

**307-13-A & 308-13-A**

APPLICANT – Joseph M. Morace, R.A., for Jake Rock, LLC, owner.

SUBJECT – Application November 21, 2013 – Proposed construction of two detached, two-family residences not fronting on a mapped street, contrary to Section 36 of the General City Law. R3A zoning district.

PREMISES AFFECTED – 96 & 100 Bell Street, Block 2989, Lot 24 & 26, Borough of Staten Island.

**COMMUNITY BOARD #1SI**

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT –**

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez.....4  
Negative:.....0  
Absent: Vice Chair Collins.....1

**THE RESOLUTION –**

WHEREAS, the decision of the Staten Island Borough Commissioner, dated October 24, 2013, acting on Department of Buildings Application Nos. 520149777 and 520149786, reads in pertinent part:

The street giving access to the proposed building is not duly placed on the official map of the City of New York; therefore,

- A) No Certificate of Occupancy can be issued pursuant to Article 3, Section 36 of the General City Law;
- B) Proposed construction does not have at least 8% of the total perimeter of the building fronting directly upon a legally mapped street or frontage space contrary to Section 502.1 of the 2008 NYC Building Code; and

WHEREAS, this is an application to allow the construction of one two-family home and one single-family home not fronting a legally mapped street contrary to General City Law (“GCL”) § 36; and

WHEREAS, a public hearing was held on this application on February 25, 2014, after due notice by publication in *The City Record*, with a continued hearing on March 25, 2014, and then to decision April 8, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan and Commissioner Montanez; and

WHEREAS, the subject site is located on the east side of Bell Street beginning at a point approximately 72 feet south of Reynolds Street within an R3A zoning district; and

WHEREAS, the applicant states that the site has 5,844 sq. ft. of lot area and has been subdivided into two zoning lots (Tentative Tax Lots 24 and 26); and

WHEREAS, the applicant proposes to construct a two-story, two-family home with approximately 1,995 sq.

ft. of floor area (0.59 FAR) and three accessory parking spaces on Tentative Lot 24, and a two-story, single-family home with approximately 1,440 sq. ft. of floor area (0.59 FAR) and two accessory parking spaces on Tentative Lot 26; and

WHEREAS, the applicant notes that Bell Street is paved and traveled, intersecting Reynolds Street to the north of the property, and that utilities, mail delivery and Sanitation Department services are provided for residents along the street; and

WHEREAS, the applicant states that a proposed eight-inch water main and fire hydrant are to be installed in Bell Street, in accordance with the Fire Department’s approval; in addition, onsite drywells are proposed for storm water runoff, and a connection will be made to an existing eight-inch sanitary sewer for sewage disposal; the sanitary sewer is maintained pursuant to a homeowners’ association agreement; and

WHEREAS, by letter dated January 29, 2014, the Fire Department states that it has reviewed the project and offers no objections provided the applicant complies with the following requirements: (1) the applicant submits to the Fire Department a variance request for construction on a substandard street; (2) all proposed homes are to be fully sprinklered; (3) that no parking anytime be permitted in front of the proposed homes with signs posted in accordance with Fire Code regulations; and (4) that any parking violations will be considered a violation of the Fire Commissioner’s Order and enforceable against the owner(s) of the property; and

WHEREAS, the applicant states that it submitted a variance application and revised plans to the Fire Department by letter dated February 20, 2014; and

WHEREAS, the applicant represents that, consistent with the Fire Department’s requirements, the width of the paved road is to be increased to 25 feet, a water main and fire hydrant are to be installed, both homes will be fully-sprinklered, and “No Parking” signs will be posted in front of both homes; and

WHEREAS, by letter dated March 24, 2014 the Fire Department states that it has reviewed and approved the revised site plan, subject to the following conditions: (1) both homes are fully-sprinklered, (2) “No Parking” are posted along the dead-end portion of Bell Street, in accordance with NYC Fire Code 503.7; and (3) hydrants are installed, as indicated on site plan, and in compliance with Department of Environmental Protection standards; and

WHEREAS, at hearing, the Board directed the applicant to provide a new sidewalk along Bell Street and to confirm that the proposed street trees are in accordance with the R3A district regulations; and

WHEREAS, in response, the applicant submitted an amended site plan showing a sidewalk with a width of three feet along Bell Street in front of the proposed homes; and

WHEREAS, as to the street trees, the applicant

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submitted approval letters from the Parks and Recreation Department; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions; and

*Therefore it is Resolved*, that the decision of the Staten Island Borough Commissioner, dated October 24, 2014, acting on Department of Buildings Application Nos. 520149777 and 520149786, is modified by the power vested in the Board by Section 36 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked "Received March 5, 2014"-(1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT the Builder's Pavement Plan for the site will be as reviewed and approved by DOB;

THAT the site and roadway will conform to the BSA-approved plans;

THAT both homes will be fully-sprinklered;

THAT signs stating "No Parking" will be posted along the dead end portion of Bell Street;

THAT a Homeowners' Association will be created to maintain the street; and

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals April 8, 2014.

**A true copy of resolution adopted by the Board of Standards and Appeals, April 8, 2014.**

**Printed in Bulletin No. 15, Vol. 99.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

