

58-13-A

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Sylvaton Holdings LLC, owners.

SUBJECT – Application February 5, 2013 – Proposed construction of a twelve-family residential building located partially within the bed of a mapped but unbuilt street contrary to General City Law Section 35. R4/M3-1 zoning district.

PREMISES AFFECTED – 4 Wiman Place, west side of Wiman Place, south of Sylvaton Terrace and north of Church Lane, Block 2827, Lot 205, Borough of Staten Island.

COMMUNITY BOARD #1SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Hinkson and Commissioner Montanez....4

Absent: Commissioner Ottley-Brown.....1

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Staten Island Commissioner Borough Commissioner, dated July 15, 2013, acting on Department of Buildings Application No. 520118596, reads in pertinent part:

Proposed construction on a 12-10 (a) Zoning Lot located within the bed of a mapped street is contrary to Section 35 of the General City Law. Therefore, Board of Standards and Appeals approval is required; and

WHEREAS, this is an application to allow the construction of a three-story, 12-unit residential building with eight accessory off-street parking spaces; the westerly portion of the building will be located partially in the bed of the mapped Wiman Place; and

WHEREAS, a public hearing was held on this application on August 13, 2013, after due notice by publication in *The City Record*, with continued hearings on October 22, 2013, November 26, 2013, and December 17, 2013, and then to decision on January 14, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Commissioner Hinkson, and Commissioner Montanez; and

WHEREAS, the subject site is located on the west side of Wiman Place, south of Sylvaton Terrace and north of Church Lane, partially within an R4 zoning district and partially within an M3-1 zoning district within Community Board 1, Staten Island; and

WHEREAS, pursuant to ZR § 77-11, the use regulations applicable to the R4 zoning district may be applied to the entire subject zoning lot as the subject lot existed on December 15, 1961, more than 50 percent of the lot area is within the R4 zoning district, and the greatest distance from the mapped district boundary (17 feet) is less than 25 feet; and

WHEREAS, by letter dated May 2, 2013, the Fire

Department states that it has reviewed the proposal and has offered no further objections provided that: (1) the entire building be fully sprinklered in conformity with the sprinkler provisions of the NYC Fire Code Section 503.8.2, Local Law 10 of 1999 and Reference Standard 17-2B of the New York City Building Code and (2) the entire building be provided with interconnected smoke alarms designed and installed in accordance with NYC Building Code Section 907.2.10; and

WHEREAS, by letter dated February 25, 2013, the Department of Environmental Protection (“DEP”) states that (1) there are no existing City sewers or existing City water mains in the bed of Wiman Place between Sylvaton Terrace and Church Lane at the site and (2) City Drainage Plan No. PRD-A, Sheet 3 of 6, dated July 1968, for the above referenced location calls for a future 10-inch diameter sanitary sewer and a 12-inch/15-inch storm sewer in the bed of Wiman Place between Sylvaton Terrace and Church Lane; and

WHEREAS, DEP further states that it requires the applicant to submit a survey/plan showing (1) the width of mapped Wiman Place and the width of the widening portion of the street at the above referenced location and (2) a 32-ft. wide sewer corridor in the bed of Wiman Place along Lot 205 for the installation, maintenance, and/or reconstruction of the future 10-inch diameter sanitary sewer and the 12-inch/15-inch diameter storm sewer; and

WHEREAS, in response to DEP’s request, the applicant submitted a drawing showing a 32-ft. wide sewer corridor in the bed of Wiman Place along Lot 205 for the installation, maintenance and or reconstruction of the future 10-inch diameter sanitary sewer and the 12-inch/15-inch diameter sewer; and

WHEREAS, by letter dated November 26, 2013, DEP states that, based on the drawing submitted by the applicant, it has no objection to the proposed application; and

WHEREAS, by correspondence dated June 10, 2013, the Department of Transportation (“DOT”) requested that the applicant provide the following information on its site plan: (1) sidewalks fronting Sylvaton Terrace and Wiman Place, with suggested widths of 5 feet for Sylvaton Terrace and a minimum width of 5 feet for the easterly concrete portion of the proposed 10-ft. sidewalk on Wiman Place; (2) the proposed vehicular ramp in compliance with zoning requirements and relocated to accommodate the sidewalk on Sylvaton Terrace; (3) the proposed street trees located at least 35 feet from street intersections; and (4) the jurisdiction of the built roadway within the mapped street, right-of-way; and

WHEREAS, in response to DOT’s request, the applicant submitted a revised site plan with a 5-ft. wide sidewalk along Sylvaton Terrace, a 5-ft. wide sidewalk along Wiman Place, the proposed vehicular ramp in compliance with zoning requirements and relocated to

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accommodate the sidewalk on Sylvaton Terrace, a notation about the jurisdiction of the built roadway within the mapped street right of way, and noted that because of the sidewalk configuration, street trees will be provided off -site; and

WHEREAS, by letter dated December 18, 2013, DOT states that according to the Staten Island Borough President's Topographical Bureau, Wiman Place between Sylvaton Terrace and Church Lane is a mapped street to a 60-ft. width on the Final City Map; and

WHEREAS, DOT notes that the City does not have title to the mapped street, but there is a Corporation Counsel Opinion of Dedication, dated March 8, 1985, for 14 to 15 feet as in use, on the easterly portion of Wiman Place (known as Church Lane); and

WHEREAS, DOT also notes that the improvement of Wiman Place at this location (Block 2827, Lot 207) is not presently included in DOT's Capital Improvement Program; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved, that the decision of the Staten Island Borough Commissioner, dated July 15, 2013, acting on Department of Buildings Application No. 520118596, is modified by the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction will substantially conform to the drawing filed with the application marked "Received January 13, 2014" (1) sheet; that the proposal will comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations will be complied with; and *on further condition*:

THAT the building will be fully sprinklered and provided with interconnected smoke alarms in accordance with BSA approved plans;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT DOB will review the proposed plans to ensure compliance with all relevant provisions of the Zoning Resolution, including planting strip requirements;

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any

A true copy of resolution adopted by the Board of Standards and Appeals, January 14, 2014.

Printed in Bulletin Nos. 1-3, Vol. 99.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals on January 14, 2014.

