



CITY PLANNING COMMISSION

August 27, 2008, Calendar No. 19

C 060466 MMQ

IN THE MATTER OF an application submitted by GTJ Co. Inc., pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an **amendment to the City Map** involving:

- the elimination, discontinuance and closing of 88th Street between 23rd Avenue and 24th Avenue and portions of 24th Avenue between 88th Street and 90th Place;
- the delineation of a Permanent Sewer Easement;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real properties related thereto,

Community District 3, Borough of Queens, in accordance with Map No. 4994 dated May 2, 2007 and signed by the Borough President.

The application (C 060466 MMQ) for an amendment to the City Map was filed by GTJ Co., Inc., on November 28, 2005, involving the elimination, discontinuance and closing of 88th Street between 23rd Avenue and 24th Avenue, the elimination of 24th Avenue between 88th Street and 90th Place, and the discontinuance and closing of a portion of 24th Avenue east of 88th Street, to facilitate the expansion and improved operation of a car rental facility.

RELATED ACTION

In addition to the amendment to the City Map which is the subject of this report, implementation of the applicant's proposal also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 060467 ZMQ Amendment to the Zoning Map, changing from an R3-2 and C4-2 district to a C4-1 district.

BACKGROUND

The applicant is requesting a change in the City Map involving the elimination, discontinuance and closing of 88th Street between 23rd Avenue and 24th Avenue, the elimination of 24th Avenue between 88th Street and 90th Place, and the discontinuance and closing of a portion of 24th Avenue east of 88th Street to facilitate the expansion and operation of a car rental establishment.

Eighty-Eighth Street between 23rd Avenue and 24th Avenue is mapped to a 60-foot width, is City owned and is open for two way traffic.

Twenty-Fourth Avenue between 88th Street and 90th Place is mapped to a 70-foot width, partially city-owned, mostly unimproved and is not open to traffic. The city owns the westerly 100-feet of 24th Avenue between 88th and 89th streets, the remainder is privately owned, the northern half of which is owned by the applicant. There are several houses built in the bed of 24th Avenue between 89th Street and 90th Place.

The project site area is currently located within M1-1, C4-2 and R3-2 zoning districts. To the south and east are residential uses, and to the north and west are commercial and industrial uses. The project area is located to the south of the Grand Central Parkway, LaGuardia Airport and the College of Aeronautics.

Further background discussion appears in the report on the related application for a Zoning Map Change (C 060467 ZMQ).

ENVIRONMENTAL REVIEW

This application (C 060466 MMQ), in conjunction with the related application for a Zoning Map change (C 060467 ZMQ), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR

No. is 06DCP048Q. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Conditional Negative Declaration (CND) was issued. The lead agency has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

The applicant, GTJ Co. Inc., 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.

The applicant signed the conditional negative declaration on March 20, 2008. The conditional negative declaration was published in the City Record on April 23, 2008 and in the New York State Environmental Notice Bulletin on April 23, 2008. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed. No comments were received.

Subsequent to the issuance of the CND, the City Planning Commission modified the action to remove the demapping of 88th Street between 23rd Avenue and 24th Avenue from the application. The environmental analysis was modified through a Technical Memorandum dated August 27, 2008. The Technical Memorandum concluded that the modified action would not alter the conditions and a revised CND was issued on August 27, 2008.

UNIFORM LAND USE REVIEW

This application (C 060466 MMQ), in conjunction with the related application for a Zoning Map change (C 060467 ZMQ), was certified as complete by the Department of City Planning on March 24, 2008 and was duly referred to Community Board 3 and the Queens Borough President

in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 3 held a public hearing on this application (C 060466 MMQ) on May 15, 2008, in conjunction with the hearing on the related application for a Zoning Map Change (C 060467 ZMQ) and, on that date, by a vote of 23 in favor, 2 opposed, and 0 abstentions, adopted a resolution recommending approval of the elimination, discontinuance and closing of 24th Avenue between 88th Street and 90th Place; and, in addition, by a vote of 25 in favor, 0 opposed, and 0 abstentions, adopted a resolution to disapprove the elimination, discontinuance and closing of 88th Street between 23rd Avenue and 24th Avenue.

Borough President Recommendation

This application (C 060466 MMQ), together with the related application for a Zoning Map Change (C 060467 ZMQ), was considered by the Borough President of Queens, who issued a recommendation on July 15, 2008, to approve only the elimination, discontinuance and closing of 24th Avenue between 88th Street and 90th Place and to disapprove the elimination, discontinuance and closing of 88th Street between 23rd Avenue and 24th Avenue.

City Planning Commission Public Hearing

On July 2, 2008 (Calendar No. 6), the City Planning Commission scheduled July 23, 2008 for a public hearing on this application (C 060466 MMQ). The hearing was duly held on July 23, 2008 (Calendar No. 31) in conjunction with the hearing on the related application for a Zoning Map Change (C 060467 ZMQ). There was one speaker in favor of the application as described in the report on the related application for a Zoning Map change (C 060467 ZMQ).

CONSIDERATION

The City Planning Commission believes that this amendment to the City Map, as modified, is

appropriate.

A full discussion of the City Planning Commission's consideration appears in the report on the related application for a Zoning Map change (C 060467 ZMQ).

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map, as modified, and any related acquisition or disposition to be appropriate, adopts the following resolution:

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment, subject to the following condition:

The applicant, GTJ Co. Inc., agree 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 restrictive declaration was executed on August 29, 2007; On October 3, 2007, the DEP confirmed, via written correspondence, that the applicant filed the DEP-approved Restrictive Declaration with the New York City Department of Finance of the City Register; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, that based on the environmental determination and the consideration described in the report on the related Zoning Map Amendment application (C 060467 ZMQ), the application (C 060466 MMQ) for the amendment to the City Map, as hereby modified, involving:

- the elimination, discontinuance and closing of portions of 24th Avenue between 88th Street and 90th Place;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real properties related thereto,

Community District 3, Borough of Queens, in accordance with Map No. 4994 dated May 2, 2007, and revised August 27, 2008, and signed by the Borough President, is approved; and be it further

RESOLVED that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

RESOLVED that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts the legally required number of counterparts of Map No. 4994 dated May 2, 2007, and revised on August 27, 2008, providing for the **discontinuance and closing of a portion of 24th Avenue** east of 88th Street, more particularly described as follows:

Beginning at a point located 439.78 feet northerly along the easterly line of 88th Street from the intersection of the easterly line of 88th Street and the northerly line of Astoria Boulevard, as said streets are shown on Map No. 4994 dated May 2, 2007, and revised on August 27, 2008;

1. Thence, running 100 feet in an easterly direction along the former southerly line of 24th Avenue (discontinued and closed) which forms an angle of 90 degrees with the easterly line of 88th Street, to a point;
2. Thence, running 70 feet in a northerly direction, along a line which forms an interior angle of 90 degrees with the previously-mentioned course, to a point on the former northerly line of 24th Avenue (discontinued and closed);
3. Thence, running 100 feet in a westerly direction, along the former northerly line of 24th Avenue (discontinued and closed) which forms an interior angle of 90 degrees with the previously-mentioned course, to a point on the newly established line of 88th Street;

4. Thence, running 70 feet in a southerly direction, along said newly established line of 88th Street which forms an interior angle of 90 degrees with the previously-mentioned course, to the **Point of Beginning**.

Said lands having an area of 7,000 square feet or 0.16 acres; and be it further

RESOLVED that, all such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 4994 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code;
- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition “a” above until the applicant shall have executed a mapping agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission (the “Mapping Agreement”). If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission; and
- c. The subject street to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

The above resolution (C 060466 MMQ), duly adopted by the City Planning Commission on August 27, 2008 (Calendar No.19), is filed with the Office of the Speaker, City Council and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, CHAIR

**ANGELA M. BATTAGLIA; IRWIN G. CANTOR, P.E.; ALFRED C. CERULLO, III;
MARIA DEL TORO; NATHAN LEVENTHAL; SHIRLEY A. McRAE
JOHN MEROLO; KAREN A. PHILLIPS, *Commissioners***