



CITY PLANNING COMMISSION

January 10, 2007/Calendar No. 7

C 030153 ZMR

IN THE MATTER OF an application submitted by Forest Associates, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 20c,

1. Eliminating from within an existing R3-2 District a C2-1 District bounded by a line 200 feet northerly of Forest Avenue, Grandview Avenue, Forest Avenue, and South Avenue, and
2. Establishing within an existing R3-2 District a C2-2 District bounded by Netherland Avenue, a line 60 feet westerly of Grandview Avenue, a line 90 feet southerly of Netherland Avenue, Grandview Avenue, Forest Avenue, and South Avenue;

Borough of Staten Island, Community District 1, as shown on a diagram (for illustrative purposes only) dated August 21, 2006.

The application for an amendment of the Zoning Map was filed by Forest Associates on October 7, 2002, to change and expand an existing overlay from a C2-1 District to a C2-2 District within the Mariners Harbor section of Staten Island.

BACKGROUND

The area proposed for rezoning is bounded by Forest Avenue to the south, Grandview Avenue to the east, Netherland Avenue to the north and South Avenue to the west. The rezoning area is zoned R3-2. A portion of the area has a C2-1 overlay which is currently developed with a 22,469 square feet one-story food store with accessory parking for 59 cars. The remainder of the rezoning area is currently vacant. The applicant proposes to change the existing overlay from a C2-1 district to a C2-2 district and to expand the proposed C2-2 to include the vacant property which is zoned R3-2. The rezoning is proposed to facilitate development of an additional one-story building with 18,001 square feet of retail and 60 parking spaces.

The land uses in the vicinity of the rezoning area contain residential uses (zoned R3-2) to the north, retail uses (zoned C4-1) to the east, retail uses (zoned R3-2/C2-1) to the south and manufacturing and auto related uses (zoned M1-1) to the west. Forest Avenue, the easterly boundary of the proposed rezoning area, is a major commercial corridor.

The existing C2-1 district allows use group 6, retail and local service establishments. The parking requirement within the C2-1 commercial overlay is one parking space per 150 square feet of floor area. The maximum permitted commercial floor area ratio (FAR) is 1.0. The R3-2 district, allows the development of detached, semi-detached or attached houses. The maximum permitted floor area ratio (FAR) is 0.6, which includes the attic allowance.

The proposed C2-2 is a commercial overlay that allows the same uses as C2-1. The parking requirement within the C2-2 commercial overlay is one parking space per 300 square feet of floor area for retail and one parking per 200 square feet of floor area for food stores. The maximum permitted commercial floor area ratio (FAR) is 1.0. The Lower Density Growth Management Commercial text amendment (N 060066 ZRR) approved on December 21, 2005 prohibits ground floor residential and solely residential developments in C1 and C2 districts. Any new development would be limited to retail, community facility, or mixed use development with residences above the ground floor.

ENVIRONMENTAL REVIEW

This application (C 030153 ZMR) 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 03DCP018R. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Conditional Negative Declaration was issued. The lead agency has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

1. For the property located at 2295 Forest Avenue (Block 1262, Lot 1, 12, 15, 18, 19, 20, 28 and 35), 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 Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact 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 DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

The restrictive declaration also restrict the manner in which the property may be developed or redeveloped, by requiring the sampling protocol and remediation measures to serve as a condition precedent to any change of use in any such development or redevelopment of the property.

The applicant signed the conditional negative declaration on August 15, 2006. The conditional negative declaration was published in the City Record on September 5, 2006, and the New York State Environmental Notice Bulletin on September 6, 2006. 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 January 10, 2007.

UNIFORM LAND USE REVIEW

This application (C 030153 ZMR) was certified as complete by the Department of City Planning on August 21, 2006, and was duly referred to Community Board 1 and the Borough President, 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 on October 5, 2006, and on October 10, 2006, by a vote of 27 to 6 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 after the 30 day review period approving the application with conditions on December 5, 2006 with the following conditions:

1. The small parcel located on the southwest corner of Grandview and Netherland Avenues, should be included in the rezoning.
2. The existing developed residence, on the parcel that is excluded from this action, is currently protected by the underling zoning of the larger piece to be rezoned.

- Rezoning every piece of residential property around the existing residence will only serve to devalue the existing parcel.
3. Every effort should be made to protect the existing residential property pursuant to the general purpose of the Residence District.
 4. The Commission should require a notarized affidavit from the owner of record (Block 1262, Lot 38) acknowledging that they are aware of the process and do not wish to have their property review under this application.

City Planning Commission Public Hearing

On November 15, 2006 (Calendar No. 8), the City Planning Commission scheduled December 6, 2006, for a public hearing on this application (C 030153 ZMR). The hearing was duly held on December 6, 2006 (Calendar No. 8). There was one speaker in favor of the application.

An architect representing the applicant presented the proposed rezoning and discussed plans to develop the site if the rezoning is approved. In response to the Borough President's concern, he indicated that it was not likely that the location of the garbage refuse will be next to the existing residence. He also indicated that the proposed landscaping adjacent to the existing residence will comply with the requirements of Section 37-21 of the Zoning Resolution, which states that in all C1, C2 and C4-1 Districts in the Borough of Staten Island, all developments or enlargements containing non-residential uses shall be screen from adjoining zoning lots containing only residential uses by a planting strip at least five feet wide along the common side lot line, densely planted with evergreen shrubs at least four feet high at the time of planting and of a variety expected to reach a height of six feet within three years.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment of the Zoning Map is appropriate.

The applicant proposes to change and expand an existing overlay from a C2-1 to a C2-2 to facilitate the construction of an additional one story 18,001 square foot retail establishment with 60 accessory parking spaces.

The proposed C2-2 overlay allows a maximum commercial floor area ratio (FAR) of 1.0 and permits Use Group 6, local retail and service establishments such as grocery stores, dry cleaning establishments, funeral homes, repair services, restaurants and professional offices.

The Commission believes that the uses permitted by the proposed C2-2 overlay are consistent with the established commercial context of Forest Avenue. Retail and service uses proliferate on adjacent blocks, especially in those areas that are commercially zoned, including the C4-1 district that is located east of the site.

The Commission acknowledges the Borough President's concerns about the residential parcel that is not part of the proposed zoning map amendment but is located adjacent to the rezoning area. In a letter dated December 7, 2006 addressing these concerns the applicant indicated that:

Please be reassured that should we develop the property for future growth, or to accommodate any future tenants on our property, it is our intent to place any refuse or garbage containers away from the existing residential building located at 420 Netherlands Avenue. In addition, we would look at designing and placing the refuse area within a proposed building or at least within an enclosed structure.

Landscaping and/or landscape buffers... can be provided along the existing residential building and worked into any site design. The landscaping will meet

or exceed the minimum requirements outlined under the current zoning laws. It has always been our intentions to be good neighbors, not only to the existing residential building but also to adjoining property owners within the area.

The Commission believes that the uses permitted by the proposed C2-2 overlay district are appropriate for this location and compatible with the adjacent commercial development. While the proposed commercial overlay would permit a variety of retail and service uses, residential-only buildings are no longer allowed within C1 and C2 districts.

RESOLUTION

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

1. For the property located at 2295 Forest Avenue (Block 1262, Lot 1, 12, 15, 18, 19, 20, 28 and 35), 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 Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact 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 DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

The restrictive declaration also restrict the manner in which the property may be developed or redeveloped, by requiring the sampling protocol and remediation measures to serve as a condition precedent to any change of use in any such development or redevelopment of the property; 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 described in this report, the Zoning Resolution of the City of New York, effective as of

December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 20c,

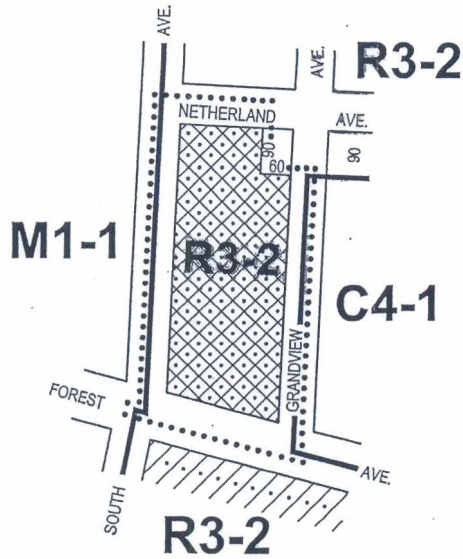
1. Eliminating from within an existing R3-2 District a C2-1 District bounded by a line 200 feet northerly of Forest Avenue, Grandview Avenue, Forest Avenue, and South Avenue, and
2. Establishing within an existing R3-2 District a C2-2 District bounded by Netherland Avenue, a line 60 feet westerly of Grandview Avenue, a line 90 feet southerly of Netherland Avenue, Grandview Avenue, Forest Avenue, and South Avenue;

Borough of Staten Island, Community District 1, as shown on a diagram (for illustrative purposes only) dated August 21, 2006 (C 030153 ZMR).

The above resolution (C 030153 ZMR), duly adopted by the City Planning Commission on January 10, 2007 (Calendar No. 7), 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, RICHARD W. EADDY, LISA A. GOMEZ,
CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS,
DOLLY WILLIAMS, Commissioners**



CITY PLANNING COMMISSION
CITY OF NEW YORK

DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP
20c
BOROUGH OF
STATEN ISLAND

New York, Certification Date
August 21, 2006

Director of Technical Review



NOTE:

- Indicates Zoning District boundary.
- The area enclosed by the dotted line is proposed to be rezoned by eliminating a C2-1 District from an existing R3-2 District and by establishing a C2-2 District within an existing R3-2 District.
- Indicates a C2-1 District.
- Indicates a C2-2 District.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

SV/20/4P/3

Community/Borough Board Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX# (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 030153 ZMR

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Forest Associates pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 20c:

1. Eliminating from within an existing R3-2 District bounded by a line 200 feet northerly of Forest Avenue, Grandview Avenue, Forest Avenue and South Avenue; and
 2. establishing within an existing R3-2 District a C2-2 District a C2-1 District bounded by Netherland Avenue, a line 60 feet westerly of Grandview Avenue, a line 90 feet southerly of Netherland Avenue, Grandview Avenue, and South Avenue;
- Borough of Staten Island, Community District 1.

COMMUNITY BOARD NO. 1

BOROUGH BOARD _____

BOROUGH Staten Island

PUBLIC HEARING HELD

DATE October 5, 2006

LOCATION Board Office

WAS QUORUM PRESENT? YES NO

(A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE October 10, 2006

LOCATION 2329 Victory Blvd.

RECOMMENDATIONS (Attach additional sheets if necessary)

To approve City Planning Application Calendar # C 030153 ZMR Block 1262/ lots 12, 15, 18, 20, 28 and 35, 2295 Forest Avenue (including South and Grandview Avenues).

RECEIVED

OCT 16 2006

Department of City Planning
Staten Island Office

CITY PLANNING COMMISSION
2006 OCT 13 PM 1:23
DEPT. OF CITY PLANNING

VOTING

IN FAVOR 27 AGAINST 6 ABSTAINING 0

TOTAL MEMBERS APPOINTED TO BOARD 39

Deean Sweeney
COMMUNITY/BOROUGH BOARD OFFICER

Chairman
TITLE

October 11, 2006
DATE



**Uniform Land Use Review Procedure
New York City Department of City Planning
Staten Island Borough President Recommendation**

ULURP NO.
C 030153 ZMR

COMMUNITY DISTRICT:
1

DOCKET DESCRIPTION:

IN THE MATTER OF an application submitted by Forest Associates pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 20c:

1. Eliminating from within an existing R3-2 District a C2-1 District bounded by a line 200 feet northerly of Forest Avenue, Grandview Avenue, Forest Avenue, and South Avenue; and
2. Establishing within an existing R3-2 District a C202 District bounded by Netherland Avenue, a line 60 feet westerly of Grandview Avenue, a line 90 feet southerly of Netherland Avenue, Grandview Avenue, Forest Avenue and South Avenue.

Borough of Staten Island, Community District 1, as shown on a diagram (for illustrative purposes only) dated August 21, 2006.

RECOMMENDATION:

APPROVE DISAPPROVE WITH CONDITIONS/MODIFICATIONS

EXPLANATION OF RECOMMENDATION, CONDITION OR MODIFICATIONS

The following issues should be addressed by the Commission:

1. The small existing parcel located on the southwest corner of Grandview and Netherland Avenues, should be included in the rezoning.
2. The existing developed residence, on the parcel that is excluded from this action, is currently protected by the underlying zoning of the larger piece to be rezoned. Rezoning every piece of residential property around the existing residence will only serve to devalue the existing parcel.
3. Every effort should be made to protect the existing residential property pursuant to the general purposes of the Residence District.
4. The Commission should require a notarized affidavit from the owner of record (Block 1262, Lot 38) acknowledging that they are aware of the process and do not wish to have their property reviewed under this application.


JAMES P. MOLINARO
PRESIDENT, BOROUGH OF STATEN ISLAND

DATE: December 5, 2006