



**IN THE MATTER OF** an application submitted by Firecom Inc. 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 of Vaux Road between 59<sup>th</sup> Street and 60<sup>th</sup> Street; and
- the discontinuance and closing of a portion of Vaux Road between 59<sup>th</sup> Street and 60<sup>th</sup> Street; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in the Borough of Queens, Community District 2, in accordance with Map No. 5023 dated June 30, 2014 and signed by the Borough President.

---

The application (C 130383 MMQ) for an amendment to the City Map involving the elimination of Vaux Road between 59<sup>th</sup> Street and 60<sup>th</sup> Street; the discontinuance and closing of a portion of Vaux Road between 59<sup>th</sup> Street and 60<sup>th</sup> Street; and the adjustment of grades necessitated thereby, including authorization for any acquisition or disposition of real property related thereto, was filed by Firecom Inc. on June 12, 2013 in order to remove the encumbrance that the mapped street has placed on the applicant's property and to acquire from the City that portion of the street owned by the City in order to consolidate its property.

### **BACKGROUND**

Firecom, a life safety equipment manufacturing business, is located on the south side of Vaux Road between 59<sup>th</sup> and 60<sup>th</sup> Streets at 39-27 59<sup>th</sup> Street (Block 1230, Lots 35 and 70) and is a pre-existing, non-conforming manufacturing use. Vaux Road is an un-built paper street enclosed by chain link fencing at both ends that has served as a parking lot for Firecom employees since the 1980s. The proposed application would remove the encumbrance that the mapped street has placed on the applicant's property and the proposed disposition of the City owned westerly section of Vaux Road to the applicant.

Vaux Road is located just south of the MTA/LIRR Main Line corridor between 59<sup>th</sup> and 60<sup>th</sup>

Streets in the Woodside neighborhood of Queens, Community District 2. Vaux Road is mapped to a width of 50 feet, is not open to traffic and functions as a private parking lot used by the applicant. It currently accommodates 40 parking spaces and an approximately 15-foot wide travelway that extends the length of the street. The ownership of Vaux Road is approximately evenly distributed, as the City-owned area totals an approximate 5,439 square feet (47%) and the applicant-owned area totals an approximate 6,313 square feet (53%). The area to be discontinued and closed is comprised of the City owned western approximately 5,439 square foot portion of the road that would be disposed of by the City to the applicant.

Vaux Road is located within an R5B contextual zoning district. R5B zoning allows detached and semi-detached residential buildings with a maximum allowable FAR of 1.35 as well as community facility uses with a maximum allowable FAR of 2.0. Buildings cannot exceed 33 feet in height and 3-story row houses are common. Front yards must have a minimum depth of 5 feet. Off-street parking is required for 66% of residential units.

Surrounding zoning districts consist of predominantly low- and moderate-density residential districts including R4-1, R5-D, and R6B. An M1-1 zoning district is also mapped to the north. C1 and C2 commercial overlays are mapped along Roosevelt and Woodside Avenues, as well as portions of 39<sup>th</sup> Avenue.

Other uses within a quarter of a mile of the project site, the most predominant of which are residential, include manufacturing, institutional, and commercial. Residential buildings are primarily multi-family homes and small- to medium-sized apartment buildings, as well as single-family detached and semi-detached homes, and range in height from 1 to 6-stories. Manufacturing uses generally include warehouses and light industrial uses, such as repair shops. Commercial uses are primarily located along Roosevelt Avenue and Woodside Avenue, and include a number of restaurants, grocery stores, and bars. Also located along Roosevelt Avenue are the primary entrances to Woodside Station, providing access to the LIRR and the 7 subway line. The Brooklyn Queens Expressway is located to the east and the New Calvary Cemetery is located to the southeast of the project site.

Affected agencies and utilities were polled by email on July 23, 2013 regarding the proposed

amendment to the City Map. Currently, no city agencies have any objections to the proposal.

### **ENVIRONMENTAL REVIEW**

This application (C 130383 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 14DCP154Q. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, the lead agency has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

The applicant, Firecom Inc. agrees via the mapping agreement to prepare a Phase I Environmental Assessment Statement (ESA) and submit to the Department of Environmental Protection (DEP) for approval if future development of the demapped property, including soil disturbance is proposed. Should testing show that remediation is required the applicant further agrees to prepare and submit to DEP for approval a Remedial Action Plan (RAP) and associated Construction Health and Safety Plan (CHASP) prior to construction. The applicant also agrees via the mapping agreement to satisfy all noise and air quality requirements outlined in the Conditional Negative Declaration should future development occur on the demapped property. This requirement will be embodied in the Mapping Agreement to be executed in connection with the demapping

The applicant signed the Conditional Negative Declaration on September 25, 2014. The Conditional Negative Declaration was published in the City Record on October 6, 2014 and in the New York State Environmental Notice Bulletin on October 8, 2014. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.*, a 30-day comment period followed. No comments were received and the Conditional Negative Declaration was issued on February 4, 2015.

### **UNIFORM LAND USE REVIEW**

This application (C 130383 MMQ), was certified as complete by the Department of City Planning on September 29, 2014, and was duly referred to Queens Community Board 2 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 2 held a public hearing on this application (C 130383 MMQ) on November 6, 2014, and on that date by a vote of 24 to 7, with 0 abstentions, adopted a resolution recommending the application be approved with the condition that the property to be acquired from the City have a deed restriction that prohibits development of the site and that the site will be used for parking only.

### **BOROUGH PRESIDENT RECOMMENDATION**

This application (C 130383 MMQ) was considered by the Borough President of Queens, who on December 31, 2014 issued a recommendation approving the application.

### **CITY PLANNING COMMISSION PUBLIC HEARING**

On December 17, 2014 (Calendar No. 8), the City Planning Commission scheduled January 7, 2015 for a public hearing on this application (C 130383 MMQ). The hearing was duly held on January 7, 2015 (Calendar No. 21). There was one speaker in favor of the application and none opposed.

The applicant's representative described the proposed application and how the proposed action is vital to Firecom's daily activities related to the parking area that is currently being leased from the City. The representative also discussed reasons why the Community Board's conditional approval that a deed restriction be placed on the site limiting future use to parking should not be imposed.

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 portion of Vaux Road to be eliminated from the City Map is presently enclosed by chain link fencing and being used as parking by the applicant, and that ownership is approximately evenly split between the applicant and the City. The Commission notes the elimination of Vaux Road from the City Map will remove the encumbrance that the mapped street has on the applicant's property. The Commission further notes that the Department of Transportation had no objections to the proposal, deeming the street unnecessary for current or future traffic patterns. The Commission notes that the applicant's continued use of Vaux Road as employee parking is vital to the day to day operations of the applicant's fire safety manufacturing business which employees several hundred New York City residents.

The Commission acknowledges the desire expressed by Community Board 2 to place a deed restriction on the site that would limit its future use to parking only, however, the Commission notes that the existing use is non-conforming and cannot currently expand as-of-right. The Commission notes that the proposed application is for the elimination and discontinuance of a paper street, and not for a specific building or use. Therefore, the Commission believes that it would be inappropriate to impose a restriction as part of this application that would limit future as-of-right, conforming development on this site.

## **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 subject to the following condition:

The applicant, Firecom Inc. agrees via the mapping agreement to prepare a Phase I Environmental Assessment Statement (ESA) and submit to the Department of Environmental Protection (DEP) for approval if future development of the demapped property, including soil disturbance is proposed. Should testing show

that remediation is required the applicant further agrees to prepare and submit to DEP for approval a Remedial Action Plan (RAP) and associated Construction Health and Safety Plan (CHASP) prior to construction. The applicant also agrees via the mapping agreement to satisfy all noise and air quality requirements outlined in the Conditional Negative Declaration should future development occur on the demapped property. This requirement will be embodied in the Mapping Agreement to be executed in connection with the demapping;

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 130383 MMQ) for the amendment to the City Map involving:

- the elimination of Vaux Road between 59<sup>th</sup> Street and 60<sup>th</sup> Street; and
- the discontinuance and closing of a portion of Vaux Road between 59<sup>th</sup> Street and 60<sup>th</sup> Street; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in the Borough of Queens, Community District 2, in accordance with Map No. 5023 dated June 30, 2014 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. 5023

dated June 30, 2014 providing for the discontinuance and closing of a portion of Vaux Road between 59<sup>th</sup> Street and 60th Street, said street to be discontinued and closed being more particularly described as follows:

Beginning at a point on the westerly line of 59<sup>th</sup> Street, said point being a distance of 68.91 feet southeasterly from the corner formed by the intersection of the easterly line of 59<sup>th</sup> Street and the northeasterly terminus line of 59<sup>th</sup> Street, as said streets are shown on Alteration Map No. 5023 dated June 30, 2014;

No. 1 Running thence southeasterly along the former northeasterly line of Vaux Road, discontinued and closed, for 68.85 feet to a point;

No. 2 Thence continuing southeasterly along a line, discontinued and closed, on the arc of a circle, curving to the right, the radius of which is 1930.000 feet, the tangent of which forms an interior angle of 156 degrees 20 minutes 47.5 seconds with the last mentioned course, for 116.65 feet to the former southwesterly line of Vaux Road, discontinued and closed;

No. 3 Thence northwesterly along the former southwesterly line of Vaux Road, discontinued and closed, forming an interior angle of 27 degrees 06 minutes 59.2 seconds with the tangent of the last mentioned course, for 145.97 feet to the easterly line of 59<sup>th</sup> Street;

No. 4 Thence northerly along the easterly line of 59<sup>th</sup> Street, forming an interior angle of 119 degrees 27 minutes 55 seconds with the last mentioned course, for 57.43 feet to the northeasterly terminus line of 59<sup>th</sup> Street, the point or place of beginning.

The area described above consists of 5,439 square feet or 0.125 acres and be it further

**RESOLVED** that, pursuant to subdivision 1a of Section 5-433 of the New York City Administrative Code, public utility facilities within the subsurface of the streets cited herein which are to be discontinued and closed by this action, may be maintained in place or relocated within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or portions of such

subsurface, and the requirements of other facilities located therein;

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. 5023 dated June 30, 2014 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; and
- 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; and
- c. The Mapping Agreement shall contain provisions governing, in connection with development of the former street: the testing for and remediation of hazardous materials, as necessary, in accordance with DEP requirements; air quality requirements for any new building or enlargement with frontage on 60<sup>th</sup> Street, including restricting HVAC fuel-type use to natural gas and locating the exhaust stack at least 30 feet from the Roosevelt Avenue lot line; a requirement that future residential uses provide at least 31 dB(A) window/wall attenuation on all facades, with an alternate means of ventilation, to maintain an interior noise level of 45 dB(A), all of the foregoing as specified in the Conditional Negative Declaration dated February 4, 2015; and
- 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 130383 MMQ), duly adopted by the City Planning Commission on



February 4, 2015 (Calendar No. 12), 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.

**CARL WEISBROD**, Chairman

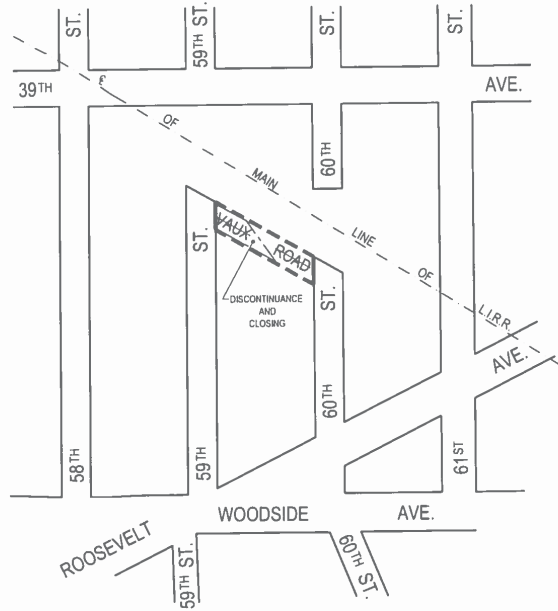
**KENNETH J. KNUCKLES**, *Esq.*, *Vice-Chairman*

**IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,**

**MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,**

**CHERYL COHEN EFFRON, ANNA HAYES LEVIN,**

**ORLANDO MARIN, LARISA ORTIZ**, Commissioners



CITY PLANNING COMMISSION  
CITY OF NEW YORK  
DIAGRAM SHOWING PROPOSED  
**MAP CHANGE**  
ON SECTIONAL MAP  
**9**  
BOROUGH OF  
**QUEENS**

New York, Certification Date  
SEPTEMBER 29, 2014

*I. Sadko*  
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.  
(Discontinuance and Closing is shown on Alt. Map No. 5023).



Melinda Katz  
Queens Borough President

## Community Board No. 2

43-22 50th Street, 2nd Floor  
Woodside, New York 11377

(718) 533-8773

Fax (718) 533-8777

Email [qn02@cb.nyc.gov](mailto:qn02@cb.nyc.gov)

[www.CB2Queens.org](http://www.CB2Queens.org)

Joseph Conley  
Chairman

Debra Markell Kleinert  
District Manager

November 17, 2014

Mr. Carl Weisbrod  
Director  
Department of City Planning  
22 Reade Street  
New York, New York 10007

RE: **ULURP Application # C 130383 MMQ**  
**Vaux Road Demapping**

Dear Mr. Weisbrod:


On November 6, 2014 Community Board 2 held a public hearing on the above ULURP Application Number C 130383 MMQ – Vaux Road Demapping.

Following the public hearing, at Community Board 2's regular monthly meeting of the full Board, a motion was made and seconded to approve the application for the Vaux Road demapping with the stipulation that the property would have a deed restriction that prohibits development of the site and be used for parking only.

With a quorum present, the motion carried with 24 In favor of the motion; 7 Opposed; 0 Abstention and the Chairman of Community Board 2 present and not voting.

If you have any questions, please contact Community Board 2.

Sincerely,

  
Joseph Conley, Chairman,  
Community Board 2



# Queens Borough President Recommendation

APPLICATION: ULURP #130383 MMQ

COMMUNITY BOARD: Q02

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Firecom, Inc., 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 of Vaux Road between 59<sup>th</sup> Street and 60<sup>th</sup> Street; and
- the elimination, discontinuance and closing of a portion of Vaux Road between 59<sup>th</sup> Street and 60<sup>th</sup> Street; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 2, Borough of Queens, in accordance with Map No. 5023 dated June 30, 2014 and signed by the Borough President.

## PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, November 20, 2014, 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 no other speakers. 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 to demap a portion of Vaux Road between 59<sup>th</sup> & 60<sup>th</sup> Streets. The mapped street is an unopened or improved portion of a street that does not extend beyond the boundaries described above. This demapping action also includes a provision to sell the demapped street to the applicant;
- The area of street to be demapped is a total of approximately 11,604 sf. New York City owns approximately 5464 sf and Firecom Inc. (the applicant) owns 6140 sf, the greater portion, of the mapped street. The site abuts a railroad embankment;
- The applicant (Firecom Inc.) is a life safety equipment manufacturer that currently uses the property as part of their parking lot for approximately forty (40) business related vehicles. Firecom Inc. rents the city owned 5464 sf portion of the street on a month to month license agreement. Firecom Inc. has asserted that they will continue using the land to park vehicles for their business. Firecom Inc. has operated on the site for over thirty (30) years;
- Community Board 2 (CB 2) approved this application with a condition by a vote of twenty-four (24) in favor with seven (7) against and none (0) abstaining at a public hearing held on November 6, 2014. CB 2's condition of approval was that there should be restriction on the property that no development should occur on the demapped portion of Vaux Road.;

## RECOMMENDATION

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

  
PRESIDENT, BOROUGH OF QUEENS

12/31/14  
DATE