



CITY PLANNING COMMISSION

May 25, 2011 / Calendar No. 10

N 080484 RAR

IN THE MATTER OF an application submitted by Ottavio Savo and Leonello Savo & Woodrow Plaza, LLC for the grant of an authorization pursuant to Section 107-64 (MODIFICATION OF TOPOGRAPHY) of the Zoning Resolution to modify the requirements of Sections 107-31 (TOPOGRAPHIC REGULATIONS) to facilitate site alterations to create a reconfigured group parking facility on a zoning lot (Block 6145, Lots 40 and 300) in The Special South Richmond Development District (SSRDD), Borough of Staten Island, Community District 3.

WHEREAS, the City Planning Commission has received an application (N 080484 RAR) dated June 3, 2008, from Ottavio Savo and Leonello Savo & Woodrow Plaza, LLC requesting an authorization pursuant to ZR Section 107-65 of the Zoning Resolution to modify the requirements of Sections 107-31 (TOPOGRAPHIC REGULATIONS) to facilitate site alterations for a reconfigured group parking facility to serve an existing shopping center (Block 6145, Lots 40 and 300) and an adjacent development proposal consisting of two new commercial buildings in the Borough of Staten Island, Community District 3; and

WHEREAS, implementation of the project also requires the following related approvals:

N 080483 ZRR	Zoning text amendment concerning Section 107-06, District Plan (Appendix A)
N 080486 RCR	Certification for a zoning lot containing Designated Open Space
C 080482 ZMR	Amendment of the Zoning Map
N 080485 RAR	Authorization for Modification of Size and Access of an Accessory Group Parking Facility
N 110040 RAR	Authorization for Modification of Topography; Authorization for Tree Removal

WHEREAS, detailed descriptions of this and the related actions are provided in the report for the related application for an amendment to the Zoning Map (C 080482 ZMR); and

WHEREAS, A full summary of the environmental review (CEQR No.07DCP051R) appears in the report on the related application to amend the Zoning Map (C 080482 ZMR); and

WHEREAS, this application (N 080484 RAR) in conjunction with the related applications was certified as complete by the Department of City Planning on February 28, 2011 in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b); and

WHEREAS, this application (N 080484 RAR) in conjunction with the related applications was duly referred to Staten Island Community Board 3 and the Staten Island Borough President February 28, 2011 in accordance with the procedure for referring non-ULURP matters along with the related actions (C 080482ZMR, N 080483RAR, N 080485RAR, N 080486RCR, N 110040RAR) which were referred for information and comment; and

WHEREAS, a summary of the recommendations of the Community Board and the Borough President may be found in the report on the related amendment to the Zoning Map action (C 080482 ZMR); and

WHEREAS, this application, in conjunction with the related applications, was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 *et seq.*) with the designated WRP number 08-076 and determined that it was consistent with the policies of the WRP; and

WHEREAS, the City Planning Commission hereby makes the following findings pursuant to ZR Section 107-65 of the Zoning Resolution:

- (a) #development# on the zoning lot is not feasible without such modification; and
- (b) such modification of topography is necessary to accommodate public amenities,

- such as public pedestrian ways; and
- (c) such modification will not cause unnecessary disturbance of the drainage pattern in the area; and
- (d) such modified topography will have minimal impact on the existing natural topography of the surrounding area and will blend harmoniously with it.; and

WHEREAS, the Commission has determined that the application warrants approval and therefore adopts the following resolution:

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment, once it is modified as described in the report for the related application for an amendment to the Zoning Map (C 080482 ZMR); and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application (N 080484RAR) submitted by Ottavio Savo and Leonello Savo & Woodrow Plaza, LLC. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of an authorization pursuant to Section 107-64 (MODIFICATION OF TOPOGRAPHY) of the Zoning Resolution to modify the requirements of Sections 107-31 (TOPOGRAPHIC REGULATIONS) to facilitate site alterations for a reconfigured group parking facility on a zoning lot in The Special South Richmond Development District (SSRDD) located at 645 Rossville Avenue (Block 6145, Lots 40 and 300), in an R3X/C1-2 District, within the Special South Richmond Development District, Borough of Staten Island, Community District 3, is approved subject to the following terms and conditions:

1. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and related Commission authorizations (N 080483RAR, N 080485RAR, N 110040RAR). All zoning computations are subject to verification and approval of the New York City Department of Buildings.
2. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
3. The provisions of the attached Exhibit A are incorporated as conditions of this resolution.
4. No permits for development shall be issued by the New York City Department of Buildings, except as necessary to fulfill the terms of Exhibit A, unless the Chairperson of the City Planning Commission shall have certified to the Commissioner of Buildings that the requirements of Exhibit A have been completed.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this authorization 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 authorization, 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 authorizations hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said authorization. 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 authorization 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 amendment hereby granted.
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.

The above resolution (N 080484 ZAR), has been duly adopted by the City Planning Commission on May 25, 2011 (Calendar No. 10).

**AMANDA M. BURDEN, FAICP, Chair,
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,
SHRILEY A. MCRAE, KAREN A. PHILLIPS, Commissioners.**

EXHIBIT A

DEFINITIONS

The “DEP” shall mean the New York City Department of Environmental Protection or any successor to its jurisdiction

The “DOB” shall mean the New York City Department of Buildings, or any successor to its jurisdiction.

The “Project” shall mean the reconfiguration of a group parking facility to serve an existing shopping center on the Subject Property.

The “Remedial Action Plan” shall mean a hazardous materials remedial action plan, including a health and safety plan.

The “Remediation Plan” shall mean a hazardous materials remediation plan, including a health and safety plan.

The “Sampling Protocol” shall mean a hazardous materials sampling protocol prepared by a qualified consultant and including a health and safety plan.

The “Subject Property” shall mean the property located at 645 Rossville Avenue (Block 6145, Lots 40 and 300), Borough of Staten Island.

1. (a) No application for grading, excavation, foundation, alteration, building or other permit respecting the Subject Property which would result in soil disturbance for the Project shall be submitted to or accepted from DOB until DEP has issued to DOB, as applicable, either a Notice of No Objection as set forth in Paragraph 2(a), a Notice to Proceed as set forth in Paragraph 2(b), a Notice of Satisfaction as set forth in Paragraph 2(c) or a Final Notice of Satisfaction as set forth in Paragraph 2(d). A copy of the Notice of No Objection, Notice to Proceed, Notice of Satisfaction or Final Notice of Satisfaction shall be submitted to the DOB at the time of filing of any application set forth in this Paragraph 1(a).

(b) No application for a temporary or permanent Certificate of Occupancy that reflects a change in use group respecting the Subject Property for the Project shall be submitted to or accepted from DOB until DEP has issued to DOB, as applicable, either a Notice of No Objection as set forth in Paragraph 2(a), a Notice of Satisfaction as set forth in Paragraph 2(c) or a Final Notice of Satisfaction as set forth in Paragraph 2(d). A copy of the Notice of No Objection,

Notice of Satisfaction or Final Notice of Satisfaction shall be submitted to the DOB at the time of filing of any application set forth in this Paragraph 1(b).

2. (a) Notice of No Objection - DEP shall issue a Notice of No Objection for the Project after the work set forth in a project specific Sampling Protocol approved by DEP has been completed and DEP has determined in writing that the results of sampling pursuant to the Sampling Protocol demonstrate that no hazardous materials remediation is required for the proposed project.

(b) Notice to Proceed - DEP shall issue a Notice to Proceed for the Project after it determines that: (i) the project specific Remedial Action Plan or Remediation Plan has been approved by DEP and (ii) the permit(s) respecting the Subject Property that permit grading, excavation, foundation, alteration, building or other permit respecting the Subject Property which permits soil disturbance or construction of the superstructure for the Current Project are necessary to further the implementation of the DEP approved Remedial Action Plan or Remediation Plan.

(c) Notice of Satisfaction - DEP shall issue a Notice of Satisfaction for the Current Project after the project specific Remedial Action Plan or Remediation Plan has been prepared and accepted by DEP and DEP has determined in writing that such Remedial Action Plan or Remediation Plan has been completed to the satisfaction of DEP.

(d) Final Notice of Satisfaction - DEP shall issue a Final Notice of Satisfaction for the Current Project after the project specific Remedial Action Plan or Remediation Plan has been prepared and accepted by DEP and DEP has set forth in writing, that such Remedial Action Plan or Remediation Plan has been completed to the satisfaction of DEP and all potential hazardous materials have been removed or remediated and no further hazardous remediation is required on the Subject Property as determined by DEP.

3. Any submittals necessary under this Exhibit A to DEP shall be addressed to the Deputy Commissioner of the Bureau of Environmental Planning and Assessment of DEP, or such person as authorized by the Deputy Commissioner. As of the date of this Exhibit A, DEP's address is:

New York City Department of Environmental Protection
59-17 Junction Blvd
Flushing, New York 11373

4. The satisfaction of the obligations set forth in this Exhibit A shall not relieve any party of such additional requirements as may be imposed by Federal, State or Local laws.