

CITY PLANNING COMMISSION

September 14, 2005/Calendar No. 11

C 050453 ZMR

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. 20c, 20d, 21a, 21b, 21c and 21d:**

- 1. eliminating from an existing R3A District a C1-3 District (diagram 1 of 13) bounded by a line 100 feet southerly of Grove Avenue, Maple Avenue, a line 150 feet southerly of Grove Avenue, and Faber Street;
- 2. eliminating from an existing R3A District a C1-2 District (diagram 2 of 13) bounded by:
 - a. Post Avenue, the southwesterly centerline prolongation of Park Avenue, a line midway between Albion Place and Post Avenue, a line 120 feet northwesterly of Heberton Avenue, Post Avenue, a line 120 feet northwesterly of Heberton Avenue, a line midway between Post Avenue and Palmer Avenue, and a line 100 feet southeasterly of Port Richmond Avenue; and
 - b. Post Avenue, the southwesterly centerline prolongation of Simonson Avenue, a line midway between Post Avenue and Palmer Avenue, and a line 50 feet southeasterly of Decker Avenue;
- 3. eliminating from an existing R3A District a C2-1 District (diagram 2 of 13) bounded by:
 - a. Post Avenue, a line 25 feet northwesterly of Cortlandt Street, a line midway between Post Avenue and Palmer Avenue, and the southwesterly centerline prolongation of Simonson Avenue; and
 - b. Hurst Street, Dubois Avenue, a line 150 feet southerly of Post Avenue, a line 100 feet westerly of Dubois Avenue, a line 200 feet southwesterly of Hurst Street, and Jewett Avenue;
- 4. eliminating from an existing R2 District a C1-1 District (diagram 3 of 13) bounded by a line 100 feet southerly of Castleton Avenue, Bard Avenue, a line 200 feet southerly of Castleton Avenue, and North Mada Avenue;
- 5. eliminating from an existing R3X District a C1-1 District (diagram 3 of 13) bounded by:
 - a. a line 200 feet northerly of Castleton Avenue, Davis Avenue, a line 100 feet northerly of Castleton Avenue, and Bement Avenue;
 - b. a line 100 feet southerly of Castleton Avenue, North Mada Avenue, a line 200 feet southerly of Castleton Avenue, and Bement Avenue; and

- c. a line 100 feet southerly of Castleton Avenue, a line midway between Hoyt Avenue and Bard Avenue, a line 200 feet southerly of Castleton Avenue, and Bard Avenue;
- 6. eliminating from an existing R2 District a C1-2 District (diagram 3 of 13) bounded by a line 110 feet northerly of Alban Street, a line 150 feet easterly of Davis Avenue, Alban Street, and a line 125 feet easterly of Davis Avenue;
- 7. eliminating from an existing R3X District a C1-2 District (diagram 3 of 13) bounded by Henderson Avenue, a line 150 feet easterly of Davis Avenue, a line 110 feet northerly of Alban Street, a line 125 feet easterly of Davis Avenue, Alban Street, Davis Avenue, a line 125 feet northerly of Alban Street, and a line 100 feet easterly of Davis Avenue (straight line portion);
- 8. eliminating from an existing R3X District a C1-2 District (diagram 4 of 13) bounded by West Buchanan Street, a line 150 feet easterly of Lafayette Avenue, Cassidy Place, and Lafayette Avenue;
- 9. eliminating from an existing R3A District a C2-2 District (diagram 5 of 13) bounded by Richmond Terrace, a line 40 feet northwesterly of Nicholas Street, a line 100 feet southerly of Richmond Terrace, and a line 150 feet northwesterly of Nicholas Street;
- 10. eliminating from an existing R3A District a C2-1 District (diagram 6 of 13) bounded by the northwesterly centerline prolongation of Seymour Avenue, Port Richmond Avenue, a line 150 feet northerly of Port Richmond Avenue, and Van Riper Street and its northerly centerline prolongation;
- 11. eliminating from an existing R3X District a C2-1 District (diagram 7 of 13) bounded by a perpendicular to the westerly street line of Jewett Avenue distant 225 feet northerly from the point of intersection of the westerly street line of Jewett Avenue and the northeasterly street line of Veltman Avenue, Jewett Avenue, Veltman Avenue, a line 150 feet southeasterly of Ordell Avenue, and a line 100 feet westerly of Jewett Avenue;
- 12. eliminating from an existing R2 District a C1-2 District (diagram 8 of 13) bounded by a line 150 feet northerly of Forest Avenue, Walbroke Avenue, a line 100 feet northerly of Forest Avenue, and Kissel Avenue;
- 13. eliminating from an existing R3X District a C1-1 District (diagram 8 of 13) bounded by:
 - a. a line 200 feet northerly of Forest Avenue, Pelton Avenue, a line 100 feet northerly of Forest Avenue, and Bement Avenue;
 - b. a line 200 feet northerly of Forest Avenue, Bard Avenue, a line 125 feet northerly of Forest Avenue, and North Mada Avenue;
 - c. a line 200 feet northerly of Forest Avenue, Kissel Avenue, a line 100 feet northerly of

Forest Avenue, and Hoyt Avenue; and

- d. a line 100 feet southerly of Forest Avenue, Bard Avenue, Forest Avenue, City Boulevard, a line 100 feet southerly of Forest Avenue, Metropolitan Avenue, Dana Street, City Boulevard, a line 200 feet southerly of Forest Avenue, and Bement Avenue;
- 14. eliminating from an existing R3X District a C1-2 District (diagram 8 of 13) bounded by a line 100 feet southerly of Forest Avenue, Oakwood Avenue, and a line 150 feet southerly of Forest Avenue, and Metropolitan Avenue;
- 15. eliminating from an existing R3X District a C1-1 District (diagram 9 of 13) bounded by:
 - a. a line 100 feet southerly of Watchogue Road, Cheves Avenue, Ruth Street and its easterly centerline prolongation, and Livermore Avenue; and
 - b. a line midway between Leonard Avenue and Waters Avenue, Jewett Avenue, Waters Avenue, and the northerly prolongation of the easterly street line of Dakota Place;
- 16. eliminating from an existing R3X District a C1-2 District (diagram 9 of 13) bounded by Watchogue Road, a line 200 feet northwesterly of the northwesterly street line of Frederick Street, a line 150 feet southwesterly of Watchogue Road, and a line 300 feet northwesterly of the northwesterly street line of Frederick Street;
- 17. eliminating from an existing R2 District a C1-2 District (diagram 10 of 13) bounded by Drake Avenue, a line 150 feet easterly of Manor Road, Rice Avenue, a line 100 feet easterly of Manor Road, Utter Avenue, Manor Road, a line 100 feet southerly of Drake Avenue, and a line 100 feet easterly of Manor Road;
- 18. eliminating from an existing R3X District a C1-2 District (diagram 10 of 13) bounded by College Avenue, Manor Road, Maine Avenue, a line 100 feet westerly of Manor Road, Merriman Avenue, a line 150 feet westerly of Manor Road, Maine Avenue, and Delaware Place;
- 19. eliminating from an existing R3-1 District a C1-1 District (diagram 11 of 13) bounded by a line 200 feet northerly of Victory Boulevard, Hodges Place, a line 100 feet northerly of Victory Boulevard, and a line 110 feet westerly of Winthrop Place;
- 20 eliminating from an existing R2 District a C2-1 District (diagram 12 of 13) bounded by Victory Boulevard, Seneca Avenue, a line 150 feet southeasterly of Victory Boulevard, and Logan Avenue; and
- 21. eliminating from an existing R3A District a C1-1 District (diagram 13 of 13) bounded by:
 - a. St. Mary's Avenue, a line 150 feet southwesterly of Tompkins Avenue, Hylan

Boulevard, Vaughan Street, Clifton Avenue, and a line 200 feet southwesterly of Tompkins Avenue; and

b. St. Mary's Avenue, a line 200 feet northeasterly of Tompkins Avenue, Clifton Avenue, and a line 135 feet northeasterly of Tompkins Avenue;

Borough of Staten Island, Community District 1 partially within the Special Hillside Preservation District, as shown on diagrams 1 through 13 (for illustrative purposes only) dated May 23, 2005.

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 1 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 14 commercial overlay areas in Staten Island Community District 1. 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, C1-2, 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 R2, R3X, R3A, and R3-1 districts. Of the 303 lots that comprise the 14 areas in CD 1, 280 are residentially developed, three of the lots contain community facilities, thirteen of the lots are vacant, five are commercial, and two lots are park uses.

The 14 areas are as follows:

Clove Road

The C2-1 overlay along Victory Boulevard is proposed to be entirely eliminated between Logan and Seneca avenues.

Fillmore

The C1-2 overlay along Lafayette Avenue is proposed to be entirely eliminated between W. Buchanan Street and Cassidy Place.

Forest Avenue

The C1-1 and C2-1 overlays along Forest Avenue are proposed to be reduced between Bement and Oakwood avenues.

Jewett North

The C2-1 overlay along Jewett Avenue is proposed to be reduced between Veltman and Jewett avenues.

Manor Road North

The C1-2 overlay along Manor Road is proposed to be entirely removed between College and Maine avenues. It is to be reduced along Manor Road between Utter and Drake avenues.

Nicholas Street

The C2-2 overlay along Richmond Terrace is proposed to be reduced in depth from Nicholas Street.

North West Brighton

The C1-1 along Castleton Avenue is proposed to be reduced between Bement and Davis avenues to the north of Castleton Avenue and Bement and Hoyt avenues to the south of Castleton Avenue.

Port Richmond The C2-1 overlay along Dixon Avenue is proposed to be reduced between Van Riper Street and Port Richmond Avenue.

Port Richmond Castleton and Grove

The C1-1 overlay along Grove Avenue is proposed to be reduced between Faber Sreet and Maple Avenue.

Port Richmond North

The C2-1 overlay along Dubois Avenue is proposed to be reduced between Hurst Street and Post Avenue; the C1-2 overlay along Post Avenue is proposed to be reduced between Cortlandt Street and Decker Avenue, and between Port Richmond and Heberton avenues.

Rosebank

The C1-1 along Tompkins Avenue is proposed to be reduced between St. Mary's Avenue and Hylan Boulevard on the west of Tompkins Avenue and between St. Mary's and Clifton avenues on the east of Tompkins Avenue.

Victory Boulevard The C1-1 overlay along Victory Boulevard is proposed to be reduced between Winthrop Place and Hodges Place.

Watchogue Road The C1-1 overlay along Ruth Street is proposed to be reduced between Livermore and Cheves avenues.

Watchogue Road East The C2-1 overlay along Watchogue Road is proposed to be reduced between Smith Court and Carlton B. Fisk Road.

ENVIRONMENTAL REVIEW

This application (C 050453 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 050453 ZMR) was certified as complete by the Department of City Planning on May 23, 2005 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 June 6, 2005, and on June 14, 2005, by a vote of 34 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 June 28, 2005.

City Planning Commission Public Hearing

On July 27, 2005 (Calendar No. 6), the City Planning Commission scheduled August 10, 2005 for a public hearing on this application (C 050453 ZMR). The hearing was duly held on August 10, 2005 (Calendar No. 22). There were no speakers in favor and five speakers in opposition.

A representative of two property owners in the Port Richmond North sub-area stated that the property owners wanted to develop their property commercially in the future, and therefore did not want the overlay eliminated. One of the property owners stated that she bought the property with commercial development in mind. The other property owner said that he already uses his property for some commercial activity.

Another property owner in the Forest Avenue area stated that during the study phase of the proposal his property and others nearby were converted to commercial uses and consequently the elimination would make his property non-conforming.

A developer in the Rosebank area stated that he was advanced in his plans to develop a drugstore in an area that was to be partially eliminated. He asked that the elimination proposal be dropped on the property because his development would become unfeasible.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application (C 050453 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 <u>et seq</u>.). 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, as modified herein, is appropriate.

The Commission notes that the areas being rezoned are for the most part not 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 it is appropriate to leave certain properties proposed to be rezoned unchanged. Therefore the Commission is modifying the application so that certain properties along Bement Avenue between Myrtle and Morrison avenues; along Vaughn Street northwest of Hylan Boulevard, and Post Avenue between Heberton and Port Richmond avenues will all remain commercially zoned.

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. 20c, 20d, 21a, 21b, 21c, and 21d,

- eliminating from an existing R3A District a C1-3 District (diagram 1 of 13) bounded by a line 100 feet southerly of Grove Avenue, Maple Avenue, a line 150 feet southerly of Grove Avenue, and Faber Street;
- 2. eliminating from an existing R3A District a C1-2 District (diagram 2 of 13) bounded by:
 - a. Post Avenue, the southwesterly centerline prolongation of Park Avenue, a line midway between Albion Place and Post Avenue, a line 200 feet northwesterly of Heberton Avenue, Post Avenue, a line 200 feet northwesterly of Heberton Avenue, a line midway between Post Avenue and Palmer Avenue, and a line 100 feet southeasterly of Port Richmond Avenue; and
 - b. Post Avenue, the southwesterly centerline prolongation of Simonson Avenue, a line midway between Post Avenue and Palmer Avenue, and a line 50 feet southeasterly of Decker Avenue;
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- b. Hurst Street, Dubois Avenue, a line 150 feet southerly of Post Avenue, a line 100 feet westerly of Dubois Avenue, a line 200 feet southwesterly of Hurst Street, and Jewett Avenue;
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 - a. a line 200 feet northerly of Castleton Avenue, Davis Avenue, a line 100 feet northerly of Castleton Avenue, and Bement Avenue;
 - b. a line 100 feet southerly of Castleton Avenue, North Mada Avenue, a line 200 feet southerly of Castleton Avenue, and Bement Avenue; and
 - c. a line 100 feet southerly of Castleton Avenue, a line midway between Hoyt Avenue and Bard Avenue, a line 200 feet southerly of Castleton Avenue, and Bard Avenue;
- 6. eliminating from an existing R2 District a C1-2 District (diagram 3 of 13) bounded by a line 110 feet northerly of Alban Street, a line 150 feet easterly of Davis Avenue, Alban Street, and a line 125 feet easterly of Davis Avenue;
- 7. eliminating from an existing R3X District a C1-2 District (diagram 3 of 13) bounded by Henderson Avenue, a line 150 feet easterly of Davis Avenue, a line 110 feet northerly of Alban Street, a line 125 feet easterly of Davis Avenue, Alban Street, Davis Avenue, a line 125 feet northerly of Alban Street, and a line 100 feet easterly of Davis Avenue (straight line portion);
- 8. eliminating from an existing R3X District a C1-2 District (diagram 4 of 13) bounded by West Buchanan Street, a line 150 feet easterly of Lafayette Avenue, Cassidy Place, and Lafayette Avenue;
- 9. eliminating from an existing R3A District a C2-2 District (diagram 5 of 13) bounded by Richmond Terrace, a line 40 feet northwesterly of Nicholas Street, a line 100 feet southerly of Richmond Terrace, and a line 150 feet northwesterly of Nicholas Street;
- 10. eliminating from an existing R3A District a C2-1 District (diagram 6 of 13) bounded by the northwesterly centerline prolongation of Seymour Avenue, Port Richmond Avenue, a line 150 feet northerly of Port Richmond Avenue, and Van Riper Street and its northerly centerline prolongation;
- 11. eliminating from an existing R3X District a C2-1 District (diagram 7 of 13) bounded by a perpendicular to the westerly street line of Jewett Avenue distant 225 feet northerly from the point of intersection of the westerly street line of Jewett Avenue and the northeasterly street line of

Veltman Avenue, Jewett Avenue, Veltman Avenue, a line 150 feet southeasterly of Ordell Avenue, and a line 100 feet westerly of Jewett Avenue;

- 12. eliminating from an existing R2 District a C1-2 District (diagram 8 of 13) bounded by a line 150 feet northerly of Forest Avenue, Walbroke Avenue, a line 100 feet northerly of Forest Avenue, and Kissel Avenue;
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 - a. a line 200 feet northerly of Forest Avenue, Pelton Avenue, a line 100 feet northerly of Forest Avenue, and a line 120 feet northeasterly of Bement Avenue;
 - b. a line 200 feet northerly of Forest Avenue, Bard Avenue, a line 125 feet northerly of Forest Avenue, and North Mada Avenue;
 - c. a line 200 feet northerly of Forest Avenue, Kissel Avenue, a line 100 feet northerly of Forest Avenue, and Hoyt Avenue; and
 - d. a line 100 feet southerly of Forest Avenue, Bard Avenue, Forest Avenue, City Boulevard, a line 100 feet southerly of Forest Avenue, Metropolitan Avenue, Dana Street, City Boulevard, a line 200 feet southerly of Forest Avenue, and a line 120 feet northeasterly of Bement Avenue;
- 14. eliminating from an existing R3X District a C1-2 District (diagram 8 of 13) bounded by a line 100 feet southerly of Forest Avenue, Oakwood Avenue, and a line 150 feet southerly of Forest Avenue, and Metropolitan Avenue;
- 15. eliminating from an existing R3X District a C1-1 District (diagram 9 of 13) bounded by:
 - a. a line 100 feet southerly of Watchogue Road, Cheves Avenue, Ruth Street and its easterly centerline prolongation, and Livermore Avenue; and
 - b. a line midway between Leonard Avenue and Waters Avenue, Jewett Avenue, Waters Avenue, and the northerly prolongation of the easterly street line of Dakota Place;
- 16. eliminating from an existing R3X District a C1-2 District (diagram 9 of 13) bounded by Watchogue Road, a line 200 feet northwesterly of the northwesterly street line of Frederick Street, a line 150 feet southwesterly of Watchogue Road, and a line 300 feet northwesterly of the northwesterly street line of Frederick Street;
- 17. eliminating from an existing R2 District a C1-2 District (diagram 10 of 13) bounded by Drake Avenue, a line 150 feet easterly of Manor Road, Rice Avenue, a line 100 feet easterly of Manor Road, Utter Avenue, Manor Road, a line 100 feet southerly of Drake Avenue, and a line 100 feet easterly of Manor Road;

- eliminating from an existing R3X District a C1-2 District (diagram 10 of 13) bounded by College Avenue, Manor Road, Maine Avenue, a line 100 feet westerly of Manor Road, Merriman Avenue, a line 150 feet westerly of Manor Road, Maine Avenue, and Delaware Place;
- 19. eliminating from an existing R3-1 District a C1-1 District (diagram 11 of 13) bounded by a line 200 feet northerly of Victory Boulevard, Hodges Place, a line 100 feet northerly of Victory Boulevard, and a line 110 feet westerly of Winthrop Place;
- 20. eliminating from an existing R2 District a C2-1 District (diagram 12 of 13) bounded by Victory Boulevard, Seneca Avenue, a line 150 feet southeasterly of Victory Boulevard, and Logan Avenue; and
- 21. eliminating from an existing R3A District a C1-1 District (diagram 13 of 13) bounded by:
 - a. St. Mary's Avenue, a line 150 feet southwesterly of Tompkins Avenue, a line 140 feet southeasterly of Clifton Avenue, Vaughan Street, Clifton Avenue, and a line 200 feet southwesterly of Tompkins Avenue; and
 - b. St. Mary's Avenue, a line 200 feet northeasterly of Tompkins Avenue, Clifton Avenue, and a line 135 feet northeasterly of Tompkins Avenue;

Borough of Staten Island, Community District 1, as shown on a diagram (for illustrative purposes

only) dated May 23, 2005 (C 050453 ZMR), and modified on September 15, 2005.

The above resolution (C 050453 ZMR), duly adopted by the City Planning Commission on

September 14, 2005 (Calendar No. 11), 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