



## **CITY PLANNING COMMISSION**

June 22, 2005/Calendar No. 17

C 020560 MMR

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**IN THE MATTER OF** an application, submitted by The Wilson Avenue Civic Association Inc. pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the elimination of a portion of Cortelyou Avenue between Eltingville Boulevard and Wilson Avenue;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

Community District 3, Borough of Staten Island, in accordance with Map No. 4096 dated June 6, 2003 and signed by the Borough President.

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The application (C 020560 MMR) for an amendment to the City Map was filed by The Wilson Avenue Civic Association Inc., pursuant to Sections 197-c and 199 of the New York City Charter on April 23, 2002. It involves: the elimination of a portion of Cortelyou Avenue between Eltingville Boulevard and Wilson Avenue; the adjustment of grades necessitated thereby; and any acquisition or disposition of real property related thereto.

### **BACKGROUND**

This application was submitted by The Wilson Avenue Civic Association to eliminate a portion of Cortelyou Avenue between Eltingville Boulevard and Wilson Avenue to remove the cloud from the titles of 21 parcels of land in tax block 5497 of Staten Island. The portion of Cortelyou Avenue to be eliminated runs eastward from the easterly lot line of Lot 180 in Block 5497 to Wilson Avenue and north of the Staten Island Rapid Transit. The remaining portion of Cortelyou Avenue between Eltingville Boulevard and the easterly lot line of lot 180 in Block 5497 will be renamed Coryn Court.

The backyards of most of the affected properties within Block 5497 are within the bed of Cortelyou Avenue. The subject street is not improved, not in use or open to the public, and is privately owned. The width of the mapped street varies from 47 feet to 60 feet.

Currently, there are foundations laid out for 6 units of residential development on lots 214, 216 and 218, which fall in the bed of Cortelyou Avenue. After reconsideration from the Borough Commissioner of the Department of Buildings, the developer was granted a building permit in May 2002. Lots 161 and 163, owned by the Department of Transportation, have been paved to create a public parking lot for a park-and-ride program.

The street lies in an R3-1 zoning district within the Special South Richmond Development District (SRD). The adjacent area is developed with single and two family residential buildings. The surrounding zoning is R3A to the north and C1-1, C8-1 and R3-2 to the south and west.

An interagency conference was held on July 29, 2002. No city agency expressed objections to the map change proposal.

## **ENVIRONMENTAL REVIEW**

This application (C 020560 MMR) 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 No. is 02DCP047R. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on March 14, 2005.

### **UNIFORM LAND USE REVIEW**

This application (C 020560 MMR) was certified as complete by the Department of City Planning on March 14, 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 (C 020560 MMR) on April 13, 2005, and on that day, by a vote of 29 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

The Borough President did not submit a recommendation on this application (C 020560 MMR).

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

On May 11, 2005 (Calendar No. 6), the City Planning Commission scheduled May 25, 2005, for a public hearing on this application (C 020560 MMR). The hearing was duly held on May 25,

2005 (Calendar No. 37).

There were two speakers in favor and none in opposition to the application. The two speakers, representing the applicant, described the application and gave a brief history of the applicant's involvement in this project.

There were no other speakers and the hearing was closed.

### **Waterfront Revitalization Program Consistency Review and Findings**

This application (C 020560 MMR) 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 05-007.

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

### **CONSIDERATION**

The City Planning Commission believes that this amendment to the City Map is appropriate.

The Wilson Avenue Civic Association, a civic group of homeowners having portions of their properties in the bed of Cortelyou Avenue, initiated this project in 1985 to clear the titles of their

properties. Since then, the applicant has been working with the Borough President's Office and Community Board 3 on this project. This proposal to eliminate a portion of Cortelyou Avenue between Eltingville Boulevard and Wilson Avenue will clear titles of affected properties in Block 5497 and allow homeowners along Wilson Avenue to utilize their properties to the fullest extent.

The portion of Cortelyou Avenue proposed to be eliminated is neither improved nor open to vehicular or pedestrian traffic and is privately owned by members of the Wilson Avenue Civic Association. The change in the City Map will not alter the current configuration of the traffic pattern in this area.

## **RESOLUTION**

Therefore, the City Planning Commission, deeming the proposed amendment to the City map and any related acquisition or disposition to be appropriate, adopts the following 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 199 of the New

York City Charter, that based on the environmental determination and the consideration described in this report, the application (C 020560 MMR) for the amendment to the City Map involving: the elimination of a portion of Cortelyou Avenue between Eltingville Boulevard and Wilson Avenue; the adjustment of grades necessitated thereby; and any acquisition or disposition of real property related thereto, Community District 3, Borough of Staten Island, in accordance with Map No. 4096 dated June 6, 2003 and signed by the Borough President, is approved.

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 4096 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code.
- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition (a) above until the applicant shall have executed an agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission. If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission.

The above resolution, duly adopted by the City Planning Commission on June 22, 2005

(Calendar No. 17), 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**

**ANGELA M. BATTAGLIA, 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**

**IRWIN G. CANTOR, P.E., Commissioner, Abstaining**