



## **CITY PLANNING COMMISSION**

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December 3, 2003/Calendar No. 17

C 020190 ZMR

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**IN THE MATTER OF** an application submitted by Abram Zylberberg, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 33c, establishing within an existing R3A District a C2-1 District bounded by a line 330 feet northeasterly of William Avenue, Hylan Boulevard, a line 95 feet northeasterly of William Avenue, and a line midway between Russell Street and Hylan Boulevard within the Special South Richmond District, Borough of Staten Island, Community District 3, as shown on a diagram (for illustrative purposes only) dated August 11, 2003.

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The application for an amendment of the Zoning Map was filed by Abram Zylberberg on November 13, 2001, to establish a C2-1 commercial overlay within an existing R3A district on a block bounded William Avenue, Russell Street, Osborne Avenue and Hylan Boulevard, Community District 3, Staten Island.

### **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 which is being considered concurrently with this application:

N 020191 RAR      Authorization pursuant to Section 107-68 of the Zoning Resolution for modification of group parking facility and access regulations.

### **BACKGROUND**

The 20,000 square foot site proposed for rezoning is located in the Great Kills Section of Staten Island. The site fronts Hylan Boulevard, a north - south arterial that functions as a major

commercial corridor on the east side of the island. The site is bounded by residential development to the south and west, and commercial development to the north and east across Hylan Boulevard. The parcel is in an R3A district and is currently vacant. The applicant proposes to extend an existing C2-1 overlay within the existing R3A district to facilitate development of a one story 4,860 square foot retail establishment and a 32-space accessory parking lot.

The land uses in the vicinity of the project site are detached and semi-detached housing (zoned R3A) to the south and west, retail uses (zoned C2-1) to the north and detached and semi-detached housing (R3-1) across Hylan Boulevard to the east. Other retail uses located to the south of the site are pre-existing non-conforming uses or have received variances from the Board of Standard and Appeals. The site is directly accessible by Hylan Boulevard. The site's current zoning, R3A, allows the development of single- or two-family detached dwellings. An R3A district requires one on-site parking space per dwelling unit. The maximum permitted floor area ratio (FAR) is .50. The proposed C2-1 District is a commercial overlay that allows a wide range of local retail and service establishments in Use Groups 1-9. The parking requirement within the C2-1 overlay is one parking space per 150 square feet of floor area. The maximum permitted commercial floor area ratio (FAR) is 1.0.

The applicant has also requested an authorization (N 020191 RAR) pursuant to Section 107-68 of the Zoning Resolution to create an accessory parking lot containing 32 spaces. As originally

proposed, there would be two curb cuts located on Hylan Boulevard, a north - south arterial. One curb cut is permitted as-of-right and the second requires a City Planning Commission certification pursuant to Section 107-251 (a)(Special Provisions for Arterials) that is included in the application for the authorization. Vehicular ingress and egress from the proposed development would be provided by curb cuts at both ends of the development. The entire lot will be screened by trees and shrubs. Pedestrians would be able to enter from Hylan Boulevard by sidewalks along the proposed development.

### **ENVIRONMENTAL REVIEW**

This application (C 020190 ZMR ), in conjunction with the application for the related action (N 020191 RAR), 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 01DCP016R. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on August 11, 2003.

### **UNIFORM LAND USE REVIEW**

This application (C 020190 ZMR) was certified as complete by the Department of City Planning on August 11, 2003, 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 in conjunction with the application for the related action (N 020191 RAR) which was also referred for review and comment.

### **Community Board Public Hearing**

Community Board 3 held a public hearing on this application on September 17, 2003, and on September 23, 2003, by a vote of 25 to 7 with 0 abstentions, adopted a resolution recommending disapproval of the application with the following comments:

The parcel came before Community Board #3 in 1986 and was defeated at the time. The parcel was downzoned from R3-2 to R3-1 and then again it was further downzoned to R3A. Many people have worked extremely hard over the years to keep this area residential and would like to see houses built there. Further commercial buildings will exacerbate the already hazardous traffic in the area. A great deal of community opposition to the requested change in zoning.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation on October 21, 2003 disapproving the application with the following comments:

The full Community Board voted overwhelmingly against this proposal, which was turned down in 1986. In addition, this area has been downzoned twice - first from R3-2 to R3-1, to the present R3A - in order to retain the residential character. This proposal would run counter to these downzoning actions.

### **City Planning Commission Public Hearing**

On October 22, 2003 (Calendar No. 7), the City Planning Commission scheduled November 5, 2003, for a public hearing on this application (C 020190 ZMR). The hearing was duly held on

November 5, 2003 (Calendar No. 9). There was one speaker in favor of the application and no speakers in opposition.

A representative of the applicant presented the proposed rezoning and the illustrative site plan. In response to Commission concerns, the representative agreed to revise the site plan of the authorization (N 020191 RAR) that is being considered concurrently with this zoning map change. The revised site plan will provide only one curb cut on the site and to locate it away from the median on Hylan Boulevard.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this amendment of the Zoning Map, as revised, is appropriate.

The applicant proposes to establish a C2-1 overlay in an existing R3A District to facilitate the construction of a one story 4,860 square foot retail establishment and a 32 space accessory parking lot.

The proposed C2-1 overlay allows a maximum commercial floor area ratio (FAR) of 1.0 and permits a wide range of local retail and service establishments such as grocery stores, dry cleaning establishments, restaurants, barber shops and professional offices.

The Commission believes that the uses permitted by the proposed C2-1 overlay are consistent with the established commercial context of the immediate area. Retail and service uses proliferate on adjacent blocks, especially in those areas that are commercially zoned, including the C2-1 overlay that is mapped to the east of the site. The proposed overlay is an extension of the existing C2-1 overlay. In addition the site is easily accessible from Hylan Boulevard.

The Commission notes that while this amendment to the Zoning Map does not mandate a specific site plan, the related authorization requested pursuant to Section 107-68 of the Zoning Resolution (N020191RAR) includes a site plan for the parcel proposed for rezoning that must be adhered to in developing the site. The Commission also notes that the original site plan for the authorization showed two curb cuts along Hylan Boulevard. In response to the City Planning Commission concerns, the applicant revised the application for the authorization (N 020191 RAR) to eliminate the certification for the proposed second curb cut. Thereby leaving a site plan that contains one as-of-right curb cut in the median on Hylan Boulevard. The City Planning Commission and the applicant believe that this changes will ease traffic safety concerns. Extensive landscaping will be provided to establish a buffer zone between the existing residential developments and the proposed new commercial overlay.

## **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**, 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. 33c, establishing within an existing R3A District a C2-1 District bounded by a line 330 feet northeasterly of William Avenue, Hylan Boulevard, a line 95 feet northeasterly of William Avenue, and a line midway between Russell Street and Hylan Boulevard within the Special South Richmond District, Borough of Staten Island, Community District 3, as shown on a diagram (for illustrative purposes only) dated August 11, 2003 (C 020190 ZMR).

The above resolution (C 020190 ZMR), duly adopted by the City Planning Commission on December 3, 2003 (Calendar No. 17), 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 J. KNUCKLES, ESQ., Vice Chairman**

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.**

**RICHARD W. EADDY, ALEXANDER GARVIN, JANET D. GOL, CHRISTOPHER KUI,**

**JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners**