

91-08-BZ

CEQR #08-BSA-081Q

APPLICANT – Slater & Becker, LLP, for NAND Limited Partnership, owner; Northrop Grumman Information Technology, Inc., lessee.

SUBJECT – Application April 14, 2008 – Special Permit (§73-30) to permit, a non-accessory radio facility as part of the New York City Department of Information Technology and Telecommunications (“DoITT”) New 666 York City Wireless Network (“NYCWIn”). R6A zoning district.

PREMISES AFFECTED – 37-68 97th Street, northwest corner of 97th Street and 38th Avenue, Block 1759, Lot 30 Borough of Queens.

COMMUNITY BOARD #3Q

APPEARANCES –

For Applicant: Robert Gaudio.

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 Montanez.....5

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough Commissioner, dated March 27, 2008, acting on Department of Buildings Application No. 402611893, reads in pertinent part:

“Proposed communication facility exceeds the 400 square feet allowed under Technical Policy and Procedure Notice (“TPPN”) No. 5 of 1998 and therefore will require a special permit from the Board of Standards and Appeals as per ZR § 73-30;” and

WHEREAS, this is an application under ZR §§ 73-30 and 73-03, to permit, within an R6A zoning district, the proposed construction of a telecommunications facility that consists of three panel antennas and three dish antennas and related equipment for public utility wireless communications, which is contrary to ZR § 22-21; and

WHEREAS a public hearing was held on this application on June 24, 2008, after due notice by publication in *The City Record*, and then to decision on July 15, 2008; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by Chair Srinivasan; and

WHEREAS, the proposed telecommunications facility will be located at a site which is occupied by a six-story multiple dwelling building; and

WHEREAS, the proposed telecommunications facility is part of the New York City Department of Information Technology and Telecommunications (DoITT) New York City Wireless Network (NYCWIn) and the application is brought on behalf of the City of New York; and

WHEREAS, the applicant represents that the NYCWiN system will provide a citywide data network designed to provide rich graphical information and real-time video from and to mobile workforces of the City’s public safety and public service agencies, thereby allowing faster decision-making and better coordinated emergency responses; and

WHEREAS, the applicant states that the proposed telecommunications facility will consist of three panel antennas and three dish antennas and related equipment for public utility wireless communications; and

WHEREAS, pursuant to ZR § 73-30, the Board may grant a special permit for a non-accessory radio tower such as those within the proposed telecommunications facility, provided it finds “that the proposed location, design, and method of operation of such tower will not have a detrimental effect on the privacy, quiet, light and air of the neighborhood;” and

WHEREAS, the applicant represents that the antennas have been designed and sited to minimize adverse visual effects on the environment and adjacent residents; that the construction and operation of the facility will comply with all applicable laws, that no noise or smoke, odor or dust will be emitted; and that no adverse traffic impacts are anticipated; and

WHEREAS, the applicant further represents that the height of the antennas are the minimum necessary to provide the required wireless coverage, and that the antennas will not interfere with radio, television, telephone or other uses; and

WHEREAS, based upon its review of evidence in the record, the Board finds that the proposed antennas and related equipment will be located, designed, and operated so that there will be no detrimental effect on the privacy, quiet, light, and air of the neighborhood; and

WHEREAS, therefore, the Board finds that the subject application meets the findings set forth at ZR § 73-30; and

WHEREAS, the Board further finds that the subject use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the proposed project will not interfere with any pending public improvement project; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board finds that the application meets the general findings required for special permits set forth at ZR § 73-03; and

WHEREAS, the project is classified as a Type I action pursuant to 6NYCRR, Part 617.4; and

WHEREAS, the Board has conducted an

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environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 08-BSA-081Q, dated April 14, 2008; and

WHEREAS, the EAS documents show that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

Therefore it is Resolved that the Board of Standards and Appeals issues a Type I Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes the required findings and *grants* a special permit under ZR §73-03 and §73-30 to permit, within an R6A zoning district, the proposed construction of a telecommunications facility (non-accessory radio facility) for public utility wireless communications, which is contrary to ZR §22-21, *on condition* that all work shall substantially conform to drawings as they apply to the objection above-noted, filed with this application marked "Received April 14, 2008"-(5) sheets; and *on further condition*;

THAT any fencing will be maintained in accordance with BSA-approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall 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) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, July 15, 2008.

**A true copy of resolution adopted by the Board of Standards and Appeals, July 15, 2008.
Printed in Bulletin No. 29, Vol. 93.**

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.