



## **CITY PLANNING COMMISSION**

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September 24, 2003/Calendar No. 28

C 020028 ZSR

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**IN THE MATTER OF** an application submitted by Isaac Yomtovian, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-711 of the Zoning Resolution to modify the regulations of Section 107-69 (Residential Uses in Area M) to allow the development of a 4-story 130-unit multiple approximately 396 feet southwesterly of Englewood Avenue (Block 7465, Lots 114, 115, 126), in an M1-1 District, within the Special South Richmond Development District (Area M), Borough of Staten Island, Community District 3.

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The application for the special permit was filed by Isaac Yomtovian on July 13, 2001, to permit the modification of the use regulations to allow Use Group 2 (residential) use in an M1-1 district. An existing building on the lot is a New York City Landmark.

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

N 020030 RAR            South Richmond Special Development District Authorizations involving the removal of trees, modification of existing topography, and modification of the size of an accessory parking and curb cuts on an arterial.

## **BACKGROUND**

The applicant seeks a special permit and approvals pursuant to the Special South Richmond Development District (SSRDD) to facilitate the construction of a 157,705 sq. ft. four-story 130 unit residential building intended for residents at least 55 years old. Accessory parking for 181 cars will be provided.

The 4.84 (206,148 sq. ft.) acre development site contains the vacant landmarked Kreischerville Mansion. The mansion has a certificate of occupancy for a restaurant. It is proposed to be used as a clubhouse for the development which may also contain a 70 seat restaurant that would operate at night. The site has approximately 400 feet of frontage on a curved section of Arthur Kill Road. The site is bordered on the north by Arthur Kill Road. Across Arthur Kill Road is vacant land, the established community of Charleston, and a commercial strip mall. The site is bordered to the east by the Colonial Gun Club. Further east lies a restaurant and a commercial building. The site is bordered on the south by vacant city owned land where a proposed MTA bus depot is planned. The site is bordered on the west by vacant wooded land across Arthur Kill Road.

The site is zoned M1-1 within area M of the SSRDD as is the land north and east of the site. The area south of the site is zoned M1-1. The area west of the site is zoned M1-1 within the SSRDD. The M1-1 district allows light manufacturing uses with a maximum FAR of 1.0, and certain commercial uses. Residential uses that comply with R3X regulations are permitted by authorization of the City Planning Commission.

The Kreischerville Mansion was built in 1885 in the Stick Style of architecture for the Kriescher family that owned the Kreischerville Brick Works. The applicant proposes to build a 157,705 sq. ft. “L” shaped building that wraps around the 4,108 sq. ft. landmarked Kreischerville Mansion on a 206,148 sq. ft. site. The proposed building will be 120 feet away from the mansion. The proposed building will be set back 30 feet from the adjacent properties. Parking for 181 cars will be provided; 66 will be outdoors, 115 will be in an underground garage. Access to the site will be by three curb cuts on Arthur Kill Road. Each of the proposed 130 dwelling units must be occupied by at least one adult, aged 55 or older.

The proposed development does not comply with the R3X regulations. Since it is a multiple family development, the authorization to allow residential uses in Area M does not apply. Since the site is occupied by a Designated Historic Landmark, a special permit pursuant to section 74-711, is required. The proposed building will be at least 120 feet from the landmark and will be constructed with materials that harmonize with the landmarked mansion.

The applicant filed an application before the Landmarks Preservation Commission (LPC) on December 14, 2000 in order to facilitate the restoration and preservation of the Kreischerville mansion and the construction of the new residential building. On January 4, 2002, the LPC issued a Certificate of Appropriateness.

Authorizations pursuant to SSRDD Sections 107-64, 107-65, and 107-68 of the Zoning Resolution

involving the removal of trees, modification of existing topography, and modification of the size of an accessory parking and curb cuts on an arterial are necessary to facilitate the development of the building.

## **ENVIRONMENTAL REVIEW**

This application (C 020028 ZSR ) 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 02DCP002R. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Conditional Negative Declaration, signed by the applicant, was issued on August 27, 2003, stating the following:

The applicant agrees via a restrictive declaration to implement the following noise mitigation measures on the project site: (1) A two foot high and 150 foot long berm would be constructed on the project site parallel to the property line between the Colonial Rifle and Pistol Club and project site starting at a point perpendicular to the back wall of the gun club shooting range. (2) A 10 foot high and 150 foot long sound barrier wall would be constructed on top of the proposed berm starting at the point perpendicular to the back wall of the gun club shooting range. The proposed sound barrier wall would be manufactured by Hoover Treated Wood Products, Inc. with PLYWALL post and panels providing a measured Sound Transmission Class (STC) of 38. (3) Significant landscaping would be implemented with trees and shrubberies planted along the entire 150 foot length of the sound barrier.

## **UNIFORM LAND USE REVIEW**

This application (C 020028 ZSR) was certified as complete by the Department of City Planning on June 30, 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.

### **Community Board Public Hearing**

Community Board 3 held a public hearing on this application on June 18, 2003, and on June 24, 2003, by a vote of 33 to one with one abstention, adopted a resolution recommending approval of the application.

However, the community board held its public hearing before the application was certified.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation approving the application on July 12, 2003.

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

On August 13, 2003 (Calendar No. 6), the City Planning Commission scheduled August 27, 2003, for a public hearing on this application (C 020028 ZSR). The hearing was duly held on August 27, 2003 (Calendar No. 11). There were six speakers in favor of the application, a former city councilman, the site's owner, and four representatives of the owner. There were three speakers in opposition, two representatives of the adjacent gun club, and an environmental advocate.

The former city councilman testified that senior housing is much needed in Staten Island, and that the applicant worked extensively with the former councilman, the community board and a civic group to arrive at the plans for the development. The owner described the project in general, and how closely he worked with the community board and the civic group. The applicant's attorney described negotiations with the gun club, and how the project addressed noise issues. Two architects for the project described the landmarking of the building, the steps taken to preserve the landmark, and explained the site plan for the project. A real estate broker described the large amount of interest she has received for the project.

An attorney for the gun club expressed concern that complaints from the future residents would affect the club which is a legal and conforming use, that the presence of the housing posed a safety threat, and that the sound mitigation wall proposed by the applicant would not suffice to mitigate the sound. He also said the police department would force the gun club to build a costly wall at the gun club's expense. The president of the gun club stated that the gun club has been at the location since 1930, and that they have always been good neighbors. A local environmental advocate stated that Staten Island is overdeveloped, that a master plan is needed to guide development in manufacturing districts in Staten Island, and that the project was similar to another that was withdrawn because of community outcry. He also stated that manufacturing districts should not be converted to residential districts.

There were no other speakers and the hearing was closed.

## **Waterfront Revitalization Program Consistency Review**

This application, in conjunction with the application 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), adopted by the Board of Estimate on September 30, 1982 (Calendar No. 17), 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 01-149.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

## **CONSIDERATION**

The Commission believes that the grant of this special permit is appropriate.

The Commission notes that the site lies in the Special Area M which allows residential uses in manufacturing districts within the Special South Richmond Development District. There are no manufacturing uses on the development site. The Commission notes that a sound attenuation berm and wall will be constructed along the property line with the gun club, as required by the CND. The Commission further notes that the NYPD has not required the Gun Club to make improvements to its site in order to remain in operation. The Commission also notes that a bus depot is proposed to be built adjacent to the site. The MTA has not designed the depot, but are aware that the Kreischerville development will be adjacent to the depot and will consequently consider the Kreischerville

development in the design of the depot.

The Commission believes that there is a significant public benefit in approving the special permit. As required by the special permit, the property owner will restore the landmark

Kreischerville Mansion to first-class condition. The building was built in 1885 in the Stick Style of

Victorian architecture. The building is the only surviving mansion built by the Kreischer family.

Currently, the building's facade has rotting wood, cracked lintels, deteriorated parapets and a

crumbling porch. The Commission notes that in approving this application, the property owner must

fully restore the building's facade and enter into a continuing maintenance program ensuring that the

landmark will remain in excellent condition for the public benefit.

The Commission believes that the approval of the special permit for the construction of a 130 unit

residential building intended for residents at least 55 years of age adjacent to the landmarked Kreischer

mansion is consistent with the goals established for Section 74-711 of the Zoning Resolution, which

provides development opportunities for owners of landmark buildings in exchange for rehabilitating and

maintaining in sound condition the important landmarks of New York City.

On July 24, 2002 the applicant recorded a Declaration of Covenants and Restrictions with the Staten

Island Taxpayers Association binding the use of the site to senior housing for those 55 and older. The

Staten Island Taxpayers Association have agreed monitor the project to ensure that it continues to be a

55 and older community. The restriction will also be noted in the offering plan to prospective buyers.



## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 74-711

(Landmark Preservation in all districts) of the Zoning Resolution:

- such use modification shall have minimal adverse effects on the conforming uses within the building and in the surrounding area.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment subject to the following conditions:

The applicant agrees via a restrictive declaration to implement the following noise mitigation measures on the project site: (1) A two foot high and 150 foot long berm would be constructed on the project site parallel to the property line between the Colonial Rifle and Pistol Club and project site starting at a point perpendicular to the back wall of the gun club shooting range. (2) A 10 foot high and 150 foot long sound barrier wall would be constructed on top of the proposed berm starting at the point perpendicular to the back wall of the gun club shooting range. The proposed sound barrier wall would be manufactured by Hoover Treated Wood Products, Inc. with PLYWALL post and panels providing a measured Sound Transmission Class (STC) of 38. (3) Significant landscaping would be implemented with trees and shrubberies planted along the entire 150 foot length of the sound barrier; 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 Isaac Yomtovian for the grant of a special permit, Borough of Staten Island, Community District 3, is approved, pursuant to Section findings of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application (C 020028 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 Robert Caneco, R.A., filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-1c	Site Plan	July 14, 2003
A-2c	Zoning Data	July 14, 2003
A-3c	Landscaping Plan	July 14, 2003
A-1	Acoustic Wall on Lot Line	April 1, 2003

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the 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. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
  
5. The development shall conform to all conditions, modifications and alterations set forth in the Conditional Negative Declaration (CEQR No. 02DCP002R) dated August 27, 2003, issued pursuant to the New York State and New York City Environmental Quality Review. These conditions, modifications and alterations are as follows:  
  
The applicant agrees via a restrictive declaration to implement the following noise mitigation measures on the project site: (1) A two foot high and 150 foot long berm would be constructed on the project site parallel to the property line between the Colonial Rifle and Pistol Club and

project site starting at a point perpendicular to the back wall of the gun club shooting range. (2) A 10 foot high and 150 foot long sound barrier wall would be constructed on top of the proposed berm starting at the point perpendicular to the back wall of the gun club shooting range. The proposed sound barrier wall would be manufactured by Hoover Treated Wood Products, Inc. with PLYWALL post and panels providing a measured Sound Transmission Class (STC) of 38. (3) Significant landscaping would be implemented with trees and shrubberies planted along the entire 150 foot length of the sound barrier.

6. 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.
7. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated June 12, 2003, executed by Staten Island Land Development Corporation, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of Richmond.
8. Upon the failure of any party having any right, title or interest in the 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, terms or conditions of this resolution and the attached restrictive declaration whose provisions shall constitute conditions of the special permit and authorization hereby granted, the City Planning Commission may, without

the consent of any other party, revoke any portion of or all of said special permit and authorization. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit and authorization hereby granted or of the attached restrictive declaration.

9. 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 and authorization.

The above resolution (C 020028 ZSR), duly adopted by the City Planning Commission on September 24, 2003 (Calendar No. 28), 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**  
**KENNETH J. KNUCKLES, Esq., Vice Chairman**  
**ANGELA M. BATTAGLIA, ANGELA R. CAVALUZZI, R.A., RICHARD W. EADDY,**  
**J ANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, JOSEPH**  
**B. ROSE, DOLLY WILLIAMS, Commissioners**

