



## **CITY PLANNING COMMISSION**

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October 11, 2006/Calendar No. 15

C 060465 ZMR

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**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 35a and 35c:

1. changing from an R3X District to an R1-2 District property bounded by Hylan Boulevard, Indale Avenue, Johnston Terrace, and Sharrott Avenue; and
2. changing from an R3-2 District to an R3X District property bounded by the southwesterly centerline prolongation of Sherwood Avenue, Sharrott Avenue, Hylan Boulevard, and a line 100 feet northeasterly of Richard Avenue;

within the Special South Richmond Development District, as shown on a diagram (for illustrative purposes only) dated May 8, 2006, Borough of Staten Island, Community District 3.

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The application for an amendment of the Zoning Map was filed by the Department of City Planning and Council Member Andrew Lanza on May 1, 2006, to rezone an approximately two block area in the Prince's Bay area of Staten Island from R3-2 to R3X and R3X to R1-2 districts.

### **RELATED ACTION**

In addition to the amendment of the Zoning Map which is the subject of this report, a related application also requires action by the City Planning Commission which is being considered concurrently with this application:

N 060464 ZRR      A Zoning Text Amendment to the Special South Richmond Development District (SSRDD) to establish a special areas LL and SH.

## **BACKGROUND**

The Princes Bay area is located on the South Shore of Staten Island, traditionally one of the city's least densely developed and most "suburban" regions. Unlike most of the rest of the city, the South Shore is characterized by natural features such as extensive greenery, wetlands and natural topography and "suburban"-style development such as one- and two-family houses on large lots with large rear and side yards. Although the South Shore and the rezoning area in particular were originally zoned for townhouse development, Staten Island's relative isolation from the rest of the city, and the lack of sanitary sewers effectively precluded higher density development, and over time, the character of the area became one of detached houses on lots large enough to house septic fields.

With the ongoing installation of sanitary sewers throughout the South Shore developers were able to build townhouses under the existing zoning. In 1989, the Commission adopted Contextual Zoning regulations which created new zones designed to foster development more closely resembling the existing one- and two-family detached houses, while prohibiting semi-detached and attached housing. At the request of elected officials and community groups, contextual zones have been mapped in many locations in the South Shore.

Currently, however, even with the contextual zones, development that can be out of character with the existing context can be built. The character in the subject part of Staten Island is typified by two-family detached houses on lots with 50 foot frontages.

The rezoning area was the subject of a previous application (C 050186 ZMR) submitted by Council Member Andrew Lanza. The applicant proposed to rezone an approximately 20 block area in the Prince's Bay area from R3-2 and R3X to R1-2, R1-1, and R3X districts. The application was certified on April 11, 2005 and was withdrawn on July 26, 2005 because of concerns raised during the public review of the application. The main issue was that the proposed R1-1 and R1-2 districts preclude two family homes and that the proposed rezoning would have precluded construction of non-profit senior housing and expansion of the Resurrection Cemetery on property within the rezoning area owned by the Archdiocese of New York.

The rezoning area is generally bounded by Indale Avenue, Hylan Boulevard, and Johnston Terrace and the prolongation of Sherwood Avenue, Richard Avenue, Hylan Boulevard, and Sharrots Avenue. This area is characterized by two-family detached homes on large lots with generally 50 feet or more of street frontage. The rezoning area includes Mt. Loretto, a large campus owned by the Archdiocese of New York, which occupies much of the central portion of the rezoning area. The Mt. Loretto property is mostly undeveloped, but contains Resurrection Cemetery, a church, community meeting space, recreation areas and significant wetlands. The southeastern portion of the rezoning area includes the site of the former Camp St. Edwards, a retreat operated by the Handmaidens of Mary that is now being redeveloped with single-family detached homes.

### ***Existing Zoning***

The proposal area is currently R3-2 and R3X. The R3-2 district has been in place since the New York City Zoning Resolution was adopted in 1961, while the R3X district was mapped in 2000. The area is also within the Lower Density Growth Management Area (LDGMA) designated in 2004, as well as the Special South Richmond Development District (SSRDD).

### **R3-2**

A 149.2-acre section of the southern portion of the Mt. Loretto property, generally between Hylan Boulevard and the prolongation of Sherwood Avenue, is within an R3-2 zoning district. It contains several community facility buildings, a portion of Resurrection Cemetery, as well as significant vacant open and wooded land. R3-2 zoning permits detached, semi-detached and multi family residences with a maximum floor area ratio (FAR) of 0.5 plus a 0.1 attic allowance. Maximum permitted perimeter wall height is 26 feet and maximum building height is 35 feet. Required parking within the LDGMA is 1.5 off-street spaces per dwelling unit, or two spaces for a single-family home and three for a two-family home.

### **R3X**

The portion of the larger R3X district proposed to be rezoned is bounded by Indale Avenue, Hylan Boulevard and Johnston Terrace. This area is approximately 22.4 acres in size and was formerly Camp St. Edwards; is now being redeveloped with single-family detached homes. The R3X district within the Special South Richmond Development District permits one- and two-family detached houses on lots with a minimum area of 3,800 square feet and width of 40 feet.

The maximum perimeter wall height is 26 feet and the maximum building height is 35 feet. The maximum FAR is 0.5 with a 0.1 attic allowance. Required parking is also 1.5 spaces per dwelling unit.

## **Required Actions**

### **ZONING MAP CHANGES (C 060465 ZMR)**

The proposed action would rezone the area to contextual and low-density districts similar to surrounding districts. The existing R3-2 district is proposed to be replaced by an R3X district. The underlying R3X regulations would be modified by the related zoning text amendment to allow non-profit housing for the elderly in that area. Additionally, a portion of the existing R3X district is proposed to be replaced by an R1-2 district to better reflect the development being constructed there..

### **R3-2 to R3X**

The 149.2 acre portion of the Mount Loretto property is proposed to be rezoned to R3X. While there are no current plans for development of the property, the proposed rezoning would ensure that any future development will be consistent with the character and scale of the surrounding neighborhood.

The R3X district within the Special South Richmond Development District permits one- and two-family detached houses on lots with a minimum area of 3,800 square feet and width of 40

feet. The maximum perimeter wall height is 26 feet and the maximum building height is 35 feet. Maximum FAR is 0.5 with a 0.1 attic allowance. Required parking is two spaces per one-family home, and three spaces per two-family home.

### **R3X to R1-2**

The former Camp St. Edwards site would be rezoned from R3X to R1-2 which, in the SSRDD, would permit single-family detached houses with a maximum FAR of 0.5 on lots at least 40 feet wide and 5,700 square feet in area. The R1-2 district requires minimum 20-foot front yards and, in the Staten Island LDGMA, a minimum of two on-site parking spaces. The proposed R1-2 would reflect the single-family detached residential development that is nearing completion on this site.

### **ZONING TEXT AMENDMENT (N 060464 ZRR)**

The proposed amendments to the Special South Richmond Development District (SSRDD) would create two new Special Areas, Area LL and Area SH, in which the underlying zoning regulations would be modified.

#### **Special Area LL (Large Lots)**

The proposed Special Area LL would be established over a 628-acre section of Prince's Bay within the SSRDD. The area is generally bounded by Richmond Parkway, Minturn Avenue and Percival Place, Hylan Boulevard, Richard Avenue, Amboy Road and Page Avenue and is zoned

R3X. Reflecting the existing large lot, low density character of this area, the minimum lot area would increase from 3,800 to 5,700 square feet with a minimum width of 50 feet, while continuing to allow one or two-family detached homes. The Special Area LL would include 1143 lots, 78% of which are at least 5,700 square feet and have lot widths of at least 50 feet.

### **Special Area SH (Senior Housing)**

The proposed Special Area SH within the SSRDD would be established on a 172-acre section of primarily vacant Mt. Loretto property. The area is generally bounded by the prolongation of Vail Avenue, Richard Avenue, Hylan Boulevard and Sharrott Avenue. As part of the related zoning map changes, the majority of this area would be zoned R3X, a district that does not permit multiple family housing.

Recognizing that non-profit housing for the elderly is generally constructed in multiple dwellings, the proposed Special Area SH would permit up to 250 dwelling units of such housing upon certification by the Chair of the Commission that a detailed site plan has been submitted demonstrating compliance with the provisions of the SSRDD.

When the threshold of 250 units in Special Area SH is reached, additional units of non-profit housing for the elderly could be developed pursuant to a City Planning Commission authorization. To grant the authorization, the Commission would have to make findings relating to the development's site plan and design, and its impact on traffic in the surrounding area.

### **ENVIRONMENTAL REVIEW**

This application (C 060465 ZMR), in conjunction with the related action (N 060464 ZRR),

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 06DCP098R. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on May 8, 2006. In response to public testimony a Revised Negative Declaration was issued on October 11, 2006 which supersedes the Negative Declaration issued on May 8, 2006.

#### **UNIFORM LAND USE REVIEW**

This application (C 060465 ZMR) was certified as complete by the Department of City Planning on May 8, 2006, 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, along with the related non-ULURP text change application (N 060464 ZRR), which was sent to the board and the Borough President for information and review.

#### **Community Board Public Hearing**

Community Board 3 held a public hearing on this application on June 21, 2006, and on June 27, 2006, by a vote of 16 to 7 with two 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 July 12, 2006.

### **City Planning Commission Public Hearing**

On August 9, 2006 (Calendar No. 9), the City Planning Commission scheduled August 23, 2006, for a public hearing on this application (C 060465 ZMR). The hearing was duly held on August 23, 2006 (Calendar No. 23), in conjunction with the public hearing on the application for the related action (N 060464 ZRR). There were five speakers in favor of the application and one speaker in opposition.

The Council Member from the 51st District, who is also a co-applicant, spoke in favor of the application. He said that this rezoning proposal was part of an ongoing effort to control overdevelopment and protect the existing neighborhood character and quality of life in this area of Staten Island.

The chair of Community Board 3 indicated that this rezoning proposal was important because it allows two-family houses and that it would still allow senior housing on Mt. St. Loretto. He also noted that overdevelopment and traffic are the biggest problems facing Staten Island.

A representative of the Prince's Bay, Richmond Valley, and Pleasant Plain's Civic Association stated that the membership is overwhelmingly in favor of the rezoning proposal. A resident of the community said that the rezoning proposal would help protect the neighborhood and had wide support.

A representative for a developer spoke in favor of the rezoning proposal, but asked that a development located at Minturn Avenue, Drumgoole Road and Bradford Avenue be allowed to continue pursuant to the existing R3X district regulations. He stated that the development's plans changed several times due to zoning text and map changes. He said that the developer was responsive to neighborhood character by not building townhouses when the area was zoned R3-2 before the existing R3X was established.

The speaker in opposition to the application was a representative of property owners in the area. He said that the rezoning proposal would prevent affordable housing and increase the price of homes. He also claimed that there were errors in the environmental assessment statement and the land use application and that an environmental impact statement might be necessary. He said that the rezoning proposal would prevent affordable housing and increase the price of homes.

There were no other speakers and the hearing was closed.

## **Waterfront Revitalization Program Consistency Review**

This application (in conjunction with those for the related action) 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 WRP 06-017.

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

## **CONSIDERATION**

The Commission believes that this Zoning Map amendment, as well as the related Zoning Text amendment, as modified, are appropriate.

The Commission notes that the rezoning proposal was developed in response to concerns that the current R3X and R3-2 zoning district designations allow for development of houses that are out of character with the existing older neighborhoods. It was also developed to address issues raised during the review of a previous rezoning application (C 050186 ZMR) that was withdrawn.

The rezoning to R1-2 would recognize the single-family detached homes that are being built in that area. Additionally, the proposed R3X district would limit future residential development to detached one- and two-family residences compatible with neighboring development patterns.

The proposed zoning text amendment would allow for the construction of non-profit housing for the elderly in the newly proposed Area SH of the SSRDD. The proposed new Area LL designation will limit future development options to lots with a minimum area of 5,700 square feet, which is characteristic of the area. Single- and two-family homes would still be allowed in this area.

In response to the testimony at the public hearing the Commission believes it is appropriate to allow certain property proposed to be in the Area LL to be developed pursuant to the existing R3X requirements. Therefore the Commission is modifying the zoning text so that certain property along Minturn Avenue, Drumgoole Road and Bradford Avenue can continue to be developed according to the underlying R3X district. This area is the subject of applications pending before the Commission which have undergone revisions because of several earlier zoning map and text amendments. The Commission notes that the proposed development for this area would for the most part comply with the new regulations of Area LL.

In response to testimony that the environmental assessment statement was deficient, the Commission notes that where errors have been identified, they have since been corrected. The

Commission notes however that the corrections do not alter the determination that the proposed actions would not result in any significant adverse impacts.

The Commission believes that the rezonings and text amendment as modified recognize the existing character in this portion of Staten Island and will allow for appropriate new development consistent with that character.

## **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**, 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 described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, is further amended by changing the Zoning Map, Section Nos. 35a and 35c,

1. changing from an R3X District to an R1-2 District property bounded by Hylan Boulevard, Indale Avenue, Johnston Terrace, and Sharrott Avenue; and
2. changing from an R3-2 District to an R3X District property bounded by the southwesterly centerline prolongation of Sherwood Avenue, Sharrott Avenue, Hylan

Boulevard, and a line 100 feet northeasterly of Richard Avenue;  
within the Special South Richmond Development District, Borough of Staten Island, Community  
District 3, as shown on a diagram (for illustrative purposes only) dated May 8, 2006  
(C 060465 ZMR).

The above resolution (C 060465 ZMR), duly adopted by the City Planning Commission on  
October 11, 2006 (Calendar No. 15), 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**  
**IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,**  
**ALFRED C. CERULLO III, RICHARD W. EADDY, JANE D. GOL,**  
**CHRISTOPHER KUI, JOHN MEROLO, DOLLY WILLIAMS, Commissioners**