

CITY PLANNING COMMISSION

October 18, 1989 / Calendar No. 69

C 880041 ZSQ

IN THE MATTER of an application submitted by Kew Gardens Hills Development Co., pursuant to Sections 197-c and 200 of the New York City Charter for the grant of special permits pursuant to Sections 78-312(c), 78-312(d), 78-312(f), 78-34 and 78-35 of the Zoning Resolution involving the modification of regulations for front and rear yards, height and setback, distance between buildings, open space ratio, and floor area ratio, and for authorizations pursuant to Section 23-463 of the Zoning Resolution involving the modification of regulations for aggregate width of building street walls and Section 78-44 to allow the modification of the requirements set forth in Section 25-631(b)(4) for a large-scale residential development of 664 dwelling units on property generally bounded by 150th Street, 75th Road, 153rd Street (portions of 75th Road and 153rd Street are proposed for elimination under related application C 880040 MMQ), Parsons Boulevard and 76th Road (Block 6705, Lot 1; Block 6706, Lot 1; Block 6808, Lot 2; Block 6809, Lots 1 and 12; Block 6810, Lots 1 and 12), within an R4 District, Community District 8, Borough of Queens.

The application (C 880041 ZSQ) for special permits and authorizations was filed by Kew Gardens Hills Development Co. on July 10, 1987, to facilitate the construction of a 664 unit large-scale residential development (LSRD) on property generally bounded by 150th Street, 75th Road and 153rd Street, Parsons Boulevard and 76th Road in the Kew Gardens Hills area of the Borough of Queens.

RELATED ACTIONS

In addition to the special permits and authorizations which are the subject of this report, implementation of the proposed development also requires action by the City Planning Commission

and the Board of Estimate on the following application, which is being considered concurrently with this application:

C 880040 MMQ An amendment to the City Map involving elimination of: 75th Road between 153rd Street and Parsons Boulevard; 76th Avenue between 150th Street and Parsons Boulevard; and elimination of 153rd Street between 75th Road and 76th Road.

BACKGROUND

The Estates at Kew Gardens Hills development is proposed for a 12.3 acre site which encompasses portions of several blocks generally bounded by 150th Street, 75th Road, Parsons Boulevard and 76th Road in the Kew Gardens Hills section of Community District 8 in the Borough of Queens.

The dwelling units as proposed are designed for families, there are only 16 studios and 182 one bedroom units. The balance consists of 188 two-bedroom units and 278 three bedroom units for a combined total of 664 dwelling units.

Area Description

The project area is in a stable, low to mid density residential neighborhood that has recently seen an increase in housing units.

Three mapped but unimproved streets, 75th Road, 76th Avenue and 153rd Street run through the site and are proposed to be,

demapped as part of the related mapping application (C 880040 MMQ).

The surrounding neighborhood is characterized by low-rise attached and garden apartments. To the north and west of the site, are three-story garden apartments. To the west and along 76th Road to the south are two-story attached single-family homes. To the east is a two-story high school annex and three-story attached private residences.

Kissena and Parsons Boulevards, which are one block from the site, have local retail and service uses. Two blocks to the west is Main Street, which also offers a variety of retail uses. Both are zoned as a C1-2 overlay. There are several public and private schools within the area and the campus of Queens College lies one-half mile to the north. Local bus service is provided along Parsons Boulevard, Main Street and Union Turnpike.

Site Description

The proposed project will be developed on a site formed by two complete blocks and portions of three other blocks and the paper streets between them. The land has remained vacant due to marginal soil conditions. The development will require piles for building foundation support.

The site shares a rear yard with buildings that front on Parsons Boulevard and is bounded by 150th Street to the west, 75th Road to the north and 76th Road on the south which are all local residential streets. The eastern portion of the site is irregularly shaped because of its rear yard configurations, but has no marked variation in grade and elevation.

The entire site is within an R4 District. The applicant has applied for a special permit under the large-scale development provisions of the Zoning Resolution to increase the maximum allowable floor area ratio and to decrease the minimum required open space ratio and floor area per room, and to waive the required distances between buildings, the maximum length of street wall, and the height and setback regulations.

Project Description

The application (C 880041 ZSQ) for a 664 unit residential development was filed on July 10, 1987.

The development, known as the Estates at Kew Gardens Hills will consist of 664 units and a community facility on a 12.3 acre site. It will be constructed in two phases: the first phase located to the west of 153rd Street will consist of 276 units in three- to four-story attached rowhouses which are served by a private internal street grid. A community facility will be

located in a five-story building, four stories of which will be a private religious school, and one-story, a 10,000 square foot basement will provide space to the Board of Education under a no cost lease. This area slightly exceeds the Zoning Resolution requirement which mandates at least 15 square feet of community facility floor space for each dwelling unit within the development. The private school and the community facility will be located at the corner of 150th Street and 75th Road and will be served by existing city streets.

Parking for the attached rowhouses will be contained entirely within the western portion of the site. Buildings along the perimeter of the site will have at grade garages and building front pad parking. The one-way directional internal street grid will have parallel parking on both sides of its 35 foot right-of-way. The townhouses in the center of the site will have rear yard parking and cellar garages accessed through the back of these buildings. A 13,000 square foot children's recreational open space will be located in the center of this portion of the site.

The second phase, located on the eastern portion of the site will consist of two "L"-shaped mid-rise apartment buildings joined by a glass enclosed two-story lobby. The height of the buildings will step up from five to 14 stories and contain a

total of 388 units. In addition, the building will include a health club for residents and a glass enclosed swimming pool attached to the south building. A parking garage with 482 spaces will be built below grade. Above the garage and at grade, will be the project's major open spaces enclosed on three sides by the two apartment buildings.

In addition to the 100 percent required parking for 664 spaces there will be 112 accessory parking spaces provided within the development. Of 664 required parking spaces, 610 will be enclosed. This exceeds the 67 percent number of required enclosed parking spaces by 25 percent pursuant to the large-scale residential district requirement for enclosed parking.

Active recreational space for the site will include handball, volleyball, badminton and tennis ball courts, a jogging path, and tot lots. Sitting areas will be provided throughout all active recreational areas. A total of 159,642 square feet of common open space is proposed. This exceeds the 60,952 square feet of required common open space (25 percent of the total required open space) needed to achieve the bonus. In addition to the central active recreational area in the center of the attached rowhouses, the bulk of the development's common open space will consist of a large central plaza bounded on three sides by the mid-rise apartment buildings. A continuous rear

yard area surrounding the mid-rise buildings will be used for active recreation.

As a part of the street demapping (the related action) a permanent sewer easement will be provided in the development's north-south private street, formerly 153rd Street between 76th Road and 75th Road.

The Application

The Estates at Kew Gardens Hills proposal qualifies as a large-scale residential development and is therefore eligible for the special permits and authorizations available under Article VII, Chapter 8 of the Zoning Resolution. To qualify under Section 78-02 of the Zoning Resolution, a development must either have an area of at least 1.5 acres and a total of at least three principal buildings, or an area of at least three acres and a total of at least 500 dwelling units. The proposed Estates at Kew Gardens Hills development, qualifies as a large-scale residential development, because it meets the latter requirement.

The application seeks special permits and authorizations pursuant to the following Sections of the Zoning Resolution:

1. Section 78-34: A special permit to allow the following modifications in floor area ratio, open space ratio, and floor area per room requirements, pursuant to Section 78-35 (Special Bonus Provisions):
 - a. Section 78-351 (Bonus for Common Open Space and Good Site Plan): To allow the modification of the permitted floor area ratio for the development as a whole by increasing the maximum floor area ratio to 1.00, in accordance with the provisions of this Section;
 - b. Section 78-352 (Bonus for Community Facilities Space): To allow the further modification of the permitted floor area ratio for the development as a whole by increasing the maximum floor area ratio from 1.00 to 1.15, in accordance with the provisions of this Section. The development qualifies for this bonus by providing 10,000 square feet of community facility space;
 - c. Section 78-353 (Bonus for Enclosed Parking): To allow further modification of the permitted floor area ratio, for the development as a whole, by increasing the maximum floor area ratio from 1.15 to 1.40 in accordance with the provisions of this Section. The

development qualifies for this bonus by providing 609 enclosed parking spaces;

- d. Section 78-354 (Bonus for Increased Room Size:) To allow the further modification of the permitted floor area ratio for the development as a whole by increasing the maximum floor area ratio from 1.40 to 1.60, in accordance with the provisions of this Section, which allows such bonuses where the floor area per room requirement is greater than 225 square feet. The development qualifies for this bonus by providing 255 square feet of floor area per room;
2. Section 78-311(d): An authorization to allow the location of buildings without regard for yard regulations which would otherwise apply along portions of streets or lot lines wholly within the development;
3. Section 78-311(e): An authorization to allow the location of buildings without regard for the height and setback regulations which would otherwise apply along portions of streets or lot lines wholly within the development;

4. Section 78-312(c): A special permit to allow minor variations in required front or rear yards on the periphery of the development;
5. Section 78-312(d): A special permit to allow minor variations in the front height and setback regulations on the periphery of the development;
6. Section 78-312(f): A special permit to allow modification of the minimum spacing requirements consistent with the intent of the provisions of Section 23-71 (Minimum Distance between Buildings on a Single Zoning Lot);
7. Section 23-463: An authorization to allow, in an R4 District, aggregate width of street walls in excess of 185 feet; and
8. Section 78-44: An authorization to allow the modification of the aggregate curb cut width requirements set forth in Section 25-631(b)(4) for two curb cuts located on 153rd Street which exceed 20 percent of the street frontage.

ENVIRONMENTAL REVIEW

This application (C 880041 ZSQ) in conjunction with the related application (C 880040 MMQ) was reviewed by the Department

of Environmental Protection and the Department of City Planning pursuant to the New York State Environmental Quality Review Act (SEQR) regulations, promulgated thereunder, set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., and the New York City Environmental Quality Review (CEQR) procedures set forth in Mayoral Executive Order No.91 of 1977. The designated CEQR number is 87-296Q.

The Department of Environmental Protection and the Department of City Planning, as CEQR lead agencies, have determined that with the modifications, conditions and alterations listed below, the proposed action will have no significant effect on the quality of the environment. A conditional negative declaration, signed by the applicant, was issued on June 26, 1989.

Statement of no Significant Effect Upon Modifications:

The Department of City Planning and Environmental Protection as CEQR lead agencies have determined that the proposed action will have no significant effect on the human environment once modified in the following areas:

1. The applicant shall make a written request to the signals Division of the Bureau of Traffic Operations of New York City Department of Transportation (NYCDOT) to change the timing of the traffic signals noted below. Current analysis indicates that appropriate signalization would change the timing of the traffic signals at:
 - a) The intersection of Union Turnpike at 150th Street southbound by adding one second additional green time to the north-south traffic from the east-west phase.

- b) The intersection of Union Turnpike at Main Street southbound by adding one second additional green time to the north-south traffic from the east-west phase.
 - c) The intersection of Union Turnpike at Parsons Boulevard southbound by adding one second additional green time to the north-south traffic from the east-west phase.
2. The applicant shall provide a minimum of 30 dB(A) window-wall attenuation so that with the windows closed, the internal noise level does not exceed 45 dB(A). An alternate means of ventilation is therefore required and includes but are not limited to the following:
- a) Provisions of central air-conditioning.
 - (b) Provision of air-conditioner sleeves containing air conditions or HUD approved fans.
- The above shall conform to Article 7 of Subchapter 12 of the New York City Building Code Standards of Mechanical Ventilation.
3. Prior to construction, the applicant shall submit two copies of the plumbing plans to Department of Environmental Protection's (DEP's) Bureau of Wastewater Treatment, Industrial Waste Control Section for approval. The plumbing plans shall include the PH neutralization system for the school labs and list of chemicals to be used in the labs.

UNIFORM LAND USE REVIEW

This application (C 880041 ZSQ) for special permits and authorizations, in conjunction with the related application (C 880040 MMQ) was certified as complete by the City Planning Commission on June 26, 1989, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP), and duly referred to Community Board 8.

Community Board 8 Public Hearing

Community Board 8 held a public hearing on this application on August 23, 1989 and adopted a resolution recommending approval by a vote of 23 in favor and 2 in opposition with 1 abstention. Several residents from the community spoke in favor of the proposal's beneficial effects, while others expressed concern that the vibration from the construction might create problems for surrounding homes.

City Planning Commission Public Hearing

On August 21, 1989 (Calendar No. 10), the Commission scheduled September 6, 1989 for a public hearing on this application (C 880041 ZSQ). The hearing was duly held on September 6, 1989 (Calendar No. 36), in conjunction with the public hearing on the application for the related mapping action (C 80040 MMQ). There were 11 speakers in favor of the application and no speakers in opposition.

The applicant's attorney and architect made the presentation to the Commission and answered questions directed toward them from the Commission. Four religious leaders spoke in favor of the project and two local area residents supported this development because the area is blighted, weed infested, litter-strewn and vacant. They believe there is a need for new, family oriented housing and community facilities within the community

district. Additional written testimony supporting this development was submitted by the Congressperson representing the 7th District, New York, and the Assemblyperson representing the 28th Assembly District.

CONSIDERATION

The Commission has determined that this application for a large-scale residential development special permit, as now proposed by the applicant, is appropriate for this site. The vacant 12-acre site is located entirely within an R4 district which is fully developed on the surrounding blocks with attached row houses and garden apartments. As a large-scale residential development, increased floor area may be permitted through the bonus provisions for good site plan, community facility, common open space, enclosed parking and larger room size.

The large-scale development of this site, in accordance with the applicant's proposal, will result in a residential environment that respects the scale of the surrounding neighborhood. The three to four-story attached rowhouses planned for the western half of the site will be in character and scale with the existing two and three-story attached rowhouses and garden apartments which surround the site on three sides. The two stepped mid-rise apartment buildings on the eastern part of the site, abut the rear yards of the adjacent surrounding.

buildings. Where the 14-story portion of the mid-rise buildings occurs, a deep rear yard of at least 63 feet has been provided.

All but five attached rowhouses, are served by an internal private street system which will minimize the impact on existing public streets.

The common open space and recreational areas consist of active and passive recreational uses, tot lots and sitting areas which provide more than double the required common open space for large-scale developments.

The Commission believes that the interior layout of this development creates a sound residential environment. Ground floor units in the attached rowhouses will have access to private yards. The buildings are related to each other in a way that will ensure privacy, light and open space.

The Commission expressed concern that visual privacy be assured to units along the street perimeter of this development through enhanced visual screening. Addressing this concern, the applicant will incorporate a continuous ornamental fence at the property line and tree planting along the public sidewalk. Continuous coniferous planting between the individual unit's back

terrace and the public street will provide a visual landscaped buffer.

Additional tree planting, enclosed by raised curbs will be placed between the continuous trellis of the interior back to back attached rowhouse outdoor parking strip. This increased level of design is now provided throughout the entire development. In addition to various kinds of trees and shrubs, extensive use of decorative paving, ornamental fences and continuous parking area trellises are included throughout the design.

In response to the Commission's concern about the adequacy, placement and size of the children's recreational areas, the applicant increased the amount of area devoted to tot lots and the preadolescent play area in the attached rowhouse portion of the development.

At certification the applicant submitted a phasing plan which consisted of two main phases. Phase One consisted of construction of the attached rowhouses and private school/community facility on the western part of the site. Phase Two called for the construction of the two five to 14-story apartment towers, the underground parking garage, the landscaped

plaza, the glass enclosed swimming pool, and active recreational open space.

The Commission expressed concern that this phasing plan offered insufficient usable, active open space in the first phase should Phase Two be delayed or not developed. Addressing this concern the applicant prepared a new phasing plan which calls for the establishment of an interim park in Phase One which will include a tot lot and active recreation areas.

The applicant signed a Restrictive Declaration which provides a schedule of improvements to be completed for the interim park and common open space recreation areas in Phase One, as well as a landscaped plaza in Phase Two, which must all be completed before any of the residential Certificates of Occupancy or Building Permits within each phase can be issued. The applicant is further obligated to complete the community facility building in the first phase.

At the City Planning Commission public hearing the Commission expressed additional concerns that the sideyards between some buildings, particularly along 76th Road were less than 20 feet wide; that all rear yards be at least 30 feet deep; a sufficiently landscaped buffer be created along the project's boundary streets where rear yard conditions existed; that all top

floor internal bedrooms in the attached rowhouses have light provided by clerestory windows; and that the school/community facility should have no windows below its third floor side yard along 75th Road, because of its close proximity to the sidewall of an adjacent attached rowhouse.

Subsequently the applicant modified the plan to address these concerns, and the Commission now believes that the modified waivers requested for front yard, distances between buildings, length of streetwall, sky exposure plane and building envelope are justified by a good site plan and generous common open space. All dwelling unit primary required windows are no less than 30 feet from an adjacent structure and all attached rowhouse, top floor interior bedrooms, provide light through clerestory windows. The distance between buildings is never less than 20 feet. The private school/community facility has no fenestration where a sideyard condition exists with the attached rowhouses.

As a result of these modifications the applicant eliminated one of the attached rowhouse buildings (including its one enclosed parking space), thereby reducing the total number of dwelling units to 661. Accordingly, the required number of parking spaces is reduced by three to 661. The maximum permitted floor area ratio for the large-scale residential development is

1.60. The proposed development as modified will be built with a floor area ratio of 1.56.

The Commission is satisfied that the enclosed parking requirement for two-thirds of the required number of spaces has been met by the 609 enclosed garage spaces in the attached rowhouses and mid-rise apartment buildings' below grade central garage. This represents 92 percent of the required parking. The total on-site required and accessory parking provided is 773 spaces. This is 112 more than the number required by the large-scale residential development provisions and represents 17 percent in excess of the requirement.

The Commission has determined that the Community Facility requirement of the large-scale residential development has been satisfied by an agreement by the Board of Education to lease at no cost a 10,000 square foot educational facility. This facility will be accommodated in the basement of the five-story private school. All access and egress, for both school facilities, will be from city streets rather than from within the internal private street system.

The Commission believes that the bonus provisions for increased room size is satisfied by the 255 square foot per room

provided which exceeds the minimum required area of 225 square feet.

The Commission has determined, in accordance with the Zoning Resolution, Section 78-313, that granting authorizations and special permits will promote and facilitate a better site plan for the proposed project, one that will benefit the residents of the development, the occupants of adjacent communities, and the city as a whole.

The Commission finds that the proposed development meets the requirements of Section 78-34 (Special Permit Provisions for Large-Scale Developments) permitting the developer to utilize the bonus provisions pursuant to Section 78-35 (Special Bonus Provision) for good site planning, common open space, community facility space, enclosed parking and increased room size.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 78-313 of the Zoning Resolution:

- (a) that such special permits and authorizations will aid in achieving the general purposes and intent of Article VII, Chapter 8, as set forth in Section 78-01 (General Purposes);

- (b) that authorized locations of buildings will permit better site planning and will thus benefit both the residents of the development and the city as a whole;
- (c) that such location will not unduly increase the bulk of buildings, density or population, or intensity of use in any block, to the detriment of the occupants in the block or nearby blocks;
- (d) that such location will not affect adversely any other zoning lots outside the development by restricting access to light and air, or by creating traffic congestion;
- (e) where portions of the total required open space are pooled in common open space areas or common parking areas, that such common areas will, by location, size, shape and other physical characteristics, and by their relationship to surrounding development and the circulation system, permit realization of the full community service advantage for which such pooled areas are designed;
- (f) not applicable (as the zoning lot abuts mapped streets); and

- (g) the modification of height and setback will not impair the essential character of the surrounding area and will not have adverse effects upon the access to light, air and privacy of adjacent properties.

The City Planning Commission also finds pursuant to Section 78-34 of the Zoning Resolution:

- (a) that throughout the development the site plan provides significantly better arrangement of the buildings in relation to one another and to their sites from the standpoints of privacy, access of light, organization of private open space and preservation of important natural features to a greater degree than would be possible or practical for a development composed of similar types built in strict compliance with the applicable district regulations;
- (b) that the public facilities and utilities in the area are adequate to meet the needs of the development or that needed additional facilities will be provided as a part of the development by the developer or owner;

- (c) that the development complies with the provisions of Section 78-351 (Bonus for common open space and good site plan); and
- (d) that the large-scale residential development, having an area of more than four acres, complies with the provisions of Section 78-352 (Bonus for community facility space).

The City Planning Commission further finds pursuant to Section 78-44 of the Zoning Resolution that the proposed location and width of curb cuts:

- a) will result in a more efficient traffic circulation system;
- b) will permit better site planning; and
- c) will not unduly increase the amount of traffic on nearby local streets so as to adversely offset zoning lots outside the development.

The City Planning Commission finds pursuant to Section 23-463 of the Zoning Resolution that:

- (1) the street walls of the development will be adequately articulated by such design features as variable

setbacks and changes in the heights of the buildings,
and

- (2) the development will not be incompatible with buildings
on the surrounding blocks.

RESOLUTION

RESOLVED, that the City Planning Commission concurs in the environmental determination of the Department of Environmental Protection and the Department of City Planning, as CEQR lead agencies, issued on June 26, 1989 with respect to this application (CEQR No. 87-296Q); and be it further

RESOLVED, by the City Planning Commission, based on the environmental determinations, and the conditions and findings in this report, that the application of Kew Gardens Hills Development Co. pursuant to Sections 197-c and 200 of the New York City Charter for the grant of special permits and authorizations pursuant to the following Sections of the Zoning Resolution: Section 23-463 to allow aggregate width of street walls in excess of 185 feet, Sections 78-311(d) and (e) to authorize the location of buildings without regard for yard, and height and setback regulations within the development; Sections 78-312(c) and (d) to allow minor variations in required front or rear yards and height and setback regulations on the periphery of

the development; Section 78-312(f) to allow modification of the minimum distance between buildings provisions of Section 23-71; Section 78-34 to allow modifications in the open space ratio, floor area ratio, and floor area per room requirements pursuant to the special bonus provisions of Sections 78-351, 78-352, 78-353, and 78-354; Section 78-44 to allow the modification of the aggregate curb cut width requirements set forth in Section 25-631(b) for two curb cuts located on 153rd Street which exceed 20 percent of the street frontage; for a large-scale residential development of 661 dwelling units on property generally bounded by 150th Street, 75th Road, 153rd Street (portions of 75th Road and 153rd Street are proposed for elimination under related application C 880040 MMQ), Parsons Boulevard and 76th Road (Block 6705, Lot 1; Block 6706, Lot 1; Block 6808, Lot 2; Block 6809, Lots 1 and 12; Block 6810, Lots 1 and 12), within an R4 District, Community District 8, Borough of Queens, is approved, subject to a restrictive declaration and the following terms and conditions:

1. That the property that is the subject of this application (C 880041 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans prepared by Fakler/Eliason and Associates, Architects, and filed with this application and incorporated herein:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Revised Date</u>
1	Site Plan	10/4/89
2	Zoning Data	10/4/89
2a	Site Plan/Zoning Calculations	10/4/89
2b	Zoning Data	9/13/89
3	Partial Site Sections & Phasing Diagram	10/4/89
4	Underground Garage Plan	6/26/89
Z-1	Zoning Data	10/4/89
L-1	Landscape Plan	10/2/89
L-2	Partial Enlargement Landscape Plan	10/2/89
L-3	Front Elevations A & B Units	9/19/89
L-4	Rear Elevations	10/4/89
L-5	Interim Park Landscape Plan	9/19/89
L-6	Play Areas	9/19/89

2. The development shall conform to all applicable provisions of the Zoning Resolution except for the modifications specifically herein granted as shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings;

3. The development shall conform with all applicable laws and regulations relating to the construction, operation and maintenance thereof;
4. In the event the property that is the subject of this application is developed as, sold as, or converted to condominium units or cooperative ownership, and a property association is formed, a copy of this resolution and the restrictive declaration, and any subsequent modifications thereto to either document, shall be provided to the Attorney General of the State of New York and shall be incorporated in full in any offering documents relating to the property;
5. The development shall conform to all conditions, modifications and alterations set forth in the conditional negative declaration (CEQR No.87-296) dated June 26, 1989, issued pursuant to the New York State and New York City Environmental Quality Review. These conditions, modifications and alterations are as follows:
 1. The applicant shall make a written request to the signals Division of the Bureau of Traffic Operations of New York City Department of Transportation (NYCDOT) to change the timing of

the traffic signals noted below. Current analysis indicates that appropriate signalization would change the timing of the traffic signals at:

- a) The intersection of Union Turnpike at 150th Street southbound by adding one second additional green time to the north-south traffic from the east-west phase.
- b) The intersection of Union Turnpike at Main Street southbound by adding one second additional green time to the north-south traffic from the east-west phase.
- c) The intersection of Union Turnpike at Parsons Boulevard southbound by adding one second additional green time to the north-south traffic from the east-west phase.

- 2. The applicant shall provide a minimum of 30 dB(A) window-wall attenuation so that with the windows closed, the internal noise level does not exceed 45 dB(A). An alternate means of ventilation is therefore required and includes but are not limited to the following:

- a) Provisions of central air-conditioning.
- (b) Provision of air-conditioner sleeves containing air conditions or HUD approved fans.

The above shall conform to Article 7 of Subchapter 12 of the New York City Building Code Standards of Mechanical Ventilation.

- 3. Prior to construction, the applicant shall submit two copies of the plumbing plans to Department of Environmental Protection's (DEP's) Bureau of Wastewater Treatment, Industrial Waste Control Section for approval. The plumbing plans shall include the PH neutralization system for the school labs and list of chemicals to be used in the labs.
- 6. All leases, subleases, or other agreements for use or occupancy of space at the property that is the subject of this application shall give actual notice of these special permits and authorizations to the leases, sublease, or occupant; and

7. This resolution shall be effective only if the restrictive declaration dated October 16, 1989, executed by Kew Gardens Hills Development Co. and incorporated in this resolution, shall have been recorded and filed in the office of the Register of the City of New York, County of Queens;
8. Upon failure of any party having any right, title or interests in the property that is the subject of this application or the failure of any heir, successor, assign, or legal representative of such party to observe any of the covenants, restrictions, agreements, terms, or conditions of this Resolution, or of the attached restrictive declaration whose provisions shall constitute conditions of the special permits and authorizations hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permits or authorizations. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, of any other agency or government, or any private person or body. Any such failure as stated above, or any alteration in the development that is the subject of this application which departs from any of the conditions herein, is grounds for the City Planning Commission to disapprove any application for modification, cancellation or amendment of the special permits and

authorizations hereby granted, or the attached restrictive declaration;

9. Neither the City of New York nor any of its employees shall have any liability for money damages by reason of the city's or such employee's failure to act in accordance with the provisions of these special permits and authorizations.

The above resolution (C 880041 ZSQ), duly adopted by the City Planning Commission on October 18, 1989 (Calendar No. 69) is herewith filed with the Secretary of the Board of Estimate, together with a copy of the application and plans of the development, pursuant to Section 78-042 of the Zoning Resolution and in accordance with the requirements of Sections 197-c and 200 of the New York City Charter.

SYLVIA DEUTSCH, Chairperson
DENISE M. SCHEINBERG, Vice-Chairperson
SALVATORE C. GAGLIARDO, MARILYN MAMMANO,
WILLIAM GARRISON McNEIL, DANIEL T. SCANNELL, Commissioners