



## CITY PLANNING COMMISSION

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September 14, 2005/Calendar No. 13

C 050455ZMR

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**IN THE MATTER OF** an application submitted by the New York City 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. 33b, 33c and 35a:

1. eliminating from an existing R3A District a C2-1 District (diagram 1 of 3) bounded by:
  - a. a centerline of the New York City Railroad Right-of-Way (SIRTOA), a line 75 feet southwesterly of Tracy Avenue, Arthur Kill Road, a line 220 feet northeasterly of Johnson Avenue, a line 180 feet northwesterly of Arthur Kill Road, Johnson Avenue, Arthur Kill Road, a line 145 feet northeasterly of Main Street, a line 180 feet northwesterly of Arthur Kill Road, Main Street, Utah Street, and Johnson Avenue and its northwesterly centerline prolongation;
  - b. Arthur Kill Road, Main Street, a line 100 feet southeasterly of Arthur Kill Road, a line midway between Main Street and Tyrrell Street and its southeasterly prolongation, the centerline of former Betty Place, the centerline of former Chelsea Street, a line 300 feet northwesterly of Craig Avenue, Main Street, a line 370 feet southeasterly of Arthur Kill Road, and a line 200 feet southwesterly of Main Street;
  - c. a line 150 feet northwesterly of Amboy Road, a line 70 feet southwesterly of Johnson Avenue, Amboy Road, Brighton Street, a line 150 feet southeasterly of Amboy Road, Chelsea Street, and the centerline of former Chelsea Street;
  - d. Amboy Road, Main Street, a line 150 feet southeasterly of Amboy Road, and Swinnerton Street; and
  - e. Amboy Road, Sleight Avenue, a line 150 feet southeasterly of Amboy Road, and Yetman Avenue;
2. eliminating from an existing R3A District a C1-1 District (diagram 1 of 3) bounded by:
  - a. a line 200 feet northwesterly of Amboy Road, Wood Avenue, Amboy Road and Lee Avenue; and
  - b. a line 200 feet northwesterly of Amboy Road, Brehaut Avenue, a line 125 feet northwesterly of Amboy Road, Barnard Avenue, Amboy Road, a line 200 feet southwesterly of Brehaut Avenue, the northerly street line of former DeWitt Street and its southwesterly prolongation, Sprague Avenue, a line 200 feet southeasterly of Amboy Road, a line 470 feet northeasterly of Sleight Avenue, Amboy Road, and Fisher Avenue;

3. eliminating from an existing R3X District a C1-1 District (diagram 2 of 3) bounded by a line 150 feet southerly of Amboy Road, Sharrott Avenue, Penton Street, a line 100 feet westerly of Sharrott Avenue, a line 200 feet southerly of Penton Street, Sharrott Avenue, Bedell Street, Gilbert Place, Penton Street, and a line 175 feet southeasterly of Amboy Road;
4. eliminating from an existing R3A District a C1-1 District (diagram 3 of 3) bounded by Driggs Street, a line 100 feet southwesterly of Nelson Avenue, a line 100 feet northwesterly of Hylan Boulevard, and a line 200 feet southwesterly of Nelson Avenue; and
5. eliminating from an existing R3-1 District a C1-1 District (diagram 3 of 3) bounded by:
  - a. a line 125 feet southeasterly of Florence Street, a line midway between Tarlee Place and Nelson Avenue, a line 175 feet northwesterly of Hylan Boulevard, and a line 15 feet northeasterly of Nelson Avenue; and
  - b. a line 120 feet southeasterly of Hylan Boulevard, Nelson Avenue, Sweetwater Avenue, and Wiman Avenue;

Borough of Staten Island, Community District 3, within the Special South Richmond Development District, as shown on diagrams 1 through 3 (for illustrative purposes only) dated May 23, 2005.

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The application for an amendment of the Zoning Map was filed by The Department of City Planning on May 17, 2005, to eliminate certain commercial overlay districts in community District 3 of Staten Island.

## **BACKGROUND**

Overdevelopment and inappropriate development have increasingly become one of the more significant planning issues facing Staten Island. In response, on July 25, 2003, Mayor

Bloomberg 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).

However, while most commercial districts and overlays allow for residential development, the LDGMA rules are not applicable. Since commercial overlays permit residential buildings without side yards and front yards, attached and semi-detached houses can be built that are out of context with the surrounding area even though the underlying residential zoning permits only detached residences.

The Department of City Planning proposes to amend the Zoning Map to eliminate all or part of three areas in Staten Island Community District 3. These areas contain commercial overlays mapped in one- and two-family residential districts. The objectives of the rezoning are to remove the potential to construct attached and semi-detached housing, to remove the potential for mid-block commercial uses in residential neighborhoods, to allow existing commercial uses to remain, and to allow future commercial development where appropriate.

The commercial overlays proposed to be eliminated or reduced are C1-1, and C2-1. The C1

districts are local retail districts which are limited to use group 6 uses such as groceries and drug stores. The C2 districts permit a wider range of commercial uses (use groups 6, 9 and 14).

The areas being rezoned are located within underlying R3X, R3A, and R3-1 districts. Of the 280 lots that comprise the three rezoning areas in Community District 3, 255 are residential; three are commercial, five are community facilities, and fifteen are vacant.

The three areas are as follows:

#### Pleasant Plains

The C1-1 overlay along Sharrott Avenue is proposed to be reduced between Amboy Road and Bedell Avenue.

#### Southern Great Kills

The C1-1 overlay along Nelson Avenue is proposed to be reduced between Driggs Street and Hylan Boulevard and along Sweetwater Avenue between Nelson Avenue and Wiman Avenue.

#### Tottenville

The C1-2 and C2-1 overlays are proposed to be eliminated between Chelsea and Brighton streets, between Yetman and Sleight avenues, between Fisher and Barnard avenues and between Swinnerton and Main streets along Amboy Road. The C1-2 and C2-1 overlays are also proposed to be reduced along Main Street between Arthur Kill Road and Craig Street, and along Arthur Kill Road between Tracy Avenue and Main Street.

## **ENVIRONMENTAL REVIEW**

This application (C 050454 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 050DCP077R. 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 23, 2005.

### **UNIFORM LAND USE REVIEW**

This application (C 050454 ZMR) 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 no abstentions, adopted a resolution recommending approval.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation approving the application on June 28, 2005.

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

On July 27, 2005 (Calendar No. 8), the City Planning Commission scheduled August 10, 2005 for a public hearing on this application (C 050455 ZMR). The hearing was duly held on August 10, 2005 (Calendar No. 24). There were no speakers in favor and one speaker in opposition.

A representative of a property owner on Wyman Road in Southern Great Kills Rezoning sub-

area asked that the commercial overlay remain on his property. He stated the owner wants to develop the property with a commercial office building and bought the property with a commercial development in mind. He stated the elimination would diminish the size of the proposed development.

There were no other speakers and the hearing was closed.

### **Waterfront Revitalization Program Consistency Review**

This application (C 050455 ZMR) 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 06-043.

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 the areas being rezoned are for the most part developed with commercial uses. In addition, the commercial overlay districts allow residential development that is out of context with the surrounding areas.

Eliminating the overlays in these areas would also preclude commercial development from encroaching into the mid-blocks. The overlays that remain contain existing commercial use or are appropriate for new commercial developments.

In response to the testimony at the public hearing the Commission believes that the overlay removal along Sweetwater Avenue is appropriate because the area is residential in character and commercial uses are inappropriate.

## **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 Nos. 33b, 33c and 35a:

1. eliminating from an existing R3A District a C2-1 District (diagram 1 of 3) bounded by:
  - a. a centerline of the New York City Railroad Right-of-Way (SIRTOA), a line 75 feet southwesterly of Tracy Avenue, Arthur Kill Road, a line 220 feet northeasterly of Johnson Avenue, a line 180 feet northwesterly of Arthur Kill Road, Johnson Avenue, Arthur Kill Road, a line 145 feet northeasterly of Main Street, a line 180 feet northwesterly of Arthur Kill Road, Main Street, Utah Street, and Johnson Avenue and its northwesterly centerline prolongation;
  - b. Arthur Kill Road, Main Street, a line 100 feet southeasterly of Arthur Kill Road, a line midway between Main Street and Tyrrell Street and its southeasterly prolongation, the centerline of former Betty Place, the centerline of former Chelsea Street, a line 300 feet northwesterly of Craig Avenue, Main Street, a line 370 feet southeasterly of Arthur Kill Road, and a line 200 feet southwesterly of Main Street;
  - c. a line 150 feet northwesterly of Amboy Road, a line 70 feet southwesterly of Johnson Avenue, Amboy Road, Brighton Street, a line 150 feet southeasterly of Amboy Road, Chelsea Street, and the centerline of former Chelsea Street;
  - d. Amboy Road, Main Street, a line 150 feet southeasterly of Amboy Road, and Swinnerton Street; and
  - e. Amboy Road, Sleight Avenue, a line 150 feet southeasterly of Amboy Road, and Yetman Avenue;
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  - b. a line 200 feet northwesterly of Amboy Road, Brehaut Avenue, a line 125 feet northwesterly of Amboy Road, Barnard Avenue, Amboy Road, a line 200 feet



southwesterly of Brehaut Avenue, the northerly street line of former DeWitt Street and its southwesterly prolongation, Sprague Avenue, a line 200 feet southeasterly of Amboy Road, a line 470 feet northeasterly of Sleigh Avenue, Amboy Road, and Fisher Avenue;

3. eliminating from an existing R3X District a C1-1 District (diagram 2 of 3) bounded by a line 150 feet southerly of Amboy Road, Sharrott Avenue, Penton Street, a line 100 feet westerly of Sharrott Avenue, a line 200 feet southerly of Penton Street, Sharrott Avenue, Bedell Street, Gilbert Place, Penton Street, and a line 175 feet southeasterly of Amboy Road;
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  - b. a line 120 feet southeasterly of Hylan Boulevard, Nelson Avenue, Sweetwater Avenue, and Wiman Avenue;

Borough of Staten Island, Community District 3, as shown on a diagram (for illustrative purposes only) dated May 23, 2005 (C 050455 ZMR).

The above resolution (C 050455 ZMR), duly adopted by the City Planning Commission on September 14, 2005 (Calendar No. 13), 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-Chair**  
**ANGELA M. BATTAGLIA, IRWIN G. CANTOR P.E.,**  
**ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO III, JANE D. GOL,**  
**LISA A. GOMEZ, CHRISTOPHER KUI, JOHN MEROLO,**  
**KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners**