



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 391

Resolution approving the decision of the City Planning Commission on ULURP No. C 030223 ZMQ, a Zoning Map amendment (L.U. No. 149)

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on June 11, 2010 its decision dated June 9, 2010 (the "Decision"), on the application submitted by C&G Empire Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to rezone a portion of one block from M1-1 to R6/C2-2 to facilitate the development of an 11-story, mixed-use building in Flushing, Community District 7, (ULURP No. C 030223 ZMQ (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 27, 2010;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Conditional Negative Declaration, issued on June 7, 2010 (CEQR No. 04DCP013Q);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following conditions:

1. The applicant agrees via a restrictive declaration to conduct a Phase II Environmental Site Assessment (Phase II) in accordance with the sampling protocol approved by New York City Department of Environmental Protection (DEP). The applicant further agrees to perform any necessary remediation of the subject property if hazardous materials are found as the result of Phase II. The applicant would prepare a Remedial Action Plan, including a sampling protocol and a health and safety plan, for DEP for approval. Remediation measures would be undertaken pursuant to the approved remediation plan.

The restrictive declaration also restricts the applicant from submitting any permit applications to the New York City Department of Buildings (DOB) that would allow for soil disturbance on the subject property until such time that DEP provides the necessary written notice to DOB.

2. The applicant agrees via a restrictive declaration to conduct archaeological identification, investigation and mitigation in accordance with the CEQR Technical Manual and New York City Landmarks Preservation Commission (LPC) Guidelines for Archaeological Work in New York City.

The restrictive declaration also restricts the applicant from submitting any permit applications to the DOB that would allow for soil disturbance on the subject property until such time that LPC provides the necessary written notice to DOB.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 030223 ZMQ, incorporated by reference herein, the Council approves the Decision.

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. 10a:

1. Changing from an M1-1 district to an R6 District property bounded by Farrington Street, 35th Avenue, Prince Street, and a line 250 feet northwesterly of 35th Avenue; and
2. Establishing within the proposed R6 District a C2-2 District bounded by Farrington Street, 35th Avenue, Prince Street, and a line 250 feet northwesterly of 35th Avenue;

as shown on a diagram (for illustrative purposes only) dated January 25, 2010, and subject to the conditions of CEQR Declaration E-246, Community District 7, Borough of Queens.

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on July 29, 2010, on file in this office.

City Clerk, Clerk of The Council