

CITY PLANNING COMMISSION

January 5, 2005/Calendar No. 23

C 040410 ZMR

IN THE MATTER OF an application submitted by Clove Lake Civic Association and Council Member Michael E. McMahon pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section No. 21b:**

- 1. changing from an R3X District to an R1-1 District property bounded by** Martling Avenue, Slosson Avenue, the southerly boundary line of a New York State Armory and its easterly and westerly prolongations, and Manor Road;
- 2. changing from an R3X District to an R2 District property bounded by:**
 - a. the southerly boundary line of a New York State Armory and its easterly and westerly prolongations, Slosson Avenue, Ellsworth Place and its westerly centerline prolongation, a line 100 feet westerly of Fairview Avenue, a line midway between Governor Road and Dongan Avenue and its easterly prolongation, and Manor Road; and
 - b. a line 150 feet southeasterly of Victory Boulevard, Seneca Avenue, Niagara Street, a line 150 feet southwesterly of Clove Road, Genesee Street, Clove Road, Schoharie Street, Cayuga Avenue, Oswego Street, a line midway between Logan Avenue and Ontario Avenue, a line 400 feet northwesterly of Oswego Street, Logan Avenue, Schoharie Street, and Ontario Avenue;
- 3. changing from an R3X District to an R3-1 District property bounded by** a line 400 feet northwesterly of Oswego Street, a line midway between Ontario Avenue and Logan Avenue, Oswego Street, and Logan Avenue;
- 4. changing from an R3-1 District to an R2 District property bounded by** Ellsworth Place and its westerly centerline prolongation, Slosson Avenue, a line midway between Ellsworth Place and Victory Boulevard, Fairview Avenue, Victory Boulevard, Slosson Avenue, a line 230 feet southerly of Victory Boulevard, a line perpendicular to the southerly street line of Victory Boulevard distant 240 feet from the intersection of the southerly street line of Victory Boulevard and the easterly street line of Slosson Avenue, Victory Boulevard, the southerly centerline prolongation of Brenton Place, a line 100 feet northerly of Windsor Road (straight line portion) and its easterly prolongation, a westerly boundary line of a park and its northerly prolongation, Victory Boulevard, Clove Road, Genesee Street, 150 feet southwesterly of Clove Road, Niagara Street, Seneca Avenue, a line 150 feet southeasterly of Victory Boulevard, Ontario Avenue, Schoharie Street, Logan Avenue, a line 400 feet northwesterly of Oswego Street, a line midway between Renwick Avenue and Labau Avenue, Oswego Street, Renwick Avenue, Little Clove

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Road, the southwesterly street line prolongation of the southeasterly street line of Bristol Avenue, a northerly boundary line of a park, the westerly boundary line of a park and its southerly prolongation, Staten Island Expressway, a line 140 feet westerly of Manor Road, a line 100 feet southerly of Garden Street, Manor Road, Victory Boulevard, and Hodges Place;

5. **changing from an R2 District to an R1-2 District property bounded by** a southerly boundary line of Clove Lakes Park and its westerly prolongation, a westerly boundary line of Clove Lakes Park, a line 100 feet northerly of Victory Boulevard, Slosson Avenue, a line 185 feet southerly of Sanford Place, a line 150 feet westerly of Brenton Place, Sanford Place, a line 200 feet westerly of Royal Oak Road, Rice Avenue, and Slosson Avenue; and
6. **changing an R3-1 District to an R1-2 District property bounded by** a line 100 feet northerly of Victory Boulevard, the westerly boundary line of Clove Lakes Park and its southerly prolongation, Victory Boulevard, a westerly boundary line of a park and its northerly prolongation, a line 100 feet northerly of Windsor Road (straight line portion) and its easterly prolongation, the southerly centerline prolongation of Brenton Place, Victory Boulevard, a line perpendicular to the southerly street line of Victory Boulevard distant 240 feet from the intersection of the southerly street line of Victory Boulevard and the easterly street line of Slosson Avenue, a line 230 feet southerly of Victory Boulevard, Slosson Avenue, Victory Boulevard, Fairview Avenue, a line midway between Ellsworth Place and Victory Boulevard, and Slosson Avenue;

Borough of Staten Island, Community District 1, as shown on a diagram (for illustrative purposes only) dated October 18, 2004.

The application for an amendment of the Zoning Map was filed by Clove Lake Civic Association and Council Member Michael E. McMahon on April 20, 2004, to rezone a 64 block area from: R3X to R1-1, R3-1 and R2 to R1-2 , R3X and R3-1 to R2 and from R3X to R3-1 in the Clove Lake section of Staten Island, Community District 1.

BACKGROUND

The area proposed to be rezoned consists of an approximately 64 block area generally bounded Martling Avenue to the north, Manor Road to the west, the Staten Island Expressway the south, and Clove Road, Clove Lakes Park, and Slosson Avenue to the east. The proposed rezoning area is bordered to the north by R2, to the east by R3X, to the south by R2 and R3-1, and to the west by R3X and R3-1 in the Clove Lake section of Staten Island, Community District 1. The area consists primarily of single-family detached houses built between 1920 and 1970. The area was rezoned in 2003 (C 020285 ZMR) from R3-1, R3-2 to R2, R3-1 and R3X.

The rezoning is proposed by the Clove Lake Civic Association and CM McMahon and in response to community concerns that the R3-1 district allows semi-detached development, the R3X allows two-family development, and that the R2 allows a minimum lot size that is not in character with the predominant detached existing single-family housing on large lots.

There are 1270 lots in the rezoning area, 91% of which are developed residentially, 1.75% are developed residential and commercial, 2.86% are developed commercial, 2.5% are vacant, and the rest are other uses. Of the residentially developed lots 93.4% are developed with detached homes, 6% are developed with semi-detached homes and .5% are developed with attached and multi-family housing.

The present R3-1 zoning district permits one and two-family semi-detached and detached homes. The zoning requires that detached homes have 40-foot lot widths and that semi-detached homes

have a minimum width of 18 feet. The R3-1 zoning district allows a maximum FAR of .5 plus .1 attic allowance. The present R3X district permits one- and two-family detached houses on lots with a minimum width of 35 feet. The R3X zoning district allows a maximum FAR of .5 plus .1 attic allowance. The present R2 district permits one-family detached houses on lots with a minimum width of 40 feet. The district has a maximum FAR of 0.5.

The proposed R1-1 zoning district to be mapped over the Manor Road National Guard Armory, covers an area of 831,775 square feet is generally bounded by Martling Avenue to the north, Manor Road to the west, Drake Avenue to the south and Slosson Avenue to the west. The R1-1 was chosen because the applicant wants the least dense possible zoning district mapped over the Armory. The armory is currently used and occupied, but the applicant fears that the state could dispose of the property in the future. Under the present R3X zoning district, single and two-family detached homes could be developed on the site. Under the proposed R1-1 district, only single family homes with a minimum lot width of 100 feet could be developed. The maximum FAR is 0.5.

The proposed R1-2 zoning district is generally bounded by Clove Lake Park to the north, Royal Oak Road to the east, Victory Boulevard to the south, and a line 200 feet west of Royal Oak Road. The majority of the homes in this area are single-family detached homes on at least 60 foot wide lots. In the area to be rezoned R1-2, 59 (89%) of the lots conform to the one-family requirement, while 86% comply to the lot width requirement. The proposed R1-2 permits single-family detached homes on lots with a minimum width of 60 feet and a minimum lot area

of 5,700 square feet. The maximum FAR is 0.5.

The proposed R2 zoning district is generally bounded by the Manor Road National Guard Armory to the north, Manor Road to the west, the Staten Island Expressway to the south and Clove Road to the east. The majority of the homes in this area are single-family detached homes on 40 foot wide lots. In the area to be rezoned R2, 876 lots (81%) of 1,075 lots conform to the one-family requirement, while 85% of the lots comply to the lot width requirement. The proposed R2 permits one-family detached houses on lots with a minimum width of 40 feet and a minimum lot area of 3,800 square feet. The maximum FAR is 0.5.

The proposed R3-1 zoning district is generally bounded by a line 400 feet northwesterly of Oswego Street, Logan Avenue, and Oswego Street. All of the homes in this area are semi-detached and therefore are non-conforming to the existing R3X zoning district. In the area to be rezoned, 14 out of 14 lots (100%) would conform to the R3-1 semi-detached requirements. The proposed R3-1 permits one and two-family semi-detached and detached homes. The zoning requires that detached homes have 40-foot lot widths and that semi-detached homes have a minimum width of 18 feet. The district allows a maximum FAR of .5 plus .1 attic allowance..

ENVIRONMENTAL REVIEW

This application (C 040410 ZMR) 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 05DCP018R. 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 October 18, 2004.

UNIFORM LAND USE REVIEW

This application (C 040410 ZMR) was certified as complete by the City Planning Commission on October 18, 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 on November 1, 2004, and on November 9, 2004, by a vote of 34 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 November 12, 2004.

City Planning Commission Public Hearing

On December 8, 2004 (Calendar No. 2), the City Planning Commission scheduled December 22, 2004, for a public hearing on this application (C 040410 ZMR). The hearing was duly held on December 22, 2004 (Calendar No. 11). There were two speakers in favor of the application.

The president of the Clove Lake Civic Association described how the existing zoning allows buildings that are not in character with existing neighborhoods. She stated that the great majority of existing buildings conform to the proposed zoning. She also stated that the civic group has not heard homeowners speak against the proposal. She noted that the proposal has support from Community Board 1 and the two Council Members in whose districts the proposal lies.

A representative of the Council Member from Council District 49 spoke in favor of the application. He stated that it was “common sense” to rezone the area to protect the existing character. He noted that the proposal has the enthusiastic support of the people in the proposed rezoning area.

There were no other speakers and the hearing was closed.

CONSIDERATION

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

The proposed zoning map change recognizes the established character of this part of the Clove Lake community. The area is characterized by single-family detached homes on large lots.

The proposed R1-1, R1-2, R2 districts would limit future residential development to one-family detached residences compatible with the present development pattern. The proposed R3-1 would make non-conforming semi-detached homes in an existing R3X district become conforming. Eighty-five percent of the existing homes in the area proposed to be rezoned are detached one-family homes.

The Commission also notes that this area is subject to the Lower Density Growth Management regulations of the Zoning Resolution. The Commission believes that this action will reinforce Lower Density Growth Management, whose intent is to protect neighborhood character, encourage more appropriate development, and enhance the quality of life.

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. 21b,

1. changing from an R3X District to an R1-1 District property bounded by Martling Avenue, Slosson Avenue, the southerly boundary line of a New York State Armory and its easterly and westerly prolongations, and Manor Road;
2. changing from an R3X District to an R2 District property bounded by:
 - a. the southerly boundary line of a New York State Armory and its easterly and westerly prolongations, Slosson Avenue, Ellsworth Place and its westerly centerline prolongation, a line 100 feet westerly of Fairview Avenue, a line midway between Governor Road and Dongan Avenue and its easterly prolongation, and Manor Road; and
 - b. a line 150 feet southeasterly of Victory Boulevard, Seneca Avenue, Niagara Street, a line 150 feet southwesterly of Clove Road, Genesee Street, Clove Road, Schoharie Street, Cayuga Avenue, Oswego Street, a line midway between Logan Avenue and Ontario Avenue, a line 400 feet northwesterly of Oswego Street, Logan Avenue, Schoharie Street, and Ontario Avenue;
3. changing from an R3X District to an R3-1 District property bounded by a line 400 feet northwesterly of Oswego Street, a line midway between Ontario Avenue and Logan Avenue, Oswego Street, and Logan Avenue;
4. changing from an R3-1 District to an R2 District property bounded by Ellsworth Place and its westerly centerline prolongation, Slosson Avenue, a line midway between Ellsworth Place and Victory Boulevard, Fairview Avenue, Victory Boulevard, Slosson Avenue, a line 230 feet southerly of Victory Boulevard, a line perpendicular to the southerly street line of Victory Boulevard distant 240 feet from the intersection of the southerly street line of Victory Boulevard and the easterly street line of Slosson Avenue, Victory Boulevard, the southerly centerline prolongation of Brenton Place, a line 100 feet northerly of Windsor Road (straight line portion) and its easterly prolongation, a westerly boundary line of a park and its northerly prolongation, Victory Boulevard, Clove Road, Genesee Street, 150 feet southwesterly of Clove Road, Niagara Street, Seneca Avenue, a line 150 feet southeasterly of Victory Boulevard, Ontario Avenue, Schoharie Street, Logan Avenue, a line 400 feet northwesterly of Oswego Street, a line midway between Renwick Avenue and Labau Avenue, Oswego Street, Renwick Avenue, Little Clove Road, the southwesterly street line prolongation of the southeasterly street line of Bristol

Avenue, a northerly boundary line of a park, the westerly boundary line of a park and its southerly prolongation, Staten Island Expressway, a line 140 feet westerly of Manor Road, a line 100 feet southerly of Garden Street, Manor Road, Victory Boulevard, and Hodges Place;

5. changing from an R2 District to an R1-2 District property bounded by a southerly boundary line of Clove Lakes Park and its westerly prolongation, a westerly boundary line of Clove Lakes Park, a line 100 feet northerly of Victory Boulevard, Slosson Avenue, a line 185 feet southerly of Sanford Place, a line 150 feet westerly of Brenton Place, Sanford Place, a line 200 feet westerly of Royal Oak Road, Rice Avenue, and Slosson Avenue; and
6. changing an R3-1 District to an R1-2 District property bounded by a line 100 feet northerly of Victory Boulevard, the westerly boundary line of Clove Lakes Park and its southerly prolongation, Victory Boulevard, a westerly boundary line of a park and its northerly prolongation, a line 100 feet northerly of Windsor Road (straight line portion) and its easterly prolongation, the southerly centerline prolongation of Brenton Place, Victory Boulevard, a line perpendicular to the southerly street line of Victory Boulevard distant 240 feet from the intersection of the southerly street line of Victory Boulevard and the easterly street line of Slosson Avenue, a line 230 feet southerly of Victory Boulevard, Slosson Avenue, Victory Boulevard, Fairview Avenue, a line midway between Ellsworth Place and Victory Boulevard, and Slosson Avenue;

Borough of Staten Island, Community District 1, as shown on a diagram (for illustrative purposes only) dated October 18, 2004 (C 040410 ZMR).

The above resolution (C 040410 ZMR), duly adopted by the City Planning Commission on January 5, 2005 (Calendar No. 23), 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-Chair
IRWIN G. CANTOR P.E., ANGELA R. CAVALUZZI, R.A.,
ALFRED C. CERULLO III, RICHARD W. EADDY, JANE D. GOL,
CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS,
Commissioners

LISA A. GOMEZ, Commissioner abstaining