



CITY PLANNING COMMISSION

August 5, 2009/Calendar No. 13

C 080374 ZSR

IN THE MATTER OF an application submitted by Presentation Sisters of Staten Island, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-732 of the Zoning Resolution to allow a private pumping station which will serve a 97-unit development on property located at 419 Woodrow Road [Block 5735, p/o Lot 1 (tentative Lot 15)], in an R3-2 District, within the Special South Richmond Development District, Community District 3, Borough of Staten Island.

The application for the special permit was filed by Presentation Sisters of Staten Island, Inc. on April 9, 2008, to facilitate the construction of a private sewage pumping station in a proposed residential development in the Arden Heights neighborhood of Staten Island.

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:

1. N 080377 RAR Authorizations pursuant to Sections 107-64 and 107-65 for the removal of trees and modification of existing topography;
2. N 080376 RCR Chairperson's Certification pursuant to Section 107-123 for public school seats;
3. N 080375 RCR Commission Certification pursuant to Section 107-22 for the development of a lot containing Designated Open Space.

BACKGROUND

The applicant, the Presentation Sisters of Staten Island, Inc., is seeking the grant of a special permit pursuant to Section 74-732 to allow a private sewage pumping station which will serve a 97-unit residential development on property located at 419 Woodrow Road in an R3-2 District, within the Special South Richmond Development District in Arden Heights, Staten Island Community District 3.

Existing Conditions

The project site (Block 5735, p/o Lot 1) is located on Woodrow Road, an arterial street in the Special South Richmond Development District (SSRD). The 14.23 acre site is zoned R3-2, is mostly wooded, mostly vacant and is located in the Arden Heights neighborhood of Staten Island. There are state designated wetlands located in the northwest portion of the site. A small portion of the site, on Woodrow Road, contains the Presentation Sisters convent, which will be demolished. A new smaller convent is under construction, but it is not part of the development site that is the subject of this application (C 080374 ZSR).

The development site is a 619,674 sq. ft./14.23 acre lot with approximately 230 feet of frontage on Woodrow Road and a depth ranging from approximately 1,000 to 1,200 feet. The zoning lot has an existing curb cut on Woodrow Road. The site is higher at Woodrow Road and slopes down to the rear of the property where the wetlands are located. A grade change of approximately 30 feet exists from Woodrow Road to the wetlands in the northwestern part of the site.

The surrounding area is characterized by one and two- family homes and open space including Arden Woods Park, a city park, privately owned South Richmond Designated Open Space (DOS), and Arden Heights Woods (state property).

Project Description

The applicant is selling the property and the new owner proposes to demolish the existing convent and construct 83, one-family and 7, two-family attached houses. A private street (Presentation Circle) will run from Woodrow Road into the site in a circular fashion. Approximately half the site is located within DOS and about half the site is state designated wetlands. DOS and state wetlands overlap somewhat and to a large extent are in the rear of the site, away from Woodrow Road. Access to the private road will be via one 48 foot curb cut on Woodrow Road. The location and width of the curb cut was the result of discussions between the applicant and the Fire Department.

REQUESTED ACTIONS

Special Permit for a Private Sewage Pumping Station (C 080374 ZSR)

Because the site slopes down from Woodrow Road, a sewage pumping station is necessary to pump sanitary sewage uphill and ultimately connect with the city sewer system. Storm water will be handled partially by dry wells: the remainder of the storm water will flow directly into the wetlands. There is an existing city sewer in Woodrow Road adjacent to the site, but it does not have the capacity to receive sanitary sewage from the site. The applicant will also construct and maintain a 3 to 4 inch, 2650 foot long force main in Woodrow Road that will connect to an existing 10 inch sanitary sewer at the corner of Woodrow Road and Dierauf Street. The on site private pump station will also pump the sewage in the force mail to the connection with the city sewer at Woodrow Road and Dierauf Street which ultimately connects to the Oakwood Beach Water Pollution Control Plant that serves the area.

The pumping station is located at the lowest end of the development site's buildable portion at the end of the proposed private street. The actual equipment will be placed underground in pre-cast concrete chambers. The sewage pump would be fully below grade with an access hatch to a wet well and an emergency manhole cover, both at grade. They would be located within a 20 foot by 30 foot area surrounded by a fence and visually buffered by planting material as shown on the approved landscape plan.

Authorization pursuant to Section 107-65 for the Modification of existing topography (N 080377 RAR)

The applicant requests modification of topography in order to create a level site. The applicant proposes to fill (more than 2 feet) an area in the central part of the buildable portion of the site, in some of the rear and side yards of the proposed buildings up to four feet in depth. Another small area in the western part of the buildable portion of the site in rear yards adjacent to the western lot line needs to be cut more than 2 feet up to a depth of four feet.

Authorization pursuant to Section 107-64 for the Removal of Trees (N 080377 RAR)

The applicant requests the removal of 22 trees pursuant to this authorization. Four of these are

located in proposed building entry sidewalk areas, one is located adjacent to a proposed retaining wall and four have large root systems near proposed building walls. Thirteen trees require removal because of cutting and filling greater than two feet.

Certification pursuant to Section 107-123 of the Zoning Resolution for public school seats (N 080376 RCR)

All residential development in the Special South Richmond Development District (SSRDD), except for predominately built up areas, must receive certification by the Chair of the City Planning Commission, that sufficient capacity is available for its school age children. The proposed development would generate approximately 48 seats.

Certification pursuant to Section 107-22 for the development of a lot containing Designated Open Space (DOS) (N 080375 RCR)

The development contains DOS, therefore the City Planning Commission must certify that the DOS will be preserved in its natural state and if required, must also satisfy the provisions of Sections 107-222 and 24.

ENVIRONMENTAL REVIEW

This application (C 080374 ZSR), in conjunction with the applications for the related actions (C 080377 RAR, N 080376 RCR and N 080375 RCR) 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 09DCP006R. 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 May 4, 2009.

UNIFORM LAND USE REVIEW

This application (C 080374 ZSR) was certified as complete by the Department of City Planning on May 4, 2009, 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).

Community Board Public Hearing

Community Board 3 held a public hearing on this application on May 20, 2009, and on that date, by a vote of 19 to 10 with no abstentions, adopted a resolution recommending approval of the application with the following conditions:

The Community Board discussed the lack of sewers in the area and the applicant's proposal for a forced main which would impact an existing sewer further down the road from the construction site. The development was limited to one entrance and exit which was a concern to the Board members in regards to emergency vehicle access. The Board members recommend an additional exit/entrance be considered. There was also a concern about the impact of this large development and the nearby State Wetlands. They questioned if DEC permits were needed and if the DEC was aware of this proposal.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on June 2, 2009.

City Planning Commission Public Hearing

On June 17, 2009 (Calendar No. 8), the City Planning Commission scheduled July 1, 2009 for a public hearing on this application (C 080374 ZSR). The hearing was duly held on July 1, 2009 (Calendar No. 25).

There was one speaker in favor and none in opposition. The speaker in favor was a representative of the applicant, who gave a brief description of the project. There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit, and the related actions are appropriate.

The Commission believes that due to site conditions, pumping the sewage up hill, ultimately to a sewage treatment plant is appropriate. Pumping sewage to a municipal sewage treatment plant rather than employing septic systems protects the public's health, safety and welfare by providing a safer, more effective means of sewage disposal.

The project falls within the Oakwood Beach Water Pollution Control Plant Drainage service area. The rated capacity of the Oakwood Beach Water Pollution Control Plant is 40 million gallons per day (mgd). The total anticipated sanitary flow from the proposed development based on NYC Department of Environmental Protection Design Standards is 219,732 gpd or .219 mgd. The project represents only .0000005% of the plant capacity and is within the capacity of the plant. Therefore the proposed action will have no significant impact on the capacity available at the Oakwood Beach Water Pollution Control Plant.

The Commission recognizes the Community Board's recommendation, but notes that the location and width of the curb cut was the result of discussions between the applicant and the Fire Department. The Commission also notes that the proposed development will also require the approval of the state DEC which is aware of the proposal.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Sections 74-732 (Private sewage pumping stations) of the Zoning Resolution:

- a) not applicable;
- b) that in all cases the proposal promotes and protects the public health, safety and general welfare; and

- c) not applicable;
- d) in the case of the sewage pumping stations, the sewers and treatment plants to which the flow is to be pumped will be adequate to accommodate anticipated future development in the area to be served by these facilities.

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, 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 the Presentation Sisters of Staten Island, Inc. pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-732 of the Zoning Resolution to allow a sewage pumping station which will serve a 97-unit development on property located at 419 Woodrow Road [Block 5735, p/o Lot 1 (tentative Lot 15)], in an R3-2 District, within the Special South Richmond Development District, Community District 3, Borough of Staten Island, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 080374 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 Moss and Sayad (M&S) Architects, as well as Wohl and O’Mara (W&O) Civil Engineers and Land Surveyors, filed with this application and incorporated into this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Received</u>
2 of 7 (M&S)	Site Plan	4/27/2009
3 of 7 (M&S)	DOS Site Plan	4/27/2009
4 of 7 (M&S)	Site Grading Plan	4/27/2009

5 of 7 (M&S)	Cut & Fill Plan	4/27/2009
6 of 7 (M&S)	Tree & Landscape Plan	4/27/2009
2 of 3 (W&O)	Pump Station Design	1/08/2009

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for 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. 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. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated July 31, 2009, executed by the Presentation Sisters of Staten Island, the terms of which shall be deemed incorporated herein as a condition of this resolution, shall have been recorded and filed in the Office of the City Register of the City of New York, County of Richmond.
6. 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 hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. 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, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application or modification, cancellation or amendment of the special permit hereby granted or of the attached restrictive declaration.

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 080374 ZSR), duly adopted by the City Planning Commission on August 5, 2009 (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.,
ANGELA CAVALUZZI, AIA, ALFRED CERULLO, III,
BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY,
NATHAN LEVENTHAL, SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners