

IN THE MATTER OF an application submitted by NFC Associates, LLC and New York City Economic Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article X Chapter 5, and related sections, concerning the bulk, parking, grading, and private roads regulations in a Tier I site within the Special Natural Area District (NA-1) and the New York City Farm Colony-Seaview Hospital Historic District in Community District 2 in the Borough of Staten Island.

The application for an amendment of the Zoning Resolution was filed by NFC Associates, LLC and the New York City Economic Development Corporation on June 17, 2015, to modify Article X Chapter 5, and related sections, concerning the bulk, parking, grading, and private roads regulations in a Tier I site within the Special Natural Area District (NA-1) and the New York City Farm Colony-Seaview Hospital Historic District in the Borough of Staten Island, Community District 2.

RELATED ACTIONS

In addition to the zoning text amendment, which is the subject of this report (N 150421 ZRR), implementation of the proposed development also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 150422 ZMR	Zoning Map Amendment to establish within an existing R3-2 District a C1-3 District.
N 150423 ZAR	Authorization to modify topographic features on a Tier I site pursuant to ZR Section 10-421.
N 150424 ZAR	Authorization to modify botanic environment pursuant to ZR Section 105-425.
N 150425 ZAR	Authorization to modify yard, height & setback regulations and parking locations pursuant to ZR Section 105-432.

N 105426 ZAR	Authorization to modify requirements for private roads and driveways pursuant to ZR Section 105-434.
N 150427 ZCR	Certification for future zoning lot subdivision pursuant to ZR Section 105-90.
C 150428 PPR	Disposition of one (1) city-owned property located at 475 Brielle Avenue (Block 1955, p/o Lot 1), pursuant to zoning.

BACKGROUND

A zoning text amendment is requested to add Section 105-03 (District Plan); change Section 105-43 (Authorizations to Modify Bulk, Parking, Grading and Private Roads Regulations) to allow modifications of private roads regulations on a Tier I site; change Section 105-434 (Modification of requirements for private roads and driveways), to allow modifications of Section 26-20 (Special requirements for developments with private roads) and Section 26-30 (Requirements for developments with private roads in lower density growth management districts) within the NYC Farm Colony-Seaview Hospital Historic District; and change Article X, Chapter 5, Appendix A (Map 2 – Site within the Farm Colony-Seaview Hospital Historic District).

Since the current zoning regulations do not provide an authorization for modifications of driveways and private roads on a Tier I site (although, an authorization is provided for said modification for a Tier II site), the applicant is requesting this amendment to allow such an authorization to apply to the project site, which is a Tier I site. The amendment is requested in order to allow for driveways and private roads on a Tier I site for which guidelines for modifications are not provided under ZR Section 105-43.

A full background discussion and description of this application appears in the related report for an amendment of the Zoning Map (C 150422 ZMR).

ENVIRONMENTAL REVIEW

This application (N 150421 ZRR), in conjunction with the related applications (C 150422 ZMR, N 150423 ZAR, N 150424 ZAR, N 150425 ZAR, N 150426 ZAR, N 150427 ZCR, C 150428 PPR), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 15DME006R. The lead agency is the Deputy Mayor's Office of Housing and Economic Development.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on October 15, 2015. In accordance with the terms of a Restrictive Declaration attached to the report for the related disposition action (C 150428 PPR), the maximum number of dwelling units permitted to be developed on the project site is 344. A Revised Negative Declaration was issued on November 16, 2015, to reflect the terms of the Restrictive Declaration.

UNIFORM LAND USE REVIEW

This application (N 150421 ZRR), was duly referred to Community Board 2 and the Borough President on October 19, 2015, along with the other non-ULURP actions and the actions (C 150422 ZMR, N 150423 ZAR, N 150424 ZAR, N 150425 ZAR, N 150426 ZAR, N 150427

ZCR, C 150428 PPR), which were certified as complete by the Department of City Planning (DCP) on October 19, 2015, and in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related zoning text amendment, which was referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 2 held a public hearing on the related actions (C 150422 ZMR, N 150423 ZAR, N 150424 ZAR, N 150425 ZAR, N 150426 ZAR, N 150427 ZCR, C 150428 PPR) on September 15, 2015 and on October 20, 2015, by a vote of 24 in favor with 0 in opposition and 0 abstentions, adopted a resolution recommending approval of all actions related to this application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on October 30, 2015, with the following condition:

1. “All private roads reviewed pursuant to Article X Chapter 5, and related sections, concerning private road regulations in the Special District as well as other applications reviewed with the NYC Tax Department. Absent the requested easement filings, private road configurations will not appear on tax maps or the City Map and could negatively impact emergency response to buildings fronting these unmapped ways. Requiring the official establishment of the easements under the purview of the zoning review will ensure that these ways, not officially appearing on the City Map, will be codified.”

City Planning Commission Public Hearing

On November 2, 2015 (Calendar No. 4), the CPC scheduled November 18, 2015, for a public hearing on this application (N 150421 ZRR). The hearing was duly held on November 18, 2015

(Calendar No. 16). There were four speakers in favor and none in opposition as described in the report on the related application for an amendment of the Zoning Map (C 150422 ZMR), and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

The application (N 150421 ZRR), in conjunction with the related applications (C 150422 ZMR, N 150423 ZAR, N 150424 ZAR, N 150425 ZAR, N 150426 ZAR, N 150427 ZCR, C 150428 PPR), 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 22, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resource Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 15-024.

The City Planning Commission, acting as the City Coastal Commission, having reviewed the waterfront aspects of this action, finds that the actions will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies.

CONSIDERATION

The Commission believes that the application for the zoning text amendment (N 150421 ZRR), in conjunction with the related applications (C 150422 ZMR, N 150423 ZAR, N 150424 ZAR, N 150425 ZAR, N 150426 ZAR, N 150427 ZCR, C 150428 PPR), is appropriate. A full

consideration and analysis of issues and the reasons for approving this application appear in the related report for the amendment of the Zoning Map (C 150422 ZMR).

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on October 15, 2015, and a Revised Negative Declaration was issued on November 16, 2015, with respect to this application (CEQR No. 15DME006R), the City Planning Commission finds that the action described herein will have no significant impact on the environment; 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 Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

Article X

Special Purpose Districts

Chapter 5

Special Natural Area District

* * *

105-023

Relationship to public improvement projects

In all cases, the City Planning Commission shall deny an application, whenever the #development#, #enlargement# or #site alteration# will interfere with a public improvement project (including highways, public #buildings# or facilities, redevelopment or renewal projects, or rights-of-way for sewers, transit or other public facilities) that has been approved by the City Council or the City Planning Commission.

105-03

District Plan

The regulations of this Chapter are designed to implement the #Special Natural Area District# Plan. The District Plan includes the following maps in Appendix A, a glossary in Appendix B and plant lists in Appendices C, D and E:

<u>Appendix A</u>	<u>Map 1 - Special Fort Totten Natural Area District-4 Plan Map</u>
	<u>Map 2 - New York City Farm Colony-Seaview Hospital Historic District</u>
<u>Appendix B</u>	<u>Glossary</u>
<u>Appendix C</u>	<u>Selection List for Ground Covers and Shrubs</u>
<u>Appendix D</u>	<u>Tree Selection List for On-site Trees</u>
<u>Appendix E</u>	<u>Tree Selection List for Street Trees</u>

These maps and lists are hereby incorporated and made part of this Resolution for the purpose of specifying locations where the special regulations and requirements set forth in this Chapter shall apply.

105-10

NATURAL FEATURES

* * *

105-43

Authorizations to Modify Bulk, Parking, Grading and Private Roads Regulations

For a #development#, #enlargement# or #site alteration# located within the #Special Natural Area District#, the City Planning Commission may authorize:

- (a) modification of #lot coverage# controls in accordance with the provisions of Section 105-431;
- (b) modification of underlying district regulations relating to #bulk# or #parking# in accordance with the provisions of Section 105-432 (Modification of yard, height and setback regulations, and parking location regulations);

- (c) modification of grading controls in accordance with the provisions of Section 105-433; and
- (d) modification of requirements for driveways and private roads on #Tier I sites# and #Tier II sites# in accordance with the provisions of Section 105-434.

* * *

105-434

Modification of requirements for private roads and driveways

For any #development#, #enlargement# or #site alteration#:

- (a) the City Planning Commission may authorize variations in the requirements for #private roads# and driveways on any #Tier II site# as set forth in Section 105-35 (Tier II Site Requirements for Driveways and Private Roads) as well as the requirements of Sections 25-621 (Location of parking spaces in certain districts) and 25-631 (Location and width of curb cuts in certain districts)- provided that:

~~In order to grant such authorizations, the Commission shall find that:~~

- (a1) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b2) such modification is the least modification required to achieve the purpose for which it is granted;
- (c3) the modification will not disturb the drainage pattern and soil conditions of the area;
- (d4) the modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it; and
- (e5) such modification will enhance the quality of the design of the #development#, #enlargement# or #site alteration#; or

For any #development#, #enlargement# or #site alteration#:

- (b) located on a #zoning lot# containing historic buildings designated by the Landmarks Preservation Commission within the New York City Farm Colony-Seaview Hospital Historic District, as shown on Map 2 in Appendix A of this Chapter, the City Planning Commission may authorize modifications or waivers of the requirements for #private roads# as set forth in Section 26-20 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS) through Section 26-27 (Waiver of Bulk Regulations within Unimproved Streets), inclusive, and Section 26-30 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS) through 26-35 (Screening), inclusive, provided that such modification or waiver:

- (1) results in greater environmental conservation or preservation of existing natural

- features;
- (2) results in a superior site and landscape plan that will not unduly disturb the drainage pattern and soil conditions of the area;
 - (3) results in greater preservation of historic #buildings# or other architectural elements of the Historic District designated by the Landmarks Preservation Commission;
 - (4) enhances vehicular and pedestrian connections between #buildings# on the site and the surrounding neighborhood;
 - (5) will not impair the essential character of the Historic District and the surrounding area;
 - (6) is the least required to achieve the purpose for which it is granted; and
 - (7) will not reduce the required minimum width of the #private road# to a width less than 34 feet unless the Fire Department has approved such reduction and determined that emergency vehicles can adequately access and move within the site.

* * *

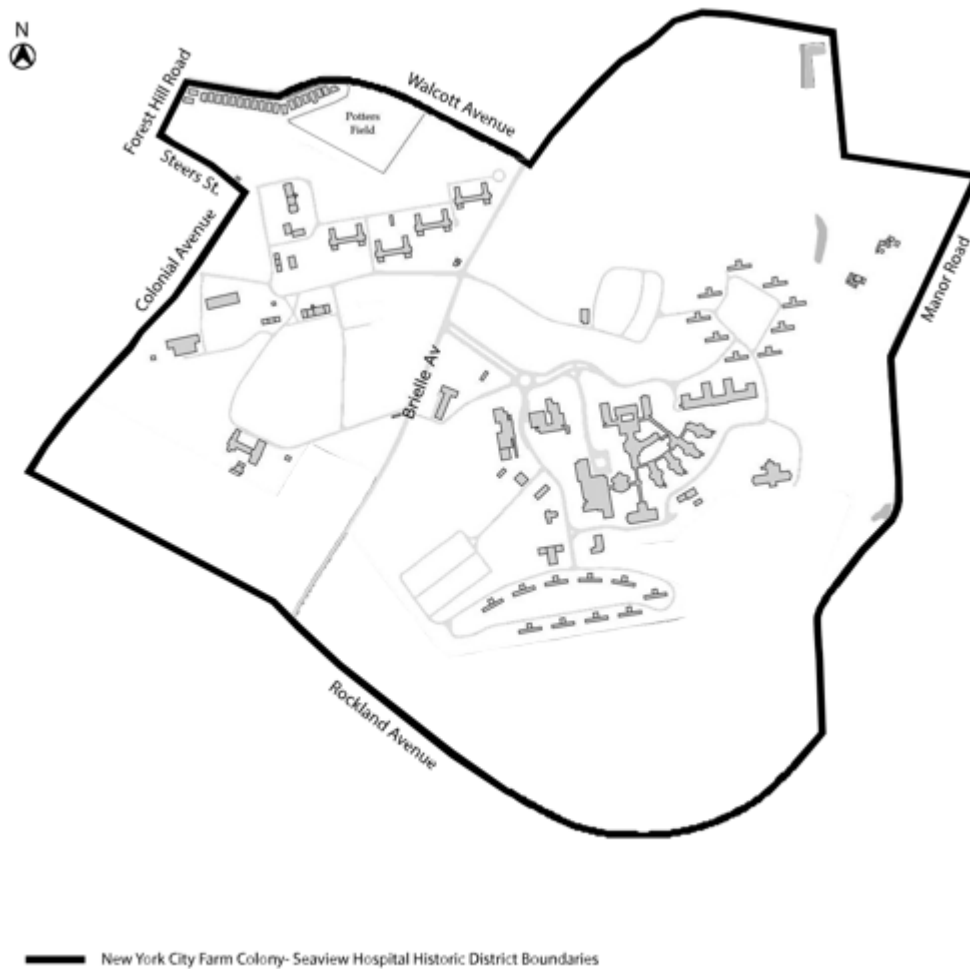
Appendix A

Map 1. - Special Fort Totten Natural Area District-4 Plan Map

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[PROPOSED – NEW MAP]

Map 2. – New York City Farm Colony-Seaview Hospital Historic District



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The above resolution (N 150421 ZRR), duly adopted by the City Planning Commission on December 16, 2015 (Calendar No. 12), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

CARL WEISBROD Chair

KENNETH J. KNUCKLES, ESQ., Vice Chairman

RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,

MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,

CHERYL COHEN EFFRON, LARISA ORTIZ, ANNA HAYES LEVIN,

ORLANDO MARIN, Commissioners



BOROUGH PRESIDENT RECOMMENDATION
Pursuant to the Uniform Land Use Review Procedure

Application #: **C 150421 ZRR**
CEQR #: **15DME006R**

Project Name: **LANDMARK COLONY**
Borough(s): **STATEN ISLAND**
Community District Number(s): **502**

Please use the above application number on all correspondence concerning this application

Docket Description:

IN THE MATTER OF an application submitted by NFC Associates, LLC and the NYC Economic Development Corporation pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, modifying Article X Chapter 5, and related sections, concerning the bulk, parking, grading and private roads regulations in a Tier I site within the Special Natural Area District and the New York City Farm Colony - Seaview Hospital Historic District.

Recommendation:

☐

Approve

☒

Approve With Modifications/Conditions

☐

Disapprove

☐

Disapprove With Modifications/Conditions

Explanation of Recommendation, Conditions or Modification:

All private roads reviewed pursuant to Article X Chapter 5, and related sections, concerning private road regulations in the Special District as well as all other applications reviewed by the Commission that contain private roads should require the filing of all ingress-egress easements with the NYC Tax Department. Absent the requested easement filings, private road configurations will not appear on tax maps or the City Map and could negatively impact emergency response to buildings fronting these unmapped ways. Requiring the official establishment of the easements under the purview of the zoning review will ensure that these ways, not officially appearing on the City Map, will be codified.

Related Applications: **N 150422 ZMR and C 150428 PPR**

Contact:

Address questions about this recommendation to:

OFFICE OF THE STATEN ISLAND BOROUGH PRESIDENT
ATTN: LAND USE DIRECTOR

Address: 10 Richmond Terrace, Staten Island, NY 10301 (Room G-12)
Phone: 718.816.2112
Fax: 718.816.2060

James S. Oddo
President of the Borough of Staten Island

30 October 2015

DATE