

# Queens Borough President Recommendation

**APPLICATIONS: ULURP #210161 ZMQ  
ULURP #210162 ZRQ**

**COMMUNITY BOARD: Q06**

## DOCKET DESCRIPTION

**ULURP #210161 ZMQ** – IN THE MATTER OF an application submitted by Eric Palatnik P.C. on behalf of Trylon LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14a:

1. eliminating from within an existing R7-1 District a C1-2 District bounded by 66th Avenue, 99th Street, 66th Road and Queens Boulevard;
2. changing from an R7-1 District to an R8X District property bounded by 66th Avenue, 99th Street, 66th Road and Queens Boulevard; and
3. establishing within the proposed R8X District a C2-4 District bounded by 66th Avenue, 99th Street, 66th Road and Queens Boulevard;

Borough of Queens, Community District 6, as shown on a diagram (for illustrative purposes only) dated October 4, 2021, and subject to the conditions of CEQR Declaration E-634.

**ULURP #210162 ZRQ** – IN THE MATTER OF an application submitted by Eric Palatnik P.C. on behalf of Trylon LLC pursuant to Sections 197-c and 201 of the New York City Charter for a zoning text amendment to designate the Project Area as a Mandatory Inclusionary Housing (“MIH”) area, Borough of Queens, Community District 6, as shown on a diagram (for illustrative purposes only) dated October 4, 2021.

## PUBLIC HEARING

A Public Hearing was held by the Borough President via Zoom webinar and livestreamed on [www.queensbp.org](http://www.queensbp.org) on Thursday, December 23, 2021 at 9:30 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 four (4) speakers. The hearing was closed.

## CONSIDERATION

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

- The lead application proposes a Zoning Map Amendment to change an area generally bounded by 66<sup>th</sup> Avenue, 99<sup>th</sup> Street, 66<sup>th</sup> Road and Queens Boulevard (Block 2105, Lot 1 as of April 19, 2021; formerly Lots 1, 10, 14, and 16) from an R7-1/C1-2 District to an R8X/C2-4 District. The proposed actions would facilitate the development of a fifteen-story mixed-use building;
- Another application (ULURP #210162 ZRQ) concurrently filed with the lead application proposes a Zoning Text Amendment to Appendix F of the Zoning Resolution to establish and map the rezoning area as a Mandatory Inclusionary Housing (MIH) Area;
- The Proposed Development is a 15-story, 174-foot, 153,400-SF (7.16 Floor Area Ratio (FAR)) mixed-use building with 144 apartments, including 44 affordable units under MIH Option 2 (30% of units @ 80% average AMI). The building would include 17,400 SF of commercial space on the ground floor and 45 residential parking spaces on the second floor. In response to Community Board feedback, the applicant eliminated studio apartments and relocated the pedestrian and vehicular entrances to 66<sup>th</sup> Avenue and 99<sup>th</sup> Street respectively. The applicant has offered space to the tenants of an existing diner and house of worship upon completion of the Proposed Development;
- The Rezoning Area (Block 2105, Lot 1) is a 21,472-SF triangular site currently mapped as an R7-1/C1-2 District. Lots 1, 10, 14 and 16 were merged on April 19, 2021 to create a new Lot 1 on Block 2105. The site has approximately 260 feet of frontage along Queens Boulevard, 186 feet along 99<sup>th</sup> Street, and 180 feet along 66<sup>th</sup> Avenue. 98-87 Queens Boulevard (“Tower Diner,” formerly Lot 1) is improved with a single-story commercial building currently occupied with an eating and drinking establishment and office space. 98-69 Queens Boulevard (formerly Lot 10) contains a two-story commercial building with ground floor retail and second-floor office space. 98-81 Queens Boulevard (“Ohr Natan Synagogue and Community Center,” formerly known as the “Trylon Theater” and formerly Lot 14) has a single-story building with 5,700 SF of space currently occupied with a house of worship. 66-02 99<sup>th</sup> Street (formerly Lot 16) is improved with a single-story building occupied with retail uses;

**QUEENS BOROUGH PRESIDENT RECOMMENDATION**

**ULURPs #210161 ZMQ and #210162 ZRQ**

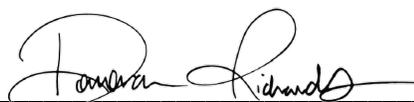
**Page two**

- The Proposed Development and Rezoning Area are located in Rego Park, directly adjacent to Queens Boulevard. The 600-ft surrounding area radius around the site is generally an R7-1 District with C1-2 and C4-2 overlays. There are lower density (R4B, R5, and R6B) districts mapped north and south of Queens Boulevard on adjacent side streets, where building types range from two-story attached homes to eight and ten-story apartment buildings. The area is well-served by public transit such as the R subway line, Q60, QM11, and QM18;
- Community Board 6 (CB 6) conditionally disapproved this application by a vote of twenty (20) against, nineteen (19) in favor and none (0) abstaining at a public hearing held on December 8, 2021. Conditions included deeper affordability (60% AMI); incorporating the Trylon Theater and Tower Diner facades into the design of new building; pursuing or exceeding LEED Gold certification; holding good faith discussions with Building Trades Council; assurance from MWBE contractors that workers be paid prevailing wage and benefits; commitment to work with 32BJ; retention of existing businesses and community facility spaces on site; a feasibility study for all-way stop sign; and minimizing construction disruption within the immediate area. CB 6 also noted the concern of overutilization of area schools;
- At the Borough President’s Land Use Public Hearing, the applicant team stated they signed a labor contract with 32BJ SEIU to operate the building. Additionally they would be working with Fifth Avenue Committee, a not-for-profit that administers affordable housing. When the Borough President asked why the applicant was not pursuing MIH Option 1, the applicant replied it was not possible because of the rising cost of labor and materials as well as the elimination of the AIRS program. There were four (4) public speakers who testified against the application with concerns similar to CB 6’s conditions. One speaker who spoke in favor of the project purported to be providing the testimony on behalf of an individual who had previously submitted written testimony against the project; because the testimony delivered at the hearing conflicted with the written testimony, and the individual who submitted the written testimony confirmed that the verbal testimony did not reflect his true position, the testimony delivered at the hearing was not credited. Among the speakers, CB 6 District Manager Frank Gulluscio testified that CB 6’s primary concern regarding the application was the affordability of the MIH units currently offered and how they would like to see it reach deeper affordability;
- The Borough President’s Office has received correspondence in opposition of this application. A total of thirty-six (36) letters supported landmarking the existing Trylon Theater and Tower Diner exteriors, while reasons for objection of the new development included the height, potential impacts to neighborhood character, schools and infrastructure. The Borough President’s Office received information from the Landmarks Preservation Commission (LPC) confirming the Trylon Theater did not merit designation as an individual landmark or historic resource, and there have been no Requests for Evaluations on the Tower Diner.

**RECOMMENDATION**

The applicant has implemented changes to the Proposed Development based on community feedback and has promised space to current commercial and community facility tenants, which demonstrates good-faith negotiations. However, the applicant’s commitment to Option 2 of Mandatory Inclusionary Housing Program falls short of providing deeply affordable housing to many Queens residents. Based on the above consideration, I hereby recommend disapproval of this application unless all of the following conditions are met:

- For deeper affordability, the developer should commit to Option 1 (25% @ 60% AMI) under the Mandatory Inclusionary Housing Program;
- There should be a goal of 30% for local hiring and use of M/WBE businesses in the construction and development of this project. There should also be quarterly reporting on the numbers of people hired and if the 30% hiring goal has been reached;
- The developer should continue to guarantee and offer space for existing tenants to return to if they so choose once construction is completed; and
- The proposed development should significantly incorporate prominent architectural features of the Trylon Theater and Tower Diner facades wherever possible.



**PRESIDENT, BOROUGH OF QUEENS**

**1/7/2022**

**DATE**