



CITY PLANNING COMMISSION

April 27, 2005/Calendar No. 27

C 000561 MMR

IN THE MATTER OF an application submitted by John Bilotti, 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 elimination, discontinuance and closing of a portion of Berwick Place, between Oakland and Pelton avenues, the adjustment of grades necessitated thereby and any acquisition or disposition of real property related thereto, Community District 1, Borough of Staten Island, in accordance with Map No.4177, dated March 9, 2004 and signed by the Borough President.

The application (C 000561 MMR) for an amendment to the City Map, was filed by John Bilotti, on May 3, 2000, 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 elimination, discontinuance and closing of a portion of Berwick Place, between Oakland and Pelton avenues.

BACKGROUND

Berwick Place between Oakland and Pelton avenues is mapped at a width of 60 feet, partially improved and not open to pedestrians or traffic. It is mostly under private ownership. However, a small triangular portion close to Pelton Avenue, is city-owned (Corporation Counsel Opinion of dedication dated August 13, 1986).

Berwick Place lies within Block 295 on portions of Lots 18 and 80. Lot 18, a vacant parcel located on the western portion of the street to be eliminated is owned by the applicant. This portion of the street is overgrown with vegetation, therefore precluding through traffic. The eastern portion of Berwick Place, is partially improved, used primarily as a private driveway by the owners of lot 80, which they will continue to use after the street is eliminated.

The applicant proposes the map change in order to remove the cloud on his property and develop Lot 18 with a single family home. Currently, private residences abut Berwick Place on the east and west.

This portion of Berwick Place and its abutting blocks to the west lie in an R2 zone. Adjacent zoning is R3X and R3-2. The surrounding area is primarily developed with single-family detached homes.

An Interagency Conference was held on July 11, 2000. No city agency had any objections to the proposal. A precertification report was issued on September 5, 2000.

ENVIRONMENTAL REVIEW

This application (C 000561 MMR), 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 03DCP075R. 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 December 20, 2004.

UNIFORM LAND USE REVIEW

This application (C 000561 MMR), was certified as complete by the Department of City Planning on December 20, 2004, and was duly referred to Community Board 1 and the Borough President of Staten Island, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 1 held a public hearing on this application (C 000561 MMR) on February 1, 2005, and on February 8, 2005, by a vote of 32 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 000561 MMR), was considered by the Office of the President of the Borough of Staten Island, who on February 24, 2005 issued a recommendation approving the application, with the condition that the triangular portion adjoining lots 73 and 80 within Block 295 be assigned a lot number in order to identify it as a city-owned parcel.

City Planning Commission Public Hearing

On March 16, 2005 (Calendar No. 22), the City Planning Commission scheduled March 30, 2005 for a public hearing on this application (C 000561 MMR). The hearing was duly held on March 30, 2005 (Calendar No. 36).

There were no speakers and the hearing was closed.

CONSIDERATION

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

The portion of Berwick Place between Oakland and Pelton avenues to be eliminated is mapped at a width of 60 feet, is partially improved and not open to pedestrians or traffic. It is mostly under private ownership. The portion of the applicant's property in the bed of the street is unimproved and overgrown with vegetation, therefore precluding through traffic. The remaining portion of the street, will remain privately owned and used as the main entrance to the owners of Lot 80.

Currently, the mapped but unbuilt portion of the street overlying the private property represents a legal encumbrance on such property, making it difficult for the property owner to develop the property. The proposed map change will remove the cloud on these two properties. This proposal would not affect any other private residence nor alter current traffic patterns. This action will reflect existing conditions more closely.

Regarding the Borough President's recommendation to assign a lot number to the triangular portion of Berwick Place to be discontinued and closed, a request from the Borough President's Office to the Real Property Assessment's Office will be issued. Upon adoption of the alteration map a lot number will be assigned.

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, by the City Planning Commission that, 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, based on the environmental determination and the consideration described in this report, the application (C 000561 MMR), for an amendment to the City Map involving:

the elimination, discontinuance and closing of a portion of Berwick Place, between Oakland and Pelton avenues, and any acquisition or disposition of real property related thereto, Community District 1, Borough of Staten Island, in accordance with Map No.4177, dated March 9, 2004 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. 4177 dated March 9, 2004 providing for the discontinuance and closing of a portion of Berwick Place, between Oakland and Pelton avenues, more particularly described as follows:

BEGINNING at the intersection of the westerly line of Pelton Avenue and the southerly line of Berwick Place proposed to be discontinued and closed, said point being distant 553.94.00 feet from the intersection of the westerly corner of Pelton Avenue and Whitewood Avenue as shown on the City Map;

1. **THENCE** southerly, along the westerly line of Pelton Avenue a distance of 21.45 feet to a point;
2. **THENCE** westerly, along a line a distance of 79.45 feet forming an interior angle of 89 degrees, 50 minutes, 07 seconds, with the previous course, to a point;
3. **THENCE** northeasterly, along a line, a distance of 82.23 feet forming an interior angle of 15 degrees, 07 minutes, 15 seconds to the point or place of **BEGINNING**. Being approximately 852 square feet in area, as shown on alteration Map No. 4177;

and be it further

RESOLVED, that all acquisition or disposition of property related thereto is also approved,

all such approvals being subject to the following conditions:

- a. that the subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of map 4177 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, and
- 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 an agreement protecting the City's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning

Commission provided that, 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 street 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, duly adopted by the City Planning Commission on April 27, 2005 (Calendar No. 27), is filed with the Office of the Speaker, City Council and the Borough President of Staten Island 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

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RICHARD W. EADDY, LISA A. GOMEZ, CHRISTOPHER KUI, JOHN MEROLO,
KAREN A. PHILLIPS, DOLLY WILLIAMS Commissioners.**