



CITY PLANNING COMMISSION

June 23, 2004/Calendar No. 28

C 030191 MMR

IN THE MATTER OF an application submitted by Forest Avenue Associates, LLC., pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the elimination of Mersereau Avenue between Forest Avenue and Wemple Street,
- the adjustment of grades necessitated thereby, and any acquisition or disposition of real property related thereto.

Community District 1, Borough of Staten Island, in accordance with map No. 4174, dated September 12, 2003, and signed by the Borough President.

The application (C 030191 MMR) for an amendment to the City Map was filed by Forest Avenue Associates, LLC. on November 6, 2002, pursuant to sections 197-c and 199 of the New York City Charter. It involves the the elimination of Mersereau Avenue between Forest Avenue and Wemple Street.

BACKGROUND

The portion of Mersereau Avenue between Forest Avenue and Wemple Street, that is proposed to be eliminated, is a 60 foot-wide mapped street, approximately 220 feet long and privately owned. The street is a partially improved, vacant parcel of land that has long been fenced off with a gate at both ends therefore denying access to pedestrian and/or vehicular traffic.

The applicant owns the subject portion of Mersereau Avenue, which is located within Block 1685 and is part of Lot 74, as well as the property abutting the westerly side of the street (Lot 74), currently occupied with a two story vacant building. The applicant is requesting that the street be eliminated in order to remove the cloud from his property and to provide 14 additional parking spaces for the adjacent building. The current parking lot provides space for 15 cars and is located to the southwest of the current structure. The additional parking area will be located along the rear of the building, in the northeast portion of the street proposed to be eliminated.

The subject street is subdivided by two zoning districts, the westerly portion is zoned R3-2/C2-1 and the easterly portion zoned C8-1. Adjacent zoning is R3-2 and C4-1. The surrounding area is developed with two- story two family detached homes.

An interagency conference was held and no agencies have raised any objections.

ENVIRONMENTAL REVIEW

This application (C 030191 MMR), 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 03DCP027R. The lead agency is the Department of City Planning.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on February 23, 2004.

UNIFORM LAND USE REVIEW

This application (C 030191 MMR), was certified as complete by the Department of City Planning on February 23, 2004 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.

Community Board Public Hearing

Community Board 1 held a public hearing on this application (C 030191 MMR) on April 07, 2004, and on April 13, 2004 by a vote of 24 to 16 with 1 abstention, adopted a resolution recommending disapproval of the application.

Borough President's Recommendation

This application (C 030191 MMR) was considered by the Borough President, who issued a recommendation approving the application on May 6, 2004

City Planning Commission Public Hearing

On May 12, 2004 (Calendar No. 10) the City Planning Commission scheduled May 26, 2004 for a hearing on this application (C 030191 MMR). The hearing was duly held on May 26, 2004 (Calendar No. 17).

There was one speaker in favor of this application and none in opposition.

A representative for the applicant described the project and responded to Commissioner's questions

regarding the Community Board's decision to oppose the application. The applicant's representative explained that the Community Board's concern was based on the building's past history, not on the street area being eliminated. He stated that the Community Board feels that in the event that the applicant's current plan for the building fails, the building may become once again a homeless shelter. The representative explained that the applicant is looking into the possibility of renovating the existing building and creating a 59 room motel, that would be used by employees of the airline industry. He also stated that the owner is exploring the option of offering the property to other commercial retailers. The representative assured the Commission that the street elimination is to provide additional parking for the building. Since there has been an influx of new retail and big-box development retailers in the surrounding area. There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that this amendment to the City Map is appropriate.

Mersereau Avenue is a privately owned mapped street that presently does not function as a public through street. Its proposed elimination will not adversely affect traffic nor the current configuration of the curbs or roadway or traffic, but will reflect existing conditions more closely. DOT has no immediate plans to acquire or improve the street.

This change not only will reflect existing conditions more closely, but more importantly will eliminate the street encroachment of the applicant's property. The eliminated street area and its subsequent use as additional parking for the applicant's adjacent building will be consistent with the character of the surrounding area and will not affect the growth or function of the area.

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map and any related acquisition or disposition to be appropriate, adopts the following 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 199 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application (C 030191 MMR) for an amendment to the City Map involving the elimination of Mersereau Avenue between Forest Avenue and Wemple Street, the adjustment of grades necessitated thereby, and any acquisition or disposition of real property related thereto. Community District 1, Borough of Staten Island, in accordance with map No. 4174, dated September 12, 2003, and signed by the Borough President, is approved; all such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 4174 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter;
- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition (a) above until the applicant have executed an agreement protecting the city's interest, approved as to form and sufficiency by the Corporation counsel and accepted by the City Planning Commission provided that, if such agreement is accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission.

The above resolution, duly adopted by the City Planning Commission on June 23, 2004 (Calendar No. 28), 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., RICHARD W. EADDY, ALEXANDER GARVIN, JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO, KAREN PHILIPS, DOLLY WILLIAMS, Commissioners.