



IN THE MATTER OF an application submitted by Enrico Scarda pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7d, by establishing within an existing R3-1 District a C1-3 District bounded by Cross Island Parkway Service Road South, a line perpendicular to the northeasterly street line of Clintonville Street distant 85 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Clintonville Street and the southerly street line of Cross Island Parkway, and Clintonville Street, Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated May 6, 2019, and subject to the conditions of CEQR Declaration E-535.

The application for an amendment to the Zoning Map was filed by Enrico Scarda on March 26, 2018 to establish a C1-3 commercial overlay within an existing R3-1 District on a portion of a block fronting on the Cross Island Parkway Service Road South, to facilitate the development of an approximately 4,000 square-foot single-story commercial building in the Whitestone neighborhood of Queens, Community District 7.

BACKGROUND

The applicant is seeking to amend the Zoning Map to establish a C1-3 overlay district on property located at 15-33 and 15-35 Clintonville Street (Block 4721, Lots 6 and 7). The area to be rezoned has frontage on Cross Island Parkway Service Road South to the north and Clintonville Street to the west. The proposed zoning map amendment would facilitate the development of a one-story, approximately 4,000 square-foot commercial building.

The rezoning area is irregularly-shaped and encompasses approximately 6,400 square feet of lot area comprising two tax lots (Block 4721, Lots 6 and 7). Lot 6 has an area of about 1,000 square feet and is currently developed with a legal, non-confirming, single-story gift shop. Lot 7 has an area of approximately 5,900 square feet and is developed with a two-story, single family house and detached garage that are currently unoccupied.

The surrounding area is predominately developed with one- and two-story detached and semi-detached residential homes and one-story commercial uses along the major corridors. The Cross Island Parkway is a major highway that runs through Queens, located adjacent to the 70 foot-wide service road directly north of the rezoning area. The area north of the Cross Island Parkway is predominately developed with local restaurants, retail, service and community facility uses that form the main shopping district of Whitestone. This area north of Cross Island Parkway is zoned with C1-2 and C2-2 commercial overlays within an existing R3-2 District.

The area south of the Cross Island Parkway is developed predominantly with one and two-family residential uses with several public institutions including St. Luke's Roman Catholic Church and St. Luke's School. Further south and to the east of the rezoning area is William Carr Junior High School and Clintonville Playground. The project area is substantially oriented to motor vehicle use with limited access to mass transit. Public transportation includes the Q15 and Q76 bus lines that have stops located one block east of the rezoning area.

The rezoning area is currently mapped with an R3-1 District, which allows residential uses at a maximum floor area ratio (FAR) of 0.5 and community facility uses at a maximum FAR of 1.0. Commercial uses are not permitted.

The proposed C1-3 District would allow local retail and service uses in Use Groups 1 through 6 and have a maximum allowable commercial FAR of 1.0 when mapped in R3 districts. Most retail uses require one parking space per 300 square feet of commercial floor space.

The proposed rezoning would facilitate a proposal by the applicant to develop a one-story, approximately 4,000 square-foot commercial development with five parking spaces. Parking would be accessed from a new 15-foot curb cut on the Cross Island Parkway Service Road, east of an existing bus stop. Trees and plantings would be provided to create a buffer between the proposed parking area and the existing residences and commercial use. The zoning regulations also require an eight-foot side yard between the proposed building and the adjacent residential building.

ENVIRONMENTAL REVIEW

This application (C 180291 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 19DCP034Q. The lead is the City Planning Commission.

After a study of the potential impacts of the proposed actions in the Environmental Assessment Statement, a Negative Declaration was issued on May 6, 2019. To support the Negative Declaration, an (E) Designation (E-535) related to air quality and hazardous materials 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.

UNIFORM LAND USE REVIEW

On May 6, 2019, this application (C 180291 ZMQ) was certified as complete by the Department of City Planning and was duly referred to Queens Community Board 7 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

Queens Community Board 7 held a public hearing on this application (C 180291 ZMQ) on June 17, 2019, and by a vote of 33 in favor and eight opposed, adopted a resolution recommending approval with conditions of the application subject to the following conditions:

“[That the] commercial development with inclusion of a restrictive declaration to the property that runs and binds all future successor or assigns [to] the following restrictions:

1. Proposed building limited to one story only, and total floor area not more than 4,000 sq. ft.
2. Use of building specifically excludes convenience stores, such as 7-Eleven or similar 24-hour service stores.
3. All vehicular access to the proposed building be from Cross Island Pkwy only.
4. All parking lighting will be at grade and with six parking spaces, including handicap space.
5. The site will not operate midnight to 6 a.m.
6. Queens Garden Nursery will allow 3 of their parking spaces to be used during 12 to 6 a.m.”

Borough President Recommendation

The Queens Borough President held a public hearing on this application (C 180291 ZMQ) on July 11, 2019, and on July 22, 2019, issued a recommendation to approve the application subject to the following condition:

“The applicant should execute and record a deed restriction as specified in CB7’s recommendation, and, that all conditions that they had agreed and committed to at the CB 7 meeting and reiterated at the Queens Borough President’s public hearing is memorialized.”

City Planning Commission Public Hearing

On July 31, 2019 (Calendar No. 13), the City Planning Commission scheduled August 14, 2019, for a public hearing on this application (C 180291 ZMQ). The hearing was duly held on August 14, 2019 (Calendar No. 53). One speaker testified in favor of the application.

The applicant’s representative explained that the C1-3 commercial overlay was necessary to allow the property owner to redevelop. She further explained that the proposed redevelopment had originally been expected to be an expansion of the current gift shop use when the rezoning application was certified, but that economic factors changed the plans from expansion of the gift shop into a new local bank branch.

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

CONSIDERATION

The Commission believes that this application for zoning map amendment (C 180291 ZMQ) is appropriate.

The proposed C1-3 commercial overlay will facilitate the construction of a one-story, approximately 4,000 square foot commercial development with accessory parking for five vehicles.

The Commission notes that the rezoning area is located on the Cross Island Parkway Service Road South, a well- traveled commercial street, and that this location is currently developed with a single-story building housing a non-conforming commercial use. The Commission believes that the proposed establishment of a C1-3 commercial overlay will limit future commercial development to a scale and use that is in keeping with the surrounding context.

While the Commission recognizes that the application is for a zoning map amendment and not for the review of a specific site plan, the Commission is pleased nevertheless that the applicant has stated that the accessory parking area will be screened from neighboring residential uses by trees and plantings and that there will be a minimum eight-foot side yard between the proposed building and the existing residential district.

The Commission believes that the proposed establishment of a C1-3 District reflects the existing commercial development along Cross Island Parkway Service Road and will result in development of new local commercial uses to serve the residents in this portion of northern Queens. Regarding the Community Board and Borough President's recommendation to impose a deed restriction encumbering the development of the property, the Commission does not believe that imposing a deed restriction on a property in coordination with a zoning map amendment is appropriate.

RESOLUTION

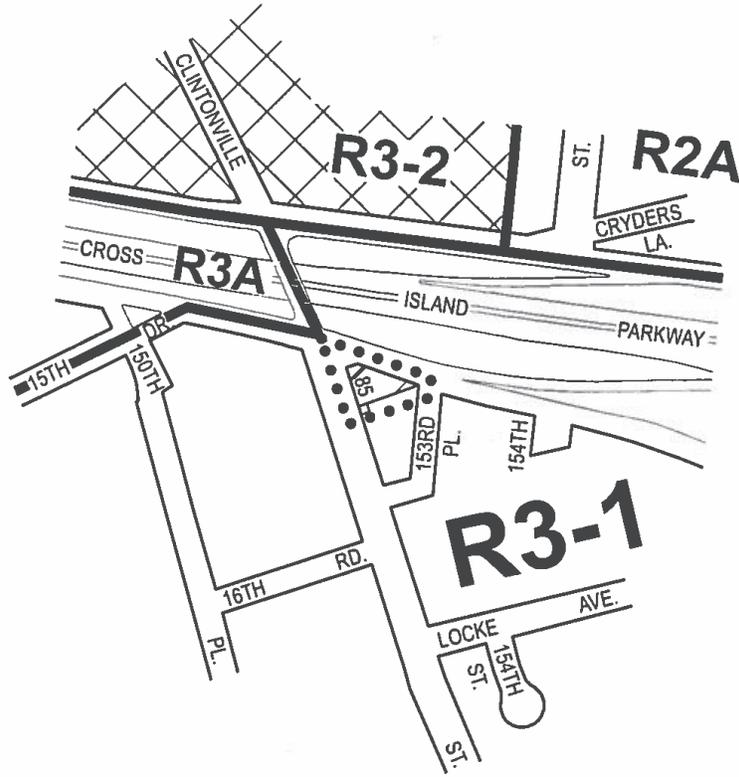
RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, that the City Planning Commission, pursuant to Section 197-c and 200 of the New York 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 further amended by changing the Zoning Map, Section No. 7d, by establishing within an existing R3-1 District a C1-3 District bounded by Cross Island Parkway Service Road South, a line perpendicular to the northeasterly street line of Clintonville Street distant 85 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Clintonville Street and the southerly street line of Cross Island Parkway, and Clintonville Street, as shown on a diagram (for illustrative purposes only) dated on May 6, 2019, and subject to the conditions of CEQR Declaration E- 535, Borough of Queens, Community District 7.

The above resolution (C 180291 ZMQ), duly adopted by the City Planning Commission on September 11, 2019 (Calendar No. 13), is filed with the Office of the Speaker, City Council, and the Queens 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 BURNEY, ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO, III,
MICHELLE DE LA UZ, JOSEPH DOUEK, RICHARD W. EADDY,
HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN,
LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners***



CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP

7d
 BOROUGH OF
QUEENS

(Signature)
 S. Lenard, Director
 Technical Review Division



New York, Certification Date:
 MAY 06, 2019



- NOTE:**
- Indicates Zoning District Boundary
 - The area enclosed by the dotted line is proposed to be rezoned by establishing a C1-3 District within an existing R3-1 District.
 - Indicates a C1-2 District
 - Indicates a C1-3 District



Community Board 7

Borough of Queens
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Maiba, Queensborough Hill, Whitestone and Willets Point

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Melinda Katz
Queens Borough President

Eugene T. Kelty Jr.
Chairperson

Marilyn McAndrews
District Manager

June 17, 2018

Marisa Lago, Chairperson
NYC Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

RE: 15-33 Clintonville Street, College Point
180291-ZMQ - Queens, Community Board 7

Dear Madam Chair,

At the June 17, 2019 Public Hearing and Regular Meeting of Community Board 7 the full board of a total 41 members voted, (33 in favor of the recommendation, 7 not in favor, and 1 abstained but with no conflict) from the Land Use Committee to support the zoning map for a C1-3 commercial overlay in existing R3-1 zone to facilitate expansion of owner's one-story 1,400 sq. ft. to 4,398 sq. ft. of commercial development with inclusion of a restrictive declaration to the property that runs and binds all future successors or assigns with the following restrictions:

1. Proposed building limited to one story only, and total floor area not more than 4,000 sq. ft.
2. Use of building specifically excludes convenience stores, such as 7-Eleven or similar and 24 hour's services stores.
3. All vehicular access to the proposed building be from Cross Island Pkwy ONLY.
4. All parking lighting will be at grade and with six parking spaces, including on handicap space.
5. The site will not operate midnight to 6 a.m.
6. Queens Garden Nursery will allow 3 of their parking spaces to be used during 12 to 6 a.m.

Community Board 7 continues to support projects that will improve the quality of life for its residents and community. Should you have any questions, please do not hesitate to contact me in the office.

Sincerely,

Eugene T. Kelty
Chairman

This Copy sent to City Planning



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 180291 ZMQ**

Project Name: **15-33 Clintonville Street Rezoning**

CEQR Number: 19DCP034Q

Borough(s): Queens
Community District Number(s): 7

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 + (8-digit application number), e.g., "CB Recommendation #C10000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 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 Enrico Scarda pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 7d, by establishing within an existing R3-1 District a C1-3 District bounded by Cross Island Parkway Service Road South, a line perpendicular to the northeasterly street line of Clintonville Street distant 85 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Clintonville Street and the southerly street line of Cross Island Parkway, and Clintonville Street, Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated May 6, 2019, and subject to the conditions of CEQR Declaration E-535.

The motion is to approve zoning map amendment with inclusion of a restrictive declaration to the property that runs with the land & binds all future successors or assigns with the following restrictions:-

- Proposed building limited to one story only, and total floor area not more than 4000 sq. ft.
- Use of building specifically excludes convenience stores, such as 7 Elevens or similar and 24 hour service stores.
- All vehicular access to the proposed building be from Cross Island Pkwy ONLY.
- All parking lighting will be at grade and with six parking spaces, including one Handicap space.
- The site will not operate midnight to 6 a.m. Qns. Garden Nursery will allow three of their spaces to be used during same hours.

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The restrictive declaration will be a Required Item in a Dept. of Bldgs. Plan/Work (PW1) Application for the proposed development.

Applicant(s): Enrico Scarda 1201 Route 112, Suite 900 Port Jefferson Station, NY 11776		Applicant's Representative: Steven M. Sinacori, Esq. Akerman, LLP 666 Fifth Avenue, 20th Floor New York, NY 10103	
Recommendation submitted by: Queens Community Board 7			
Date of public hearing: 6/17/19		Location: Union Plaza Care Center 39-23 Union St.	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>	
Date of Vote: 6/17/19		Location: Union Plaza Care Center	
RECOMMENDATION			
<input checked="" type="checkbox"/> Approve		<input type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
<small>Please attach any further explanation of the recommendation on additional sheets, as necessary.</small>			
Voting			
# In Favor: 33		# Against: 8	# Abstaining:
Total members appointed to the board:			
Name of CB/BB officer completing this form Eugene T. Kelly		Title Chairperson	Date 6/17/19

Queens Borough President Recommendation

APPLICATION: ULURP #C180291 ZMQ

COMMUNITY BOARD: Q07

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Akerman, LLP on behalf of Enrico Scarda pursuant to Sections 197-c and 201 of New York City Charter for an amendment of the Zoning Map, Section No 7d, by establishing within an existing R3-1 District a C1-3 District bounded by Cross Island Parkway Service Road South, a line perpendicular to the northeasterly street line of Clintonville Street distant 85 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Clintonville Street and the southerly street line of Cross Island Parkway, and Clintonville Street, Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated May 6, 2019, and subject to the conditions of CEQR Declaration E-535.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on July 11, 2019 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 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 map a C1-3 commercial overlay within an existing R3-1 District. The proposed overlay will facilitate the redevelopment and expansion of the applicant's existing one-story gift shop on the development site;
- The rezoning area includes Block 4721 Lots 6 and 7. The area is currently zoned R3-1 which is a low-density contextual district that allows semi-detached one- and two-family homes as well as detached homes. The maximum FAR for residential building is 0.5 (0.6 with an attic allowance). Block 4721 Lot 6 is a 1,019 sf corner lot located at the corner of Cross Island Parkway Service Road south and Clintonville Street. The lot is currently occupied by a legal non-conforming single-story gift shop. Lot 7 is a 5,897 sf lot occupied by a vacant single-family house and detached garage. Both lots are owned by the applicant;
- The proposed development site includes both lots which combined have a lot area of 6,916 sf. The structures on both lots would be demolished to redevelop the site. The original proposal was for a 4,398 sf (0.64 FAR) commercial building with a cellar that would provide a replacement space for the existing gift shop. The building would have an approximately 4,150 sf cellar, 3,835 sf of commercial/retail space, and 563 sf of accessory office space on the first floor. Five accessory parking spaces, that would be accessed by a 15' curb cut on the Cross Island Parkway service road. There would be plantings and trees as a buffer surrounding the parking area;
- However, after several meetings with the CB 7's Land Use Committee, the applicant has agreed to revise the plan reducing the proposed floor area of the building to 4,000 sf of commercial space and to increase the proposed number of provided parking spaces from five to six spaces as requested. The applicant also advised CB 7 that the planned development would be a bank instead of a gift shop as originally proposed;
- The rezoning area is triangular in shape and is bounded by the Cross Island Parkway Service Road to the north, Locke Avenue to the south, 153rd Place to the east and Clintonville Street to the west. The surrounding area is developed with a mix of low- to mid-density residential uses with commercial uses along the major thoroughfares. The Cross Island Parkway, a major highway that runs through Queens, located immediately north of the rezoning area separates the rezoning area from the predominantly low-density housing to the north;
- Community Board 7 (CB 7) approved this application with conditions by a vote of thirty-three (33) in favor with seven (7) against and one (1) abstaining at a community board meeting held on June 17, 2019. CB 7's conditioned the approval upon the applicant executing and recording a deed restriction attached to the property into perpetuity that would assign with the following restrictions: limiting the proposed building to only one-story with a total floor area of not more than 4,000 sf; restriction against occupancy of the building with convenience stores and 24-hour service stores; all vehicular access to the site only from the Cross Island Parkway service road; all lighting on the site should be focused and directed onto the site and should not spillover outside of the site; limitation to six at grade parking spaces including one handicapped space; no operations on the site between midnight to 6:00 am; and that the Queens Garden Nursery (a neighboring business with some available parking spaces) will allow three (3) of their parking spaces to be used during weekdays;

- At the Queens Borough President public hearing, the applicant stated that they had agreed to all of CB 7's conditions of approval regarding the size of the building, types of uses and restriction of hours, vehicular access and parking arrangements.

RECOMMENDATION

Based on the above considerations, I hereby recommend approval of this application with a condition that the applicant should execute and record a deed restriction as specified in CB 7's recommendation, and, that all conditions that they had agreed and committed to at the CB 7 meeting and reiterated at the Queens Borough President's public hearing is memorialized.



PRESIDENT, BOROUGH OF QUEENS

7/22/19

DATE