



## **CITY PLANNING COMMISSION**

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August 8, 2012 / Calendar No. 13

C 110219 ZSR

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**IN THE MATTER OF** an application submitted by The Marco Savo Irrevocable Trust, The Gino Savo Irrevocable Trust, and The Leonello Savo Jr. Irrevocable Trust and The Anthony Savo Irrevocable Trust pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) to modify the requirements of Section 33-26 (Minimum Required Rear Yard) to allow a 35-foot high 2-story portion of a building within the 20-foot required rear yard, in connection with a proposed commercial development, within a large-scale general development on the northerly side of Veterans' Road West 475 feet easterly of Waunner Street, in a C8-2 District, within the Special South Richmond Development District, Borough of Staten Island, Community District 3.

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The application (C 110219 ZSR) for the special permit was filed by The Marco Savo Irrevocable Trust, The Gino Savo Irrevocable Trust, and The Leonello Savo Jr. Irrevocable Trust and The Anthony Savo Irrevocable Trust on February 16, 2011 to modify the requirements of Section 33-26 (Minimum Required Rear Yard) to allow a 35-foot high 2-story portion of a building within the 20-foot required rear yard, in connection with a proposed 70,000 square foot food store, within a large-scale general development on the northerly side of Veterans' Road West in a C8-2 District, in the Charleston neighborhood in Staten Island, Community District 3.

### **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 applications which are being considered concurrently with this application:

C 110218 ZMR	Amendment of the Zoning Map to change an M1-1 District to a C8-2 District.
N 110220 RAR	Authorization for Modification of Existing Topography in the Special South Richmond Development District.
N 110221 RAR	Authorization for Modification of Size and Access of an Accessory Group Parking Facility in the Special South Richmond Development District.

N 110222 ZCR	Chair Certification of Cross Access Connection
N 110262 ZCR	Chair Certification that no connection is required

## **BACKGROUND**

A full description of the background and requested actions appears in the report on the related application for an amendment of the Zoning Map (C 110218 ZMR).

## **ENVIRONMENTAL REVIEW**

This application (C 110219 ZSR), in connection with the ULURP application (C 110218) and Non-ULURP applications (Nos. ZMR, N 110220 RAR, N 110221 RAR, N 110222 ZCR, N 110262 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 11DCP149R. The lead agency is the City Planning Commission.

A summary of the environmental review and Conditional Negative Declaration appears in the report on the related application for a zoning map amendment (C 110218 ZMR).

## **UNIFORM LAND USE REVIEW**

This application (C 110219 ZSR) was certified as complete by the Department of City Planning on April 9, 2012, and was duly referred to Community Board 3 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related zoning Zoning Map amendment (C 110218 ZMR) and other Non-ULURP actions (N 110220 RAR, N 110221 RAR) which were referred for information and comment in accordance with the procedure for Non-ULURP actions.

### **Community Board Public Hearing**

Community Board 3 held a public hearing on this application on May 9, 2012, and on May 22, 2012, by a vote of 23 in favor, with 1 opposed and 0 abstentions, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application was considered by the Staten Island Borough President who issued a recommendation approving the application on June 4, 2012.

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

On June 20, 2012 (Calendar No. 5) the City Planning Commission scheduled July 11, 2012 for a public hearing on this application (C 110219 ZSR) in conjunction with the public hearing on the applications for the related Zoning Map amendment (C 110218 ZMR). The hearing was duly held on July 11, 2012 (Calendar No. 15). There were no 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 11-068.

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

### **CONSIDERATION**

The Commission believes that this amendment to the Zoning Resolution is appropriate. A full consideration appears in the report on the related application for the amendment of the Zoning Map (C 110218 ZMR).

## **RESOLUTION**

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

The applicant agrees to perform the remediation measures as articulated in its February 2012 Remedial Action Plan (RAP) and to adhere to its Construction Health and Safety Plan (CHASP) to ensure the protection of on-site workers, monitoring plan, and other safety requirements during construction of the applicant's proposed building.

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 by The Marco Savo Irrevocable Trust, The Gino Savo Irrevocable Trust, and The Leonello Savo Jr. Irrevocable Trust and The Anthony Savo Irrevocable Trust pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) to modify the requirements of Section 33-26 (Minimum Required Rear Yard) to allow a 35-foot high 2-story portion of a building within the 20-foot required rear yard, in connection with a proposed commercial development, within a large-scale general development on the northerly side of Veterans' Road West 475 feet easterly of Waunner Street, in a C8-2 District, within the Special South Richmond Development District, Borough of Staten Island, Community District 3, is approved subject to the following terms and conditions:

1. The property that is the subject of this special permit (C 110219 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 Land Planning &

Engineering Consultants, P.C. for The Marco Savo Irrevocable Trust, The Gino Savo Irrevocable Trust, and The Leonello Savo Jr. Irrevocable Trust and The Anthony Savo Irrevocable Trust, and incorporated in this resolution:

<b><u>Drawing Number</u></b>	<b><u>Title</u></b>	<b><u>Last Date Revised</u></b>
Z-001.00	ZONING COMPUTATIONS	01.13.11
C-001.00	SPECIAL PERMIT	04.04.12
C-002.00	SITE PLAN	01.13.11

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. Development pursuant to this resolution shall be allowed only after the restrictive declaration dated July 26, 2012, executed by The Marco Savo Irrevocable Trust, The Gino Savo Irrevocable Trust, and The Leonello Savo Jr. Irrevocable Trust and The Anthony Savo Irrevocable Trust, the terms of which are hereby incorporated into this resolution, shall have been recorded and filed in the Office of the Richmond County Clerk, City of New York.
5. 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.

6. 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.
7. 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 110219 ZSR), duly adopted by the City Planning Commission on August 8, 2012, (Calendar No. 13), 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, FAICP, Chair,**  
**KENNETH J. KNUCKLES, Esq., Vice Chairman**  
**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,**  
**ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE R. DE LA UZ,**  
**MARIA M. DEL TORO, ANNA HAYES LEVIN,**  
**ORLANDO MARIN, SHRILEY A. MCRAE, Commissioners.**



Applicant(s): The Marco Savo Irrevocable Trust The Gino Savo Irrevocable Trust The Leonello Savo Jr. Irrevocable Trust and The Anthony Savo Irrevocable Trust 15 Sequine Avenue, Staten Island, N.Y. 10309		Applicant's Representative: Gaetano Donatantonio Land Planning & Engineering Co., P.C. 2178 Forest Avenue Staten Island, N.Y. 10303	
Recommendation submitted by: Staten Island Community Board 3			
Date of public hearing: May 9, 2012		Location: 655 Rossville Avenue, Suite 218 Staten Island, NY 10309	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>	
Date of Vote: May 22, 2012		Location: 6451 Hylan Boulevard, Staten Island 10309	
<b>RECOMMENDATION</b> <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Approve  <input type="checkbox"/> Disapprove         </div> <div> <input type="checkbox"/> Approve With Modifications/Conditions  <input type="checkbox"/> Disapprove With Modifications/Conditions         </div> </div>			
<u>Please attach any further explanation of the recommendation on additional sheets, as necessary.</u>			
<b>Voting</b> # In Favor: 23    # Against: 1    # Abstaining:    Total members appointed to the board: <b>33</b>			
Name of CB/BB officer completing this form Frank Morano		Title Chairman of the Board	Date 5/24/2012





**Uniform Land Use Review Procedure**  
**New York City Department of City Planning**  
**Staten Island Borough President Recommendation**

**ULURP NO.**  
**C 110219 ZSR**  
**VETERANS PLAZA – FOOD STORE**

**COMMUNITY DISTRICT: 3**

**DOCKET DESCRIPTION:**

IN THE MATTER OF an application submitted by The Marco Savo Irrevocable Trust, The Gino Savo Irrevocable Trust, and The Leonello Savo Jr. Irrevocable Trust and the Anthony Savo Irrevocable Trust pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 743 (a)(2) to modify the requirements of Section 33-26 (Minimum Required Rear Yard) to allow a 35-foot high 2-story portion of a building within the 20-foot required rear yard, in connection with a proposed commercial development, within a large-scale general development on the northerly side of Veterans Road West 475 feet easterly of Waunner Street, in a C8-2\* District, within the Special South Richmond Development District, Borough of Staten Island, Community District 3.

\* Note: The site is proposed to be rezoned by changing an M1-1 District to a C8-2 District under a concurrent related application (C 110218 ZMR).

**RECOMMENDATION:**

☒ **APPROVE**

☐ **DISAPPROVE**

☐ **WITH CONDITIONS/MODIFICATIONS**

**EXPLANATION OF RECOMMENDATION, CONDITION OR MODIFICATIONS**

  
JAMES P. MOLINARO

PRESIDENT, BOROUGH OF STATEN ISLAND

DATE: JUNE 4, 2012