



CITY PLANNING COMMISSION

May 9, 2012 / Calendar No. 4

C 060539 MMQ

IN THE MATTER OF an application submitted by Mel and Rosemary O'Donohue, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the elimination of Thebes Avenue between 248th Street and Overbrook Street; and
- the adjustment of legal grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in Community District 11, Borough of Queens, in accordance with Map No. 4995, dated October 24, 2011 and signed by the Borough President.

The application (C 060539 MMQ) for an amendment to the City Map was filed by the Mel and Rosemary O'Donohue on June 12, 2006 to eliminate Thebes Avenue between 248th Street and Overbrook Street, thereby removing an encumbrance over privately-owned land.

BACKGROUND

The applicants, Mel and Rosemary O'Donohue, private owners of residential property (Lots 82 and 86, Block 8204) in the Little Neck neighborhood of northeastern Queens, are proposing a change to the City Map to eliminate an approximately 520-foot-long portion of mapped but unbuilt Thebes Avenue between 248th Street and Overbrook Street. The subject street is mapped as a 60-foot-wide street on the City Map; however, it was never acquired by the City for street purposes and was never improved or opened as a street. No changes to the actual built street system will be made and no properties will lose required street access as a result of this proposal.

The portion of the street to be eliminated runs through six different tax lots (Block 8205, Lot 2 and Block 8204, Lots 16, 17, 20, 82 and 86) under various private ownerships, including land owned by the applicant. Properties which are legally encumbered by unbuilt streets are often difficult to sell or improve.

The area of street proposed for elimination is slightly more than 30,000 square feet. At present,

the applicants have no plans to develop or improve the portion of street under their ownership. A detached single family home is currently under construction within the bed of mapped Thebes Avenue at Overbrook Street, pursuant to an application approved by the Board of Standards and Appeals (BSA) in 2002 (Resolution No. 141-02-A). The remainder of the land comprising the subject portion of Thebes Avenue is unimproved and generally serves as private yards to several adjacent single-family homes, including one owned by the applicants.

The subject street is located just south of Northern Boulevard and about a mile east of the Cross Island Parkway. It lies within several low-density residential zoning districts, including an R1-2, an R2 and an R2A. Except for a Roman Catholic school to the west of the site, the primary uses in the area are detached 1 and 2-story single family homes.

An inter-agency conference was held on August 22, 2006 for this application. No agency or utility has any objections to the proposal.

ENVIRONMENTAL REVIEW

This application (C 060539 MMQ) 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 number is 07DCP003Q. The lead is the City Planning Commission. After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on January 23, 2012.

UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

This application (C 060539 MMQ) was certified as complete by the Department of City Planning on January 23, 2012, and was duly referred to Queens Community Board 11 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

Queens Community Board 11 held a public hearing on this application (C 060539 MMQ) on March 5, 2012, and on that date, by a vote of 27 to 7 with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 060539 MMQ) was considered by the Borough President of Queens, who issued a recommendation approving the applications on March 7, 2012.

City Planning Commission Public Hearing

On March 28, 2012 (Calendar No. 6), the Commission scheduled April 11, 2012 for a public hearing on this application (C 060539 MMQ). The hearing was duly held on April 11, 2012 (Calendar No. 13).

There was one speaker in favor of the application and none opposed. A representative of the applicant described the application. There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that this amendment to the City Map is appropriate. The Commission recognizes that streets are laid out on the City Map with the intention of providing a regular and useful street network to serve city residents, businesses and visitors. In some cases, streets that were laid out with this intention become incompatible with existing development patterns and are never acquired and built as originally conceived. However, because the City has the authority to acquire lands mapped as streets, when private owners of such lands wish to sell or develop their land, it may be difficult to obtain title insurance or to build without approval from the BSA. Pursuant to Section 35 of NYS General City Law property owners wishing to build within the bed of a mapped street must file an appeal with the BSA. This requirement may be a cumbersome, expensive and unnecessary burden on the land owners. Since the City has no plans to acquire and improve the subject portion of Thebes Avenue for street purposes, it is appropriate to eliminate this unnecessary street segment from the City Map.

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map and any related acquisition or disposition of real property 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; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application (C 060539 MMQ) for an amendment to the City Map involving:

- the elimination of Thebes Avenue between 248th Street and Overbrook Street; and
- the adjustment of legal grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in Community District 11, Borough of Queens, in accordance with Map No. 4995, dated October 24, 2011 and signed by the Borough President, is approved;

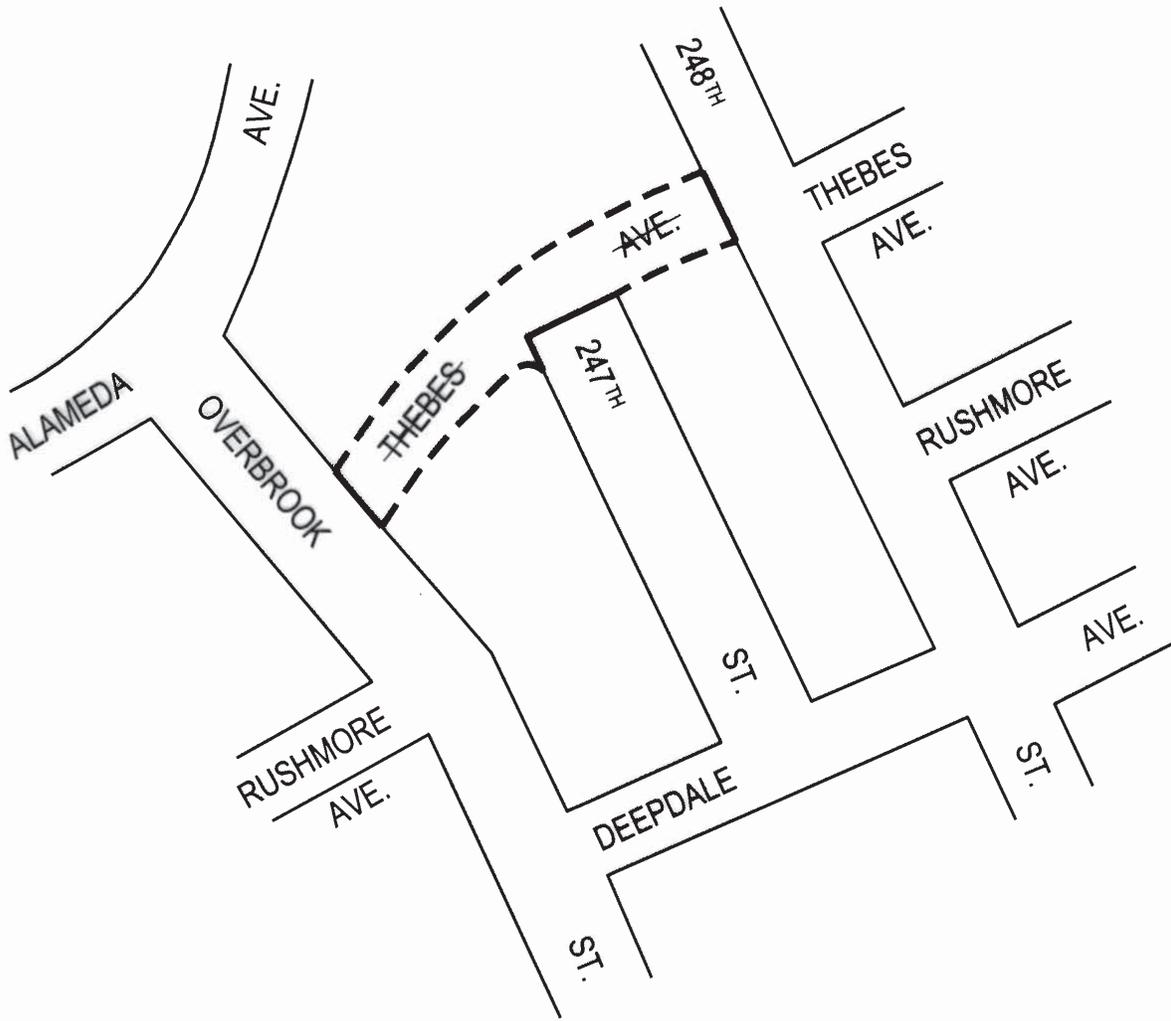
All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 4995 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.
- 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;

The above resolution (C 060539 MMQ), duly adopted by the City Planning Commission on May 9, 2012 (Calendar No. 4), 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, RAYANN BESSER, IRWIN G. CANTOR, *P.E.*,
ALFRED C. CERULLO, *III*, BETTY Y. CHEN, MICHELLE R. DE LA UZ,
MARIA M. DEL TORO, ANNA HAYES LEVIN,
ORLANDO MARIN, SHIRLEY A. MCRAE, Commissioners



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
MAP CHANGE
ON SECTIONAL MAP
11a
BOROUGH OF
QUEENS

New York, Certification Date
JANUARY 23, 2012

I. Sadko, P.E.
I. Sadko, P.E.
Chief Engineer



- NOTE:
- Indicates line of street legally adopted.
 - Indicates line of street proposed to be established.
 - - - Indicates line of street proposed to be eliminated.

Queens Borough President Recommendation

APPLICATION: ULURP #060539 MMQ

COMMUNITY BOARD: Q11

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Mel and Rosemary O'Donohue, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the city map eliminating a portion of Thebes Avenue between 248th Street and Overbrook Street, and adjustment of legal grades necessitated thereby including authorization for any acquisition or disposition of real property related thereto, Block 8204, Lots 16, 17, 20, Zoning Map 11a, Douglaston, Borough of Queens.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, March 15, 2012 at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were no other speakers. The hearing was closed.

CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The applicants originally applied to demap and eliminate a mapped and unimproved portion of Thebes Avenue to the extent of their property to clear the title. The application was subsequently extended to include the entire section of Thebes Avenue between Overbrook and 248th Streets.;
- The proposed demapping and elimination has been referred to the relevant city agencies for review. No objections have been filed by any city agency.;
- The portion of the street to be eliminated is located across R1-2, R2 and R2A zoning districts. The area is predominantly developed with one-family detached homes.;
- Community Board 11 approved this application by vote of twenty-seven (27) in favor with seven (7) against at a public hearing held on March 5, 2012.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval of this application.


PRESIDENT, BOROUGH OF QUEENS


DATE

Application #: **C 060539 MMQ**

Project Name: **Thebes Avenue City Map Amendment**

CEQR Number: 07DCP003Q

Borough(s): **Queens**

Community District Number(s): **11**

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
 - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by Mel and Rosemary O'Donohue, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the elimination of Thebes Avenue between 248th Street and Overbrook Street; and
- the adjustment of legal grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in Community District 11, Borough of Queens, in accordance with Map No. 4995, dated October 24, 2011 and signed by the Borough President.

Applicant(s): Mel and Rosemary O'Donohue 237 Columbus Parkway Mineola, NY 11501	Applicant's Representative: Elena Aristova Friedman & Gotbaum, LLP, 568 Broadway - Suite 505 New York, NY 10012, (212)-925-4545
Recommendation submitted by: Queens Community Board 11	
Date of public hearing: <i>March 5, 2012</i> Location: <i>MS. 158Q 46-35 Oceanias St, Bayside</i>	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>	
Date of Vote: <i>March 5, 2012</i> Location: <i>MS 158Q</i>	
<p>RECOMMENDATION</p> <p><input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve With Modifications/Conditions</p> <p><input type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions</p> <p>Please attach any further explanation of the recommendation on additional sheets, as necessary.</p>	
<p>Voting</p> <p># In Favor: <i>27</i> # Against: <i>7</i> # Abstaining: Total members appointed to the board: <i>47</i></p>	
Name of CB/BB officer completing this form <i>Susan Seinfeld</i>	Title <i>District Manager</i>
Date <i>3/6/2012</i>	