

213-13-BZ

CEQR #14-BSA-009R

APPLICANT – Rothrug Rothkrug & Spector LLP, for Ridgeway Abstracts LLC, owner.

SUBJECT – Application July 12, 2013 – Special Permit (§73-126) to allow a medical office, contrary to bulk regulations (§22-14). R3A zoning district.

PREMISES AFFECTED – 3858-60 Victory Boulevard, east corner of intersection of Victory Boulevard and Ridgeway Avenue, Block 2610, Lot 22 & 24, Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated June 12, 2013, acting on DOB Application No. 520073802, reads in pertinent part:

Proposed ambulatory diagnostic or treatment health care facility listed in Use Group 4 within lower density growth management area exceeds 1,500 sq. ft. allowed per ZR 22-14(A); and

WHEREAS, this is an application under ZR §§ 73-126 and 73-03, to permit, on a site within an R3A zoning district, the construction of a two-story mixed residential (Use Group 2) and community facility (Use Group 4) building, with 5,967 sq. ft. of floor area, to be occupied by an ambulatory diagnostic or treatment health care facility, contrary to ZR § 22-14; and

WHEREAS, a public hearing was held on this application October 22, 2013, after due notice by publication in The City Record, with a continued hearing on November 26, 2013, December 17, 2013, February 25, 2014, March 25, 2014, April 29, 2014, May 20, 2014, and then to decision on June 17, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson, Commissioner Montanez and Commissioner Ottley-Brown; and

WHEREAS, Community Board 2, Staten Island, recommends disapproval of this application; and

WHEREAS, certain members of the surrounding community submitted testimony in opposition to the application; and

WHEREAS, the subject site is located on the northeast corner of the intersection of Victory Boulevard and Ridgeway Avenue, within an R3A zoning district; and

WHEREAS, the site has approximately 127 feet of frontage along Ridgeway Avenue, approximately 100 feet of frontage along Victory Boulevard, and 12,712 sq. ft. of lot area; and

WHEREAS, the applicant states that the site was historically two lots (Tax Lots 22 and 24); Lot 22 is occupied by a one-story mixed residential and commercial building; Lot 24 is occupied by a one-story residential building; and

WHEREAS, the applicant proposes to demolish the building on Lot 24 and alter and enlarge the building on Lot 22; the enlargement will increase the floor area of the building from 1,216.9 sq. ft. (0.1 FAR) (347.2 sq. ft. of residential floor area and 869.8 sq. ft. of community facility floor area) to 6,314.2 sq. ft. of floor area (0.5 FAR) (347.2 sq. ft. of residential floor area and 5,967.1 sq. ft. of community facility floor area); and

WHEREAS, the applicant notes that 17 accessory parking spaces will also be provided on the site; and

WHEREAS, the applicant notes that in the subject R3A zoning district, which also within a Lower Density Growth Management Area, an ambulatory diagnostic or treatment facility is limited to 1,500 sq. ft. of floor area, pursuant to ZR § 22-14; however, pursuant to ZR § 73-126, the Board may permit an ambulatory diagnostic or treatment health care facility with maximum floor area of 10,000 sq. ft., provided that: (a) the amount, type, and distribution of open area on the zoning lot are compatible with the character of the neighborhood; (b) the distribution of bulk on the zoning lot will not unduly obstruct access of light and air to adjoining properties or streets; and (c) the scale and placement of the building on the zoning lot relates harmoniously with surrounding buildings; and

WHEREAS, the Board notes that other than the increase in floor area beyond 1,500 sq. ft. authorized by the special permit, the ambulatory diagnostic or treatment health care facility must comply with all zoning parameters of the underlying district; and

WHEREAS, the applicant states that, aside from the requested increase in community facility floor area, the proposal complies in all respects with the zoning parameters of the subject R3A zoning district; and

WHEREAS, the applicant also states that the proposed building will have 5,967.1 sq. ft. (0.47 FAR) of community facility floor area, which is significantly less than the maximum permitted under the special permit (10,000 sq. ft.), and less than half of the maximum FAR permitted for community facilities in the subject R3A zoning district (1.0 FAR); and

WHEREAS, turning to the ZR § 73-126 findings, the applicant contends that the proposal’s the amount, type, and distribution of open area on the zoning lot are compatible with the character of the neighborhood; and

WHEREAS, specifically, the applicant states that the proposed 37.5 percent lot coverage is significantly

213-13-BZ
CEQR #14-BSA-009R

less than the maximum permitted lot coverage (55 percent); in addition, the applicant examined the nature and amount of open space of the 54 sites surrounding the site, and found that 44 sites provide less than open space than the subject site; the applicant also notes that 25 percent of the open space on the site will be grass or landscaped and that open space on nearby sites often includes grassy areas, paved surfaces, pools, and accessory garages; and

WHEREAS, accordingly, the applicant asserts that the site's proposed open area entirely compatible with the character of the neighborhood; and

WHEREAS, as to the distribution of bulk on the zoning lot and its impacts on the light and air of adjoining properties or streets, the applicant contends that the proposal has no impact on adjoining properties, in that it is only two stories (with a wall height of approximately 21 feet), it is located more than 65 feet from the nearest building, and it provides two front yards with depths of ten and 23 feet; and

WHEREAS, as to the harmoniousness of the building with the surrounding buildings in terms of scale and placement on the site, the applicant states that, as noted above, the building complies in all respects with the bulk regulations regarding FAR, height, yards, lot coverage, and parking; the applicant also notes that the footprint of the enlarged building will be substantially similar to the footprints of the existing buildings on the lot; thus, the historic site condition is reflected in the proposal; and

WHEREAS, at hearing, the Board expressed concerns regarding: (1) the compatibility of a flat-roof design with the surrounding buildings and directed the applicant to provide a streetscape comparing its design with the existing context; and (2) the number of examination rooms proposed; and

WHEREAS, in response, the applicant provided the streetscape and revised the proposal to reflect a hipped-roof; the applicant asserts also asserts that the surrounding neighborhood is characterized by its architectural diversity and that the proposal seeks to incorporate the disparate elements; and

WHEREAS, the Board agrees that the context is varied and it finds that the hipped-roof is more in keeping with the nearby residential buildings; and

WHEREAS, as to the number of examination rooms proposed, the applicant explained that the examination rooms shown on the drawings were actually examination, waiting, and specialized equipment rooms, and that many rooms will be used non-simultaneously; and

WHEREAS, based upon the above, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR § 73-125; and

WHEREAS, the Board further finds that the

subject use will not alter the essential character of the surrounding neighborhood nor will it impair the future use and development of the surrounding area; and

WHEREAS, the Board also finds that the proposal will not interfere with the renovation of the adjacent fire station, and will otherwise not interfere with any pending public improvement project; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR § 73-03; and

WHEREAS, the project is classified as Unlisted action pursuant to 6 NYCRR Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement, CEQR No. 14-BSA-009R, dated July 10, 2013; and

WHEREAS, the EAS documents that the operation of the facility would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health; and

WHEREAS, the Board has determined that the operation of the facility will not have a significant adverse impact on the environment.

Therefore it is Resolved that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings ZR §§ 73-125 and 73-03, to permit, on a site within an R3A zoning district, the construction of a two-story mixed residential (Use Group 2) and community facility (Use Group 4) building, with 5,967 sq. ft. of floor area, to be occupied by an ambulatory diagnostic or treatment health care facility, contrary to ZR § 22-14; *on condition* that all work shall substantially conform to drawings filed with this application marked "Received June 12, 2014" –(9) sheets; and *on further condition*:

THAT the parameters of the building shall be as follows: two stories, a maximum wall height of 21 feet, a maximum residential floor area of 347.2 sq. ft., a maximum community facility floor area of 5,967.1 sq.

213-13-BZ

CEQR #14-BSA-009R

ft. of community facility floor area, a maximum lot coverage of 37.5 percent, and 17 parking spaces, as reflected on the BSA-approved plans;

THAT all landscaping will be provided and maintained in accordance with the approved plans;

THAT substantial construction will be completed in accordance with ZR § 73-70;

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

THAT DOB must ensure compliance with all of the 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, June 17, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, June 17, 2014.

Printed in Bulletin No. 25, Vol. 99.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

