



CITY PLANNING COMMISSION

July 14, 2004/Calendar No. 32

C 030450 ZSR

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 the grant of a special permit, pursuant to Section 78-312(f) of the Zoning Resolution to modify the minimum distance between buildings requirements of Section 23-71 (Minimum Distance between Buildings in a Single Zoning Lot), in conjunction with a proposed 190-unit residential development, on a zoning lot located west of Arthur Kill Road between Kreischer Street and Allentown Lane (Block 7596, Lots 116, 200 and part of Lot 1), within a Large-Scale Residential Development, in an R3-2 District, within the Special South Richmond Development District, Borough of Staten Island, Community District 3.

The application for a special permit was filed by PC Group, LLC on April 30, 2003, to reduce the minimum distance between buildings on a single zoning lot from 20 feet to a minimum of 10 feet to accommodate The Tides at Charleston, a residential development of 190-unit residential development.

RELATED ACTIONS

In addition to the an amendment of 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 applications which are being considered concurrently with this application:

1. C 030449 ZMR Zoning Map Amendment to rezone 1.32 million square feet from M1-1 and M3-1 to R3-2

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 the zoning lot to be zoned R3-2
7. N 040085 ZCR Chair Certification pursuant to Section 62-711 of Compliance with Waterfront Public Access and Visual Corridor Requirements on the zoning lot zoned M1-1
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, swimming pool, tennis court, and public waterfront access area.

A full background discussion and description of this project appears in the report on the related application for the grant of a zoning map amendment (C 030449 ZMR).

ENVIRONMENTAL REVIEW

This application (C 030450 ZSR), in conjunction with the applications for the related actions (C 030449 ZMR), (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 summary of the environmental review appears in the report on the related application for the grant of a zoning map amendment (C 030449 ZMR).

UNIFORM LAND USE REVIEW

This application (C 030450 ZSR), in conjunction with the application for the related action (C 030449 ZMR), 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.

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 31 to 4 with one abstention, 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. 13), the City Planning Commission scheduled June 9, 2004, for a public hearing on this application (C 030450 ZSR). The hearing was duly held on June 9, 2004

(Calendar No.17), in conjunction with the public hearing on the application for the related action (C030449 ZMR). There was 1 speaker in favor of the application and 5 speakers in opposition, as described in the report on the related application for grant of a zoning map amendment (C 030449 ZMR), 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 WRP 04-014.

A discussion of WRP Consistency Review appears in the report on the related application for the grant of a zoning map amendment (C 030449 ZMR).

CONSIDERATION

The Commission believes that the grant of this special permit is appropriate. A full consideration and analysis of the issues, and reasons for approving this application, appear in the report on the related application for an amendment to the zoning map (C 030449 ZMR).

FINDINGS

The City Planning Commission hereby makes the findings pursuant to Section 78-312(f) to modify the minimum distance between buildings requirements of Section 23-71 (Minimum Distance between

Buildings in a Single Zoning Lot) of the Zoning Resolution:

- a) that such modifications will aid in achieving the general purposes and intent of this Chapter as set forth in Section 78-01 (General Purposes);
- b) that such distribution of floor area, dwelling units, rooming units, open spaces, locations of buildings, or location of primary business entrances, show windows or signs will permit better site planning and will thus benefit both the residents of the development and the City as a whole;
- c) that such distribution or location will not unduly increase the bulk of buildings, density of population, or intensity of use in any block, to the detriment of the occupants of buildings in the block or nearby blocks;
- d) that such distribution or location will not affect adversely any other zoning lots outside the development, by restricting access to light and air or by creating traffic congestion;
- e) Not applicable;
- f) Not applicable;
- g) 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, 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 and findings described in this report, the application of PC Group, LLC, for grant of a special permit pursuant to 78-312(f) of the Zoning Resolution to modify the minimum distance between buildings requirements of Section 23-71 (Minimum Distance between Buildings in a Single Zoning Lot), in connection with a proposed 190- unit residential development, on a zoning lot located west of Arthur Kill Road between Kreischer Street and Allentown Lane (Block 7596, Lots 116, 200, and part of Lot 1), within a Large-Scale Residential Development, in an R3-2 District, within the Special South Richmond Development District, subject to the following terms and conditions:

1. That the property that is the subject of this application (C 030450 ZSR) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Leonard M. Rampulla, Registered Architect, and Keith Nesbitt, Registered Landscape Architect*, filed with the application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Drawing Title</u>	<u>Latest Revision Date</u>
CPC-1	Zoning Calculations	5-25-04
CPC-2	Site Plan - Proposed Conditions	5-25-

		04
CPC-3	Site Plan - Proposed Grading	5-25-04
CPC-4	Site Plan - Proposed Grading	5-25-04
CPC-5	Site Profiles	5-25-04
CPC-6	Site Plan - Detailed Areas	5-25-04
CPC-7	Proposed Distance Between Buildings	5-25-04
CPC-9	Site Profiles	5-25-04
CPC-13*	Tree Planting Plan	5-26-04
CPC-14*	Landscape Details A, B, C	5-26-04
CPC-15*	Landscape Details D, E, F	5-26-04
CPC-16*	Landscape Details G, H, I	5-26-04
CPC-17	Waterfront Public Access	5-25-04

2. 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 have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

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 failure of any part having any right, title or interest in this property that is the subject of this application, or failure of any heir, successor, assign or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms of conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without 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.
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 030450 ZSR), duly adopted by the City Planning Commission on July 14, 2004 (Calendar No.32), 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