



IN THE MATTER OF an application submitted by Denis S. O'Connor Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 30c, by establishing within an existing R4-1 District a C2-3 District bounded by Beach Channel Drive, Beach 91st Street, a line 100 feet southeasterly of Beach Channel Drive, a line 100 feet northeasterly of Beach 92nd Street, a line 75 feet southeasterly of Beach Channel Drive, and Beach 92nd Street, Borough of Queens, Community District 14, as shown on a diagram (for illustrative purposes only) dated May 6, 2019, and subject to the conditions of CEQR Declaration E-534.

This application (C 180282 ZMQ) for a zoning map amendment was filed by Denis S. O'Connor Inc. on March 9, 2018, to establish a C2-3 commercial overlay zoning district within an existing R4-1 district, along Beach Channel Drive, between Beach 91st Street and Beach 92nd Street, in the Rockaway Beach neighborhood of Queens Community District 14. The proposed action would facilitate the continued use of an existing funeral home and accessory parking lot located at 91-05 Beach Channel Drive.

BACKGROUND

The applicant, Denis S. O'Connor Inc., proposes a zoning map amendment to establish a C2-3 commercial overlay over all or portions of four lots (Block 16125, Lots 22, 23, 24 and 64) within an existing R4-1 district on the south side of Beach Channel Drive, between Beach 91st and Beach 92nd streets in Rockaway Beach. The rezoning area consists of approximately 18,906 square feet of lot area and has approximately 192 feet of frontage on Beach Channel Drive. It includes the development site (Block 16125, Lots 24 and 64) and nearly all of an adjacent lot (Block 16125, Lot 23). Lot 23 fronts on Beach 92nd Street, and it is improved with two, two-story residential buildings.

The existing funeral home began construction in the late 1950's. At that time, Lot 24 was improved with a residence and Lot 64 was vacant. On November 20, 1958 the Board

of Standards and Appeals (BSA) granted a variance (Cal. No. 640-58-BZ) to allow the funeral home and parking lot for more than five vehicles on Lot 64, since these uses were not permitted in residential districts. The applicant completed construction of a 3,737 square-foot, two-story funeral home in 1960. On March 29, 1960, the BSA granted an amendment (Cal. No. 640-58-BZ) to the previously-approved variance to allow for modifications to the building's layout. On May 5, 1960, an extension was granted by the BSA to permit the use until May 12, 1978. In 1964, the applicant received a Department of Buildings (DOB) permit to add a one-story extension on the west side of the building and enlarge the parking lot onto a portion of Lot 24. The residence on Lot 24 was demolished in 1973, and the entire lot was used for accessory parking for the funeral home with a capacity of 21 spaces. The one-story extension and parking lot on Lot 24 were nonconforming at the time, because the BSA variance was not amended and updated to include the improvements. The use variance expired in 1978 resulting in a nonconforming status for the entire development.

The project area was zoned R4 upon the establishment of the current Zoning Resolution (ZR) in 1961. On August 14, 2008, the property was rezoned from R4 to R4-1 as part of the Department of City Planning's Rockaway Neighborhoods Rezoning (C 080371 ZMQ), a 280-block comprehensive rezoning intended to reinforce established development patterns in lower density residential areas and to provide for moderate growth opportunities at select locations along major commercial corridors and locations near transit.

Directly north of the project area across Beach Channel Drive are eating and drinking establishments located along the Jamaica Bay shoreline, which are within an existing C2-3 overlay district. Directly to the east of the funeral home, across Beach 91st Street, is the former Rockaway Courthouse. Built in 1932, it has been vacant for more than four decades. The area around the funeral home is generally developed with one- and two-family residences.

Beach Channel Drive is a major east-west thoroughfare on the Rockaway Peninsula with

a street width of 80 feet. It connects to the on- and off-ramps of the Cross Bay Veterans Memorial Bridge, just west of the funeral home site. The MTA New York City Transit A/S train station is located southeast of the project area at Beach 90th Street and provides service between Beach 116th Street, Queens, Brooklyn and Manhattan. The Q52 and Q53 bus lines service the Rockaways and the QM16 and QM17 express buses provide service between the Rockaways and Manhattan, with stops near the project area.

The proposed zoning map amendment would establish a C2-3 commercial overlay along the entire southern side of Beach Channel Drive, with a depth of 75 feet along Beach 92nd Street and a depth of 100 feet along Beach 91st Street. A C2-3 district allows local retail and service uses, and in low- to medium-density areas it has a maximum commercial floor area ratio (FAR) of 1.0. The existing R4-1 district allows one- and two-family, detached and semi-detached homes with a maximum building height of 35 feet and a maximum 0.75 FAR.

The proposed zoning map amendment would legalize the funeral home establishment and accessory parking lot, which has been a non-conforming use since the lapse of the BSA variance. The proposed overlay zoning would match the existing C2-3 commercial overlay located immediately to the north of the project area across Beach Channel Drive. The funeral home would be brought into conformance and the accessory parking lot would be brought into compliance with the applicable requirements in the Zoning Resolution for perimeter landscaping and screening, as well as the Building Code, resulting in a reduction from 21 to 10 parking spaces and compliance with Americans with Disability Act (ADA) standards.

ENVIRONMENTAL REVIEW

This application (C 180282 ZMQ) 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 18DCP181Q. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on May 6, 2019. To support the Negative Declaration, an (E) designation (E-534) related to hazardous materials, air quality, and noise would be established in connection with the proposed action. The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration. This Negative Declaration was prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

WATERFRONT REVITALIZATION PROGRAM

This application (C 180282 ZMQ) 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 30, 2013 and by the New York State Department of State on February 3, 2016, 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 16-102.

The action was determined to be consistent with the policies of the WRP.

UNIFORM LAND USE REVIEW

This application (C 180282 ZMQ) was certified as complete by the Department of City Planning on May 6, 2019, and duly referred to Queens Community Board 14 and the Queens 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 14 held a public hearing on this application (C 180282 ZMQ) on June 11, 2019 and on that date, by a vote of 40 in favor, with none opposed and no abstentions,

recommended approval of the application with the condition that no additional expansion of the building or the site be allowed.

Borough President Recommendation

The Queens Borough President held a public hearing on the application (C 180282 ZMQ) on July 11, 2019, and on July 17, 2019 issued a recommendation to approve the application.

City Planning Commission Public Hearing

On July 31, 2019 (Calendar No. 11), the Commission scheduled August 14, 2019 for a public hearing on this application (C 180282 ZMQ). The hearing was duly held on August 14, 2019 (Calendar No. 51). There were two speakers in favor of the application.

The applicant's representative provided a summary of the requested action and explained the background of the funeral home development and operation. A Rockaway resident spoke in support of the funeral home, but noted potential development concerns with the commercial overlay on the site.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 180282 ZMQ) is appropriate.

The establishment of a C2-3 overlay district on the south side of Beach Channel Drive between Beach 91st Street and Beach 92nd Street will extend the overlay zoning located just to the north. The proposed C2-3 overlay district is appropriate in this location since Beach Channel Drive is a wide street and a major east-west thoroughfare on the Rockaway Peninsula.

The proposed C2-3 overlay rezoning aligns with the operation of an existing funeral home and accessory parking lot on Block 16125, Lots 24 and 64, which was originally developed

by BSA variance in 1960. The existing funeral business has a long-standing relationship with the neighborhood providing local services. The proposed action will bring the funeral establishment into zoning compliance, and compel the accessory parking lot to be improved with perimeter landscaping and come into compliance with the ADA regulations. Nearly all of the adjoining lot (Block 16125, Lot 23), currently developed with two two-story residences, will be included in the rezoning boundary.

The Commission acknowledges the recommendation of Queens Community Board 14 that the building not be enlarged. Although the Commission recognizes that the application is for a zoning map amendment, and not for the review of a specific site plan, the Commission notes that there are other zoning requirements, such as minimum accessory parking and screening requirements, that limit the potential for expansion on the development site. Furthermore, in a letter to the Commission dated June 20, 2019, the funeral home proprietor confirmed that there are no future plans for enlargement of the establishment.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on May 6, 2019 with respect to this application (CEQR No. 18DCP181Q), the City Planning Commission finds that the action described herein will have no significant impact on the quality of 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, 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 consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby amended by changing the Zoning Map, Section No. 30c, by establishing within an existing R4-1 District a C2-3 District bounded by Beach Channel Drive, Beach 91st Street, a line 100 feet

southeasterly of Beach Channel Drive, a line 100 feet northeasterly of Beach 92nd Street, a line 75 feet southeasterly of Beach Channel Drive, and Beach 92nd Street, Borough of Queens, Community District 14, as shown on a diagram (for illustrative purposes only) dated May 6, 2019, and subject to the conditions of CEQR Declaration E-534.

The above resolution (C 180282 ZMQ), duly adopted by the City Planning Commission on September 11, 2019 (Calendar No. 11) 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.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, Esq., *Vice-Chairman*

DAVID J. BURNEY, FAIA; ALLEN P. CAPPELLI, Esq.,

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ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD *Commissioners*