

**126-14-A**

APPLICANT – Rothkrug Rothkrug & Spector LLP, for McAllister Maritime Holdings, LLC, owner.

SUBJECT – Application June 5, 2014 – Proposed construction of a warehouse building located partially within the bed of mapped unbuilt street, pursuant Article 3 Section 35 of the General City Law. M3-1 zoning district.

PREMISES AFFECTED – 3153 Richmond Terrace, north side of Richmond Terrace at intersection of Richmond Terrace and Grandview Avenue, Block 1208, Lot 15, Borough of Staten Island.

**COMMUNITY BOARD #1SI**

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.....4  
Negative:.....0

**THE RESOLUTION** –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated June 3, 2014, acting on DOB Application No. 520180508, reads in pertinent part:

1. Proposed construction of warehouse building and 1 accessory off street parking space located partially within the bed of a mapped street is contrary to section 35 of the General City Law. Obtain Board of Standards and Appeals for approval.
2. Proposed new building has Bulk non-compliances resulting from the location of such mapped street. Obtain Board of Standards and Appeals waiver pursuant to 72-01(g); and

WHEREAS, a public hearing was held on this application on March 3, 2015, after due notice by publication in *The City Record*, and then to decision on March 31, 2015; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Commissioner Montanez; and

WHEREAS, this is an application to allow the construction of a one-story warehouse building that will be located partially within the bed of a mapped but unbuilt portion of Richmond Terrace, in Staten Island;

WHEREAS, Community Board 1, Staten Island, recommends approval of the instant application; and

WHEREAS, the subject site is located on the north side of Richmond Terrace at the intersection of Richmond Terrace and Grandview Avenue, in an M3-1 zoning district; and

WHEREAS, the site, which is irregularly shaped, has approximately 462 feet of frontage along Richmond Terrace and a depth of approximately 700 feet, with a lot area of approximately 368,468 sq. ft.; and

WHEREAS, the proposed development will

conform and comply with all zoning regulations applicable in an M3-1 zoning district and will contain 9,975 sq. ft. of floor area, including a mezzanine (.02 FAR), which will bring the total floor area of the zoning lot, including existing and already approved structures, to 36,662.6 sq. ft. (.09 FAR) (the maximum permitted FAR for the zoning lot is 2.0); and

WHEREAS, by letter dated February 25, 2014, the New York City Fire Department (“FDNY”) states that it has no objections to the proposed application; and

WHEREAS, by letter dated March 2, 2015, the New York City Department of Environmental Protection (“DEP”) states that it has no objections to the proposed application; and WHEREAS, by letter dated January 15, 2015, the New York City Department of Transportation (“DOT”) states that the improvement of Richmond Terrace at the site is not presently included in DOT’s Capital Improvement Program; and

WHEREAS, by letter dated January 15, 2015, DOT requests that:

The applicant must make a provision for the largest design commercial vehicle expected to access the proposed building and parking lot to enter and exit the site safely; and

WHEREAS, the Board notes that pursuant to GCL § 35, it may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, therefore, consistent with GCL § 35 and ZR § 72-01(g), the Board finds that applying the bulk regulations across the portion of the subject lot within the mapped street and the portion of the subject lot outside the mapped street as if the lot were unencumbered by a mapped street is both reasonable and necessary to allow the proposed construction; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

*Therefore it is Resolved*, that the Board modifies the decision of the DOB, dated June 3, 2014, acting on DOB Application No. 520180508, by the power vested in it by Section 35 of the General City Law, and also waives the bulk regulations associated with the presence of the mapped but unbuilt street pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal, limited to the decision noted above *on condition* that construction will substantially conform to the drawing filed with the application marked “March 18, 2015”- one (1) sheet; and *on further condition*:

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THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portion of the street were not mapped;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt street were not mapped;

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals on March 31, 2015.

**A true copy of resolution adopted by the Board of Standards and Appeals, March 31, 2015.**

**Printed in Bulletin No. 15, Vol. 100.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

