



IN THE MATTER OF an application submitted by Block 7469, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and/or 10A uses) with no limitation on floor area per establishment, in connection with a proposed commercial development, on property located at 2835 Veterans Road West (Block 7469, Lots 115, 120, 125, 136 and 150), in an M1-1 District, within the Special South Richmond Development District, Borough of Staten Island, Community District 3.

This application (C 180308 ZSR) was filed by Block 7469 LLC on April 6, 2018 for a special permit pursuant to Section 74-922 of the Zoning Resolution (ZR) to allow retail establishments larger than 10,000 square feet within a proposed commercial development located at 2835 and 2845 Veterans Road West. This application would facilitate the development of 99,864 square feet of retail and office uses in an M1-1 zoning district in the Charleston neighborhood of Staten Island, Community District 3.

RELATED ACTIONS

In addition to the proposed action that is the subject of this report (C 180308 ZSR), the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

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|---------------------|--|
| N 180309 RAR | Authorization pursuant to ZR Section 107-64 for removal of trees. |
| N 180310 RAR | Authorization pursuant to ZR Section 107-68 for modification of the size of an accessory group parking facility. |
| N 180311 RAR | Authorization pursuant to ZR Section 107-65 for modification of topography. |

BACKGROUND

The applicant, Block 7469 LLC, seeks the grant of special permit pursuant to ZR Section 74-922 to facilitate the development of two commercial buildings consisting of 99,864 square feet of

retail and office uses on a 4.5-acre lot. The development site is located at 2835 and 2845 Veterans Road West (Block 7469, Lots 115, 120, 125, 136 and 150) within an M1-1 zoning district and the Special South Richmond Development District (SSRDD) in the Charleston neighborhood of Staten Island Community District 3.

The development site is an irregularly-shaped vacant zoning lot with 40 feet of frontage on Veterans Road West. It is heavily wooded with approximately 615 trees, and it includes 8,082 square feet of New York State Department of Environmental Conservation (NYSDEC)-regulated freshwater wetland adjacent area located within the northeastern corner of the site, which is connected to the Mill Creek watershed.

A portion of the development site received prior CPC approval (N 990058 RAR) in 1999 to remove trees, modify topography and modify the size of a parking facility to facilitate the development of two, three-story office buildings with accessory parking on a zoning lot consisting of Block 7469, Lots 170 and 150. One of the proposed office buildings from the prior approval was built on Lot 170, while the building proposed for Lot 150 was never built. Subsequently, the CPC approved a subdivision certification (N 170023 RCR) in 2017 to reapportion the pre-existing zoning lot and merge a portion of Lot 150 with Lots 115, 120, 125 and 136.

The development site is located in an M1-1 zoning district. M1-1 zoning districts allow a range of light industrial and commercial uses, including local and regional retail destinations and offices, to a maximum floor area ratio (FAR) of 1.0. Community facilities are permitted up to a 2.4 FAR. Additionally, certain retail uses may be permitted by CPC special permit.

The surrounding land use consists of a mix of retail, light manufacturing uses and lower-density residential uses within the M1-1, M3-1, R3-2, R3X, C4-1 and C8-2 zoning districts. The uses directly north of the development site across Veterans Road West and directly west of the development site across from Tyrellan Avenue include retail centers with a mix of local and regional retailers and office uses. Bricktown Center, a New York City Economic Development Corporation-sponsored development that received CPC approvals in 2002, is located 100 feet north of the site.

The development site is served by the S74, S78 and S84 MTA bus routes that run along Arthur Kill Road providing service to the St George Ferry Terminal. There is an existing bus stop for the S74 and S84 on Tyrellan Avenue within the Bricktown Shopping Center, with pedestrian sidewalks connecting the development site to the stop. Additionally, the Richmond Valley Road Staten Island Rapid Transit (SIRT) station is located about 1,300 feet southeast of the development site. There are no existing pedestrian sidewalks connecting the SIRT station to the development site. The West Shore Expressway and the Korean War Veterans Highway merge immediately east of the development site. Both highways lead to the Outerbridge Crossing, which connects Staten Island to Perth Amboy, New Jersey.

In an M1 district, the CPC may permit certain retail uses in Use Group 6 and 10A larger than 10,000 square feet of floor area per establishment pursuant to ZR Section 74-922, provided that the findings related to vehicular traffic movement, transit access, land use compatibility, and neighborhood character are met.

The applicant proposes to construct two buildings, one of which (Building A) would be larger than 10,000 square feet. Building A is proposed to be a two-story, 96,866-square-foot building located at the southeastern portion of the development site. The first floor would include Use Group 6 retail stores and eating and drinking establishments, and the second floor would include Use Group 6 and Use Group 10A offices. Building A would include an at-grade outdoor pedestrian plaza, approximately 225 feet in length and 30 to 40 feet in width with planting beds, a fountain, chairs and tables. The plaza would be open to the public, with two crosswalks connecting the parking area to the pedestrian plaza.

The second proposed building (Building B) on the development site would be a one-story, 2,998-square-foot building containing as-of-right uses. This building would be located immediately south of Veterans Road West.

The development site would be accessed primarily by the curb cut proposed on Veterans Road West, from a new three-lane, 40-foot-wide internal drive providing ingress and egress to the development site. A new traffic signal is proposed at this location. There would be 223 parking spaces, 217 of which are required by the parking requirement of ZR Section 44-21. Within the SSRDD, the provision of more than 30 accessory parking spaces requires CPC authorization

pursuant to ZR Section 107-68. 179 parking spaces would be provided at grade within an open parking area located between Building A and Building B. There would be 44 parking spaces located in the cellar of Building A, accessed by a ramp along the north-east corner of the development site. Within the open parking area, a four-foot-wide pedestrian walkway would provide access to the development site and the public plaza. Three loading berths and 30 bicycle parking spaces will be provided to meet zoning requirements.

In accordance with ZR Section 36-59, two cross access connections would be provided between the development site and adjacent properties (Lots 170, 193 and 196) to improve circulation. The cross-access connection proposed along the western property line adjacent to Lot 170 would provide secondary access to Tyrellan Avenue, where an existing 30-foot-wide access easement currently exists. A second cross access connection would provide access along the northern lot line of the development site to adjoining Lots 193 and 196, which would be built out.

The development would require additional SSRDD actions to facilitate the project:

- Authorization to remove 602 trees pursuant to ZR Section 107-64; the planting of 62 new trees would be provided throughout the site in accordance with SSRDD regulations. Of the proposed 62 trees, 33 trees will be planted within planting islands in the open parking area and 12 of the trees will be planted in planters within the pedestrian plaza.
- Authorization to modify topography with a total 10,277 net cubic yards of fill on the southwestern portion of the site pursuant to ZR Section 107-65.
- Authorization to modify a group parking facility to allow 217 parking spaces pursuant to Section 107-68.

ENVIRONMENTAL REVIEW

This application (C 180308 ZSR) 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the CPC. The designated CEQR number is 18DCP178R.

After a study of the potential impacts of the proposed actions in the Environmental Assessment Statement, a Conditional Negative Declaration (CND) was issued on September 20, 2019. The applicant will enter into a Restrictive Declaration to ensure the implementation of mitigation measures relating to transportation and natural resources. The CPC has determined that with the implementation of the mitigation measures identified in the revised CND, the proposed actions will have no significant effect on the quality of the environment.

UNIFORM LAND USE REVIEW

This application (C 180308 ZSR) was certified as complete by the Department of City Planning on September 23, 2019, and was duly referred to Community Board 3 and the Staten Island Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the applications for non-ULURP actions (N 180309 RAR, N 180309 RAR and N 180309 RAR).

Community Board Public Hearing

Community Board 3 held a public hearing on this application (C 180308 ZSR) on October 9, 2019 and on October 22, 2019, by a vote of 27 in favor, none opposed, and none abstaining, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 180308 ZSR) was considered by the Staten Island Borough President, who on November 21, 2019, issued a recommendation to approve the application.

City Planning Commission Public Hearing

On November 13, 2019 (Calendar No. 11), the City Planning Commission scheduled December 4, 2019, for a public hearing on this application (C 180308 ZSR). The hearing was duly held on December 4, 2019 (Calendar No. 19).

Three speakers appeared in favor and one in opposition.

Those speaking in favor included the applicant, as well as the applicant's planning consultant

and environmental consultant. The planning consultant noted the presence of sensitive ecological features, including NYSDEC wetland adjacent area located on the eastern portion of the development site, and stated that the applicant team has been coordinating with DEC and anticipates receiving project sign-off after the completion of environmental review. He also stated that there is a park strip that is mapped as part of the highway surrounding the site to the north, south and east that precludes access to the surrounding highways and, as such, the areas outside of the development site would remain forested. The planning consultant noted he has proposed to minimize topographic modifications by using the natural grade of the site to provide parking below grade, which anticipated to be used mostly by employees. He noted ongoing discussions with potential tenants, but clarified that no leases have been signed. He also noted that all parties would be amenable to modifying the exterior design should additional options be proposed; however, these changes would not result in a change to the site plan.

The speaker in opposition represents an adjacent property owner in an ongoing litigation regarding the development site. He stated that the zoning lot, which includes the proposed development, was unlawfully created and asked that the CPC not decide the application until the legal dispute is resolved.

There were no other speakers and the hearing was closed.

The CPC received additional written comments during the 10-day period following the public hearing from the representative of the adjacent property owner. These comments reiterated concerns stated at the Public Hearing. In addition, the representative submitted documentation to the CPC in reference to the pending legal dispute.

Waterfront Revitalization Program Consistency Review

This application (C 180308 ZSR) and related applications (N 180309 RAR, N 180309 RAR and N 180309 RAR) were reviewed by the City Coastal Commission 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 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 *et seq.*) The designated

WRP number is 17-031.

This action was determined to be consistent with the policies of the New York City WRP.

CONSIDERATION

The Commission believes that this application (C 180308 ZSR) for the grant of a special permit, pursuant to Section 74-922 of the Zoning Resolution to allow retail establishments (Use Group 6 and 10A) greater than 10,000 square feet, in conjunction with the related applications for non-ULURP actions (N 180309 RAR, N 180309 RAR and N 180309 RAR), is appropriate.

The Commission believes that the proposed Use Group 6 and 10A large retail uses are compatible with the surrounding regional and local retail uses and will not impair the character or the future use of or development of the surrounding area. The proposed retail stores will provide new employment opportunities and service and support the surrounding residential population and employees of the surrounding retail and office spaces. The proposed retail uses will also complement the area's existing commercial character.

The Commission notes that the proposed large retail establishments at 2835 and 2845 Veterans Road West would be located along Veterans Road West, which currently features a wide range of retail and commercial uses, including Bricktown Commons. The Commission believes that allowing large retail uses on the vacant site, in accordance with a site plan that received NYSDEC conditional sign-off, is consistent with the development patterns of the southwestern portion of Community District 3 and balances areas that should be preserved.

The Commission believes the proposed development will not impair the essential character or the future use or development of the surrounding area. The site is bordered to the south and east by two major highways, the Richmond Parkway and the West Shore Expressway, which provide a buffer from residential uses beyond. North and west of the proposed development are large undeveloped tracts of City-owned and private land, as well as a mix of commercial uses permitted within an M1-1 district. These uses and the uses permitted in an M1-1 district would not be negatively affected by the proposed development

The Commission believes that the proposed development will draw minimal vehicular traffic to

and through local streets. Adequate vehicular access and egress will be provided by the proposed curb cut on Veterans Road West and site circulation will be improved by the two cross access connections providing vehicular access to adjacent properties. The proposed length of the Center Drive will provide adequate queuing space to avoid congestion on Veterans Road West.

The traffic and parking analysis prepared in conjunction with the Environmental Assessment Statement, which resulted in a CND indicates that, with the implementation of the proposed traffic mitigation measures (including a new traffic signal at the proposed Center Drive and Veterans Road West and monitoring at the Tyrellan Avenue curb cut) there will be no significant adverse impacts.

At the public hearing, concerns were raised regarding the legality of the subject zoning lot boundaries, which include the proposed development site. The Commission notes that the private dispute regarding the legality of the zoning lot is outside of the Commission's purview and does not affect the Commission's ability to approve this special permit (C 180308 ZSR).

The Commission believes that the grant of this special permit (C 180308 ZSR) will result in a superior site plan to one that would be permitted in an as-of-right retail development.

FINDINGS

The City Planning Commission hereby makes the following finding pursuant to Section 74-922 of the Zoning Resolution:

- (a) that the principal vehicular access for such #use# is not located on a local #narrow street#;
- (b) that such #use# is so located to draw a minimum of vehicular traffic to and through local #streets#;
- (c) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion;
- (d) that vehicular entrances and exits are provided for such #uses# and are located not less than 100 feet apart;

(e) that in selecting the site due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;

(f) that such #use# is so located as not to impair the essential character or the future use of or development of the surrounding area;

(g) that such #use# will not produce any adverse effects which interfere with the appropriate #use# of land in the district or in any adjacent district;

(h) Not applicable;

(i) Not applicable;

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on September 20, 2019 with respect to this application (CEQR No. 18DCP0188Q), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, the City Coastal Commission finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 201 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the application (C 180308 ZSR) submitted by Block 7469 LLC, for the grant of a special permit, pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and/or 10A uses) with no limitation on floor area per establishment, in connection with a proposed commercial development, on property located at 2835 Veterans Road West (Block 7469, Lots 115, 120, 125, 136 and 150), in an M1-1 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. The property that is the subject of this application (C 180308 ZSR) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans by Moss & Sayad Architects and filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-1	Proposed Site Plan	7/24/2018
Z-2	Zoning Analysis	7/24/2018
Z-3	Cellar Floor Plan	7/24/2018
Z-5	Outdoor Plaza Plan	7/24/2018
Z-8	Landscape Site Plan	7/24/2018

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings. 9 C 190095 ZSQ
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. 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 application 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 special permit hereby granted.

6. 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 (C 180308 ZSR), duly adopted by the City Planning Commission on January 8, 2020 (Calendar No. 14), 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.

MARISA LAGO, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO III,
MICHELLE DE LA UZ, JOSEPH DOUEK, HOPE KNIGHT, ANNA HAYES LEVIN,
LARISA ORTIZ, RAJ RAMPERSHAD, Commissioners

Application #: C 180308 ZSR	Project Name: 2835 + 3845 VETERAN'S ROAD WEST
CEQR Number: 18DCP178R	Borough(s): STATEN ISLAND
	Community District Number(s): 3

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

Docket Description:

IN THE MATTER OF an application submitted by Block 7469, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and/or 10A uses) with no limitation on floor area per establishment, in connection with a proposed commercial development, on property located at 2835 Veterans Road West (Block 7469 / Lots 115, 120, 125, 136 and 150), in an M1-1 District, within the Special South Richmond Development District, Borough of Staten Island, Community District 3.

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, NY 10271.

RECOMMENDATION:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Approve | <input type="checkbox"/> Approve with Modifications / Conditions |
| <input type="checkbox"/> Disapprove | <input type="checkbox"/> Disapprove with Modifications / Conditions |

Explanation of Recommendation, Conditions or Modification:

Related Application(s): N 180309 RAR, N 180311 RAR, N 180313 ZCR,
N 180310 RAR, N 180312 ZCR

Address all questions about this Recommendation to:

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

Address: 10 Richmond Terrace, Room G-12
Staten Island, NY 10301

Phone: 718-816-2112


James S. Oddo
President, Borough of Staten Island

11/18/19
Date