



CITY PLANNING COMMISSION

December 17, 2008/Calendar No. 24

C 090087 PSQ

IN THE MATTER OF an application submitted by the Police Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of property generally bounded by Rockaway Boulevard and North Boundary Road (Block 14260, p/o Lot 1) for use as evidence vehicle storage, Community District 13, Borough of Queens.

This application (C 090087 PSQ) was filed on August 19, 2008, by the New York City Police Department (NYPD) and the Department of Citywide Administrative Services (DCAS), for site selection of city-owned land in Springfield Gardens, Community District 13 (Block 14260, part of Lot 1) for use as a vehicle impoundment facility.

BACKGROUND

NYPD and DCAS request approval for site selection of city-owned property (Block 14260, part of Lot 1) for use as a long-term storage lot for vehicles impounded by the NYPD for forfeiture, drunk-driving arrests and evidence gathering procedures after accidents. The existing NYPD vehicle storage facility is located on a 29.5-acre site located at 129-05 31st Avenue in northern Queens within the College Point Industrial Urban Renewal Area. The majority of the vehicles stored at College Point would be relocated to the proposed site to facilitate the City's plan to construct a new police academy on the College Point site.

The project site in Springfield Gardens is bounded by Rockaway Boulevard to the north, North Boundary Road to the south and lies generally between Farmers Boulevard to the west and Guy R. Brewer Boulevard to the east. The site is immediately adjacent to John F. Kennedy

International Airport and was originally part of airport property, but was surrendered by the Port Authority to the City of New York in 1965 and is therefore located outside the boundaries of the Port Authority's leasehold for JFK Airport.

The proposed site is an irregularly-shaped, vacant 12.97-acre site (approximately 565,023 square feet) that is located in an M1-1 zoning district. A portion of the site lies within the mapped, but unimproved right of way of the Nassau Expressway. Approximately two acres of isolated, non-jurisdictional freshwater wetlands are located in the eastern portion of the site; numerous trees and shrubs grow over the site.

Land uses to the south and west of the subject site include airport operations and a US Postal Service facility. Immediately east of the project site there is a 20-acre vacant parcel of land that was formerly city owned and proposed for development of a 98,000 square-foot air courier facility (Quick Air Cargo) and a depot for 600 mini-school buses (Logan Bus Company). These sites remain undeveloped. Development within a half mile north of the subject site includes air cargo and airport-related warehouses, offices, a few non-conforming residences, and a transitional family shelter housing 240 families in an M1-1 district. An R3-2 zoning district covers the Springfield Gardens neighborhood north of the manufacturing district and is predominantly developed with one- and two-family detached homes. Local convenience retail and restaurant facilities are located in the C1-2 overlay districts along Farmers, Brewer and Rockaway boulevards.

PROJECT DESCRIPTION

The proposed NYPD vehicle storage facility is intended to be used for long-term storage of vehicles impounded for evidence, forfeiture or involvement in accidents. The site would be graded and paved with impervious material. A security fence approximately ten feet in height would surround the perimeter of the impound lot and a 25-foot wide landscaped buffer would be located between the security fence and the Rockaway Boulevard roadway. A four-foot landscaped buffer would lie between the security fence and North Boundary Road on the south side of the project site.

As certified, the facility was proposed to accommodate up to 3,485 impounded vehicles for storage, utilizing three-level stackers that measure approximately 20 feet in height. The proposed facility was also proposed to accommodate a car salvage area for approximately 100 vehicles and contain a 10,000 square-foot area with up to 25,000 square feet for administrative space in trailers. Although a portion of the site lies within the mapped but unimproved right of way for the Nassau Expressway, the proposed plan indicates the area within the right of way will be used only for parking or storage. All vehicular access to the site would be through one 25-foot curb cut on North Boundary Road on the south side of the site. No curb cuts would be located on Rockaway Boulevard. Fifty-two accessory parking spaces would be provided on-site, 42 for employees and 10 for visitors. The facility is expected to have a staff of approximately 58 employees/police officers over a 24 hour period.

The impounded vehicles would be towed to the Springfield Gardens vehicle storage facility from

all boroughs, generating an estimated maximum 40 trips per day. Impounded vehicles would remain at the facility for a minimum of ten days, but the average length of time impounded vehicles remain in storage is approximately six months. The majority of the vehicles would be relocated to the proposed facility from the existing NYPD vehicle storage facility in College Point. If space is available at the site, vehicles may be relocated from other storage facilities in Sunset Park, South Brooklyn Marine Terminal or the Gowanus auto pound sites.

The Springfield Gardens storage facility would be open to the public for vehicle pick-up and for delivery of vehicles by private tow operators Monday through Friday from approximately 8:00 a.m. to 10:00 p.m. Vehicles from various units within the Police Department would be delivered to the site 24 hours a day/seven days a week by tow truck or individually driven to the site.

ENVIRONMENTAL REVIEW

This application (C 090087 PSQ) 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 08SB007Q. The lead agencies are the Department of Small Business Services and the New York City Police Department.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on August 19, 2008.

UNIFORM LAND USE REVIEW

This application (C 090087 PSQ) was certified as complete by the Department of City Planning on August 25, 2008, and was duly referred to Community Board 13 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 13 held a public hearing on this application (C 090087 PSQ) on September 16, 2008, and on September 22, 2008, by a vote of 35 to 0 with zero abstentions, adopted a resolution recommending disapproval of this application.

In a letter dated December 1, 2008 to the Chair of the City Planning Commission, the chair of Community Board 13 cited the following reasons for disapproving the application:...

- The community, as a community of color, has been used as a dumping ground for every negative project or facility that no other community will accept. The community considers what's happening with these projects to be a violation of environmental justice. This dumping must stop.
- The project as proposed brings no positive benefits for the community. The 3,585 vehicles to be stored in the facility will come from all over the borough and other boroughs and it will attract claimants from all over to retrieve their vehicles.
- Testimony was provided about the condition of many vehicles brought to the College Point site. These are not parking violations. Quite often these are vehicles involved in accidents or crimes and frequently have blood and excrement and may be significantly damaged.

- A vehicle not retrieved by its owner may be auctioned or become scrap. Scrap vehicles often sit for years with rotting tires and rusting bodies – finally to be tagged as salvage and dragged out through the community.
- In order to accommodate 3,585 vehicles in only 13 acres, much smaller than the College Point site, vehicles will be stacked three-high. The “stackers” are over 25 feet high, located throughout the lot – even along the perimeter of Rockaway Blvd. The site planners have stated that shrubs or trees tall and mature enough to mask the stackers would be “too expensive” and smaller vegetation will initially be planted, leaving some exposure to the community.
- The landscaped area is only fifteen feet deep along Rockaway Blvd, plus the unused ten feet normally used for a sidewalk. The twenty-five feet of plantings replaces a canopy of natural trees. These existing trees densely cover the whole thirteen acres and provide a home for various flora and fauna, but it will be replaced by asphalt.
- There is serious concern that the planned oil-water separators will not be sufficient to filter out the oil, gas and grease that will come from over three thousand rusting vehicles.
- The city is exempt from new parking lot zoning regulations which would provide for bioswales (sic) and other features to prevent flooding and allow rainwater to penetrate to groundwater more naturally.
- Several ponds on Site A will be destroyed, including 2.2 acres of freshwater wetlands. It is highly likely that these wetlands are connected to groundwater that flows out to Jamaica Bay. NYPD has determined are non-jurisdictional, we believe without adequate study to determine if these ponds might succeed from the massive landfill that created the airport.
- This project will not generate any jobs or other economic benefits for the local residents. The facility is operated by NYPD uniformed employees, which even when a worker resigns or retires will be filled from within, not recruited from local workforce. The community’s primary desire for the space remains buffer and potentially recreational parks area.
- The only potentially acceptable use for a part of this lot would be the long requested 116th Precinct. For over twenty years Community Board 13Q and all civic and block associations

have been calling for a new precinct in the south side of the largest precinct in Queens with growing demands, particularly in the southern part of the district. A precinct would stimulate business in the area while increasing safety and security.

Borough President Recommendation

This application (C 090087 PSQ) was considered by the Borough President of Queens, who issued a recommendation on November 3, 2008 to approve the application subject to the following conditions:

- The proposed capacity of the auto pound does not exceed 3200 vehicles;
- The stackers along Rockaway Boulevard are not higher than two cars;
- There will be no crushing of vehicles on the site;
- No storage of any vehicles impounded as a result of the rotation towing program;
- No vehicle auctions are to be conducted at the site;
- The auto pound facility will include a filtration system to capture and treat all fluids or liquids that may accumulate in and around the facility;
- Preservation of as much of the existing onsite foliage and growth as possible during and after construction;
- All trees removed to make way for construction must be replaced;
- The periphery of the facility should be fully screened and mature trees should be planted ensuring the size and fullness necessary to function effectively as a buffer. The 25 feet wide buffer should not have a 10 feet wide paved sidewalk as proposed. Pedestrian traffic on that site will be negligible;

- 22 acres near the Thurston Basin should be set aside as a wetlands park that would include a boat launch and walking trails;
- There is a property leased on a month to month basis to a tenant using the site for storage of trucks. This month to month lease should be terminated;
- CB 13 and community representatives should be included in a committee that will meet to plan and design this 22 acre wetlands;
- The contract for construction of the wetlands park must be awarded concurrently with the contract for the auto pound;
- The Logan Bus site has been undeveloped for several years following the award of the property to them. This contract should be voided for failure to construct in a timely manner.

City Planning Commission Public Hearing

On October 29, 2008 (Calendar No. 5), the City Planning Commission scheduled November 19, 2008, for a public hearing on this application (C 090087 PSQ). The hearing was duly held on November 19, 2008 (Calendar No. 21). There were five speakers in favor of the application and four in opposition.

Speakers in favor included the Commanding Officer of the NYPD Facility Management Division; two representatives of the Economic Development Corporation (EDC); one representative of the project's engineering firm and a representative of the Deputy Mayor for Operations. A second representative of the engineering firm also appeared in favor. Speakers in opposition included the chair of the Eastern Queens Alliance, Inc., a member of Community Board 13, an area resident and a second member of the Eastern Queens Alliance, Inc.

The NYPD representative testified that relocating the existing storage facility from College Point (CD 7) to the proposed site in Springfield Gardens (CD 13) would facilitate redevelopment of the 30-acre site in College Point with a new police academy. He briefly described the impound and storage operations and the types of vehicles that would be stored on the Springfield Gardens site. He also testified how the NYPD modified its plans for the facility in response to the concerns of the community and the Borough President.

Two representatives from EDC, a participant in the site and project development, discussed the site plan, existing conditions, on-site stormwater drainage, perimeter fencing, construction schedule, Fair Share analysis and changes that were made to the proposal since the application was certified. An EDC senior vice president explained the modifications to the plan were made in response to concerns and issues raised during the public review by both the community and Borough President. She referred to a letter from NYPD to the Chair of the Commission dated November 14, 2008, in which the NYPD agreed to:

- reduce the total number of stored vehicles from 3,485 to 3,200;
- reduce the height of the storage stackers from three levels to two along Rockaway Boulevard frontage;
- improve the landscaping and visual screening within the 25-foot landscape buffer along Rockaway Boulevard;
- eliminate auto crushing activities from the proposed site;
- no delivery of rotation tow vehicles to the site;

- no auctions will be held on site;
- install a responsible storm water filtration system for storm drainage, approved by DEP;
- preserve as many existing trees as possible and
- transfer to NYC Department of Parks and Recreation 22 acres of city-owned land near Thurston Basin to develop a wetlands educational and recreational park.

She also testified that the proposed vehicle storage facility is appropriately sited in a manufacturing area surrounded by airport and warehouse uses.

Two representatives from the project's engineering consultant also appeared in favor. One representative displayed a conceptual design for on-site drainage and explained the proposed filtration, oil/water separator systems and proposed methods of water quality treatment.

A senior advisor to the New York City Deputy Mayor for Operations testified that the subject application would facilitate construction of a new police academy in College Point. Referring to the NYPD's letter of November 14, 2008, he summarized the community's issues and testified that the 25-foot buffer and the perimeter fencing would be designed by a landscape consultant and that as many of the existing trees as practicable would be preserved with a number of mature trees planted in the buffer area for screening. He stated that in addition to the installation of quality on-site drainage systems, the NYPD would work towards reducing the number of tow trips into the facility by improving department tow and impound policies and procedures. He

also testified that jurisdiction of 22 acres of city-owned land adjacent to Thurston Basin was transferred from DCAS to the Department of Parks and funding was identified to design the proposed wetlands park. He further stated that the proposed park would be designed in consultation with the community and NYC Department of Parks and that the city is terminating its month-to month lease with a business on the site of the proposed park.

Four area residents of the communities surrounding the project site spoke in opposition to the proposed site selection. One resident, who is the chair of the Eastern Queens Alliance and president of the Springfield Rosedale Civic Association, opposed the project for environmental and health reasons. She testified that the Environmental Assessment Statement prepared for the project did not include an assessment of the cumulative effect that existing uses in the area have on air quality, noise and ground water. She noted that the proposed site is now an open space and green buffer between the airport and the surrounding community that will be lost as a result of the proposed project. Another resident spoke in opposition and questioned whether alternative sites were evaluated. A member of Community Board 13 and resident of the area also questioned the decision to locate the facility in Springfield Gardens where the community is already dealing with the effects of existing bus depots, a private jail, group homes and a large homeless shelter. A member of the Eastern Queens Alliance who is also an engineer, requested that the Commission reject the project because it wasn't known if the proposed filtration system would be effective.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 08-079.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The City Planning Commission believes that the application (C 090087 PSQ) of the New York City Police Department (NYPD) and the Department of Citywide Administrative Services (DCAS) for the site-selection of city-owned property located immediately adjacent to John F. Kennedy Airport (Block 14260, part of Lot 1), in the Borough of Queens, Community District 13, is appropriate.

The Commission notes the proposed site was not included in the Citywide Statement of Needs, however, a letter dated June 20, 2008 pursuant to Section 204g of the New York City Charter, was sent to the Queens Borough President and Queens Community Board 13.

The Commission believes the proposed site best meets the locational criteria of the NYPD to maintain efficient NYPD impound and storage operations. Those locational criteria are outlined in a memorandum to the City Planning Commission dated November 24, 2008, from EDC and the NYPD. The proposed site is an undeveloped, city-owned parcel measuring almost 13 acres located adjacent to John F. Kennedy International Airport. The site is located within an M1-1 zoning district which permits the proposed use and is surrounded by airport and warehouse uses. It is located close to the Van Wyck Expressway, the Nassau Expressway and Rockaway Boulevard which are major arterials. Farmers and Guy R. Brewer boulevards, which are designated truck routes, are directly north of the site. The site is also served by two city bus routes along Farmers and Rockaway boulevards and North Boundary Road (No. 3 and No. 6 bus routes).

The Commission notes the proposal was revised by the applicant in response to the issues raised by the community and the Borough President during public review. The changes to the plan were part of the testimony of EDC and NYPD representatives at the City Planning Commission public hearing and described in a letter from NYPD to the Chair of the City Planning Commission dated November 14, 2008. In that letter the Commission notes the NYPD agreed to reduce the number of vehicles stored at the proposed site from 3,485 to 3,200 and to limit the height of the stackers to two levels (approximately 10 feet in height) along the site's Rockaway Boulevard frontage. The Commission also notes that NYPD agreed to remove the auto salvage component from proposal and that no vehicle auctions will be conducted at this site. They also

agreed to tow the cars in worst condition to another site for storage. The Commission further notes that the NYPD will visually screen the parking stackers with mature trees within the landscaped buffer along Rockaway Boulevard and also landscape the unimproved portion of the buffer within the Rockaway Boulevard right of way

The Commission acknowledges the concerns of the community and Borough President to preserve 2.2 acres of wetlands and the existing trees on the site. The Commission, however, notes that those wetlands are non-jurisdictional and isolated from any other body of water. The Commission also notes that the NYPD agreed to provide and maintain a visual buffer between the community and the proposed facility by preserving as much of the existing foliage as possible and by replacing all removed trees either within the landscape buffer or in the surrounding community. In addition, the Commission also notes the inter-agency commitments outlined in the November 14, 2008 letter to develop a park and restore wetlands on 22 acres of city-owned land adjacent to Thurston Basin, east of the project site. The park will be designed in consultation with the community and the Borough President. The Commission believes these actions will improve the quality of the open space separating the community from John F. Kennedy International Airport.

During its review the Commission expressed concerns regarding the efficacy of the storm water retention and filtration systems proposed for the site, the potential effect on air quality of the proposed tree removal from the project site and the nature of the security fence surrounding the site. The Commission also expressed concern about applicant's alternative site analysis.

In response to those concerns, the Commission received a technical memorandum dated November 24, 2008 from HDR Engineering, Inc. in which the engineering consultants described the proposed tree replacement plan, analyzed the effect on air pollutants and evaluated alternative types of fencing for the project site. The Commission received a second technical memorandum dated November 24, 2008 from HDR Engineering, Inc. that described in detail the proposed conceptual storm water design and infiltration system, the oil/water separators and proposed methods of water quality treatment. In response to the Commission's concern about alternative site evaluation, EDC submitted a memorandum dated November 24, 2008 that specified the site criteria used to analyze nine alternative sites in other parts of the city. The memorandum also described the reasons for eliminating those sites from consideration.

The Commission notes that the Borough President's recommendation to reverse the sale of the Logan Bus Company site is outside the purview of this application. The Commission is aware that the formerly city-owned site is fully owned by the Logan Bus Company, having been properly disposed of pursuant to zoning with no restrictions. EDC has no ability to reclaim sold property.

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, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, pursuant to Sections 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the the Police Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of property generally bounded by Rockaway Boulevard and North Boundary Road (Block 14260, p/o Lot 1), Community District 13, Borough of Queens, for use as evidence vehicle storage, is approved.

The above resolution (C 090087 PSQ), duly adopted by the City Planning Commission on December 17, 2008 (Calendar No. 24), 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, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, AIA,
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RICHARD W. EADDY, NATHAN LEVENTHAL, SHIRLEY A. McRAE,
JOHN MEROLO, Commissioners

KAREN A. PHILLIPS, Commissioner, VOTING NO