



CITY PLANNING COMMISSION

September 14, 2005/Calendar No. 14

C 030399 ZSR

IN THE MATTER OF an application submitted by Guido Passarelli, pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit** pursuant to Section 74-922 of the Zoning Resolution **to allow the development of certain large retail establishments (Use Group 6 and 10A) with no limitation on floor area on property bounded by Veterans Road West, Tyrellan Avenue, Korean War Veterans Parkway and West Shore Parkway** (Block 7511, Lots 1, 19, 21, 23 & 30 {Tentative Lot 1}), in an M1-1 District, within the Special South Richmond Development District, Borough of Staten Island, Community District 3.

The application for the special permit was filed by Guido Passarelli on March 24, 2003, to facilitate development of a 136,271 square foot shopping center with 454 parking spaces on a 7.70 acre vacant lot in an M1-1 zoning district and the Special South Richmond Development District in the Charleston area 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 authorization which is being considered concurrently with this application:

N 030400 RAR Authorizations pursuant to Sections of the Zoning Resolution:
107-64 Removal of Trees
107-65 Modification of Topography
107-68 Modification of the Size of an Accessory Group Parking Facility
and Access Regulations.

BACKGROUND

Area and Site Description

The site of the proposed shopping center is located on Veterans Road West, a service road immediately northwest of the Korean War Veterans Parkway (formerly known as Richmond Parkway) and the West Shore Expressway interchange. The 7.70 acre vacant lot is bounded by Veterans Road West to the north, Tyrellan Avenue to the east, the Korean War Veterans Parkway to the south and the exit ramp to the West Shore Expressway to the west. Further to the west is the Outerbridge Crossing, which connects Staten Island to New Jersey. The neighborhood of Tottenville is to the south and the manufacturing, retail and residential neighborhood of Charleston is to the north. The site is in an M1-1 zoning district within the Special South Richmond Development District (SSRDD).

The site is presently an undeveloped woodland. There are 426 trees of 6 inch caliper or greater on the project site. The site slopes generally downhill from a high point of 96 feet in the northwest corner to a low of 78 feet in the southeast (a change of 18 feet in elevation). There are no storm or sanitary sewers on or adjacent to the site. The nearest sanitary sewer is in the bed of Arthur Kill Road, 1,325 feet west of the project boundary.

The surrounding area is zoned M1-1 to the north, west to Arthur Kill Road, south to the Korean War Veterans Parkway, and east to the West Shore Expressway. New York City Transit operates the S-74 and S-78 bus routes along Arthur Kill Road from St. George to Tottenville. Also, the Staten Island Rapid transit has two train stations, Nassau and Richmond Valley, approximately three-

quarters of a mile away.

Significant land uses in the surrounding area include the Bricktown Center currently under construction directly across Veterans Road West to the north. A 190 unit senior housing development called The Tides at Charleston is also under construction nearby. The landmarked Kreischer Mansion and undeveloped city owned land and the Colonial Rifle Range is to the northwest. A variety of uses can be found along Veterans Road West to the west including contractor yards, ministorage, a golf driving range, horse stables, an animal shelter and a few scattered residences. A four-story commercial office building is just to the east of the site along Tyrellan Avenue.

Project Description

The applicant proposes to construct a 136,271 square foot shopping center with five separate buildings ranging from one story to three stories in height. Accessory on-site parking for 454 cars will be provided. The proposed uses include but are not limited to: a home improvement store, a discount department store, clothing stores, a book store, a stationary store and other retail outlets. The first story of the buildings will be occupied by retail, while the second and third stories will be occupied by offices.

Veteran's Road West, the service road for the West Shore Parkway, is mapped at a width of 100 feet. The project would have two access points (curb cuts) along Veterans Road West, both on the northern boundary of the site, and one access point (curb cut) along Tyrellan Avenue on the eastern

boundary of the site. The two northern access points would provide access via Veterans Road West to and from Korean War Veterans Parkway. The curb cuts are 30 feet wide and 378 feet apart and both front on openings in the median. Vehicle traveling west along Veterans Road West will have a dedicated left turn only lane to enter the proposed shopping center. The western most curb cut allows for the queuing of approximately 10 cars and the curb on the eastern end allows for 25 cars. The 20-foot wide curb on Tyrellan Avenue would be used exclusively for delivery trucks.

Tyrellan Avenue is a two-way road which continues south across the Korean War Veterans Parkway, and leads to an entrance ramp to the eastbound Korean War Veterans Parkway at Boscombe Avenue, and to local roadways serving the neighborhoods south of the Parkway.

The development would collect and control all stormwater runoff with a system of area drains and drywells on the site. The proposed development would include a portion of the Staten Island West Shore Greenway, in accordance with the Department of City Planning's Staten Island South and West Shore Greenways Master Plan, issued September 2003. The greenway, a multi-use pathway for pedestrians, roller skaters, bicycles and other non-motorized vehicles and equestrians, is designed to connect the parks, open space, waterfront, natural and scenic areas and historic sites in southern Staten Island. A portion of the Greenway will be constructed by the developer between Tyrellan Avenue and the north-south interior drive of the shopping center. The 16 foot-wide Greenway consists of a 12 foot-wide, two-lane paved pathway that is separated from the adjacent vehicle roadway by a 4 foot-wide raised median planted with shrubs.

LAND USE ACTIONS

C 030399 ZSR

The applicant requests a special permit pursuant to Section 74-922 of the Zoning Resolution to develop certain large retail establishments of over 10,000 square feet in Use Groups 6 and 10A in an M1-1 district. The special permit would permit: carpet stores, clothing stores, department stores, dry good or fabric stores, furniture stores, appliance stores and variety stores with no limitation on floor area per establishment. Extensive planting of trees and shrubs would be provided throughout the project site in accordance with regulations of the Special South Richmond Development District.

The proposed uses include but are not limited to: a home improvement store, a discount department store, clothing stores, a book store, a stationary store and other retail outlets. The Commission must make findings related to the location of vehicular access, traffic impact on local streets, vehicular egress, access and reservoir space, proximity to bus and rapid transit, and effect on the surrounding area's character, future use and development.

N 030400 RAR

107-64 Removal of trees

The site contains a total of 426 trees of 6 inch caliper or greater. Authorization for removal of all the trees is requested: 1) to facilitate development of the proposed retail center buildings, parking and circulation, and 2) because trees are located where more than two feet of cut or fill is required. The Special South Richmond Development District has requirements for sidewalk trees (1 tree per 20 feet of frontage), for parking lot trees (1 tree per 4 parking spaces) and for trees within an arterial

setback (1 tree per 400 square feet). The applicant is required to provide 74 sidewalk trees and 78 of which 28 exists, are being provided. 114 parking lot trees are required and 117 are being provided. 82 trees are required in the arterial setback and 82 are being provided. In addition to the new trees, the applicant will plant over 1,189 shrubs in the parking lot area.

107-65 Modification of topography

Modification of topography is requested in order to provide safe access for pedestrians and vehicles in the proposed project which consists of five separate retail stores with accessory parking for 454 cars and five loading berths. The existing topography on the 7.7 acre site is moderately sloping with an average grade of approximately 4 to 5 percent, with some areas steeper and some flatter. Therefore, modification of existing topography is requested in order to make development of the site feasible with proper site planning for drainage, landscaping and manageable slopes for parking areas, as well as pedestrian and bicycle pathways. Due to the site's irregular topography, 33,287 cubic yards of cut and 23,600 cubic yards of fill will be required.

107-68 Modification of the size of a group parking facility

The proposed development requires authorization for a group parking facility of over 30 spaces. Section 44-21 of the Zoning Resolution requires 1 parking space per 300 square feet of floor area (452 spaces for this site). The proposed 7.7 acre development would include 136,271 sq. ft. of retail. The applicant is providing 454 parking spaces and requests two additional curb cuts on Veterans Road West, an arterial. The findings relate to traffic, pedestrian safety and site planning.

107-251 Special Provisions for arterials

The Special South Richmond Development District regulations allow one curb cut along a non-arterial street. The applicant proposes three curb cuts. The curb cut along Tyrellan Avenue a non-arterial street, can be constructed as of right. In order to provide adequate access and egress to the site, the applicant is also proposing two additional curb cuts along Veterans Road West (an arterial street) which requires an authorization pursuant to Section 107-251.

ENVIRONMENTAL REVIEW

This application (C 030399 ZSR) 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 03DCP074R. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Conditional Negative Declaration, signed by the applicant, was issued on August 8, 2005, stating the following:

1. For the properties located at 2925, 2935, 2955 and 2965 Veterans Road West (Block 7511, Lots 1, 9, 21, 23, and 30) the applicant agrees via a restrictive declaration to prepare a hazardous materials sampling protocol, including a health and safety plan, which would be submitted to the New York City Department of Environmental Protection (DEP) for approval. The declarations establishes an agreement to test and identify any potential hazardous material impacts pursuant to the approved sampling

- protocol and , if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to the DEP for approval.
2. The applicant agrees to provide a bi-annual written report (to be submitted June 2005 and January 2006 for a period of two years) to the DEP for review and approval detailing the status of the propagation and planting program for the Torrey's Mountain Mint plant which was formerly located on the applicant's property and is now located at the Sweetbay Magnolia Conservatory. The report shall include transplanting techniques, planting locations, number of individual specimens propagated and information on specimen's health and survival rate at each location. DEP has determined that this would be an effective strategy for endangered species enhancement.
 3. The applicant agrees to contact the New York City Department of Transportation (DOT) within six months after the completion of the project and to inform them of the need to implement signal timing at the following five intersections:
 1. *Englewood Avenue and Veterans Road West*
 2. *Englewood Avenue and Bloomingdale Avenue*
 3. *Veterans Road West/West Shore Expressway Ramp/Bricktown Drive* with restriping of the eastbound and westbound approaches to create exclusive eastbound and left turn lanes, and protect left turn phase for east and westbound traffic. No parking Anytime signs would be installed along Veterans Road West 150 feet in both directions from Veterans Road West.
 4. *Veteran's Road West and Tyrellan Avenue* with restriping to provide exclusive eastbound right turn lane. Restriping of the westbound lane to provide a dedicated left turn lane. The creation of a separate eastbound left-turn lane at the entrance of Bricktown Center. No parking Anytime signs would be installed along Veterans Road West 50 feet in both directions from Tyrellan Avenue.
 5. *Boscombe Avenue and Korean War Veterans Parkway Eastbound Ramps*

The applicant signed the conditional negative declaration on May 18, 2005. The conditional negative declaration was published in the City Record on June 1, 2005 and in the New York State Environmental Notice Bulletin on June 1, 2005. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed.

No comments were received and the conditional negative declaration was issued on August 8, 2005.

UNIFORM LAND USE REVIEW

This application (C 030399 ZSR) was certified as complete by the Department of City Planning on May 23, 2005, and was duly referred to Community Board 3 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 3 held a public hearing on this application on June 22, 2005, and on June 28, 2005, by a vote of 35 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on June 30, 2005.

City Planning Commission Public Hearing

On July 27, 2005 (Calendar No. 9), the City Planning Commission scheduled August 10, 2005, for a

public hearing on this application (C 030399 ZSR). The hearing was duly held on August 10, 2005 (Calendar No.25). There was one speaker in favor of the application and none in opposition. The applicant's representative described the proposal and stated that it would offer new employment and retail alternatives for Staten Islanders, who now often travel to New Jersey for much of their shopping. The representative also stated that the project site is especially well suited for a retail center because of its close proximity to two limited access highways and other significant arterial roads. There were no other 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 03-048.

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

CONSIDERATION

The Commission believes that the grant of this special permit is appropriate. The Commission believes that the proposed retail center is an appropriate use of land within the M1-1 district. The retail center will provide economic benefits in the form of jobs and tax revenue for the City of New

York; a retail destination for Staten Island residents who now shop in New Jersey; and capture the retail sales and tax revenue which currently flow out of New York.

C 030399 ZSR

In M1 Districts the City Planning Commission may permit certain large retail establishments with no limitation on floor area per establishment. The expected tenants are retail stores of over 10,000 square feet in use group 6. The Commission notes that all vehicular access to the project would be from Veterans Road West, a wide street which is a service road of the West Shore Expressway and Korean War Veterans Parkway, with has a minimum of two lanes in each direction. The project's interior roadway would have three access points (curb cuts), two along Veterans Road West on the northern side and one on the eastern side by Tyrellan Avenue. The two northern access points would provide access via Veterans Road West to and from Korean War Veterans Parkway. The eastern entrance on Tyrellan Avenue would be used exclusively for delivery trucks. Tyrellan Avenue is a two way street and continues southbound bridging over the Korean War Veterans Parkway, then leads to an entrance ramp to the eastbound Korean War Veterans Parkway at Boscombe Avenue, and to local roadways serving neighborhoods south of the Parkway. The project's eastern entrance provides easy access to Englewood Avenue and to the West Shore Expressway.

Vehicles entering and exiting the project will travel via the adjacent highways (Korean War Veterans Parkway to the south and the West Shore Expressway to the east) and arterial roadways (Veterans Road West and Arthur Kill Road).

The Commission believes that adequate vehicular access and egress is provided by two curb cuts from the interior drive to Veterans Road West. New York City Transit operates the S-74 and S-78 bus route along Arthur Kill Road approximately 1,200 feet to the west of the site. The S-74 and S78 routes provide connections to St. George Ferry Terminal. Two Staten Island Rapid Transit train stations, Nassau and Richmond Valley, are located three-quarters of a mile south of the site. Because the surrounding area is zoned for light manufacturing and sparsely developed, and residential areas are more than 1/4 mile away, it is expected that shoppers will travel to the site primarily by automobile. The Commission acknowledges that large retail developments of this nature rely primarily on vehicular access, especially in low density districts.

The proposed development will not impair the essential character or the future use or development of the surrounding area. The proposed development is located on a large undeveloped parcel of land within an M1-1 zoning district in the Special South Richmond Development District. The site is bordered to the south and east by two major highways, the Korean War Veterans Parkway and the West Shore Expressway, which provide a buffer from residential uses beyond. Northwest of the proposed development are large undeveloped tracts of city-owned and private land as well as a mix of commercial uses permitted within an M1-1 district. These uses and the uses permitted in an M1-1 district would not be negatively affected by the proposed development. Also the character of this development will be in conformance with the new retail shopping center that is being currently developed (Bricktown Center) across the street from this site.

The Commission believes that the authorizations for modification of topography (107-65) removal of 426 trees (107-64) and for modification of group parking facilities and access regulations (107-68) in order to construct an accessory parking lot of 454 spaces with 2 curb cuts on an arterial, Veterans Road West, is appropriate.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-922 which permits large retail establishments in manufacturing districts:

- (a) that the principal vehicular access for such use is not located on a local narrow street;
- (b) that such use is so located to draw a minimum of vehicular traffic to and through local streets;
- (c) that adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent congestion;
- (d) that vehicular entrances and exits are provided for such uses and are located not less than 100 feet apart;
- (e) that in selecting the site due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;
- (f) that such use is so located as not to impair the essential character or the future use of or development of the surrounding area;
- (g) that such use will not produce any adverse effects which interfere with the appropriate use of land in the district or in any adjacent district; and
- (h) Not applicable.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action describe herein will have no significance impact on the environment subject to the following conditions:

1. A Phase I Environmental Site Assessment (ESA), available in the proposal's CEQR file, was prepared in September 2003 for the property under the control of the applicant located at 2925, 2935, 2955 and 2965 Veterans Road West (Block 7511, Lots 1, 9, 21, 23, and 30). The ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and a restrictive declaration was recommended, as stated in a memo by DEP dated April 8, 2004, due to the potential presence of hazardous material on the site as a result of past and present land uses at the applicant's site. The declaration requires that Phase II testing would occur and is binding upon the property's successors and assigns. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the sub-surface soils and groundwater on the applicant's sites would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction).

On March 3, 2005 the restrictive declaration was recorded and executed. On January 7, 2005 DEP communicated to City Planning that they approved the language of the restrictive declaration. In an April 12, 2005 letter sent to City Planning, DEP confirmed that they had received a copy of the recorded and executed restrictive declaration.

With the implementation of the condition described above, no significant adverse impact related to hazardous materials would occur.

2. On April 8, 2005 a comment letter was sent by DEP's Office of Environmental Planning and Assessment to City Planning confirming the presence of an endangered plant species, *Pycnathemum verticillatum* (also known as Torrey's Mountain Mint), on the applicant's site. DEP required a detailed reconnaissance of the site to determine if the plant existed elsewhere on the project site. The Torrey's Mountain Mint was then prematurely removed from the project site without DEP's approval and relocated to a conservatory. The applicant has agreed to a propagation and a planting program under the guidance and approval of DEP for a period of two years in order to ensure the survival of the plant.

With the implementation of these measures, no potential significant adverse impacts would occur to the Torrey's Mountain Mint species.

3. The proposed project has the potential to create significant adverse traffic impacts at the intersections of Englewood Avenue and Veterans Road West at the

Weekday PM and Saturday Midday periods; Englewood Avenue Bloomingdale Avenue during the Saturday Midday period; Veterans Road West/West Shore Expressway Ramps/Bricktown Drive during the Saturday Midday period; Veterans Road West/West Shore Expressway Ramps/Bricktown Drive during the Saturday Midday period; Veteran's Road West and Tyrellan Avenue during the Saturday Midday period; Boscombe Avenue and Richmond Parkway Eastbound Ramps during the Saturday Midday period.

The DOT has completed its review of the traffic section of the Environmental Assessment Statement for this project. As per their letter dated May 18, 2005, which is included in the project's CEQR file, the DOT has stated that the proposed mitigation measures appear reasonable and appropriate. After being contacted by the applicant, following the completion of project, DOT will investigate the feasibility of implementing the mitigation measures. With the implementation of the mitigation measures, significant adverse impacts would not occur; 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 submitted by Guido Passarelli, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow the development of certain large retail establishments (Use Group 6 and 10A) with no limitation on floor area on property bounded by Veterans Road West, Tyrellan Avenue, Korean War Veterans Parkway and West Shore Parkway (Block 7511, Lots 1, 19, 21, 23 & 30 {Tentative Lot 1}), in an M1-1 District, within the Special South Richmond Development District, Borough of Staten Island, Community District 3 is approved subject to the following terms and conditions to such application as are reflected therein:

1. The property that is the subject of this special permit shall be located at Veterans Road West, Tyrellan Avenue, Korean War Veterans Parkway and West Shore Parkway (Block 7511, Lots 1, 19, 21, 23 & 30 {Tentative Lot 1}) in an M1-1 District, within the Special South Richmond Development District, Borough of Staten Island, Community District 3,
2. The property that is the subject of this special permit (C 030399 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 Rampulla Associates, Architects, LLP., for Guido Passarelli, and incorporated in this resolution:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
CPC 1	Site Plan & Zoning Computations	April 25, 2005
CPC 2	Parking Plan, Notes Details	April 25, 2005
CPC 3	Grading Plan & Site Sections	April 25, 2005
CPC 4	Tree Plan	April 25, 2005
CPC 5	Tree Schedule	April 14, 2005
CPC 6	Tree Schedule & Notes	April 14, 2005
CPC 7	Cut & Fill Plan	April 14, 2005
CPC 8	Site Plan, General Notes	April 14, 2005

3. 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.

4. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

5. The development shall conform to all conditions, modifications and alterations set forth in the Conditional Negative Declaration (CEQR No. 03DCP074R) dated August 8, 2005, issued pursuant to the New York State and New York City Environmental Quality Review.

These conditions, modifications and alterations are as follow:

1. A Phase I Environmental Site Assessment (ESA), available in the proposal's CEQR file, was prepared in September 2003 for the property under the control of the applicant located at 2925, 2935, 2955 and 2965 Veterans Road West (Block 7511, Lots 1, 9, 21, 23, and 30). The ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and a restrictive declaration was recommended, as stated in a memo by DEP dated April 8, 2004, due to the potential presence of hazardous material on the site as a result of past and present land uses at the applicant's site. The declaration requires that Phase II testing would occur and is binding upon the property's successors and assigns. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the sub-surface soils and groundwater on the applicant's sites would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction).

On March 3, 2005 the restrictive declaration was recorded and executed. On January 7, 2005 DEP communicated to City Planning that they approved the language of the restrictive declaration. In an April 12, 2005 letter sent to City Planning, DEP confirmed that they had received a copy of the recorded and executed restrictive declaration.

With the implementation of the condition described above, no significant adverse impact related to hazardous materials would occur.

2. On April 8, 2005 a comment letter was sent by DEP's Office of Environmental Planning and Assessment to City Planning confirming the presence of an endangered plant species, *Pycnathemum verticillatum* (also known as Torrey's Mountain Mint), on the applicant's site. DEP required a detailed reconnaissance of the site to determine if the plant existed elsewhere on the project site. The Torrey's Mountain Mint was then prematurely removed from the project site without DEP's approval and relocated to a conservatory. The applicant has

agreed to a propagation and a planting program under the guidance and approval of DEP for a period of two years in order to ensure the survival of the plant.

With the implementation of these measures, no potential significant adverse impacts would occur to the Torrey's Mountain Mint species.

3. The proposed project has the potential to create significant adverse traffic impacts at the intersections of Englewood Avenue and Veterans Road West at the Weekday PM and Saturday Midday periods; Englewood Avenue Bloomingdale Avenue during the Saturday Midday period; Veterans Road West/West Shore Expressway Ramps/Bricktown Drive during the Saturday Midday period; Veterans Road West/West Shore Expressway Ramps/Bricktown Drive during the Saturday Midday period; Veteran's Road West and Tyrellan Avenue during the Saturday Midday period; Boscombe Avenue and Richmond Parkway Eastbound Ramps during the Saturday Midday period.

The DOT has completed its review of the traffic section of the Environmental Assessment Statement for this project. As per their letter dated May 18, 2005, which is included in the project's CEQR file, the DOT has stated that the proposed mitigation measures appear reasonable and appropriate. After being contacted by the applicant, following the completion of project, DOT will investigate the feasibility of implementing the mitigation measures. With the implementation of the mitigation measures, significant adverse impacts would not occur.

6. 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.
7. 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 authorizations. 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.

The above resolution (C 030399 ZSR), duly adopted by the City Planning Commission on September 14, 2005 (Calendar No. 14), 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 Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
ALFRED C. CERULLO III, JANE D. GOL, LISA GOMEZ, CHRISTOPHER KUI,
JOHN MEROLO, KAREN PHILLIPS, DOLLY WILLIAMS, Commissioners.**