



## **CITY PLANNING COMMISSION**

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December 7, 2005/Calendar No. 14

C 060063 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 No. 26d and 33c:

1. eliminating from within an existing R3-2 District a C2-1 District bounded by Richmond Avenue, Arthur Kill Road and line 330 feet northerly of Gurley Avenue;
2. eliminating from within an existing R3-2 District a C2-2 District bounded by Arthur Kill Road, Ridgewood Avenue, the easterly center line prolongation of Gurley Avenue and Getz Avenue;
3. changing from an R3-2 District to a C4-1 District property bounded by Arthur Kill Road, Ridgewood Avenue, the easterly center line prolongation of Gurley Avenue, Getz Avenue, a line 330 feet northerly of Gurley Avenue, and Richmond Avenue; and
4. changing from a C4-2 District to a C4-1 District property bounded by a line 330 feet northerly of Gurley Avenue, Getz Avenue, Gurley Avenue, Bartlett Avenue, a line 200 feet southerly of Gurley Avenue, and Richmond Avenue;

Borough of Staten Island, Community District 3, as shown on a diagram (for illustrative purposes only) dated August 22, 2005.

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The application for an amendment of the Zoning Map was filed by the Department of City Planning on August 19, 2005, to rezone from R3-2/C2-1, R3-2/C2-2 and C4-2 to C4-1 bounded by Arthur kill Road, Ridgewood Avenue, Gurley Avenue, Bartlett Avenue, a line 200 feet southerly of Gurley Avenue and Richmond Avenue in Community District 3, Staten Island.

### **RELATED ACTION**

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

## **BACKGROUND**

Overdevelopment and inappropriate development have increasingly become one of the more significant planning issues facing Staten Island. On July 25, 2003, the Mayor announced the formation of the Staten Island Growth Management Task Force. The Task Force consists of elected officials, City agency commissioners, and representatives of Staten Island civic and community organizations, as well as professional organizations. The Task Force recommended a number of changes that would result in less dense development that would be more compatible with the existing neighborhoods. Many of the recommendations of the Task Force were implemented in 2004 with the adoption of a zoning text amendment (N040414 ZRY) which established the Lower Density Growth Management Area (LDGMA).

The LDGMA zoning text adopted in 2004 did not apply to commercially-zoned areas. In response to concerns about inappropriate residential development in commercial areas, the Department of City Planning initiated a study of commercially zoned areas. The findings of the study revealed that commercially zoned areas are being developed with only residential uses that are out of character with surrounding residential development and also preclude commercial development.

Based on these findings, the Task Force identified three main goals.

- Discourage Inappropriate Residential Development
- Encourage Appropriate Commercial Development
- Encourage Staten Island's Legacy of Town Centers

The Task Force recommended amending the Zoning Resolution as it relates to development

permitted in commercial districts in Staten Island and in conjunction with these proposed amendments, also recommended three Zoning Map changes which are proposed by the Department. The proposed zoning changes, in conjunction with the proposed text amendments would better reflect the existing context of these areas and would preclude out of scale development. A more detailed description of the proposed text amendment is found in the report on the related action (N 060066 ZRR).

The proposed rezoning area is located in the Eltingville neighborhood of Community District 3 in Staten Island. It is generally bounded by Arthur Kill Road, Ridgewood Avenue, Gurley Avenue and Richmond Avenue and is currently zoned C4-2, R3-2/C2-2 and R3-2/C2-1. The land uses in the vicinity of the rezoning area contains city-owned land (LaTourette Park and Brookfield Landfill) and a privately-owned recreation center (zoned R3-2) across from Arthur Kill Road to the north, residential development (zoned R3-2) and a multi-screen movie theater (zoned C2-2) to the east, detached and semi-detached housing (zoned R3-1 and R3-2) to the south and to the west.

The majority of the rezoning area is zoned C4-2 and which is bounded by a line 330 feet northerly of Gurley Avenue, Getz Avenue, Richmond Avenue and a portion of the block between Richmond Avenue and Bartlett Avenue south of Gurley Avenue. Uses within the current C4-2 District include a supermarket, restaurants, a card shop and other retail establishments. The remainder of the block fronting on Arthur Kill Road between Richmond Avenue and Getz Avenue is zoned R3-2/C2-1 and is occupied by an automobile service station.

The rezoning area also includes an R3-2/C2-2 district on a portion of a block bounded by Arthur Kill Road between Ridgewood and Getz Avenues. A drug store occupies this portion of the block. The rezoning area reflects many of the same attributes of large regional commercial developments which have large parking areas and buildings that serve more than the local neighborhood.

Under the current C4-2 district, the maximum commercial FAR is 3.4 and the maximum residential FAR is 2.43. Use groups permitted include 1 through 6, 8, 9, 10 and 12. Under the R3-2/C2-2, R3-2/C2-1 districts, the maximum residential FAR is 0.6 and the maximum commercial FAR is 1.0. Use groups permitted include 1 through 9 and 14. The proposed C4-1 has a maximum commercial FAR of 1.0, the residential FAR is 1.25 and the community facility FAR is 2.0. Use group permitted include 1 through 6, 8, 9, 10 and 12. In addition under the proposed text change (N 060066 ZRR), residential units would not be permitted except by Special Permit by the City Planning Commission.

## **ENVIRONMENTAL REVIEW**

This application (C 060063 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 06DCP015R. 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 August 22, 2005.

### **UNIFORM LAND USE REVIEW**

This application (C 060063 ZMR) was certified as complete by the Department of City Planning on August 22, 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, along with the related non-ULURP text change application (N 060066 ZRR), which was sent to the Community Board, the Borough Board and Borough President for information and review.

### **Community Board Public Hearing**

Community Board 3 held a public hearing on this application on September 21, 2005, and on September 27, 2005, by a vote of 28 to 0 with no 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 October 5, 2005.

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

On October 19, 2005 (Calendar No. 20), the City Planning Commission scheduled November 2, 2005, for a public hearing on this application (C 060063 ZMR). The hearing was duly held on

November 2, 2005 (Calendar No. 20). There were no 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 05-053.

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

### **CONSIDERATION**

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

The Commission notes that this three-block commercial area is developed similarly to the larger regional commercial areas just north of this site which have large parking areas and large buildings that serve more than the local neighborhood. The proposed C4-1 District, in conjunction with the related Zoning Text amendment (N 060066 ZRR) would have a maximum commercial FAR of 1.0, and any development that includes residential uses would require a special permit by the City Planning Commission. Resulting development would be consistent

with the surrounding area and the objectives of the Growth Management Task Force.

The Commission believes that the current C4-2, R3-2/C2-1 and R3-2/C2-2 is inappropriate.

This area is not developed similarly to others town centers in Staten Island which are zoned C4-2 and are more pedestrian oriented. The proposed zoning change, in conjunction with the proposed text amendments would better reflect the existing context of this area.

## **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, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 26d and 33c:

1. eliminating from within an existing R3-2 District a C2-1 District bounded by Richmond

Avenue, Arthur Kill Road and line 330 feet northerly of Gurley Avenue;

2. eliminating from within an existing R3-2 District a C2-2 District bounded by Arthur Kill Road, Ridgewood Avenue, the easterly center line prolongation of Gurley Avenue and Getz Avenue;
3. changing from an R3-2 District to a C4-1 District property bounded by Arthur Kill Road, Ridgewood Avenue, the easterly center line prolongation of Gurley Avenue, Getz Avenue, a line 330 feet northerly of Gurley Avenue, and Richmond Avenue; and
4. changing from a C4-2 District to a C4-1 District property bounded by a line 330 feet northerly of Gurley Avenue, Getz Avenue, Gurley Avenue, Bartlett Avenue, a line 200 feet southerly of Gurley Avenue, and Richmond Avenue;

Borough of Staten Island, Community District 3, as shown on a diagram (for illustrative purposes only) dated August 22, 2005 (C 060063 ZMR).

The above resolution (C 060063 ZMR), duly adopted by the City Planning Commission on December 7, 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.,**  
**AFRED C. CERULLO, III, RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ,**  
**CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS,**  
**DOLLY WILLIAMS, Commissioners**