

Queens Borough President Recommendation

APPLICATION: ULURP #220414 ZMQ

COMMUNITY BOARD: Q08

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Sheldon Lobel P.C. on behalf of Mikhail Kantius pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 14c:

1. eliminating from within an existing R4 District a C1-3 District bounded by a line 100 feet southerly of Union Turnpike, 164th Street, the westerly centerline prolongation of 81st Avenue, and a line midway between 162nd Street and 164th Street;
2. eliminating from within an existing R5D District a C1-3 District bounded by Union Turnpike, 164th Street, a line 100 feet southerly of Union Turnpike, and 162nd Street;
3. establishing within an existing R4 District a C2-3 District bounded by a line 100 feet southerly of Union Turnpike, 164th Street, the westerly centerline prolongation of 81st Avenue, and a line midway between 162nd Street and 164th Street; and
4. establishing within an existing R5D District a C2-3 District bounded by Union Turnpike, 164th Street, a line 100 feet southerly of Union Turnpike, and 162nd Street;

Borough of Queens, Community District 8, as shown on a diagram (for illustrative purposes only) dated May 9, 2022, and subject to the conditions of CEQR Declaration E-678.

PUBLIC HEARING

A remote Public Hearing was held via Zoom webinar and livestreamed on the Queens Borough President's website on Thursday, June 9th 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 no other speakers. The hearing was closed.

CONSIDERATION

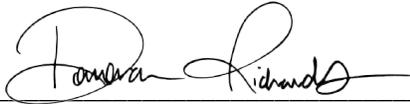
Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The applicant is proposing a zoning map amendment to rezone a property at 79-18 164th Street (Block 6857, Lot 62). Part of the property (Block 6857, Lots 62, 64, 65, 67, 69 and p/o Lots 61 and 71) would change from R4/C1-3 zoning to an R4/C2-3 zoning district. Additionally, another part of the property (Block 6857, Lots 51, 52, 53 and p/o Lots 34, 26, 61 and 62) would change from R5D/C1-3 zoning to an R5D/C2-3 zoning district. The proposed rezoning would legalize a currently existing medical research laboratory;
- The Proposed Rezoning would facilitate the legalization of the existing non-conforming medical laboratory located on the second floor of the property on Block 6857, Lot 62. The Project Site is an approximately 4,000 SF lot with a 2-story, 6,000 GSF (1.00 FAR) commercial building on the property. The building was originally built in 1983 and the non-conforming medical laboratory has been in operation since 1990. Multiple businesses occupy the building: the non-conforming Use Group 9A medical research laboratory on the second floor; a Use Group 6B ambulatory healthcare facility on the first floor; and a few Use Group 6B offices in the cellar. The lot is located mid-block with 40 feet of frontage along 164th Street and a lot depth of 100 feet;
- The Project Area is within the Queens Community District 8 neighborhood of Hillcrest. Residential uses in the surrounding area consist of one- and two-family residential buildings, multi-family buildings, as well as mixed commercial and residential buildings. The largest residential building in the area is a 6-story elevator cooperative apartment building with a total of 119 dwelling located at 78-34 164th Street. The transportation and utility uses include a gas station, a U-Haul neighborhood dealer, and an auto repair shop. Commercial uses in the area are mostly convenience stores and local restaurants;
- The Project Area was originally zoned as R3-2 with a C1-2 overlay in 1961. However, in 2006, the Department of City Planning implemented the Jamaica Hill/Hillcrest rezoning (C 060337 ZMQ), which created a split lot condition at the Project Site. While this rezoning officially split the lot between R4/C1-3 and R5D/C1-3 zoning, technically R4/C1-3 zoning requirements apply to the entirety of the lot pursuant to the 25-foot rule, which regulates that when the width of one district measures 25 feet or less at every point, the use and bulk regulations of the larger district can be applied to the entire zoning lot;

- Community Board 8 (CB 8) voted to approve this application by a vote of twenty-one (21) in favor and nine (9) against at the monthly meeting held on June 8, 2022. The full board and Land Use Committee were concerned that an illegal business opened in the first place; whether the business created any hazardous waste; and if there was any way to get the business in compliance without changing the zoning. There also were concerns about any violations the business may have received. The applicant explained that the waste created was no more dangerous than a dermatologist's office and did not qualify as hazardous waste. They relayed that the C2 zoning was necessary to bring the business into compliance, and that there would be no change to the business. They also clarified that the two FDNY violations related to storage have been cleared, and that an EPA violation that was actually related to a different property;
- The Applicant Representative sent a letter on behalf of the Applicant dated June 7, 2022 and addressed Community Board comments received at the Zoning Committee meeting held on May 31, 2022. In response to concerns about increasing the zoning to C2, they noted that a C2 commercial overlay district currently exists along 164th Street and several local businesses are currently zoned C2. They shared that any less intense zoning district would still make the business noncompliant. They also reiterated that the business had in operation for 30 years and there would be no new disruptions to the community;
- At the Queens Borough President's Land Use Public Hearing held on June 9, 2022, the applicant reiterated that no construction or business changes would take place due to this C2 zoning. The Borough President asked about the EPA violation concern for clarification. The applicant team clarified that the website used as a source was not referring to a violation, but an EPA permit for standard legal disposal of medical materials. There were no additional speakers. To date, the Borough President's Office received one (1) written testimony in opposition of the project, stating environmental concerns about the laboratory use.

RECOMMENDATION

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



PRESIDENT, BOROUGH OF QUEENS

07/19/2022

DATE