



## **CITY PLANNING COMMISSION**

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January 11, 2006 / Calendar No. 18

C 050088 ZSR

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IN THE MATTER OF an application submitted by New York SMSA Limited Partnership pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 107-73 of the Zoning Resolution to modify the height and setback regulations of Section 107-43 of the Zoning Resolution to allow a 100 foot high telecommunication tower in connection with a proposed wireless communication facility on property located at 3250 Richmond Avenue (Block 5613, Lot 400), in an R3-2 District, within the Special South Richmond Development District, Borough of Staten Island, Community District 3.

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The application for the special permit was filed by New York SMSA Limited Partnership d/b/a Verizon Wireless on September 8, 2004, to modify the Special South Richmond Development District height limitation of 50 feet to construct a 100-foot high telecommunications tower designed as a flagpole with internal antennas for wireless communications services in the South Richmond area of Staten Island.

### **RELATED ACTION**

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 which is being considered concurrently with this application:

N 050089 RAR      Authorization for modification of existing topography pursuant to  
Section 107-65.

### **BACKGROUND**

A telecommunications facility consisting of a 100-foot high telecommunications stealth flagpole, two 12 by 30-foot one-story equipment shelter buildings, one 12 by 10-foot concrete pad for equipment cabinets and other related facilities is proposed to be constructed within an approximately

1,610 square foot leased project site located on the 63,516 square foot Elks Club Lodge zoning lot at 3250 Richmond Avenue. The proposed telecommunications flagpole is within an R3-2 zoning district in the Greenridge area in the Special South Richmond Development District in Staten Island, Community District 3.

On March 8, 2005, the proposal for a telecommunications flagpole at this location on this zoning lot received a special permit (295-04-BZ) from the Board of Standards and Appeals (BSA) pursuant to Section 73-30 to allow the location of a non-accessory radio tower in a residential district.

The proposed structures would be located within the leased project area which is near the northeast corner of the lot and would be screened by ten existing mature trees. This leased project area also includes portions of three existing parking spaces which will be removed in connection with the proposed development. The remainder of the zoning lot is occupied by a two and a half-story building that is used as an Elks Club Lodge.

Commercial uses are located to the east of the zoning lot across Richmond Avenue and commuter parking facilities are located to the north. Low density residential development is located to the south and west of the zoning lot. The residential development on the adjacent zoning lot to the south is more than 180 feet away from the proposed telecommunications flagpole. The proposed flagpole is more than 200 feet east of the zoning lot's westerly lot line. The nearest residential building to the west of the proposed flagpole is approximately 380 feet away.

The applicant proposes construction of a public utility wireless telecommunications facility containing a 100-foot high stealth telecommunications flagpole, two 12 by 30-foot one-story equipments shelters, one 120 square foot concrete pad for related operations equipment and other related equipment. This 1,610 square foot project site would be screened by the ten surrounding existing mature trees which are at least 35 feet in height. In addition the project site would be enclosed by an eight-foot high opaque wooden stockade fence. Further, newly planted shrubs would surround the outside of this stockade fencing. Access to this proposed facility is provided through the existing parking lot. The flagpole has capacity for internal antennas for four potential carriers. The antennas for the applicant would occupy one of these carrier spaces. The carriers for the other three spaces are unidentified at this time.

This proposed telecommunications facility will enable provision of wireless communications services in the vicinity of the site where a gap in service presently exists. The flagpole would also include an American flag. Street trees would be planted along Richmond and Wainwright avenues in accordance with regulations of the Special South Richmond Development District.

The applicant requests a special permit (C 050088 ZSR) pursuant to Section 107-73 of the Zoning Resolution to modify the 50-foot Special South Richmond Development District height limit to allow construction of the 100-foot high telecommunications flagpole. The Commission must make

findings related to the effects of this proposal on the surrounding area's character and the ability of the proposal's design to take full advantage of the site's special characteristics.

The project also requires an authorization (N 050089 RAR) for modification of existing topography in the project site area to excavate for the telecommunications flagpole foundation. In the flagpole area, excavation is required for a 22-foot deep foundation. The modification of existing topography is requested to excavate for the location of the telecommunications flagpole.

### **ENVIRONMENTAL REVIEW**

This application (C 050088 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 05BSA036R. The lead agency is the Board of Standards and Appeals.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on March 8, 2005.

### **UNIFORM LAND USE REVIEW**

This application (C 050088 ZSR) was certified as complete by the Department of City Planning on August 22, 2005, 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 continued a September 21, 2005 public hearing on this application to October 19, 2005, and on October 25, 2005, by a vote of 24 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

The Staten Island Borough President did not submit a recommendation on this application.

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

On November 16, 2005 (Calendar No. 6), the City Planning Commission scheduled December 7, 2005, for a public hearing on this application (C 050088 ZSR). The hearing was duly held on December 7, 2005 (Calendar No. 25). There was one speaker in favor and none in opposition.

The applicant's representative spoke in favor of the application. He described the proposal and stated that it would increase the capacity to provide wireless services in the area. He further stated that the proposed stealth flagpole would provide room for three additional carriers.

There were no other speakers and the hearing was closed.

### **Waterfront Revitalization Program Consistency Review**

This application 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 05-032.

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.

This special permit allows for a modification of the Special South Richmond Development District's height limitation of 50 feet pursuant to Section 107-73 of the Zoning Resolution. The Board of Standards and Appeals has granted a use special permit pursuant to Section 73-30 of the Zoning Resolution to allow location of a non-accessory radio tower at this location. The proposed telecommunications flagpole would be 100 feet high and would be located near the northeasterly corner of the subject zoning lot in an R3-2 zoning district. Further, the stealth flagpole design presents this wireless telecommunications facility as a flagpole which is 2.1 feet wide at its base. Where the tower facility is visible it would be seen as a flagpole.

The Commission notes that the nearby area is developed primarily with commercial uses and commuter parking uses, as well as residences. The closest residential building is within the R3-2 zoning district and is more than 180 feet from the site of the proposed stealth telecommunications flagpole.

The Commission notes that enclosing the antennas inside the flagpole improves the aesthetic appearance of the telecommunications facility and takes advantage of the special characteristics of the site. The design of the facility as a stealth flagpole helps it to blend into the surrounding environment.

This parcel is screened by a grove of mature trees in the northeasterly corner of the lot. The project site parcel will be enclosed by eight-foot high opaque fencing and further screened by newly planted shrubs. In addition, the design of the telecommunications tower as a free-standing flagpole is seen as appropriate for this setting. The use of this parcel for a non-accessory radio tower in an R3-2 zoning district has been permitted by a BSA Section 73-30 use special permit.

Further, the Commission notes that the 100-foot high flagpole would be at least 180 feet away from the nearest residence and set back 50 feet from the Wainwright and Richmond avenue lot frontages. The related operations equipment would be located within the enclosed project site which is screened by fencing, shrubs and trees. The flagpole has room for three additional potential carriers in addition to the intended user, Verizon Wireless.

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 107-73 which allows the Special South Richmond Development District 50-foot height limit to be modified:

- (a) that such development is so located as not to impair the essential character of the surrounding area;
- (b) not applicable; and
- (c) that the development's design proposal takes full advantage of all special characteristics of the site.

## **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 submitted by New York SMSA Limited Partnership pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 107-73 of the Zoning Resolution to modify the height and setback regulations of Section 107-43 of the Zoning Resolution to allow a 100 foot high telecommunication tower in



connection with a proposed wireless communication facility on property located at 3250 Richmond Avenue (Block 5613, Lot 400), in an R3-2 District, within the Special South Richmond Development District, Borough of Staten Island, Community District 3, is approved subject to the following terms and conditions to such application as are reflected therein:

1. The property that is the subject of this special permit (C 050088 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 Tectonic Engineering & Surveying Consultants P.C., for New York SMSA Limited Partnership / Verizon Wireless, and incorporated in this resolution:

<b><u>Drawing Number</u></b>	<b><u>Title</u></b>	<b><u>Last Date Revised</u></b>
SP2	Overall Site Plan & Landscape Plan	May 23, 2005
SP3	Site Plan Detail and Landscape Details and Notes	May 23, 2005
SP4	Elevations & Details	May 23, 2005

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. All zoning computations are subject to verification and approval of 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 the failure of any party having any right, title or interest in the property that is the subject of this special permit, or the 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 and authorizations 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 special permit 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 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 050088 ZSR), duly adopted by the City Planning Commission on January 11, 2006 (Calendar No. 18), 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  
IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO III,  
RICHARD W. EADDY, JANE D. GOL, LISA GOMEZ, CHRISTOPHER KUI, KAREN  
PHILLIPS, DOLLY WILLIAMS, Commissioners.**

**JOHN MEROLO, Commissioner - Abstained**