



CITY PLANNING COMMISSION

January 5, 2011, Calendar No. 26

C 090363 MMQ

IN THE MATTER OF an application submitted by the Sri Chinmoy Centre Church, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Glenn Avenue from 162nd Street to 85th Avenue and 164th Street; and
- the modification of grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in Community District 8, Borough of Queens, in accordance with Map No. 5008, dated July 9, 2010 and signed by the Borough President.

The application (C 090363 MMQ) for an amendment to the City Map involving the elimination, discontinuance and closing of Glenn Avenue from 162nd Street to 85th Avenue and 164th Street was filed by the Sri Chinmoy Centre Church on March 24, 2009, to facilitate the continued use of the streetbed as an outdoor meditation garden in the Briarwood area of Queens.

BACKGROUND

The Sri Chinmoy Centre Church (the “Church”) is proposing the elimination, discontinuance and closing of Glenn Avenue from 162nd Street to 164th Street and 85th Avenue in the Briarwood section of Queens, in order to facilitate the use of the streetbed as an outdoor meditation garden. The Church, which owns five adjacent tax lots (Block 9776, Lots 83, 84, 86, 100, and Block 9774, Lot 201), is not proposing any new development or alteration of the existing conditions on the site.

Glenn Avenue is City-owned, mapped to a width of 70 feet, and is approximately 385 feet long. The majority of the street is unimproved and not open to vehicular traffic. The streetbed is currently being used by the applicant as a meditation garden. The garden contains walkways, landscaping, trees, a lawn, and a stream with a pond, all maintained by the applicant. The applicant also owns five tax lots that have their sole street frontage on unimproved Glenn Avenue. Three of these lots (Block 9776, Lots 83, 84, and 86) located on the westerly side of

Glenn Avenue, are contiguous with each other and are improved with three large sheds as well as a covered outdoor assembly area. The fourth parcel (Block 9774, Lot 201) is located on the easterly side of Glenn Avenue and is vacant. The fifth lot is located to the south of Glenn Avenue and is currently used as part of the Church's natural outdoor meditation garden. Vehicular access to the applicant's properties occurs from a driveway that is built on Glenn Avenue and terminates at a walkway on Block 9776, Lot 100, which is a portion of Glenn Avenue eliminated from the City Map in the mid-1960's (CP No. 17637). Acquisition of Glenn Avenue from the City would provide the applicant with legal street frontage at the intersection of 85th Avenue and 164th Street for access to its properties.

The northerly end of Glenn Avenue contains two paved driveways which provide access to three residential backyard garages whose houses (located on Block 9776, Lot 78; and Block 9774 Lots 189 and 191) front on 85th Avenue and 164th Street, respectively. The Law Department has required that each of the three property owners enter into a Waiver of Damages Agreement with the City for the closing of Glenn Avenue which includes a Consent to the release and sale of the street to the applicant. These agreements were executed on May 27, June 1 and June 2, 2010. The Church has stated that it is willing to grant right-of-way access easements of sufficient size and configuration to provide continued access to the garages on each of the affected properties. To ensure that such access easements are granted by the Church to the affected properties, the Mapping Agreement between the Church and the City shall include the requirement thereof.

Glenn Avenue is located in an R4A zoning district and is surrounded mostly by one- and two-family detached homes, as well as the Hillcrest Public High School immediately to the south of the applicant's property. Along 164th Street north of 85th Avenue are some local ground-floor businesses including a Laundromat, deli and hardware store. Further from the site are the Grand Central Parkway to the north, Jamaica Estates to the east, Hillside Avenue with the F-train subway line to the south, and the Van Wyck Expressway about one mile to the west. 164th Street and 85th Avenue, both of which connect to the northerly end of Glenn Avenue, are improved and open to two-way and one way traffic respectively. 162nd Street, which connects to the southerly end of Glenn Avenue, although mapped, is not built as a street or open to traffic. It is improved with a one-family, 2.5-story, detached home.

An interagency conference was held on May 15, 2009. No agency has any objections to the application.

ENVIRONMENTAL REVIEW

This application (C 090363 MMQ) 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 09DCP069Q. The lead is the City Planning Commission. After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on August 9, 2010.

UNIFORM LAND USE REVIEW

This application (C 090363 MMQ), was certified as complete by the Department of City Planning on August 9, 2010, and was duly referred to Community Board 8 and the Borough President of Queens in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

COMMUNITY BOARD PUBLIC HEARING

Community Board 8 held a public hearing on this application (C 090363 MMQ) on October 5, 2010, and on that day, by a vote of 37 to 1, with 0 abstentions, adopted a resolution recommending approval of the application.

BOROUGH PRESIDENT RECOMMENDATION

This application (C 090363 MMQ) was considered by the Borough President of Queens, who issued a recommendation of approval on December 1, 2010.

CITY PLANNING COMMISSION PUBLIC HEARING

On, November 17, 2010 (Calendar No. 4), the City Planning Commission scheduled December 1, 2010 for a public hearing on this application (C 090363 MMQ). The hearing was duly held on

December 1, 2010 (Calendar No. 11).

There were four speakers in favor of this application, and none opposed. The applicant's attorney described the proposed application. A member of the Church described the site conditions, both past and present. A neighbor expressed gratitude to the Church for all the work they have done over the years to help clean up the streetbed, and a representative of the district's Councilmember expressed support for the application. There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that this amendment to the City Map is appropriate.

The Commission notes that the subject mapped street has never been built or used as a street and the Department of Transportation (DOT) stated that the affected portion of Glenn Avenue is not necessary for the flow of traffic in the area, and has no plans to build it. As proposed, the street elimination would facilitate the continued use of the streetbed as a meditation garden. The streetbed was previously used as a dumping ground for refuse. The applicant has cleared the City-owned streetbed of refuse and, over the years, transformed it into the landscaped meditation garden that it is today. Although the streetbed area is of significant size (32,692.7 square feet), its generally narrow width and limited street frontage would limit future development to a scale similar to that of the existing neighborhood.

The Commission believes that the proposed City Map change would allow the applicant to better access and maintain its properties, whose only access currently is from unimproved Glenn Avenue, and would facilitate the continued use of the mapped streetbed as a meditation garden in conjunction with the Sri Chinmoy Center Church.

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map and any related acquisition or disposition to be appropriate, adopts the following resolution:

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code, that based on the environmental determination and the consideration described in this report, the application (C 090363 MMQ) for the amendment to the City Map involving:

- the elimination, discontinuance and closing of Glenn Avenue from 162nd Street to 85th Avenue and 164th Street; and
- the modification of grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in Community District 8, Borough of Queens, in accordance with Map No. 5008, dated July 9, 2010 and signed by the Borough President, is approved; and be it further

RESOLVED that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

RESOLVED that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts the legally required number of counterparts of Map No. 5008, dated July 9, 2010, providing for the discontinuance and closing of Glenn Avenue from 162nd Street to 85th Avenue and 164th Street, more particularly described as follows:

Starting at a **Point of Beginning** located on the southwesterly side of 164th Street, 240 feet northwesterly, along the southwesterly line of 164th Street, from the intersection of the southwesterly line of 164th Street and the northwesterly line of 86th Avenue, as said streets are shown on Map No. 5008, dated July 9, 2010;

1. Thence running southwesterly, along a line perpendicular to the southwesterly line of 164th Street, a distance of 39.52 feet to a point of curvature;
2. Thence running southerly, along an arc curving to the right, having a radius of 545.000 feet and a central angle of 26 degrees, 55 minutes and 55.7 seconds, and whose radius

- line at the point of curvature forms an interior angle of 140 degrees, 51 minutes and 15.7 seconds with the previous course, a distance of 256.18 feet to a point of tangency;
3. Thence running southwesterly 142.01 feet to a point;
 4. Thence running northwesterly, along a line forming an interior angle of 66 degrees, 04 minutes and 40 seconds with the previous course, a distance of 76.58 feet to a point;
 5. Thence running northeasterly, along a line forming an interior angle of 113 degrees, 55 minutes and 20 seconds with the previous course, a distance of 110.96 feet to a point of curvature;
 6. Thence running northerly, along an arc curving to the left, having a radius of 475.000 feet and a central angle of 33 degrees, 12 minutes and 27.7 seconds, a distance of 275.30 feet to a point of compound curvature;
 7. Thence running westerly, along an arc curving to the left, having a radius of 20.000 feet and a central angle of 107 degrees, 06 minutes and 55.3 seconds, a distance of 37.39 feet to a point of tangency on the southeasterly side of 85th Avenue;
 8. Thence running northeasterly a distance of 39.67 feet to a point of curvature;
 9. Thence running easterly, along an arc curving to the right, having a radius of 50.000 feet and a central angle of 74 degrees, 14 minutes and 43 seconds, a distance of 64.79 feet to a point of tangency;
 10. Thence running southeasterly a distance of 57.47 feet to the Point of Beginning.

Said area consists of 32,692.7 square feet (0.75 acres), more or less.

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 5008 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code;
- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition “a” above until the applicant shall have executed a mapping agreement protecting the city's interest, approved as to form and sufficiency by the

Corporation Counsel and accepted by the City Planning Commission (the “Mapping Agreement”). If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission;

- c. The Mapping Agreement shall include, in a form acceptable to the Chair of the City Planning Commission, a provision for the following:

That the applicant shall grant vehicular access easements to the three affected properties as described in this resolution;

- d. The subject street to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

The above resolution (C 090363 MMQ), duly adopted by the City Planning Commission on January 5, 2011 (Calendar No. 26), 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, ANNA HAYES LEVIN,
SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners

Queens Borough President Recommendation

APPLICATION: ULURP #090363 MMQ

COMMUNITY BOARD: Q08

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted Sheldon Lobel, P.C. on behalf of the Sri Chinmoy Centre Church, pursuant to Section 197-c and 199 of the New York City Charter, and Section 5-430 et seq. of the NYC Administrative Code, for an amendment of the City Map involving:

- The elimination, discontinuance and closing of Glenn Avenue from 162nd Street to 85th Avenue and 164th Street: and
- The modification of grades necessitated thereby,

Including the authorization for any acquisition or disposition of real property related thereto, in Community District 8, in accordance with Map No. 5008, dated July 9, 2010 and signed by the Borough President, Zoning Map 14d, Jamaica Hills, Borough of Queens.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on October 28, 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. The hearing was closed.

CONSIDERATION

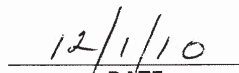
Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The applicant is proposing the demapping and elimination of a portion of Glenn Avenue between 162nd & 164th Streets and 82nd Avenue.;
- This portion of Glenn Avenue is not open or improved as a roadway. There are no plans by New York City to open and improve this portion of Glenn Avenue;
- The property is now maintained by the Sri Chinmoy Centre as a natural area and meditation garden. Access to the driveway for a property (Block 9776 Lot 78) on this portion of Glenn Avenue will be allowed access stipulated in an easement. Access easements will also be granted to two other parcels (Block 9774 Lots 189 and 191) that abut this portion of Glenn Avenue to allow continued access to those properties.;
- Community Board 8 approved this application by a vote of thirty-seven (37) in favor with one (1) against and none (0) abstaining at a public meeting held on October 13, 2010.

RECOMMENDATION

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


PRESIDENT, BOROUGH OF QUEENS


DATE

Singer SV/SO/JM/JH/QNS

Community/Borough Board Recommendation

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

Application # **C 090363 MMQ**
CEQR # **09DCP069G**
Community District No. 08 Borough: Queens
Community District No. ___ Borough: ___
Project Name: **GLENN AVENUE CITY MAP CHANGE**

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 the Sri Chinmoy Centre Church, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

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- the modification of grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in Community District 8, Borough of Queens, in accordance with Map No. 5008, dated July 9, 2010 and signed by the Borough President.

Applicant(s):

Sri Chinmoy Centre Church
85-45 149th Street
Jamaica, NY 11432
646-226-2022

Applicant's Representative:

Elizabeth Safian, Esq.
Sheldon Lobel, P.C.
9 East 40th Street, 14th Floor
New York, NY 10016
212-725-2727

CITY PLANNING COMMISSION
2010 OCT 22 PM 2:00
CITY OF NEW YORK

Community Board No. 8

Borough: **Queens**

Borough Board

Date of public hearing: 10/5/2010

Location: Margaret Tietz Nursing Center
164-11 Chain Parkway

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:

Location: _____

RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

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

Please see Public Hearing minutes as well as Board Meeting minutes.

Voting

In Favor:

Against:

Abstaining:

Total members appointed to the board: 48

37

1

⁰
new

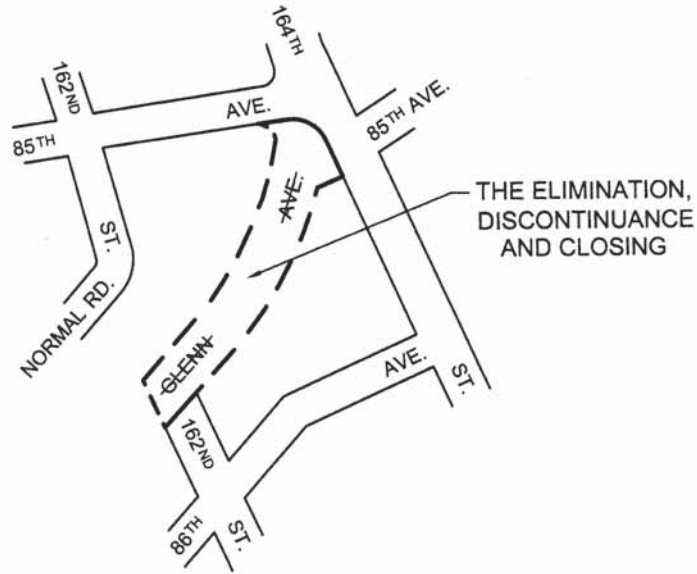
Alvin Waishariak
Community/Borough Board Officer

Chair
Title

October 19, 2010
Date

v.012006w

* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
MAP CHANGE
ON SECTIONAL MAP
14d
BOROUGH OF
QUEENS

New York, Certification Date
AUGUST 9, 2010

I. Sadko PE
I. Sadko, P.E.
Chief Engineer



- NOTE:
- Indicates line of street legally adopted.
 - Indicates line of street proposed to be established.
 - Indicates line of street proposed to be eliminated.
(Discontinuing and Closing is shown on Alt. Map No. 5008).

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.