

Queens Borough President Recommendation

APPLICATION: 43rd Avenue Demapping
COMMUNITY BOARD: Q11

DOCKET DESCRIPTION

ULURP 210323 MMQ – IN THE MATTER OF an application submitted by Akerman LLP on behalf of Anthony Lim pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 10b & 14a:

1. the elimination, discontinuance and closing of a portion of 43rd Avenue between 222nd Street and 223rd Street; and
2. the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 5036 dated June 21, 2022, and signed by the Borough President.

PUBLIC HEARING

A Public Hearing was held by the Queens Borough President via Zoom webinar and livestreamed on www.queensbp.org on Thursday, March 16, 2023 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 two (2) 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 eliminate (“demap”) a strip of land bordering lots along 43rd Avenue between 22nd and 223rd Streets (Block 6328, Lots 17 and 22) from the City Map. The applicant owns Lot 17 that borders the land proposed for demapping;
- The proposed demapping would allow the owner to acquire a 1,559-SF, city-owned strip of land and repair a retaining wall on the parcel. The parcel is roughly 8 feet wide and 195 feet long. As of 2010, NYC Department of Buildings (DOB) has issued violations to the Applicant due to the retaining wall’s encroachment and disrepair along 43rd Avenue. The Applicant must acquire the parcel, resolve the DOB violation(s), and obtain a new Certificate of Occupancy with new lot dimensions. There is no other development associated with this application;
- Lots 17 and 22 are adjacent to the retaining wall along 43rd Avenue. The applicant has owned Lot 17 since 1992, and in 2005 he built a two-story, two-family building. In 2006, the Applicant repaired most of the retaining wall that he claims was present when he bought the property, but he was unaware it was located in the bed of street. Lot 22 is a 3,040-SF lot improved with a two-story, three family residential building constructed in 1965 – it is not owned by the Applicant. 43rd Avenue is a narrow, two-way street with different sidewalk widths between 222nd and 223rd Streets. A retaining wall is necessary because of the difference in elevation between 222nd and 223rd Streets (+10 feet) and stormwater management;

- The surrounding area is residential with mostly one- and two-family homes. The site is located within R3X and R3-2 zoning districts. It is also one block away from the Port Washington LIRR tracks, and one block from Northern Boulevard and the Cross Island Parkway;
- At a public hearing held on March 13, 2023, Community Board 11 (CB11) voted to unanimously oppose this application. Board members familiar with the site in question explained that the property has been an eyesore for many years, and felt the Applicant would benefit from acquiring the strip of land. Therefore, they did not want their approval to indicate a reward to the Applicant;
- At the Borough President's Land Use Public Hearing, the Chief of Staff represented the Borough President. The Applicant's representative gave a presentation and answered questions, including how long it would take to resolve the DOB violation(s). The Applicant's representative responded that it would take between 18 and 24 months. Two (2) members of the public testified against this application. One member, who has lived in the same area since the 1980s, claimed the Applicant's retaining wall issue obstructed the sidewalk for months. The other member's testimony also underscored concerns about the retaining wall – he also advocated for the widening of 43rd Avenue;
- The Borough President's Office received two (2) letters of written testimony on this application. Both letters were written versions of the two public speakers at the Land Use Public Hearing.

RECOMMENDATION

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

- The Applicant should, to the best of his ability, provide yearly or bi-yearly updates to Community Board 11 (CB11) about his work along 43rd Avenue until the DOB violations have been resolved; and
- The NYC Department of Transportation (DOT) should conduct a feasibility study of widening 43rd Avenue, or a traffic study to recirculate vehicles if 43rd Avenue became a one-way street.



PRESIDENT, BOROUGH OF QUEENS

03/28/2023

DATE