



CITY PLANNING COMMISSION

October 29, 2008 / Calendar No. 9

C 080204 MMQ

IN THE MATTER OF an application submitted by the 151-45 Sixth Road Whitestone Partners, 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 152nd Street between Powell's Cove Boulevard and the U.S. Bulkhead Line;
- the delineation of a permanent sewer easement;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real properties related thereto,

Community District 7, Borough of Queens, in accordance with Map No. 5004, dated May 15, 2008, and signed by the Borough President.

This application (C 080204 MMQ) for an amendment to the City Map was filed by 151-45 Sixth Road Whitestone Partners, 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 on January 30, 2008. It involves: the elimination, discontinuance and closing of a portion of 152nd Street between Powell's Cove Boulevard and the U.S. Bulkhead line, and the delineation of a permanent sewer easement. The application (C 080204 MMQ) would facilitate the development of a 52-unit Large Scale Residential Development on an approximately 12.8 acre parcel located in Whitestone, Queens, Community District 7.

RELATED ACTIONS

In addition to the amendment to the City Map, which is the subject of this report (C 080204 MMQ), implementation of the applicant's proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

C 080203 ZMQ Amendment of the Zoning Map to change a portion of an existing M1-1 District to an R3-2 District.

- C 080207 (A) ZSQ Special permit pursuant to Section 78-312(f) to waive the requirements of Section 23-711 for distances between buildings on the same zoning lot in a Large Scale Residential Development.
- N 080210 ZCQ Chairperson's Certification pursuant to Section 62-711 that the development is exempt from the waterfront public access requirements of Section 62-41 and complies with the visual corridor requirements of Sections 62-42 and 62-60.

BACKGROUND

A full background discussion and project description appears in the report on the related application for the amendment of the Zoning Map (C 080203 ZMQ).

ENVIRONMENTAL REVIEW

This application (C 080204 MMQ), in conjunction with the applications for the related actions, 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 08DCP028Q. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Conditional Negative Declaration was issued on October 29, 2008.

A summary of the environmental review and the Conditional Negative Declaration appears in the report on the related application for an amendment of the Zoning Map (C 080203 ZMQ).

UNIFORM LAND USE REVIEW

This application (C 080204 MMQ), in conjunction with the related applications, was certified as complete by the Department of City Planning on June 16, 2008, and was duly referred to

Community Board 7 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

Queens Community Board 7 held a public hearing on this application (C 080204 MMQ), in conjunction with the application for the related actions, on June 30, 2008, and, on that date, by a vote of 32 to 0 with 1 abstention, adopted a resolution recommending approval of the application with conditions.

A summary of the Community Board's recommendation appears in the report on the related application for the amendment of the Zoning Map (C 080203 ZMQ).

BOROUGH PRESIDENT RECCOMENDATION

This application (C 080204 MMQ), together with the related actions, was considered by the Borough President of Queens who issued a recommendation approving the application on September 23, 2008.

CITY PLANNING COMMISSION PUBLIC HEARING

On September 10, 2008 (Calendar No. 5), the City Planning Commission scheduled September 24, 2008 for a public hearing on this application (C 080204 MMQ). The hearing was duly held on September 24, 2008 (Calendar No. 27) in conjunction with the hearing on the related actions.

There were a number of appearances, as described in the report on the related application for the amendment of the Zoning Map (C 080203 ZMQ), and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 080204 MMQ), in conjunction with the related actions (C 080203 ZMQ, C 080207 (A) ZSQ and N 080210 ZCQ), 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 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront

Revitalization and Coastal Resource Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 08-044.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes the amendment to the City Map is appropriate.

A full consideration of the issues and the reasons for approving this application (C 080204 MMQ) appears in the report on the related application for the amendment of the Zoning Map (C 080203 ZMQ).

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map and any related acquisition or disposition of real property 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 the following condition(s):

For the property located at 151-45 Sixth Road (Block 4487, Lots 160, 169, 170, & 200; Block 4524, Lots 77 & 92; Block 4531, Lots 79 & 92), the applicant agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan; 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 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 080276 MMQ) for the amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of 152nd Street between Powell's Cover Boulevard and the U.S. Bulkhead Line;
- the delineation of a permanent sewer easement;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real properties related thereto,

Community District 7, Borough of Queens, in accordance with Map No. 5004, dated May 15, 2008, 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. 5004, dated May 15, 2008, providing for the discontinuance and closing of a portion of 152nd Street between Powell's Cover Boulevard and the U.S. Bulkhead Line, more particularly described as follows:

Beginning at a point located 74.38 feet northwesterly along the westerly line of 152nd Street from the intersection of the westerly line of 152nd Street and the northerly line of Powell's Cove Boulevard, as said streets are shown on Map No. 5004 dated May 15, 2008;

1. Running thence a distance of 174.87 feet northwesterly, along the former westerly street line of 152nd Street, discontinued and closed, to a point;

2. Running thence a distance of 106.30 feet northerly, along the former westerly street line of 152nd Street, discontinued and closed, said line forming an interior angle of 145 degrees 35 minutes 03 seconds with the last-mentioned course, to a point;
3. Running thence a distance of 128.08 feet northwesterly, along the former westerly street line of 152nd Street, discontinued and closed, said line forming an interior angle of 230 degrees 35 minutes 42 seconds with the last-mentioned course, to a point;
4. Running thence a distance of 124.17 feet northerly, along the former westerly street line of 152nd Street, discontinued and closed, said line forming an interior angle of 154 degrees 22 minutes 20 seconds with the last mentioned course, to a point;
5. Running thence a distance of 60.09 feet easterly, along the former northerly street line of 152nd Street, discontinued and closed, said line forming an interior angle of 93 degrees 07 minutes 05 seconds with the last-mentioned course, to a point;
6. Running thence a distance of 78.67 feet southeasterly, along the former easterly street line of 152nd Street, discontinued and closed, said line forming an interior angle of 86 degrees 52 minutes 55 seconds with the last mentioned course, to a point;
7. Running thence a distance of 49.91 feet southeasterly, along the former easterly street line of 152nd Street discontinued and closed, said line forming an interior angle of 187 degrees 54 minutes 15 seconds with the last mentioned course, to a point;
8. Running thence a distance of 233.67 feet southeasterly, along the former easterly street line of 152nd Street, discontinued and closed, said line forming an interior angle of 197 degrees 43 minutes 25 seconds with the last mentioned course, to a point;
8. Running thence a distance of 3.74 feet southeasterly, along the former easterly street line of 152nd Street, discontinued and closed, said line forming an interior angle of 164 degrees 12 minutes 23 seconds with the last mentioned course, to a point;

9. Running thence a distance of 95.50 feet southwesterly, along the southerly street line of 152nd Street, discontinued and closed, said line forming an interior angle of 92 degrees 29 minutes 12 seconds with the last mentioned course, to a point;

10. Running thence a distance of 141.00 feet southeasterly, along the easterly street line of 152nd Street, discontinued and closed, said line forming an interior angle of 267 degrees 07 minutes 40 seconds with the last mentioned course, to a point;

11. Running thence a distance of 60.00 feet southwesterly, along the newly established northerly terminus of 152nd Street, said line forming an interior angle of 90 degrees with the last-mentioned course, to the place or Point of Beginning; and be it further

RESOLVED that, 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. 5004 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;
- 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 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 080204 MMQ), duly adopted by the City Planning Commission on October 29, 2008 (Calendar No. 9), 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.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice-Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
ANGELA R. CAVALUZZI, AIA, ALFRED C. CERULLO III,
BETTY CHEN, MARIA M. DEL TORO, RICHARD W. EADDY,
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KAREN A. PHILLIPS, Commissioners