



## Legislation Text

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**File #:** Res 0392-2010, **Version:** \*

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### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 392

Resolution approving the decision of the City Planning Commission on ULURP No. C 050522 ZMQ, a Zoning Map amendment (L.U. No. 150)

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 45-10 94<sup>th</sup> Street, LLC and 91<sup>st</sup> Place Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to change the existing M1-1 zoning district to an R7B district and to extend an existing C2-3 commercial overlay eastward along the north side of Corona Avenue to 94<sup>th</sup> Street to facilitate the development of a building for residential and commercial use on Corona Avenue in Elmhurst, Community District 4, Queens (ULURP No. C 050522 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 Revised Conditional Negative Declaration, issued on June 4, 2010 (CEQR No. 05DCP093Q);

#### RESOLVED:

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

The applicant, 45-10 94<sup>th</sup> Street LLC, and 91<sup>st</sup> Place Realty, LLC, 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.

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 050522 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. 9d:

1. Changing from an M1-1 District to an R7B District property bounded by the southerly boundary line of the Long Island Rail Road right-of-way (North side Division), 94<sup>th</sup> Street, Corona Avenue, a line perpendicular to the northerly street line of Corona Avenue distant 200 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Corona Avenue and northeasterly street line of 91<sup>st</sup> Place, a line 100 feet northerly of Corona Avenue, and a line 100 feet northeasterly of 91<sup>st</sup> Place; and
2. Establishing within the proposed R7B District a C2-3 District bounded by a line 100 feet northerly of Corona Avenue, 94<sup>th</sup> Street, Corona Avenue, and a line perpendicular to the northerly street line of Corona Avenue distant 200 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Corona Avenue and northeasterly street line of 91<sup>st</sup> Place;

as shown in a diagram (for illustrative purposes only) dated February 22, 2010 and subject to the conditions of CECR Declaration E-248, Community District 4, 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