



CITY PLANNING COMMISSION

January 8, 2014 / Calendar No. 21

C 090033 MMQ

IN THE MATTER OF an application submitted by Tserpes Holding LLC 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 a portion of North Conduit Avenue;
- the extinguishment of an easement north of North Conduit Avenue between 140th and 142nd streets; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 12, Borough of Queens, in accordance with Map No. 5005 dated January 23, 2009 and signed by the Borough President.*

*197(D)(2)b eligible

This application (C 090033 MMQ) for an amendment to the City Map was filed by Tserpes Holdings LLC on July 17, 2008. The proposed City Map amendment, along with its related action, would facilitate the construction of a 13-story hotel in the South Ozone Park neighborhood of Queens, Community District 12.

RELATED ACTIONS

In addition to the proposed amendment to the City Map (C 090033 MMQ) which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 070194 ZMQ Proposed amendment to the Zoning Map, Section No. 18d changing from an R3-2 District to C4-2 District and changing from an R3A District to a C4-2 District.

BACKGROUND

An interagency conference was held on August 19, 2008. No city agency had any objections to the proposal.

A full background discussion and description of this application appears in the report for the related zoning map amendment (C 070194 ZMQ).

ENVIRONMENTAL REVIEW

This application (C 090033 MMQ), in conjunction with the application for the related action (C 070194 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 07DCP024Q. 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 19, 2013.

UNIFORM LAND USE REVIEW

This application (C 090033 MMQ), in conjunction with the application for the related action (C 070194 ZMQ) was certified as complete by the Department of City Planning on August 19, 2013, and was duly referred to Queens Community Board 12 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 12 held a public hearing on the application (C 090033 MMQ) and the related application (C 070194 ZMQ) on November 20, 2013, and on that date, by a vote of 0 in favor, 34 opposed and 0 abstaining, adopted a resolution recommending disapproval of the application.

A summary of the recommendations of Community Board 12 appears in the related report for a zoning map amendment (C 070194 ZMQ).

Borough President Recommendation

This application (C 090033 MM), in conjunction with the related actions, was considered by the President of the Borough of Queens, who issued a recommendation disapproving the application on November 26, 2013.

A summary of the recommendations of the Borough President appears in the related report for a zoning map amendment (C 070194 ZMQ).

City Planning Commission Public Hearing

On November 20, 2013 (Calendar No. 4), the City Planning Commission scheduled December 4, 2013, for a public hearing on this application (C 090033 MMQ). The hearing was duly held on December 4, 2013 (Calendar No. 21), in conjunction with the public hearing on the related actions. There were a number of appearances, as described in the report for the related zoning map amendment (C 070194 ZMQ), and the hearing was closed.

CONSIDERATION

The Commission believes that this City Map amendment (C 090033 MMQ) is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application appear in the related report for a zoning map amendment (C 070194 ZMQ).

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map and any related acquisition or disposition of real property related thereto 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 090033 MMQ), for an amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of North Conduit Avenue;
- the extinguishment of an easement north of North Conduit Avenue between 140th and 142nd streets;
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 12, Borough of Queens, in accordance with Map No. 5005 dated January 23, 2009 and signed by the Borough President.

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. 5005 dated January 23, 2009 providing for the discontinuance and closing of a portion of North Conduit Avenue said streets to be discontinued and closed being more particularly described as follows:

THE ELIMINATION, DISCONTINUANCE AND CLOSING OF A PORTION OF
NORTH CONDUIT AVENUE AT THE INTERSECTION OF 140TH STREET

Beginning at a point on the northerly line of North Conduit Avenue, said point being 105 feet westerly from the corner formed by the intersection of the westerly line of 142nd Street and the northerly line of North Conduit Avenue, as said streets are shown on Alteration Map No. 5005 dated January 23, 2009;

No. 1) Running thence northerly along the former easterly line of North Conduit Avenue, discontinued and closed, for 42.26 feet to the former northerly line of North Conduit Avenue, discontinued and closed;

No. 2) Thence westerly along the former northerly line of North Conduit Avenue, discontinued and closed, forming an interior angle of 90 degrees with the last mentioned course, for 71.22 feet to the easterly line of 140th Street;

No. 3) Thence southerly, southeasterly along the easterly line of 140th Street, on the arc of a circle, curving to the left, the radius of which is 48.780 feet, the tangent of which forms an interior angle of 83 degrees 31 minutes 07.5 seconds with the last mentioned course, for 60.74 feet to a point of tangency;

No. 4) Thence easterly along the northerly line of North Conduit Avenue, forming an interior angle of 12 degrees 02 minutes 05.8 seconds with the tangent of the last mentioned course, for 33.04 feet to the former easterly line of North Conduit Avenue, discontinued and closed, the point or place of beginning.

The area described above consists of 2,554.1 square feet 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;

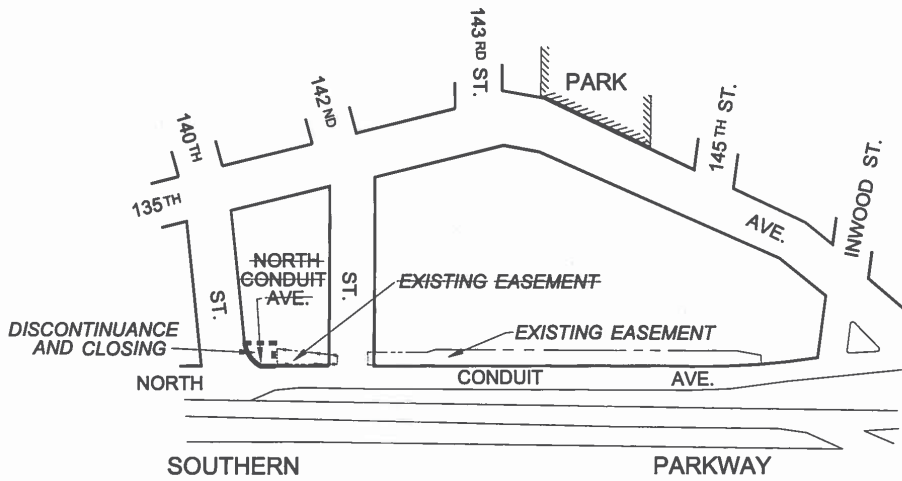
All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 5005 dated January 23, 2009, 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.

The above resolution (C 090033 MMQ), duly adopted by the City Planning Commission on January 8, 2014 (Calendar No. 21), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

KENNETH J. KNUCKLES, *Esq. Acting Chair*
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE R. DE LA UZ,
MARIA M. DEL TORO, RICHARD W. EADDY,
ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners




New York, Certification Date
AUGUST 19, 2013

CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
MAP CHANGE
ON SECTIONAL MAP
18d
BOROUGH OF
QUEENS

J. Miraglia, Director
Technical Review Division



- NOTE:**
- Indicates line of street legally adopted.
 - Indicates line of street proposed to be established.
 - Indicates line of street proposed to be eliminated.
 - Indicates Park line heretofore established and hereby retained.
(Discontinuing and Closing is shown on Alt. Map No. 5005).

 Community/Borough Board Recommendation Pursuant to the Uniform Land Use Review Procedure	
Application #: C 090033 MMQ CEQR Number: 07DCP024Q	Project Name: NORTH CONDUIT AVENUE DEMAPPING Borough(s): Queens Community District Number(s): 12
Please use the above application number on all correspondence concerning this application.	

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., "GB Recommendation #C1090002SQ"
 - 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 Tserpes Holding LLC 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 a portion of North Conduit Avenue;
- the extinguishment of an easement north of North Conduit Avenue between 140th and 142nd streets;
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, Borough of Queens, Community District 12, in accordance with Map No. 5005 dated January 22, 2009 and signed by the Borough President.

Applicant(s): Tserpes Holding, LLC 140-16 135th Avenue South Ozone Park, New York 11436	Applicant's Representative: Vincent Petrarò Vincent L. Petrarò, PLLC 350 7th Avenue Suite 1703 New York, New York 10001 (212)-736-0525
Recommendation submitted by: Queens Community Board 12	<i>Note 34-a Disapprove</i>
Date of public hearing: <i>11/20/2013</i>	Location: <i>Family Life Center 172-17 Linden Blvd, Jamaica, NY 11433</i>
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	*A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.
Date of Vote: <i>11/20/2013</i>	Location: <i>Family Life Center 172-17 Linden Blvd. Jamaica, NY 11433</i>

Queens Borough President Recommendation

APPLICATION: ULURP# 090033 MMQ

COMMUNITY BOARD: Q12

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Vincent L. Petraro, LLP on behalf of Tserpes Holding LLC, pursuant to Sections 197-c and 199 of the NYC 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 a portion of North Conduit Avenue;
- the extinguishment of an easement north of North Conduit Avenue between 140th and 142nd Streets;
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, Borough of Queens, Community District 12, Zoning Map No. 18d, in accordance with Map No. 5005 dated January 22, 2009 and signed by the Borough President. (Related application ULURP# C 070194 ZMQ)

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, November 14, 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 extinguish a temporary easement that was mapped while road work was under way, and to eliminate a portion of North Conduit Avenue that is also no longer needed by the city to facilitate construction of a hotel on their property.;
- The proposed hotel would be a 13-story, 138,383.84 sf building containing 344 hotel rooms. Included in the proposal are ground floor space for a 1410 sf restaurant and a 2840 sf multipurpose room suitable for community gatherings and meetings. Also included are a restaurant and exercise room on the upper floors with access for both to the rooftop. Two loading berths are planned for the ground floor and a total of 96 accessory parking spaces would be provided and located in an open parking lot and in a cellar level garage.;
- The 40,702 sf project site (Block 12095 Lots 2 & 6) is currently vacant. The areas along North Conduit Avenue on either side of the applicant's property, between the Van Wyck Expressway and 148th Street, are developed with hotels and other commercial uses. There are seven (7) parcels directly west of the applicant's site that are zoned for and developed with residences. The areas to the north and east of the site are predominantly developed with one- and two-family houses.;
- Per the applicant, an operator for the proposed hotel has not yet been identified. The applicants stated that there would be a hospitality services training program at the hotel to train those interested in working in the hotel industry. Additionally, the proposed hotel will be seeking area residents to fill employment opportunities.;
- Community Board 12 (CB 12) disapproved this application by a vote of thirty-five (35) against, none (0) in favor with one (1) abstention. Concerns raised by CB 12 included: letters of support (signed by neighboring property owners) dating from 2006 to 2008 were submitted by the applicant to CB 12 as evidence of neighborhood support, the developer's lack experience as a hotel operator, recent history of conversion and reopening of failed hotels in the area for use as city homeless shelters.;

Continued.....

RECOMMENDATION

Based on the above consideration, I hereby recommend disapproval of this application for the following reasons:

- As of this date, the submitted letters of support from area residents are at least five years old and do not indicate current local support of the neighboring residents.;
- There is no clear indication as to the operator of the hotel. This is of concern because there is a recent history in this area of hotels that become homeless facilities if the hotel does not remain profitable or in business.;



PRESIDENT, BOROUGH OF QUEENS



DATE