



## CITY PLANNING COMMISSION

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January 21, 2009/Calendar No. 17

C 090104 ZMQ

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**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14a:

1. eliminating from within an existing R7-1 District a C1-2 District bounded by Austin Street, Ascan Avenue, the northeasterly boundary line of the Long Island Rail Road right-of-way, and the southwesterly centerline prolongation of 72<sup>nd</sup> Road;
2. changing from an R7-1 District to an R5D District property bounded by Austin Street, Ascan Avenue, the northeasterly boundary line of the Long Island Rail Road right-of-way, and the southwesterly centerline prolongation of 72<sup>nd</sup> Road;
3. changing from a C4-2 District to an R5D District property bounded by Austin Street, the southwesterly centerline prolongation of 72<sup>nd</sup> Road, the northeasterly boundary line of the Long Island Rail Road right-of-way, and the southwesterly prolongation of a line midway between 70<sup>th</sup> Road and Continental Avenue-71<sup>st</sup> Avenue;
4. changing from a C8-2 District to an R5D District property bounded by Austin Street, the southwesterly prolongation of a line midway between 70<sup>th</sup> Road and Continental Avenue-71<sup>st</sup> Avenue, the northeasterly boundary line of the Long Island Rail Road right-of-way, and Yellowstone Boulevard;
5. changing from an C4-2 District to a C4-4A District property bounded by a line 240 feet northeasterly of Austin Street, 72<sup>nd</sup> Road, Austin Street, and a line midway between 70<sup>th</sup> Road and Continental Avenue-71<sup>st</sup> Avenue;
6. changing from an C8-2 District to a C4-4A District property bounded by a line 240 feet northeasterly of Austin Street, a line midway between 70<sup>th</sup> Road and Continental Avenue-71<sup>st</sup> Avenue, Austin Street, and 70<sup>th</sup> Avenue;
7. changing from an R7-1 District to a C4-5X District property bounded by Queens Boulevard, 72<sup>nd</sup> Road, a line 100 feet southwesterly of Queens Boulevard, and a line midway between 71<sup>st</sup> Road and 72<sup>nd</sup> Avenue;
8. changing from a C4-2 District to a C4-5X District property bounded by Queens Boulevard, a line midway between 71<sup>st</sup> Road and 72<sup>nd</sup> Avenue, a line 100 feet southwesterly of Queens Boulevard, 72<sup>nd</sup> Road, a line 240 feet northeasterly of Austin Street, a line midway between 70<sup>th</sup> Road and Continental Avenue-71<sup>st</sup>

Avenue, a southwesterly service road of Queens Boulevard and its northeasterly centerline prolongation, and 70<sup>th</sup> Road.

9. changing from a C8-2 District to a C4-5X District property bounded by Yellowstone Boulevard, a southwesterly service road of Queens Boulevard and its northeasterly centerline prolongation, a line midway between 70<sup>th</sup> Road and Continental Avenue-71<sup>st</sup> Avenue, a line 240 feet northeasterly of Austin Street, 70<sup>th</sup> Avenue, and Austin Street;
10. establishing within a proposed R5D District a C2-3 District bounded by Austin Street, Ascan Avenue, the northeasterly boundary line of the Long Island Rail Road right-of-way, and Yellowstone Boulevard; and
11. establishing a Special Forest Hills District (“FH”) bounded by Yellowstone Boulevard, a southwesterly service road of Queens Boulevard, 70<sup>th</sup> Road, Queens Boulevard, 72<sup>nd</sup> Road, Austin Street, Ascan Avenue; and the northeasterly boundary line of the Long Island Rail Road right-of-way.

Borough of Queens, Community District 6, as shown on a diagram (for illustrative purposes only), dated September 22, 2008 and subject to the conditions of CEQR Declaration E-222.

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The application for an amendment of the Zoning Map was filed by the Department of City Planning on September 16, 2008. The requested action, in conjunction with the related zoning text amendment, would facilitate the establishment of the Special Forest Hills District.

### **RELATED ACTION**

In addition to the amendment of the Zoning Map amendment, which is the subject of this report (C 090104 ZMQ), implementation of the proposal also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

**N 090103 ZRQ:** Amendment of the Zoning Resolution, creating the Special Forest Hills District in Article VIII, Chapter 6, and amending related sections of the Zoning Resolution.

## **Background**

A full background discussion and description of the project appears on the report for the related application for an amendment to the Zoning Resolution (N 090103 ZRQ).

## **ENVIRONMENTAL REVIEW**

This application (C 090104 ZMQ) in conjunction with the related application (N 090103 ZRQ,) 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 09DCP013Q. The lead is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on September 22, 2008. The Negative Declaration included (E) designations (E-222) to avoid the potential for hazardous material, air quality, and noise impacts.

The proposed (E) designations for hazardous materials would ensure that the proposed action would not result in significant adverse impacts due to hazardous materials and would be placed on the following properties:

<b>Block</b>	<b>Lot</b>
3234	39, 45
3236	1,18,22
3237	33,40
3238	23, 42, 44
3239	8, 9, 15, 16, 17, 20, 21, 23, 25, 29, 32, 38
3256	9,38
3257	19, 21
3258	14, 16, 17, 18, 20, 28

Development of a site with an (E) designation for hazardous materials would require that a Phase I Environmental Site Assessment in accordance with the American Society of Testing Materials (ASTM) E1572-05 be conducted, and if necessary, a sampling and remediation protocol be developed and implemented to the satisfaction of New York City Department of Environmental Protection (DEP) prior to issuance of a building permit (pursuant to Section 11-15 of the City's Zoning Resolution). The specific text for the hazardous materials (E) designations can be found in the Environmental Assessment Statement (EAS) for the proposed action (CEQR No. 09DCP013Q), dated September 18, 2008. Such designation would eliminate the potential for significant adverse impacts from hazardous materials due to implementation of the proposed project.

The proposed (E) designations for air quality would ensure that the proposed action would not result in significant adverse impacts related to HVAC emissions and would be placed on the following properties:

<b>Block</b>	<b>Lot</b>
3234	39, 45
3236	1,18,22
3237	33,40
3238	23, 42
3239	8, 9, 15, 16, 17, 20, 21, 23, 25, 29, 32, 38
3256	38
3258	14, 16, 17, 18, 20, 28

Development of a site with an (E) designation for air quality would require a specific fuel type for the applicable HVAC system and/or a minimum distance between each HVAC stack and the lot line are maintained. The specific text for the air quality (E) designations can be found in the EAS for the proposed action (CEQR No. 09DCP013Q), dated September 18, 2008.

The proposed (E) designations for noise would ensure that the proposed action would not result in significant adverse impacts due to noise from mobile sources and would be placed on the following properties:

<b>Block</b>	<b>Lot</b>
3234	39, 45
3236	1,18,22
3237	33,40

3238	23, 42, 44
3239	8, 9, 15, 16, 17, 20, 21, 23, 25, 29, 32, 38
3256	9,38
3257	19, 21
3258	14, 16, 17, 18, 20, 28

Development of a site with an (E) designation for noise would require minimum window/wall attenuation be maintained to ensure an acceptable interior noise environment and an alternate means of ventilation be provided. The specific text for the noise (E) designations can be found in the EAS for the proposed action (CEQR No. 09DCP013Q), dated September 18, 2008.

**UNIFORM LAND USE REVIEW**

On September 22, 2008, this application (C 090104 ZMQ) was certified as complete by the Department of City Planning, and was duly referred to Community Board 6 and the Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b) along with the related application for a zoning text amendment, (N 090103 ZRQ), which was referred for information and review in accordance with the procedures for non-ULURP matters.

**Community Board Review**

Community Board 6 held a public hearing on October 22 2008 on the application (C 090104 ZMQ) and the related application (N 090103 ZRQ) and on that date, by a vote of 20 in favor

with 4 against and 0 abstentions adopted a resolution recommending approval of the applications with conditions. A summary of the Board's recommendation appears in the report on the related application for an amendment of the Zoning Resolution (N 090103 ZRQ).

### **Borough President Recommendation**

The application (C 090104 ZMQ) was considered by the Queens Borough President, who issued a recommendation approving the applications on December 4, 2008.

### **City Planning Commission Public Hearing**

On December 3, 2008 (Calendar No. 6), the City Planning Commission scheduled December 17, 2008 for a public hearing on the application (N 090103 ZRQ). The hearing was duly held on December 17, 2008 (Calendar No. 28), in conjunction with the hearing for the related action (C 090104 ZMQ). There were a number of speakers, as described in the report on the related application for an amendment of the Zoning Resolution (N 090103 ZRQ) and the hearing was closed.

### **CONSIDERATION**

The Commission believes that the proposed zoning map amendment (C 090104 ZMQ) in conjunction with the related action (N 090103 ZRQ) is appropriate.

A full consideration and analysis of the issues and reasons for approving this application appears in the report on the related application for an amendment of the Zoning Resolution (N 090103 ZRQ).

## **RESOLUTION**

**RESOLVED** that the City Planning Commission finds that the action described herein will have no significant impacts on the environment; and be it further, **RESOLVED**, that 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 Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended Zoning Map, is further amended by changing the Zoning Map, Section No. 14a :

1. eliminating from within an existing R7-1 District a C1-2 District bounded by Austin Street, Ascan Avenue, the northeasterly boundary line of the Long Island Rail Road right-of-way, and the southwesterly centerline prolongation of 72<sup>nd</sup> Road;
2. changing from an R7-1 District to an R5D District property bounded by Austin Street, Ascan Avenue, the northeasterly boundary line of the Long Island Rail Road right-of-way, and the southwesterly centerline prolongation of 72<sup>nd</sup> Road;
3. changing from a C4-2 District to an R5D District property bounded by Austin Street, the southwesterly centerline prolongation of 72<sup>nd</sup> Road, the northeasterly boundary line of the Long Island Rail Road right-of-way, and the southwesterly prolongation of a line midway between 70<sup>th</sup> Road and Continental Avenue-71<sup>st</sup> Avenue;
4. changing from a C8-2 District to an R5D District property bounded by Austin Street, the southwesterly prolongation of a line midway between 70<sup>th</sup> Road and Continental Avenue-71<sup>st</sup> Avenue, the northeasterly boundary line of the Long Island Rail Road right-of-way, and Yellowstone Boulevard;



5. changing from an C4-2 District to a C4-4A District property bounded by a line 240 feet northeasterly of Austin Street, 72<sup>nd</sup> Road, Austin Street, and a line midway between 70<sup>th</sup> Road and Continental Avenue-71<sup>st</sup> Avenue;
6. changing from an C8-2 District to a C4-4A District property bounded by a line 240 feet northeasterly of Austin Street, a line midway between 70<sup>th</sup> Road and Continental Avenue-71<sup>st</sup> Avenue, Austin Street, and 70<sup>th</sup> Avenue;
7. changing from an R7-1 District to a C4-5X District property bounded by Queens Boulevard, 72<sup>nd</sup> Road, a line 100 feet southwesterly of Queens Boulevard, and a line midway between 71<sup>st</sup> Road and 72<sup>nd</sup> Avenue;
8. changing from a C4-2 District to a C4-5X District property bounded by Queens Boulevard, a line midway between 71<sup>st</sup> Road and 72<sup>nd</sup> Avenue, a line 100 feet southwesterly of Queens Boulevard, 72<sup>nd</sup> Road, a line 240 feet northeasterly of Austin Street, a line midway between 70<sup>th</sup> Road and Continental Avenue-71<sup>st</sup> Avenue, a southwesterly service road of Queens Boulevard and its northeasterly centerline prolongation, and 70<sup>th</sup> Road.
9. changing from a C8-2 District to a C4-5X District property bounded by Yellowstone Boulevard, a southwesterly service road of Queens Boulevard and its northeasterly centerline prolongation, a line midway between 70<sup>th</sup> Road and Continental Avenue-71<sup>st</sup> Avenue, a line 240 feet northeasterly of Austin Street, 70<sup>th</sup> Avenue, and Austin Street;
10. establishing within a proposed R5D District a C2-3 District bounded by Austin Street, Ascan Avenue, the northeasterly boundary line of the Long Island Rail Road right-of-way, and Yellowstone Boulevard; and
11. establishing a Special Forest Hills District (“FH”) bounded by Yellowstone Boulevard, a southwesterly service road of Queens Boulevard, 70<sup>th</sup> Road, Queens Boulevard, 72<sup>nd</sup> Road, Austin Street, Ascan Avenue; and the northeasterly boundary line of the Long Island Rail Road right-of-way.

Borough of Queens, Community District 6, as shown on a diagram (for illustrative purposes only), dated September 22, 2008 and which includes CEQR Designation E-222.

The above resolution (C 090104 ZMQ), duly adopted, by the City Planning Commission on January 21, 2009 (Calendar No. 17), 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**  
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