



Legislation Text

File #: Res 1649-2017, Version: *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1649

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 170158 ZSM (L.U. No. 720), for the grant of a special permit pursuant to Section 74-66 of the Zoning Resolution of the City of New York to allow a heliport on property generally located between the U.S. Pierhead Line of the East River and the north-bound service road of the Franklin D. Roosevelt Drive, south of East 34th Street, (Block 962, part of Lot 50) in an M2-3 District, Community District 6, Borough of Manhattan.

By Council Members Greenfield and Richards

WHEREAS, the City Planning Commission filed with the Council on July 7, 2017 its decision dated June 21, 2017 (the "Decision"), on the application submitted by the New York City Department of Small Business Services and New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit, for a term of ten years, pursuant to Section 74-66 of the Zoning Resolution of the City of New York to allow a heliport on property generally located between the U.S. Pierhead Line of the East River and the north-bound service road of the Franklin D. Roosevelt Drive, south of East 34th Street, (Block 962, part of Lot 50), in an M2-3 District, (ULURP No. C 170158 ZSM), Community District 6, Borough of Manhattan (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-66 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on August 9, 2017;

WHEREAS, the Council has considered the land use and environmental implications and other policy issues relating to the Decision and Application; and

WHEREAS, it was determined by the New York City Department of Small Business Services to be a Type II action on November 29, 2016, requiring no further review under CEQR (CEQR No. 17SBS003M) (the "Type II Determination").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment pursuant to the Type II Determination.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 170158 ZSM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter in double strikeout is old, deleted by the City Council;

Matter in double underline is new, added by the City Council.

1. The property that is the subject of this application (C 170158 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Stantec Consulting Services Inc., filed with this application and incorporated in this resolution:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-01	Site Plan	<u>August 30, 2017</u> December 13, 2016

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. The applicants shall incorporate certain terms and conditions of the special permit into the management contract. Such terms and conditions may constitute the basis for termination of the management contract and revocation of the special permit pursuant to Section 11-62 of the Zoning Resolution include:
 - a. The hours of weekday operations shall be limited to 8 AM to 8 PM;
 - b. There shall be no weekend operations;
 - c. There shall be a maximum limit of 28,800 annual flight operations;
 - d. There shall be no tour (sightseeing) operations; and
 - e. The operator selected to manage the heliport shall provide good maintenance to the terminal buildings and the environment under control of the City.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms of conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above,

or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted; and

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.
8. The Special Permit is approved for a term of 10 years. Notwithstanding the foregoing, operation of the heliport pursuant to an operating permit(s) shall continue for a period of no more than 5 years unless, prior to the expiration of such 5 year period, the Economic Development Corporation conducts a performance review of the heliport operator and, following such review, EDC elects at its discretion to continue operation of the heliport pursuant to such operating permit. Operation of the heliport may be continued for no more than an additional 5 years. Such performance review shall include, without limitation, a review of the operator's record regarding noise, cleanliness, and response to complaints and compliance with all applicable laws and regulations. The review shall be in writing and shall be submitted to the local Community Board, Council Member, Manhattan Borough President and City Planning Commission prior to any election to continue operation of the heliport pursuant to an operating permit beyond 5 years.

In addition, the following shall be provided by EDC to the local community board and Manhattan Borough President:

- (i) Quarterly data on the East 34th Street Heliport, including:
 - a. the number of flights per month operating out of the East 34th Street Heliport;
 - b. the number of variances granted for flights before or after set hours of operation, per month; and
 - c. a list of helicopter/heliport complaints filed with 311 for the previous quarter within Community Board 6. Complaint information will include the time, date and place of the complaint (if provided), the nature of the complaint (including specific details if provided) and the response.
- (ii) Biannual (every six months) updates on any planned maintenance and improvement plans for the East 34th Street Heliport site.
- (iii) Inclusion of the Community Board and Manhattan Borough President on a monthly report currently submitted to the New York City Council that includes a summary of 311 helicopter complaints across the City.

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on September 7, 2017, on file in this office.

City Clerk, Clerk of The Council