



CITY PLANNING COMMISSION

July 14, 2004/Calendar No. 31

C 030449 ZMR

IN THE MATTER OF an application submitted by PC Group, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 32d,

- (a) changing from an M3-1 District to an R3-2 District property bounded by a line 1250 feet southerly of Androvette Street and its westerly prolongation, Arthur Kill Road, Allentown Lane and its westerly centerline prolongation, the U.S. Pierhead Line and the U. S. Pierhead and Bulkhead Line of Arthur Kill; and
- (b) changing from an M1-1 District to an R3-2 District property bounded by:
 - (1) a line perpendicular to a point on the southwesterly street line of Kreischer Street distant 330 feet (as measured along the street line) northwesterly from the intersection of the westerly street line of Arthur Kill Road and the southwesterly street line of Kreischer Street, extending 360 feet southwesterly;
 - (2) Kreischer Street;
 - (3) Arthur Kill Road;
 - (4) a line 1250 feet southerly of Androvette Street;
 - (5) a line 685 feet westerly of Arthur Kill Road;
 - (6) a line 1200 feet southerly of Androvette Street extending 295 feet easterly from its intersection with the fifth named course; and
 - (7) a line passing through two points, one at the southwesterly terminus of the first-named course and another at the easterly terminus of the sixth named course,

Borough of Staten Island, Community District 3, as shown on a diagram (for illustrative purposes only) dated April 12, 2004.

The application for an amendment to the Zoning Map was filed by PC Group, LLC on April 30, 2003. The proposal is to rezone 30.3 acres from M1-1 and M3-1 to R3-2 to accommodate The Tides at Charleston, a residential development of 190 clustered condominiums for residents at least 55 years old, a private community center for residents, and a public waterfront access area.

RELATED ACTIONS

In addition to the amendment of the Zoning Map which is the subject of this report, 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:

1. C 030450 ZSR Special Permit pursuant to Section 78-312 for Modification of Minimum Distance Between Buildings in Large-Scale Residential Development;

2. N 030451 RAR Authorization pursuant to Section 107-68 for Modification of Group Parking Facility and Access Regulations;

3. N 030452 RAR Authorizations pursuant to Sections 107-64 and 107-65 for Removal of Trees and Modification of Topography, respectively;

4. N 030455 RCR Certification pursuant to Section 107-08 of Future Subdivision (Special South Richmond Development District);

5. N 030457 ZCR Chair Certification pursuant to Section 62-712 of Waterfront Zoning Lot Subdivision;

6. N 030454 ZCR Chair Certification pursuant to Section 62-711 of Compliance with Waterfront Public Access and Visual Corridor Requirements on zoning lot R;
7. N 040085 ZCR Chair Certification pursuant to Section 62-711 of Compliance with Waterfront Public Access and Visual Corridor Requirements on zoning lot M;
8. N 030453 ZAR Authorization pursuant to Section 62-722 for Modification of Requirements for Public Access and Visual Corridors.

BACKGROUND

This application was filed by PC Group, LLC, concurrently with related applications on April 30, 2003, to facilitate development of 190 residential units of clustered condominiums for residents at least 55 years old, a private community center for residents, a public waterfront access area, and an eating and drinking establishment.

The proposed development site is 58 acres along the Arthur Kill in Staten Island approximately 1/3 mile north of the Outerbridge Crossing. The site is zoned M3-1 and M1-1. The site is bounded by the Arthur Kill to the west, Androvette Street to the north, Kreischer Street and Arthur Kill Road to the east and Allentown Lane to the south. It is vacant but was once home to the Kreischer Brick Manufacturing Plant (circa 1853 to 1930). Across Arthur Kill Road to the

east of the site is the proposed MTA Bus Depot and the landmarked Kreischer Mansion and proposed Kreischerville Residences. On September 24, 2003, the Commission approved a special permit and authorizations (C 020028 ZSR, N 020030 RAR) to facilitate development of the Kreischerville Residences, a 130-residential unit development for senior citizens and an eating and drinking establishment. To the north of the site is the mixed-use community of Charleston and Special Area M, which is designed to preserve the mixture of manufacturing and residential uses. To the south is a cabinet manufacturer and vacant land.

The entire site (58.67 acres) is landward of the bulkhead line. All but 28.58 acres of the site is either located underwater (22 acres) or designated by the New York State Department of Environmental Conservation as freshwater or tidal wetlands or wetlands adjacent area (8.3 acres). The wetlands are located on the northern portion of the site and along the shoreline. They contain mud flats, salt marshes and other wetland features. An existing tidal inlet separates the wetlands on the northern portion of the site from the proposed development.

The site is moderately sloping, ranging from a high elevation of 62.5' along Arthur Kill Road to zero at the shoreline. There are two areas of steep topography. First, a narrow gully, 240 feet long and 45 feet wide, located just south of the intersection of Kreischer Street and Arthur Kill Road, drops 36 feet in elevation. Second, on the southern half of the site, the shoreline area is steeply sloped. Beginning approximately 80 feet inland from the shore, the topography slopes down from 20' to zero at the shoreline. This area will remain undisturbed by the proposed development. The average elevation along the entire length of the Arthur Kill shoreline is 10',

which coincides with the New York State Department of Environmental Conservation wetland boundary. The shoreline is rocky and treed. Sunken boats and pier pilings provide shelter for aquatic and bird life.

Project Description

The applicant proposes to develop 190 residential units of clustered condominiums on private roads. The residential units are designed for senior living and the development has a voluntary restriction on residents that requires at least one family member be 55 years or older. Each building would include at most five attached dwelling units. Building entrances and driveways would be grouped around shared courtyards.

A 2,100-square foot community center for residents with 25 parking spaces, an in-ground pool, and tennis court would be located near the main entrance to the development. Private roads would be provided throughout the development. The private roads would be 34-foot wide with 3-foot wide planting strips and 4-foot wide sidewalks and street trees on both sides. Per Section 26-21, to develop private roads that are 34' wide, three off-street accessory parking spaces must be provided for every two dwelling units. For 190 units, 285 off-street parking spaces are required. The applicant proposes to provide 301 off-street parking spaces for the residences: 79 units would have one-car garages, 79 units would have two-car garages, and 32 units would have one-car garages and driveway spaces.

There would be two vehicular entrances to the residential development, Anchor Lane, a private road which would be the main entrance, and Starboard Way, also a private road. Both vehicular entrances would be from Arthur Kill Road. A security booth at the Anchor Lane entrance would be occupied when vehicular access would be controlled. Vehicular access would be controlled from 7PM to 7AM, October 1 to April 30, and 9PM to 7AM, May 1 to September 30. A one-arm railroad-crossing-type vehicular barrier is proposed for each entrance. To enter the development at Starboard Way during the night hours, residents would use an access card to open the vehicular barrier. An electronic eye would open the barrier to allow vehicular exit during the night hours. A 6'-high estate fence is proposed to surround the residential development, except for the proposed eating and drinking establishment and waterfront public access area.

There would be five pedestrian entrances to the residential development. Pedestrian access from Arthur Kill Road at Anchor Lane and Starboard Lane, and pedestrian access at the cul-de-sac of Windward Drive, a private road, would remain open 24-hours. Four pedestrian paths would be provided through portions of the development, one short path and two longer paths that would meander through the development and link it to the waterfront area and one path with a bocce court that would link two of the private roads.

Along the Arthur Kill waterfront but along the inland edge of the wetlands adjacent area, the applicant proposes to develop a private roadway, a waterfront public access area, landscaped seating areas, and an eating and drinking establishment with accessory parking. Windward

Drive, the private roadway proposed along the waterfront, would be 38-feet wide, run the length of the residential development, and provide access to the eating and drinking establishment. The proposed eating and drinking establishment would be on a separate zoning lot (Zoning Lot M) from the residential development (Zoning Lot R). Zoning Lot M would not be rezoned. The eating and drinking establishment would be 3,930 square feet and seat approximately 150 with 52 accessory parking spaces (a minimum 13 parking spaces is required).

Public waterfront access is proposed for the entire length of Windward Drive and a portion of the eating and drinking establishment area. Per Section 62-41, public waterfront access would be required on Zoning Lot M but not on Zoning Lot R. The waterfront walkway would be 2,190 feet long and the waterfront public access area would total 27,733 square feet. Three seating areas with landscaping would be provided. Lighting, signage, shade trees, and more than 30 benches (6' benches with backs) would be provided. The waterfront public access area would be open from dawn to 11PM, or to dusk on days when the eating and drinking establishment is not open.

The applicant proposes five 50'-wide visual corridors to meet the waterfront visual corridor requirements for Zoning Lot R and Zoning Lot M. A minimum of four visual corridors is required. In addition to the visual corridors provided at the prolongation of Allentown Lane and Androvette Street, there would be visual corridors provided (1) along Anchor Lane (private road), (2) along Starboard Way (private road), (3) from the curve in Arthur Kill Road near Kreischer Street, (4) along a pedestrian path at the center of the site, and (5) along the tidal inlet

that runs between the wetlands to the north and the proposed development to the south.

The site was the subject of previous applications (C990319ZSR through N990324RCR) for a project known as Kalien Commons. The project proposed 207 single-family dwellings on private roads and 16,540 square feet of local retail with 58 accessory parking spaces. The applications included a zoning map amendment from M3-1 and M1-1 to R3-1 and C2-2/R3-1; a special permit for a private sewage pumping station; a special permit for modification of permitted uses to allow attached housing in an R3-1 zoning district; and South Richmond and waterfront authorizations and certifications. The applicant withdrew the applications on January 19, 2000, prior to the City Planning Commission's vote.

LAND USE ACTIONS

C 030449 ZMR

The applicant seeks a zoning change of 1.32 million square feet (30.3 acres) from M1-1 and M3-1 to R3-2 (224,287 square feet from M1-1 to R3-2; 1,095,513 square feet from M3-1 to R3-2). The entire block front along Arthur Kill Road and the majority of the underwater portion of the site would be rezoned R3-2. R3-2 is a general residence district that allows one- and two-family attached, detached and semi-detached residences. The maximum allowable FAR is 0.5, the maximum height of a perimeter wall is 21 feet, and the maximum building height is 35 feet.

One parcel under separate ownership and on a separate zoning lot than the proposed residential development, would also be rezoned to R3-2 (Block 7596, Lot 250). Under R3-2 zoning, the outparcel could be developed with four to five dwelling units. The lot is currently a contractor's yard with temporary sheds, movable trailers, and open storage. This use would become non-conforming.

C 030450 ZSR

The applicant requests a special permit to modify the requirements of minimum spacing between buildings in a large-scale residential development pursuant to Section 78-312. Relevant findings include the following: the distribution will provide a better site plan, the distribution will not unduly increase the bulk, density or use of the residential development, and the distribution will not adversely affect the light and air on any adjoining zoning lot.

The applicant proposes to reduce the minimum distance between buildings on a single zoning lot from 20 feet to a minimum of 10 feet. Each building would include at most five attached dwelling units. Building entrances and driveways would be grouped around shared courtyards. The applicant proposes a distance of 10 feet between buildings where the courtyards would be formed.

N 030451 RAR

The applicant seeks authorization pursuant to Section 107-68 for modification of group parking facility and access regulations. For a permitted commercial facility, the Commission may

authorize more than 30 accessory off-street parking spaces, and for any use, the Commission may modify access restrictions with regard to curb cuts as set forth in Section 107-251, which limits developments to one curb cut along an arterial street if the site has access to a non-arterial street. The Commission may grant the authorization if it finds that, among other things, vehicular access is located to draw minimum traffic through local streets, that the access points are the best means for controlling traffic flow and do not interfere with pedestrian traffic, and that the access points permit better site planning.

The applicant seeks an authorization to provide 52 off-street accessory parking spaces for the eating and drinking establishment, and to provide two curb cuts along Arthur Kill Road, an arterial street in Special South Richmond Development District, to access the residential development.

N 030452 RAR

The applicant seeks authorizations pursuant to Sections 107-64 and 107-65 for removal of trees and modification of topography, respectively. The applicant seeks authorization to modify topography by more than two feet. The Commission may grant the authorization if the development is not feasible without such modification, such modification will not cause unnecessary disturbance of the drainage pattern in the area, and the modified topography will have minimal impact on the existing natural topography of the surrounding area and will blend harmoniously with it.

The Commission may grant an authorization to remove trees if the trees retention would cause serious disadvantage in arrangement of open space; or if the tree is located in an area where more than two feet of cut or fill is required; or if the provision of a segment of the waterfront esplanade is not feasible without such tree removal.

Cut and fill in excess of two feet is proposed throughout the site to create a safe private road system. Trees along the water's edge within the tidal wetlands and adjacent areas would not be disturbed. The proposal calls for one tree of 3" caliper to be provided for every 1,000 square feet of lot area on the residential zoning lot (1.32 million square feet lot area; 1,320 trees). Sidewalk trees would be provided, one for every 20' of frontage, and plant screening would be provided for open parking areas on the manufacturing lot.

N 030455 RCR

The applicant seeks certification pursuant to Section 107-08 for Future Subdivision (Special South Richmond Development District). The subdivision would create two zoning lots, one for the residential portion of the development (1,320,000 square feet) and one for the commercial portion of the development that will remain zoned for M1-1 (1,236,068 square feet). The criteria for certification are that existing topography and all individuals trees of 6" caliper or more are preserved to the greatest extent possible under future development options and that the subdivision complies with the approved South Richmond Plan.

N 030457 ZCR

The applicant seeks Chair Certification pursuant to Section 62-712 to allow subdivision of a waterfront zoning lot. The Chair may certify subdivision of zoning lots within a waterfront block provided that the proposed subdivision or reconfiguration will not affect a minimum dimension or area which would mandate waterfront public access or visual corridors; or if a minimum is affected, that the waterfront public access will continue to be provided on any subdivided or reconfigured zoning lots that would result. The subdivision would create two zoning lots, one for the residential portion of the development (1,320,000 square feet) and one for the commercial portion of the development that will remain zoned for M1-1 (1,236,068 square feet).

N 030454 ZCR/N 040085 ZCR

The applicant seeks Chair Certification pursuant to Section 62-711 for compliance with waterfront public access and visual corridor requirements.

The proposed site plan provides five 50'-wide visual corridors to meet the visual corridor requirements on both zoning lots. No waterfront public access is required on a residential zoning lot as predominantly residential development in an R3-2 district is exempt per Section 62-41.

The applicant seeks modification of requirements for waterfront public access area on the manufacturing zoning lot and has provided a waterfront public access plan.

N 030453 ZAR

The applicant seeks authorization pursuant to Section 62-722 for modification of requirements for public access and visual corridors. The relevant findings involve whether the requirements

would result in unfeasible development due to the presence of unique shoreline conditions such as wetlands.

The applicant seeks to reduce the amount of waterfront public access provided on the manufacturing zoning lot itself. The applicant proposes to provide a large portion of the waterfront walkway on the residential zoning lot, where no public waterfront access area would be required. The manufacturing zoning lot is 1.2 million square feet – 61% of the lot is underwater and 26% is wetlands and adjacent areas. The remainder of the manufacturing zoning lot, 156,065 square feet or 13% , would be developable.

The minimum waterfront public access area for an M1-1 zoning lot is 15% of the lot area. Therefore, the minimum waterfront public access area on the manufacturing zoning lot (Zoning Lot M) would be 185,410 square feet for the entire manufacturing zoning lot. The applicant seeks modification of waterfront public access requirements to provide 5,350 square feet of waterfront public access on Zoning Lot M. The waterfront public access area on the Zoning Lot M would include a semicircular seating area with plantings and a short linear walkway leading to the eating and drinking establishment. A voluntary waterfront public access area of 22,383 square feet on the residential zoning lot (Zoning Lot R) would be provided between Allentown Lane and the required waterfront public access area on Zoning Lot M. The total waterfront public area would be 27,733 square feet which would exceed 23,409 square feet or 15% of the developable portion of Zoning Lot M.

ENVIRONMENTAL REVIEW

This application (C 030449 ZMR), in conjunction with the applications for the related actions (C 030450 ZSR), (N 030451 RAR), (N 030452 RAR), (N 030454 ZCR), (N 040085 ZCR), (N 030453 ZAR), (N 030455 RCR) and (N 030457 ZCR), 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 designated CEQR number is 95DCP058R. The lead agency is the City Planning Commission.

A Technical Memorandum dated May 20, 2003 was submitted to revise the previous application, entitled Kalien Commons, for the subject property that was withdrawn by the applicant during the ULURP process. After a study of the potential environmental impacts of the modifications to the proposed actions, a Negative Declaration was issued on April 12, 2004. This Negative Declaration supercedes the Negative Declaration issued on August 16, 1999 in connection with the Kalien Commons development.

UNIFORM LAND USE REVIEW

This application (C 030449 ZMR), in conjunction with the application for the related action (C 030450 ZSR), was certified as complete by the Department of City Planning on April 12, 2004, and was duly referred to Community Board 3 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, along with the

applications for related non-ULURP applications (N 030451 RAR), (N 030452 RAR), (N 030454 ZCR), (N 040085 ZCR), (N 030453 ZAR), (N 030455 RCR) and (N 030457 ZCR), which were referred for review and comment to Community Board 3 and the Borough President.

Community Board Public Hearing

Community Board 3 held a public hearing on this application on April 21, 2004, and on April 27, 2004, by a vote of 36 to 0 with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on May 6, 2004.

City Planning Commission Public Hearing

On May 26, 2004 (Calendar No. 12), the City Planning Commission scheduled June 9, 2004, for a public hearing on this application (C 030449 ZMR). The hearing was duly held on June 9, 2004 (Calendar No. 16), in conjunction with the public hearing on the application for the related action (C 030450 ZSR). There was one speaker in favor of the application and five speakers in opposition.

The first speaker was the applicant's representative. He explained the project including its design and materials. He also described the waterfront public access area, indicating that it is the only

waterfront public access area on the West Shore. He noted that the developer signed a maintenance and operation agreement with the Department of Parks and Recreation for the waterfront public access area. Finally, he indicated that in response to earlier comments made by the Commission, the applicant moved the gate at Windward Drive and Allentown Lane north in from Allentown Lane to allow for a three-point turnaround at the end of Allentown Lane when the WPA is closed.

There were five speakers in opposition to the application. The speakers were representatives of local civic associations and the State Assemblyman from the 61st District. The speakers were opposed to a zoning map amendment without a study of the 1,800 acres of underutilized manufacturing land on the West Shore of Staten Island. They questioned the validity of the environmental review, traffic analysis, analysis of the subsoil conditions, and the appropriateness of the site for senior housing and the availability of sufficient infrastructure to support such a residential development. The site is close to major manufacturing uses, including Port Mobil and a proposed MTA Bus Depot across Arthur Kill Road.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application, in conjunction with those for the related action, 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.). The designated WRP number is 04-014.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The proposed rezoning of 30.3 acres from an M1-1 and M3-1 to an R3-2 zoning district and the related applications for a special permit for modification of minimum distance between buildings on large-scale residential development (C 030450 ZSR), authorization for modification of group parking facility and access regulations (N 030451 RAR), authorizations for removal of trees and modification of topography (N 030452 RAR), Special South Richmond Development District Certification of Future Subdivision (N 030455 RCR), and authorization for modification of requirements for public access and visual corridors (N 030453 ZAR) are appropriate.

The property proposed to be rezoned has remained vacant and undeveloped since the Kreisler Brick Factory closed in the 1930's. The area to be rezoned (30.3 acres) is 1.9% percent of the 1,424 acres of manufacturing zoned land in the Outerbridge area.

The oblong shape, the sloping topography, the outparcel and the DEC-regulated freshwater and tidal wetlands on this site pose constraints to most manufacturing and industrial uses, which tend

to require large flat sites for structures and level grades for easy truck access. The proposed residential site plan works with the topography and stays outside of the DEC-regulated wetlands, preserving them in a natural state.

The residential use would be consistent with the existing land uses in the area. Special Area M in the Special South Richmond Development District is located across Kreischer Street and Arthur Kill Road to the north of the site proposed for rezoning. Special Area M was created in 1995 to foster building which is compatible with the scale and type of mixed-use development in Charleston. Special Area M permits land with minor improvements, as well as vacant land, to be developed residentially with Commission authorization, if the land has remained vacant for a period of two years.

Out of 259 lots in Charleston's Special Area M, 101 lots are developed with residential uses, mostly located on Sharrotts Road, Androvette Street and a portion of Kreischer Street. The majority of manufacturing uses are contractors establishments (42) and warehouses (11), often side by side with residential single-family dwellings. Much of the residential development predates the 1961 zoning. There are several landmarked structures: a church and worker's housing built for workers at the Kreischer Brickworks, which closed in the 1930's. The wetland parcel at the north end of the project site is proposed to remain M1-1 and undeveloped. It will serve as a buffer between the proposed Tides of Charleston and the existing or future uses in Charleston.

The east side of Arthur Kill Road opposite the project site which is zoned M1-1 contains one single-family detached dwelling and a large tract of vacant city-owned land. The Bricktown Retail Center, and proposed senior housing, school, and parkland will be located further east of the site. Kreischerville Residences, to be located across Arthur Kill Road from the site, will provide 130 units of senior housing and refurbish the Kreischer Mansion. Nearby uses on Veterans Road include contractors' storage yards, storage buildings and a golf driving range. The proposed retail center would be located across from these uses at the intersection of Allentown Lane and Arthur Kill Road, providing a transition between the residential development and surrounding uses.

In 2004, the Department of City Planning launched a one-year study of Staten Island's West Shore manufacturing districts. The primary goals of the study are to identify immediate and long-term infrastructure improvements to support both current and future land use, to enhance natural areas, to provide greater public access to recreational areas, and to identify opportunities for new commercial and/or residential uses, where appropriate. The Department expects to complete the study in mid-2005.

C 030450 ZSR (Special Permit)

The Commission believes that the special permit to reduce minimum distance between buildings on a single zoning lot is appropriate. The proposal would reduce the minimum distance between buildings from 20 feet to a minimum of 10 feet. Under R3-2 zoning, attached housing could be proposed. In lieu of attached housing, the applicant seeks to develop clustered condominiums.

The reduced minimum distance between buildings would allow formation of auto courtyards between condominium units. The design minimizes curb cuts and conflicts between pedestrians and automobiles. The reduced distance between buildings does not increase density of the development and does not affect light and air on adjoining zoning lots. The adjoining zoning lot most affected by the development is the triangular outparcel (Block 7596, Lot 250) on Arthur Kill Road. Only one side of the parcel is adjacent to buildings in the proposed development. The other two sides of the triangular parcel front a private road and Arthur Kill Road. The permitted FAR is 0.5 and the proposed FAR for the residential development is 0.328, so reducing the minimum distance between buildings does not increase the bulk of the buildings or the density of the population.

N 030451 RAR

The Commission believes that the authorization for modification of access regulations is appropriate. The Commission finds that an additional curb cut on Arthur Kill Road would improve access to the site and would not draw traffic through local streets. The site is oblong, with more than 1,500 feet of frontage along Arthur Kill Road. Limiting the development to one point of access and egress along Arthur Kill Road would increase the trips along the length of the site on Arthur Kill Road. Two points of access and egress would reduce trips along the length of the site. The 30-acre site also lacks a mapped street system. The second curb cut along Arthur Kill Road would allow for better site planning including a grid-like private road system that follows the general topography of the site.

The Commission believes that the authorization for modification of group parking facility is appropriate. The Commission may authorize more than 30 accessory off-street group parking spaces in the South Richmond Special Development District. The applicant seeks to provide 52 off-street accessory parking spaces for the eating and drinking establishment. The developers expect the site to be a venue for wedding receptions and parties, therefore they anticipate the parking demands to exceed those of a regular eating and drinking establishment of 3,930 square feet. Only 13 spaces are required for an eating and drinking establishment of this size. Given the isolated area of the establishment, the Commission deems a group parking facility of 52 parking spaces to be appropriate.

N 030452 RAR

The Commission believes that authorizations for removal of trees and modification of topography are appropriate. The proposed private road system would follow the general pattern of the existing topography. The private roads would run parallel to the Arthur Kill and step down in elevation as they approach the shoreline. The site has a rolling topography with several steep gullies and a drop off near the shoreline. The gully south of Kreisler Street (near the proposed intersection of Arthur Kill Road and Starboard Way) would result in a 15% road gradient, so to achieve a safe gradient (9%), the applicants would provide approximately 12 feet of fill in the area of the gully. The majority of the site would require 4 feet of cut or fill. The grade throughout the tidal wetlands and adjacent area would not be altered. Development with a safe road gradient would not be possible without modification of the topography.

Under existing conditions, storm water runoff drains to the Arthur Kill. Under the proposed plan, the storm water runoff will be handled by dry wells in compliance with Local Law 103/89, reducing discharge from the site into the Arthur Kill.

The Commission deems appropriate the removal of trees where more than two feet of cut or fill is proposed. Due to the topographic conditions of the site, most of the site will require more than two feet of cut or fill. The wetlands area in the northern part of the site and the tidal wetlands adjacent area along the shore line of the Arthur Kill will remain in their natural states and all trees will be preserved. The applicant proposes to plant 3" caliper trees at the rate of 1 per 1,000 square feet of lot area, which is 1,320 trees on the residential zoning lot. This is in addition to the street trees required along private roads and plants required to screen parking areas.

N 030455 RCR

The Commission believes that certification of future subdivision in the Special South Richmond Development District is appropriate. The subdivision would create two zoning lots, one for the residential portion of the development (to be rezoned R3-2, known as Zoning Lot R, 1.32 million square feet) and one for the commercial portion of the development (to remain M1-1, known as Zoning Lot M, 1,236,068 square feet).

N 030453 ZAR

The Commission believes the authorization for modification of requirements for public access and visual corridors is appropriate. The applicant seeks to reduce the amount of waterfront

public access (WPA) provided on Zoning Lot M itself and to provide a large portion of the WPA on Zoning Lot R, where no WPA is required. Much of Zoning Lot M is undevelopable or wetlands. Reducing the amount of WPA on Zoning Lot M would preserve the wetlands and allow development of the eating and drinking establishment. The Commission finds that this is an appropriate reason to allow modification of the WPA requirements. The reduction of WPA on Zoning Lot M would not be favored if the applicants were not providing WPA on Zoning Lot R in lieu of providing the WPA area on Zoning Lot M.

RESOLUTION

RESOLVED, that 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 Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the 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 by changing the Zoning Map, Section No. 32d:

- (a) changing from an M3-1 District to an R3-2 District property

bounded by a line 1250 feet southerly of Androvette Street and its westerly prolongation, Arthur Kill Road, Allentown Lane and its westerly centerline prolongation, the U.S. Pierhead Line and the U. S. Pierhead and Bulkhead Line of Arthur Kill; and

(b) changing from an M1-1 District to an R3-2 District property

bounded by:

- (1) a line perpendicular to a point on the southwesterly street line of Kreischer Street distant 330 feet (as measured along the street line) northwesterly from the intersection of the westerly street line of Arthur Kill Road and the southwesterly street line of Kreischer Street, extending 360 feet southwesterly;
 - (2) Kreischer Street;
 - (3) Arthur Kill Road;
 - (4) a line 1250 feet southerly of Androvette Street;
 - (5) a line 685 feet westerly of Arthur Kill Road;
 - (6) a line 1200 feet southerly of Androvette Street extending 295 feet easterly from its intersection with the fifth named course;
- and
- (7) a line passing through two points, one at the southwesterly terminus of the first-named course and another at the easterly terminus of the sixth named course,

within the Special South Richmond Development District, Borough of Staten Island, Community

District 3, as shown on a diagram (for illustrative purposes only) dated April 12, 2004 (C 030449 ZMR).

The above resolution (C 030449 ZMR), duly adopted by the City Planning Commission on July 14, 2004 (Calendar No. 31), 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.

AMANDA M. BURDEN, AICP, Chair
KENNETH KNUCKLES, ESQ., Vice-Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
ANGELA R. CAVALUZZI, R.A., RICHARD W. EADDY,
ALEXANDER GARVIN, JANE D. GOL,
CHRISTOPHER KUI, JOHN MEROLO,
KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners