

Queens Borough President Recommendation

APPLICATION: ULURP # 200252 ZMQ

COMMUNITY BOARD: Q13

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by an application submitted by Marino Plaza 63-12 LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 15c:

1. eliminating from within an existing R4 District a C1-3 District bounded by a line 80 feet northwesterly of Jericho Turnpike, 246th Street, Jericho Turnpike, and 245th Street; and
2. establishing within an existing R4 District a C2-3 District bounded by a line 80 feet northwesterly of Jericho Turnpike, 246th Street, Jericho Turnpike, and 245th Street;

as shown on a diagram (for illustrative purposes only) dated October 5, 2020, on Block 8659, Lot 1, Borough of Queens.

PUBLIC HEARING

A Public Hearing was held by the Queens Borough President via Zoom webinar and livestreamed on www.queensbp.org on Thursday, December 3, 2020 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:

- This application is proposing to rezone from an existing R4/C1-3 District to an R4/C2-3 District on the north block front of Jamaica Avenue between 245th and 246th Streets. The proposed C2-3 commercial overlay would retain the 80 feet depth of the existing C1-3 overlay. The proposed rezoning would make the applicant's property eligible for the Zoning Resolution (Section 73-36) Special Permit allowing Physical Cultural Establishments (PCE);
- The applicant's property (Block 8659, Lot 1) is an approximately 15,069 SF (144' x 76") irregularly-shaped lot. The majority of the lot is within the R4/C1-3 District to be rezoned. However, a triangular portion along the north lot line is in the existing R2 District and would not be developable. The site is improved with a 1-story, 14,656-GSF (0.97 FAR) commercial building subdivided into seven leasable units on the ground-floor with cellars below. There are no new development plans resulting from the proposed rezoning;
- There are currently two PCEs on the site, a martial arts studio (Team US Tae Kwan Do) and a vacant fitness center formerly operated by Body by Fitness. The applicant proposes to file for the PCE Special Permit to legalize the martial arts studio not currently available within the currently mapped C1-3 commercial overlay. The other PCE space in the commercial building is currently allowed by a Board of Standards and Appeal variance granted in 2018. In 1994, that space was allowed by the PCE Special Permit because at the time the site was mapped with a C2-2 overlay. In 2013, the C2-2 overlay was replaced by the current C1-2 overlay in the Bellerose/Floral Park/Glen Oaks rezoning. That rezoning forced an application for a variance to continue operations because the special permit was no longer available when it expired in 2014;
- The surrounding area within a 600 feet radius of the development site is zoned R4/C1-3, R4, R3A and R2A. The property is on the north side of Jamaica Avenue which also is the county line between Queens and Nassau County. The areas north of Jamaica Avenue (Queens County) and the south side of the street known as Jericho Turnpike (Nassau County) are predominately developed with one- and two-family homes, with commercial and mixed-use buildings on the main thoroughfares. The Cross Island Parkway is located approximately 425 feet west of the project site. The area is served by the Q36 and N24 bus lines along Jamaica Avenue/Jericho Turnpike. There are two Long Island Rail Road stations are located within an ½ mile and 1 mile of the rezoning site;
- The applicant met with the Community Board 13 (CB 13) Land Use Committee (LUC) three times over the year before the full community board hearing. During those meetings concerns were raised about the zoning change to a C2-2 overlay in proximity to the Cross Island Parkway that would leave open a potential to develop a hotel on the site in the future. The applicant reassured the LUC they had no intention of selling the site or building for use as a hotel;

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- On November 23, 2020, prior to the meeting of the full community board, the CB 13 LUC unanimously voted to recommend conditional approval of the application if the applicant were to draft and execute a restrictive declaration prohibiting future development of a hotel on the site. The LUC asked the applicant's representative to amend the restrictive declaration specifying the right of adjacent property owners and community entities (such as a civic association) within a 1,000 feet radius of the site the right to sue if the current or a new owner tries to build a hotel or shelter;
- Community Board 13 conditionally approved this application by a vote of forty-one (41) in favor with one (1) against and zero (0) abstaining at a public hearing held on November 23, 2020. The condition of approval was an addition to a proposed restrictive declaration extending the right to sue to adjacent property owners or community entities within 1000 feet of the rezoning area;
- At the Borough President's Land Use Public Hearing on December 3, 2020, the applicant stated that the restrictive declaration as requested by CB 13 would be filed and executed as the public review goes forward.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval of this application with the following conditions:

- The applicant should execute and file the restrictive declaration including the modification extending to adjacent property owners and community organizations within a 1,000 feet radius of the rezoning site the right to sue if the current or a new owner proposes use of the site for an hotel or homeless shelter;
- Use of union labor and or MWBE businesses during construction;
- Workers should be paid prevailing wages for construction labor.



PRESIDENT, BOROUGH OF QUEENS

December 23, 2020

DATE