



The City of New York

Queens Community Board 11

Serving the Communities of Auburndale, Bayside, Douglaston, Hollis Hills
Little Neck and Oakland Gardens

Michael Budabin Chairperson / **Joseph Marziliano** District Manager

To: All Board Members

From: Jena Lanzetta

Date: February 20, 2023

Re: ULURP #C210323 MMQ – 43rd Avenue Demapping

On Thursday, February 16, 2023, the CB11 North Bayside Zoning Committee met to discuss an application to the City Planning Commission to demap 43rd Avenue between 222nd and 223rd Streets.

Committee Members Present

Jena Lanzetta, Committee Chair

Henry Euler, 3rd Vice Chair

George Mihaltses

Karen Mazza

Jessica Burke

Christina Scherer

Community Board Members Present

Robert Liatto

Sam Wong

CB11 Staff

Joseph Marziliano, District Manager

Christina Coutinho, Community Associate

Guest

Frank St. Jacques, Ackerman Associates, representing the applicant

Evelyn Mallo, representing Council Member Paladino

Steven Lenard, representing City Planning Commission

Sola Olosunde, representing Queens Borough President

Ms. Lanzetta began the meeting by introducing the applicant's representative, Mr. St. Jacques, who gave a presentation that explained the proposed application. This application is for an amendment to the City Map involving the elimination, discontinuance and closing (demapping) of a 1,559 square foot portion of 43rd Avenue between 222nd Street and 223rd Street and adjustment of grades and block dimensions necessitated. Also including authorization for disposition of the portion of 43rd Avenue, in accordance with Map No. 5036. The City Map amendment would allow the owner of 222-08 43rd Avenue (Block 6328, Lot 17) to obtain a Certificate of Occupancy. Mr. St. Jacques said that the owner had redeveloped the property in 2005 and there is a portion of the retaining wall that is encroaching on a City street (sidewalk). This application would affect the adjacent neighbor as well (the portion running west to east at the end of the block line on the land survey of 43rd Avenue between 222nd and 223rd Streets). This would include the encroaching area. Part of this process is to forward the application to several City agencies for approval i.e., Con Edison, FDNY. There was no opposition from any City agency. Once the application is approved, the property would be appraised, and a value determined. Then the property would be up for sale by the City, and the owners of the two affected properties would be able to purchase. Once the owner purchased the property, an application to the Dept. of Buildings could be submitted to correct the retaining wall.

Ms. Lanzetta opened the floor to Committee Members. Discussion ensued as to when the retaining wall was built. Mr. St. Jacques said that if this application was not approved, the City could ask for the encroachment (retaining wall) to be removed or the Dept. of Transportation could issue a revocable consent for a large fee, then a yearly fee moving forward. Mr. St. Jacques said the owner would rather buy the property then pay yearly.

Mr. Mihaltses stated that there is a narrowing of the street (43rd Avenue) from east to west. This is an indirect condition related to this street; 43rd Avenue is the first parallel street to Northern Blvd. and is used as a short-cut to avoid traffic. This area is an odd configuration and it is difficult for two-way traffic to pass (DOT is aware of this). The corner of 222nd Street and 43rd Avenue is not wide enough to accommodate traffic. Mr. Mihaltses said that there are four open DOB violations and a partial vacate on the property. He gave the history of the construction of the retaining wall which Mr. St. Jacques was not aware of. The retaining wall has never been signed off on by DOB, there was a question about the safety of the retaining wall. There is a curb cut that is questionable and there are stairs behind the retaining wall that are blocked with yellow tape because of poor condition. Part of the retaining wall collapsed into the neighbor's property. The retaining wall was built on City property, therefore, built illegally. Mr. Mihaltses said that the owner is using this process to avoid maintaining the wall and eliminate community input. Mr. St. Jacques said that because the wall is on City property, it is preventing the owner from clearing-up the violations and/or maintain the wall. Ms. Burke asked if the owner will have to pay back taxes since the wall was built on City property.

Discussion ensued with concerns regarding the traffic on 43rd Avenue and how the owner has not maintained the wall since the property was purchased. Mr. Liatto mentioned that he did not notice any holes for drainage and questioned the integrity of the wall. Ms. Burke discussed how we should be conscious of giving up green space.

Mr. Euler made a motion to approve the application. The motion was seconded by Ms. Scherer. There was discussion on the motion regarding the bottleneck traffic at the narrowing corner of 222nd Avenue and 43rd Avenue. This request will be brought before the CB11 Transportation Committee.

A vote was taken to approve the application which unanimously resulted in opposition. The motion failed.

A motion was made to adjourn the meeting at 8:23 PM.