



## **CITY PLANNING COMMISSION**

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December 15, 2003/Calendar No. 5

C 020485 ZSR

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**IN THE MATTER OF** an application submitted by Silver Lake Nursing Home, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit,\* pursuant to Section 74-90 of the Zoning Resolution to allow the enlargement of an existing nursing home located at 275 Castleton Avenue (Block 119, Lot 104), in an R3-2 District, within the Special Hillside Preservation District, Borough of Staten Island, Community District 1.

\* 197-d(b)2 eligible

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The application for the special permit and authorization was filed by Silver Lake Nursing Home on March 20, 2002, in order to facilitate the enlargement of the Silver Lake Specialized Care Center, a 278 bed facility.

### **RELATED ACTIONS**

In addition to the special permit 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:

1. N 020486 ZAR Authorizations pursuant to Sections 119-312 and 119-318 for modification of height and setback regulations.

### **BACKGROUND**

The site has an area of 40,382 square feet and is currently developed with a 64,581 square foot 278 bed nursing home. The site has an existing floor area ratio of 1.59. The site is in an R3-2 zone, and is bounded by Stanley Avenue to the north, Glen Avenue to the east, Castleton Avenue to the south and Harbor View Court to the west. The area surrounding the facility is

predominately characterized by one-and- two family detached and semi-detached residences.

The existing building is a 278 bed facility that includes a three-story wing on the southern portion of the lot fronting on Castleton Avenue, and a wing containing four stories and three cellars on the northern portion of the site fronting on Stanley Avenue. The lot slopes down from Castleton Avenue to Stanley Avenue. The average slope of the lot is 14.8 percent, thus the lot is defined as Tier II according to the Special Hillside District.

The facility has its main vehicular access from Castleton Avenue. All the deliveries to the facility are made using the Castleton Avenue entrance. A total of 13 accessory parking spaces can be reached using the Castleton Avenue entrance. An additional 16 parking space can be access from the Stanley Avenue entrance. Most of this spaces are assigned spaces to the staff.

The applicant is proposing a 9,935 square foot enlargement to the facility. The enlargement includes a 100 square foot addition to the southern entrance foyer of the facility and a 9,835 square foot addition that extends the existing northern wing's fourth floor over the southern wing's third floor. The first floor southern wing is currently used for patient rooms. Once the new floor is built, the patients will be relocated to the fourth floor and the first floor will be renovated and used for therapy, recreation and other common facilities. The proposed enlargement would not add any new patient beds.

The applicant is seeking approval pursuant to Section 74-90 of the Zoning Resolution which

requires a special permit for the development, enlargement or extension of nursing homes in the community districts with a concentration of nursing homes. Community District 1 in Staten Island has a bed to population ratio of 8.1, putting it above the citywide ratio of 5.8, thereby necessitating a special permit pursuant to Section 74-903.

The proposed enlargement will add 9,935 square feet of floor area to the existing nursing home, increasing the total floor area ratio on the site from 1.59 (existing non-compliance) to 1.84. The floor area ratio (FAR) of the enlarged facility would exceed the maximum permitted as-of-right (0.5), and would also exceed the maximum FAR that can be allowed by the City Planning Commission special permit under Section 74-902 (1.0). When the facility was built in the early 1960's, the area was zoned R4, thus permitting a maximum floor area ratio (FAR) of 2.0 for community facility uses. The applicant has, therefore, submitted an application to the Board of Standards and Appeals (284-01-B2) for this project because the site requires a bulk variance for its proposed 1.84 FAR. This variance application is under consideration by the BSA.

The applicant is also seeking approval of two authorizations under Sections 119-312 and 119-318, to allow enlargement of a community facility use within the Special Hillside Preservation District and for modification of height and setback regulation. Because the additional floor will bring the height of the building to 36 feet, the applicant is requesting a modification of side yard requirements on the western side of the building from 18 feet to 11 feet 11 inches.

## **ENVIRONMENTAL REVIEW**

This application (C 020485 ZSR), in conjunction with the application for the related action (N 020486 ZAR), 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 01DCP045R. 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 July 21, 2003.

#### **UNIFORM LAND USE REVIEW**

This application (C 020485 ZSR), was certified as complete by the Department of City Planning on July 21, 2003, and was duly referred to Community Board 1 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, along with the application for the related non-ULURP action (N 020486 ZAR) when was referred for review and comment.

#### **Community Board Public Hearing**

Community Board 1 held a public hearing on this application on September 4, 2003, and on September 8, 2003, by a vote of 30 to 0 with 1 abstention, adopted a resolution recommending disapproval of the application with the following comments:

Whereas: Silver Lake Specialized Care Center is already a non-conforming use, and;  
Whereas; The Silver Lake Specialized Care Center is already out of character in a

residential neighborhood.

Be it hereby resolved that: Community Board #1 denies all components of the request for 269-275 Castleton Avenue.

### **Borough President Recommendation**

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

The applicant has not demonstrated that with the proposed expansion of the existing facility, ongoing traffic and transportation issues, such as patient pick-up and drop-off, off-site parking, ambulance and ambulette standing, and truck deliveries will be resolved to the satisfaction of the surrounding community and the Community Board. The variance request should be denied.

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

On October 8, 2003 (Calendar No. 12), the City Planning Commission scheduled October 22, 2003, for a public hearing on this application (C 020485 ZSR). The hearing was duly held on October 22, 2003 (Calendar No. 12). There were three speakers in favor of the application and two speakers in opposition.

Three representatives of the applicant spoke in favor of the application. The applicant's two attorneys explained the benefits of the enlargement to the nursing home and its residences. The project's architect illustrated how the new floor would make the existing facility a more uniform building.

The speakers in opposition were members of the community. They expressed concern about the lack of parking for the nursing home's visitors and employees, the drop-off and pick up of patients by ambulette and ambulance, and deliveries . They believed the nursing home should address those issues before they are allowed to expand.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the grant of this special permit and authorization are appropriate.

The proposed special permit, in conjunction with the related action (N 020486 ZAR), will allow the 9,935 square feet enlargement of the Silver Lake Specialized Care Center. Of this, 100 square feet will be use for a new foyer entrance to the facility and 9,835 square feet to add an additional floor to the southern wing of the facility.

The proposed additions have been designed to match the existing development and to take advantage of the existing topography on the site. Because the 9,835 square foot addition extends the existing northern wing's fourth floor over the southern wing's third floor, there will be no impact on the existing natural topography and the additional floor would not have any impact on the drainage patterns of the site. The nursing home will not require any significant supporting services as a result of this proposed enlargement. The addition is proposed solely to improve the treatment and quality of life for the existing residents, and to increase the

operational efficiency of the facility and there will be no additional beds. Consequently, the proposed development will not generate the need for any additional staff, so that no increased in traffic is anticipated.

The Commission is aware of the concerns of the Community Board and the Borough President's Office related to ongoing traffic and transportation issues, such as patient pick-up and drop-off, off-site parking, and ambulance and ambulette standing. The Commission is also concerned about these issues. In response the applicant has submitted a revised site plan that provides a semi-circular driveway fronting on Castleton Avenue that will be used for patient pick-up and drop-off from ambulance and ambulette. This semi-circular driveway will eliminate the need for the ambulance and ambulette to discharge and pick-up residents of the nursing home in the existing bus stop on Castleton Avenue in front of the facility.

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Sections 74-90 of the Zoning Resolution:

- 74-90            Use and Bulk modifications for certain Community Facility Uses
- a)            that the architectural landscaping treatment and the height of the proposed building containing such uses blends harmoniously with the topography of the surrounding area;
  - b)            that the proposed development will not require any significant additions to the supporting services of the neighborhood or that provisions for adequate supporting services has been made;
  - c)            that the street providing access to such uses are adequate to handle the traffic generated thereby or provisions has been made to handle such

traffic;

- d) that the disadvantage to the community imposed by the concentration of these facilities in the Community District are outweighed by the benefits derived from the proposed use; and
- e) not applicable.

## **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 and findings described in this report, the application of Silver Lake Nursing Home for the grant of a special permit pursuant to Section 74-90 of the Zoning Resolution to allow the enlargement of an existing nursing home located at 275 Castleton Avenue (Block 119, Lot 104), in an R3-2 District, within the Special Hillside Preservation District, Borough of Staten Island, Community District 1, is approved, subject to the following terms and conditions:

1. That the property that is the subject of this application (C 020485 ZSR and N 020486 ZAR) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by AHF Architects, LLC., filed with this application and incorporated in this



resolution:

<u>Drawing No.</u>	<u>Drawing Title</u>	<u>Latest Revision Date</u>
A-1	Proposed Site Plan	12/10/2003
A-3	Proposed Setback Diagram & Zoning Computations	05/07/2003
A-4	Proposed Roof and Penthouse Floor Plan	11/06/2002
A-7	Proposed Sections	11/06/2002

2. No building permit for development pursuant to this special permit (C 020488 ZSR) and related authorization (N 020486 ZAR) shall be applied for or obtained prior to approval by the Board of Standards and Appeals of BSA Calendar No. 284-01 BZ.
3. Such development shall conform to all applicable provisions of the Zoning Resolution, except for modifications specifically granted in this resolution and shown on the plans listed above which has been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
4. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
5. 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.

6. Upon failure of any part having any right, title or interest in this 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, term 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 the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
7. 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 020485 ZSR), duly adopted by the City Planning Commission on December 15, 2003 (Calendar No. 5), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, AICP, Chair**  
**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,**  
**RICHARD W. EADDY, JANE D. GOL, CHRISTOPHER KUI,**

**DOLLY WILLIAMS**, Commissioners

**JOHN MEROLO**, Commissioner, Abstain