

230-13-A

APPLICANT – Nikolaos Sellas, for L & A Group Holdings LLC, owners.

SUBJECT – Application August 8, 2013 – Proposed construction of a four-story residential building located within the bed of a mapped street (29th Street), contrary to General City Law Section 35. R6A/R6B zoning district.

PREMISES AFFECTED – 29-19 Newtown Avenue, northeasterly side of Newtown Avenue 151.18' northwesterly from the corner formed by the intersection Newtown Avenue and 30th Street, Block 597, Lot 7, Borough of Queens.

COMMUNITY BOARD #4Q

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Queens Borough Commissioner, dated August 7, 2013, acting on Department of Buildings Application No. 420839150, reads in pertinent part:

Proposed construction partially located in bed of mapped street as per GCL 35; and

WHEREAS, a public hearing was held on this application on December 17, 2013, after due notice by publication in *The City Record*, and then to decision on January 28, 2014; and

WHEREAS, an application for the adjacent site, Lot 9, was decided on the same date, pursuant to BSA Cal. No. 231-13-A (29-15 Newtown Avenue, Queens); and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by Commissioner Montanez; and

WHEREAS, this is an application to allow the construction of a four-story multiple dwelling partially within the bed of 29th Street, a mapped but unbuilt street; and

WHEREAS, the subject site is located on the east side of Newton Avenue between 28th Street and 30th Street, partially within an R6A zoning district and partially within an R6B zoning district; and

WHEREAS, Community Board 4, Queens, recommends approval of this application; and

WHEREAS, by letter dated September 3, 2013, the Fire Department states that it has reviewed the proposal and has no objection to its approval; and

WHEREAS, by letter dated September 11, 2013, the Department of Environmental Protection (“DEP”) states that: (1) there is a 12-inch diameter private combined sewer and an eight-inch diameter city water main in 29th Street between Newton Avenue and Astoria

Boulevard; and (2) Amended Drainage Plan, dated February 15, 1935, sheet 1 of 3, for the above referenced location, calls for a future 12-inch diameter combined sewer in the bed of 29th Street between Newton Avenue and Astoria Boulevard; and

WHEREAS, DEP’s letter further states that it requires the applicant to submit a survey/plan showing: (1) the width of mapped 29th Street and the width of the widening portion of the street at the above referenced location; and (2) the distance from the lot line of Lot 7 to the terminal manhole of the 12-inch diameter private combined sewer, the end cap of the eight-inch diameter city water main, and the hydrant in the bed of 29th Street, between Newton Avenue and Astoria Boulevard; and

WHEREAS, in response to DEP’s request, the applicant submitted an updated survey; and

WHEREAS, by letter dated November 25, 2013, DEP states that, based on the survey submitted by the applicant, the future 12-inch diameter combined sewer crossing Lot 7 and Lot 9 will not be required, and, therefore, DEP has no objection to the proposed applications; and

WHEREAS, by correspondence dated January 17, 2014 the Department of Transportation (“DOT”) states that it has reviewed the proposal and has no objections; and

WHEREAS, the DOT notes that according to the Queens Borough President’s Topographical Bureau: (1) Newton Avenue from 28th Street to 30th Street is a mapped street with width of 70 feet on the City Map and was acquired to full width on July 11, 1914; (2) 29th Street between Astoria Avenue and Newton Avenue has a Corporation Counsel Opinion of dedication for 37 feet, as in use on May 2, 1922; and (3) the portion of 29th Street within the proposed development site is mapped at a width of 45 feet width on the City Map and the City does not have title; and

WHEREAS, DOT also notes that the improvement of 29th Street at this location (Block 597, Lot 7) is not presently included in DOT’s Capital Improvement Program; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the decision of the Queens Borough Commissioner, dated August 7, 2013, acting on Department of Buildings Application No. 420839150, is modified by the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction will substantially conform to the drawing filed with the application marked “Received January 22, 2014” one (1) sheet; that the proposal will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations will be complied with; and *on further condition*:

THAT this approval is limited to the relief granted

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by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT DOB will review the proposed plans to ensure compliance with all relevant provisions of the Zoning Resolution;

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals on January 28, 2014.

**A true copy of resolution adopted by the Board of Standards and Appeals, January 28, 2014.
Printed in Bulletin Nos. 4-5, Vol. 99.**

**Copies Sent
To Applicant
Fire Com'r.
Borough Com'r.**

