



CITY PLANNING COMMISSION

January 10, 2007/Calendar No. 6

C 050528 MMX

IN THE MATTER OF an application, submitted by Rosa and Maria Cipollone pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the narrowing of a portion of Bay Shore Avenue between Griswold Avenue and Palmer Inlet;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

Community District 10, Borough of the Bronx, in accordance with Map No. 13116 dated June 12, 2006 and signed by the Borough President.

The application (C 050528 MMX) for an amendment to the City Map was filed by Rosa and Maria Cipollone, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code on June 30, 2005. It involves: the narrowing of a portion of Bay Shore Avenue between Griswold Avenue and Palmer Inlet; the adjustment of grades necessitated thereby; and any acquisition or disposition of real property related thereto.

BACKGROUND

The applicant proposes a change to the City Map involving the narrowing of a portion of Bay Shore Avenue between Griswold Avenue and Palmer Inlet in the Country Club area of the Borough of the Bronx to widen their side yard from 2.65 feet to 12.61 feet in order to control garbage dumping. The applicant proposes the elimination, discontinuance and closing of a 10 foot wide by 151.33 foot long strip on the easterly side of Bay Shore Avenue extending from the southerly line of Griswold Avenue towards Palmer Inlet, and the acquisition of this portion of the street. The mapped width of Bay Shore Avenue at this location will be narrowed from 60 feet to 50 feet.

Bay Shore Avenue, south of Griswold Avenue, will not be eliminated in its entirety in order to provide required street frontage to a vacant lot (Lot 233 Block 5414) at the southerly end of the

street, to maintain sufficient street width for turnaround purposes and to maintain waterfront access.

Bay Shore Avenue is mapped to a 60-foot width, is unimproved and city-owned. Griswold Avenue is mapped to a 60-foot width, is city-owned and open for two-way traffic.

The subject area lies within C3A and R3-1 zoning districts. The immediate area is developed with single-family detached and multi-family attached houses. There is a marina at the intersection of Griswold Avenue and Outlook Avenue.

Agencies were polled on August 17, 2005. No city agency had any objections to the proposal.

ENVIRONMENTAL REVIEW

This application (C 050528 MMX) 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 No. is 05DCP088X. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on August 21, 2006.

UNIFORM LAND USE REVIEW

This application (C 050528 MMX) was certified as complete by the Department of City Planning on August 21, 2006, and was duly referred to Community Board 10 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 10 held a public hearing on this application (C 050528 MMX) on October 10, 2006, and on October 19, 2006, by a vote of 30 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 050528 MMX) was considered by the Borough President of the Bronx who issued a recommendation approving the application on November 27, 2006.

City Planning Commission Public Hearing

On November 15 (Calendar No. 1), the City Planning Commission scheduled December 6, 2006 for a public hearing on this application (C 050528 MMX). The hearing was duly held on December 6, 2006 (Calendar No. 7).

There was one speaker in favor and none in opposition to this application. The speaker, the applicant, described the proposal and the problems she has had keeping refuse from being dumped on the subject property.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application (C 050528 MMX) 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 06-021.

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

CONSIDERATION

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

The portion of Bay Shore Avenue proposed to be eliminated, discontinued and closed from the City Map is mapped to a 60-foot width, and will be narrowed to 50 feet. The subject portion of

the street is city owned and not improved and is not necessary to the integrity and function of the street grid in this area.

Bay Shore Avenue south of Griswold Avenue is a dead end street and provides access to a waterfront lot on the westerly side of the street and to the Palmer Inlet waterfront. The proposed elimination of 10 foot strip of the street will not affect waterfront access.

As a result of the elimination and the acquisition of the bed of Bay Shore Avenue, the applicant's side yard will be widened from 2.65 feet to 12.61 feet which allows the applicant to control garbage dumping at the intersection of Bay Shore Avenue and Griswold Avenue.

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, 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 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, that based on the environmental determination and the consideration described in this report, the application (C 050528 MMX) for the amendment to the City Map involving: the narrowing of a portion of Bay Shore Avenue between Griswold Avenue and Palmer Inlet; the adjustment of grades necessitated thereby; and any acquisition or disposition of real property related thereto, in Community District 10, Borough of the Bronx, in accordance with Map No. 13116 dated June 12, 2006 and signed by the Borough President, is approved; and be it further

RESOLVED that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

RESOLVED that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts three (3) counterparts of Map No. 13116 dated June 12, 2006 providing for the discontinuance and closing of a portion of Bay Shore Avenue between Griswold Avenue and Palmer Inlet, more particularly described as follows:

**DISCONTINUING AND CLOSING OF A PORTION OF BAY SHORE AVENUE
BETWEEN GRISWOLD AVENUE AND PALMER INLET**

Starting a **point of beginning** located at the intersection of the southerly line of Griswold Avenue and the former easterly line of Bay Shore Avenue, discontinued and closed;

1. Thence, southerly along a former line of Bay Shore Avenue, discontinued and closed, a distance of 153.02 feet to a point;
2. Thence westerly, along a newly proposed line of Bay Shore Avenue forming an interior angle with the previous course of 90 degrees, 00 minutes and 00 seconds, a distance of 10.00 feet to a point;
3. Thence northerly along a newly proposed easterly line of Bay Shore Avenue, forming an interior angle with the previous course of 90 degrees, 00 minutes and 00 seconds, a distance of 151.33 feet to a point;
4. Thence, along the newly proposed southerly line of Griswold Avenue, forming an interior angle with the previous course of 99 degrees, 37 minutes and 20 seconds, a distance of 10.14 feet to the **point or place of beginning**;

and be it further

RESOLVED that, 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. 13116 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code;
- 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 shall have executed a mapping agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission (the mapping agreement). If such agreement is not 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; and
- c. The subject streets to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

The above resolution (C 050528 MMX), duly adopted by the City Planning Commission on January 10, 2007 (Calendar No. 6), 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 Chair

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