sup>nd</sup> Avenue; and

WHEREAS, by letter dated May 31, 2013, the applicant, in response to a request made by the FDNY, provided the FDNY with revised drawings showing: (1) easement access from the subject site; (2) the location of proposed fire hydrants; (3) information about water pressure at the site; (4) parking restrictions at the site; (5) information regarding proposed automatic sprinklers and fire alarm systems; and (6) the location of the vehicular easement through Creedmoor; and

WHEREAS, by letter dated June 19, 2013, the FDNY advised the Board that the following conditions must be met: (1) the applicant must obtain approval for a private water supply capable of supporting the NYC Fire Code required fire hydrants and sprinkler systems; (2) the minimum road width from the intersection of all public streets leading to the main entrance of all buildings contained within the boundaries of the site shall be at least 30 feet from curb to curb (and, in instances in which the roadway is less than 38 feet, there shall be no parking permitted, at any time); (3) all buildings must be fully sprinklered as per the 2008 New York City Construction Codes; (4) fire hydrants must be installed so that at least 1 hydrant is within 250 feet for the main front entrance of each building and that siamese connections to those buildings are not more than 100 feet from at least one hydrant; and (5) that the locked gate at 82<sup>nd</sup> Avenue, west of 242<sup>nd</sup> Street, shall be removed in its entirety to as to provide access from 82<sup>nd</sup> Avenue; and

WHEREAS, on December 16, 2014, the applicant submitted a revised site plan showing: (1) that all siamese connections at the subject site are within 100 feet of a fire hydrant; (2) that no standing is permitted along the proposed roadways within the site; and (3) a code compliant gate facing 82<sup>nd</sup> Avenue; and

WHEREAS, by letter dated January 16, 2015, the FDNY stated that it has no objection to the application provided the following conditions are complied with: (1) all buildings submitted in this application must be fully sprinklered; (2) the applicant is required to install fire hydrant(s) as indicated in their plans, within 250 feet of the main entrances of the new buildings and within 100 feet of any siamese connections; (3) the applicant is required to ensure that all hydrants associated with this application are supplied by a minimum 8-inch diameter water main; (4) road dimensions and layout shall be in accordance with GCL – 100.00 and GCL 101.00; and (5) there shall be no gate or obstruction installed on 82<sup>nd</sup> Avenue unless such gate or obstruction has been submitted to and approved by the FDNY; and

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WHEREAS, by letter dated January 22, 2015, the applicant advised the Board that the revised site plan incorporate the foregoing requirements; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

*Therefore it is Resolved*, that the decision of the Department of Buildings (“DOB”), dated February 1, 2012, acting on DOB Application No. 420340848, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction will substantially conform to the drawings filed with the application marked “January 23, 2015”- (2) sheets; and *on further condition*

THAT the proposal will comply with all applicable zoning district requirements and all other applicable laws, rules, and regulations;

THAT all required approvals from the Department of City Planning will be obtained prior to the issuance of building permits;

THAT the proposed buildings shall be fully sprinklered in accordance with BSA-approved plans;

THAT fire hydrants shall be installed as per the BSA-approved, within 250 feet of the main entrances of the new buildings and within 100 feet of any siamese connections;

THAT all fire hydrants associated with this application shall be supplied by a minimum 8-inch diameter water main;

THAT all road dimensions and layouts within the site shall be in accordance with GCL – 100.00 and GCL 101.00;

THAT any gate or obstruction installed on 82<sup>nd</sup> Avenue shall be as approved by the FDNY;

THAT any and all conditions requested by the Fire Department shall be implemented before the Temporary Certificate of Occupancy and Certificate of Occupancy are issued;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other jurisdiction objection(s);

THAT DOB will review the proposed plans to ensure compliance with all relevant provisions of the Zoning Resolution;

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals on March 10, 2015.

**A true copy of resolution adopted by the Board of Standards and Appeals, March 10, 2015.**

**Printed in Bulletin No. 12, Vol. 100.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

