



CITY PLANNING COMMISSION

June 6, 2012/ Calendar No. 13

C 110042 ZSQ

IN THE MATTER OF an application submitted by Silvercrest Center for Nursing and Rehabilitation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution to modify the requirements of Section 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area and Percentage of Lot Coverage) to apply to a six-story non-profit with sleeping accommodations on property located at 144-45 87th Avenue a.k.a. 86-19 144th Street (Block 9724, Lots 96 and 196), Borough of Queens, Community District 8.

The application for the special permit was filed on August 13, 2010 by Silvercrest Center for Nursing and Rehabilitation in order to facilitate the legalization of a non-profit institution with sleeping accommodations. The building requiring the special permit was completed in 2010 and is occupied under a temporary certificate of occupancy.

BACKGROUND

The applicant is seeking the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution to modify the requirements of Section 24-111, which state that the FAR of zoning lots containing certain health-related facilities in R4-1 Districts may not exceed 0.75. The special permit would facilitate the legalization of an existing non-profit institution with sleeping accommodations.

The subject zoning lot is located north of 87th Avenue between 144th and 148th streets in Briarwood, Queens Community District 8. The site is within an R4-1 zoning district, which reflects the one- and two-family detached and semi-detached residences which generally comprise the surrounding area. The site is bordered to the east and west by the rear yards of such residential buildings. Directly to the north of the site is a residential treatment facility for children with learning disabilities. Hillside Avenue, two blocks to the south of the subject site, contains a mix of multifamily buildings and retail uses. Subway and bus services are available on Hillside Avenue and Sutphin Boulevard. The site is on a relatively steep slope, rising approximately forty feet from south to north. There are two buildings on the zoning lot: A five-story, 320-bed nursing home and a six-story, 81-bed senior housing facility which will both remain.

The nursing home located at 144-45 87th Avenue was originally constructed in 1990. It was enlarged pursuant to a special permit (C 970792 ZSQ) approved by the City Planning Commission in 1998 and a variance (140-97 BZ) granted by Board of Standards and Appeals in 1997. These two actions facilitated a horizontal enlargement of the nursing home consisting of approximately 6,000 square feet. No additional resident beds were added as part of the enlargement. Including the enlargement, the nursing home now contains approximately 130,000 square feet of floor area.

In 2009, the subject senior housing facility, a Use Group 3 non-profit institution with sleeping accommodations, was constructed on the same zoning lot as the previously existing nursing home. The building was built despite the fact that the site was governed by a site plan associated with the previously approved special permit (C 970792 ZSQ). The Department of Buildings erroneously issued construction permits for this building and recognized the error after the building was completed. The building is currently occupied under a temporary certificate of occupancy.

The senior housing building and the nursing home have a combined FAR of 1.1. Section 24-111 of the Zoning Resolution limits the combined FAR of “nursing homes, health-related facilities or domiciliary care facilities for adults” to 0.75 in R4-1 districts. Pursuant to Section 24-902, the Commission may permit an FAR of these uses to as high as 2.0. In this application (C 110042 ZSQ), the applicant seeks to increase the permitted FAR of these uses to 1.1 in order to legalize the senior housing building and obtain a final certificate of occupancy.

The applicant also intends to construct an as-of-right ambulatory health care facility (Use Group 4) of 7,051 square feet as an addition to the nursing home building. The proposed facility would house a renal dialysis clinic to serve residents of the two existing facilities and other patients from the area. The addition will be constructed into the existing hillside so that only the southeast and east facades will be visible. The ambulatory health care facility would not be subject to the limits on FAR established in Section 24-111 for “nursing homes, health-related facilities or domiciliary care facilities for adults.”

ENVIRONMENTAL REVIEW

This application (C 110042 ZSQ) 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 97DCP074Q. The lead is the City Planning Commission.

After a study of the potential impacts of the proposed action, a Negative Declaration was issued on January 23, 2012.

UNIFORM LAND USE REVIEW

This application (C 110042 ZSQ) was certified as complete by the Department of City Planning on January 23, 2012, and was duly referred to Community Board 8 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 8 held a public hearing on this application (C 110042 ZSQ) on February 27, 2012, and on March 21, 2012, by a vote of 17 to 14 with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 110042 ZSQ) was considered by the Borough President of Queens, who issued a recommendation approving this application on April 20, 2012.

City Planning Commission Public Hearing

On April 25, 2012 (Calendar No. 1), the City Planning Commission scheduled May 9, 2012, for a public hearing on this application (C 110042 ZSQ). The hearing was duly held on May 9, 2012 (Calendar No. 11). There were two speakers in favor and none opposed. The applicant's representative described the proposal and site history. A representative of the local

Councilmember reiterated the Councilmember's support of the proposed facility. There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the application by Silvercrest Center for Nursing and Rehabilitation for grant of a special permit is appropriate.

The Commission notes that the proposed special permit will allow the applicant to seek a permanent certificate of occupancy for the existing and occupied senior housing building, a non-profit institution with sleeping accommodations. The six-story, 81-bed senior housing building was built without the required special permit due to an error made by an architect working for the applicant. The applicant now seeks to correct this error by obtaining the necessary special permit.

The Commission notes that the senior housing building has not significantly altered existent development patterns in the surrounding area. The large block containing the subject zoning lot is developed with institutional uses in its center, including the existing Nursing Home, the Otilie Residential Treatment Facility, and the Robert A. Van Wyck Middle School. At the periphery, facing 144th and 148th Streets, the block is developed with one- and two-family detached and semi-detached residential buildings. The senior housing building is approximately 65 feet distant from these residences at its closest point. The building is sited at the center of the block and at least 30 feet from all zoning lot lines. Therefore, the Commission believes that proposed building does not unduly obstruct the access of light and air to adjoining properties or public streets.

The Commission notes that emergency medical services are readily available to residents of the senior housing building through Silvercrest's affiliation with New York Hospital Queens, which is located approximately 3½ miles from the site. Long-term care is available at the existing nursing home on the Silvercrest campus. The proposed ambulatory treatment facility will further reduce the need to transport residents by enabling those needing regular dialysis to stay on-site and will provide a much-needed supporting service to the residents of the facility and the neighborhood. The Commission therefore believes that the proposed facility will not require any

significant additions to the area's supporting services.

The Commission notes that the applicant performed a study on the traffic impacts associated with the senior housing building and found that very few additional vehicle trips are generated by the facility. Parking for the senior housing building is accessed through a curb cut on 144th Street, a two-way street. Eight accessory spaces are required; the applicant has provided twelve. Residents of the senior housing facility typically do not drive and so these parking spaces are primarily for visitors. The addition of the as-of-right ambulatory treatment facility will reduce the number of trips currently generated on the zoning lot by providing residents with on-site dialysis services. The Commission therefore believes that that the streets providing access to such use will be adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-902 of the Zoning Resolution:

74-902 Certain community facility uses in R3 to R9 Districts and certain Commercial Districts

- (a) that the distribution of *bulk* on the *zoning lot* will not unduly obstruct the access of light and air to adjoining properties or public *streets*, and will result in satisfactory site planning and satisfactory urban design relationships of *buildings* to adjacent *streets* and the surrounding area;
- (b) that the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made; and
- (c) that the *streets* providing access to such *use* will be adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

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 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 Silvercrest Center for Nursing and Rehabilitation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution to modify the requirements of Section 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a six-story non-profit with sleeping accommodations on property located at 144-45 87th Avenue a.k.a. 86-19 144th Street (Block 9724, Lots 96 and 196), in an R4-1 District, Borough of Queens, Community District 8, is approved, subject to the following terms and conditions:

1. That the property that is the subject of this application (C 110042 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by SLCE Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Drawing Title</u>	<u>Latest Revision Date</u>
A-5	Site Section	November 4, 2011
A-9	Existing Site Plan and Proposed Variance Condition	November 4, 2011
A-10	Zoning Analysis Variance Condition	November 4, 2011
2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for modifications specifically granted in this resolution and shown on the plans listed above which has 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 the 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 of 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 conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application or 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.

The above resolution (C 110042 ZSQ), duly adopted by the City Planning Commission on June 6, 2012 (Calendar No. 13), 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, MICHELLE DE LA UZ,

MARIA M. DEL TORO, RICHARD W. EADDY, ANNA HAYES LEVIN,

ORLANDO MARÍN, SHIRLEY A. MCRAE, Commissioners

Community/Borough Board Recommendation
Pursuant to the Uniform Land Use Review Procedure

Application #: **C 110042 ZSQ**

CEQR Number: 97DCP074Q

Project Name: **Silvercrest Senior** DEPARTMENT OF CITY PLANNING

Borough(s): Queens

Community District Number(s): 08

MAR 28 2012

Please use the above application number on all correspondence concerning this application

QUEENS OFFICE

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
 - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- 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 Silvercrest Center for Nursing and Rehabilitation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution to modify the requirements of Section 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community facility floor area ratio of Section 24-111 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a 6-story non-profit institution with sleeping accommodations on property located at 144-45 87th Avenue a.k.a. 86-19 144th Street (Block 9724, Lots 96 and 196), in an R4-1 District, Borough of Queens, Community District 8.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, NY, 10007.

Applicant(s): Silvercrest Center for Nursing and Rehabilitation 144-45 87th Avenue Briarwood, N.Y. 11435		Applicant's Representative: Steven M. Sinacori Akerman Senterfitt 335 Madison Avenue New York, N.Y. 10017 (212) 822-2212
Recommendation submitted by: Queens Community Board 8		
Date of public hearing: 2/27/12		Location: Silvercrest Senior Building
Was a quorum present? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> <small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>		
Date of Vote: March 21, 2012		Location: Hillcrest Jewish Center 183-02 Union Turnpike, Flushing, NY
RECOMMENDATION <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions Please attach any further explanation of the recommendation on additional sheets, as necessary.		
Voting # In Favor: 17 # Against: 14 # Abstaining: 0 Total members appointed to the board: 47		
Name of CB/BB officer completing this form <i>Alvin Waskerick</i>	Title <i>Chair</i>	Date <i>3/26/2012</i>

Queens Borough President Recommendation

APPLICATION: ULURP #110042 ZSQ

COMMUNITY BOARD: Q08

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Akerman Senterfitt LLP on behalf of Silvercrest Center for Nursing And Rehabilitation, pursuant to Sections 197-c and 201 of the NYC Charter, requesting a special permit pursuant to Section 74-902 of the NYC Zoning Resolution to modify the requirements of Section 24-111 (Maximum floor area ratio for certain community facility uses) to permit the allowable community floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a 6-story non-profit institution with sleeping accommodations on property located in an R4-1 district at **144-45 87th Avenue** a.k.a. 86-19 144th Street, Block 9724, Lots 96 & 196, Zoning Map 14d, Briarwood, Borough of Queens.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, April 5, 2012 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 eleven (11) speakers in favor. 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 requesting the Special Permit to increase the allowable community facility floor area ratio (FAR) to allow recently built senior housing and construction of a new renal dialysis facility on the campus of the Silvercrest Center for Nursing and Rehabilitation. The allowable FAR on the site is .75, the proposed total 1.10 FAR would include the existing nursing home and senior housing, and the proposed renal dialysis facility.;
- The site is located in an R4-1 district. The new senior residence and proposed renal dialysis facility is sited on the 179,174 sf Silvercrest campus. The proposed renal dialysis facility would be built into the Silvercrest Nursing Home. The senior housing was completed and is occupied. Subsequent to completion of the senior housing with federal funding it was discovered that building permits were issued in error because of a Use Group misclassification.;
- The surrounding areas to the west, south and east of the site are predominantly developed with low density housing. A social services institutional facility is located directly to the north of the Silvercrest campus.;
- Community Board 8 (CB 8) approved this application by a vote of seventeen (17) in favor with fourteen (14) opposed and none (0) abstaining at a public hearing held on March 21, 2012. Many of the CB 8 members stated that they supported the senior housing. However, they voted against because they were unhappy with the review process, lack of input in the planning of the Silvercrest facility and concern that the proposed dialysis center would attract new traffic and parking issues into the neighborhood.;
- Several residents at the senior housing testified at the public hearings held by CB 8 and the Borough President. They all cited the quality of the facility, services provided and praised the staff for their patience and caring.

RECOMMENDATION

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

- Much needed quality affordable senior housing and service is provided at this facility.;
- The proposed dialysis center will provide onsite dialysis for frail elderly residents who would otherwise have to spend hours being transported to an offsite facility several times a week.


PRESIDENT, BOROUGH OF QUEENS


DATE