

**191-13-A**

APPLICANT – Rothkrug Rothkrug & Spector LLP, for McAllister Maritime Holdings, LLC, owner.

SUBJECT – Application June 28, 2013 – Proposed construction of a three-story office building within the bed of a mapped street, pursuant to Article 3 of General City Law 35. M3-1 zoning district.

PREMISES AFFECTED – 3161 Richmond Terrace, north side of Richmond Terrace at intersection of Richmond Terrace and Grandview Avenue, Block 1208, Lot 15, Borough of Staten Island.

**COMMUNITY BOARD #1SI**

**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 Montanez .....5

Negative:.....0

**THE RESOLUTION** –

WHEREAS, the decision of the Staten Island Borough Commissioner, dated December 13, 2013, acting on Department of Buildings (“DOB”) Application No. 520141613 reads in pertinent part:

Proposed construction of a three story office building and 24 parking spaces located within the bed of a mapped street is contrary to General City Law Section 35; and

WHEREAS, a public hearing was held on this application on November 26, 2013, after due notice by publication in *The City Record*, and then to decision on February 11, 2014; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by Commissioner Montanez; and

WHEREAS, Community Board 1, Staten Island, recommends approval of this application; and

WHEREAS, this is an application to allow the construction of a three-story office building with an accessory parking lot that will be partially located in the bed of Richmond Terrace, a mapped but unbuilt street; and

WHEREAS, the subject site is located on the north side of Richmond Terrace across from the intersection of Richmond Terrace and Grandview Avenue, within an M3-1 zoning district; and

WHEREAS, the applicant states that the proposed building will abut an existing one-story building in the southwest corner of the subject site, and that it will have approximately 17,321 sq. ft. of floor area (0.05 FAR), which will increase the total floor area on the zoning lot to approximately 33,506 sq. ft. (0.09 FAR); a total of 68 accessory parking spaces will be provided, 24 of which will be within the bed of Richmond Terrace; and

WHEREAS, the applicant notes that, at the request of the New York State Department of Environmental Conservation, it modified its site plan to shift accessory

parking spaces further into the bed of Richmond Terrace; and

WHEREAS, by letter dated July 30, 2013, the Department of Environmental Protection (“DEP”) states that: (1) there is an existing 20-inch diameter water main, and an existing 3’-4” by 3’-3” combined sewer, and a 24-inch diameter interceptor sewer in the bed of Richmond Terrace, starting north of the intersection with Grandview Avenue; and (2) City Drainage Plan No. PRD-1C, sheet 3 of 4, dated June 1973, calls for a future ten-inch diameter sanitary sewer and a 60-inch storm sewer to be installed in Richmond Terrace north of its intersection with Grandview Avenue; and

WHEREAS, DEP further states that it requires the applicant to submit a survey/plan showing: (1) the existing 20-inch diameter water main, the existing 24-inch diameter interceptor sewer, and the 3’-4” by 3’-3” combined sewer; (2) the distance from the southerly lot line of Lot 15 to the existing sewers and water main in the bed of Richmond Terrace and the width of the widening portion; and

WHEREAS, based on such survey/plan, DEP states that it will determine what portion of Richmond Terrace will be required for the installation, maintenance and/or reconstruction of the existing water main and sewer; and

WHEREAS, in response to DEP’s request, the applicant submitted a revised survey which shows the total width (100 feet) of mapped Richmond Terrace north of its intersection with Grandview Avenue and the 41.21-ft. of the width of the traveled portion of Richmond Terrace at its narrowest point, which will be available for the maintenance and/or reconstruction of the existing sewers, water main, and future sewers; and

WHEREAS, by letter dated December 10, 2013, DEP states that it has reviewed the information and has no objections; and

WHEREAS, by letter dated November 13, 2013, DOT states that, according to the Staten Island Borough President’s Topographical Bureau, Richmond Terrace from South Avenue to Mersereau Avenue is mapped at a 100-ft. width on the City Map and has an opinion of dedication for 41.25 feet to 80 feet, as in use on June 6, 1945; and

WHEREAS, Department of Transportation (“DOT”) states that it has reviewed the subject proposal and has no objections; and

WHEREAS, in addition, DOT states that the improvement of Richmond Terrace at this location is not presently included in DOT’s Capital Improvement Program; and

WHEREAS, by letter dated July 17, 2013, the Fire Department states that it has reviewed the proposal and offers no objections; and

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

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*Therefore it is Resolved*, that the Board modifies the decision of the Staten Island Borough Commissioner, dated on December 13, 2013, acting on Department of Buildings Application No. 520141613 by the power vested in it by Section 35 of the General City Law, *on condition* that construction will substantially conform to the drawing filed with the application marked "Received January 28, 2014" two (2) sheets; 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 DOB will review the proposed plans to ensure compliance with all relevant provisions of the Zoning Resolution;

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 on February 11, 2014.

**A true copy of resolution adopted by the Board of Standards and Appeals, February 11, 2014.  
Printed in Bulletin No. 7, Vol. 99.**

**Copies Sent  
To Applicant  
Fire Com'r.  
Borough Com'r.**

