



CITY PLANNING COMMISSION

June 29, 2009/Calendar No. 5

C 070547 ZSR

IN THE MATTER OF an application submitted by Sisters of Charity Health Care System Nursing Home, Inc. d/b/a St. Elizabeth Ann's Health Care & Rehabilitation Center pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area and Percentage of Lot Coverage) to apply to a proposed 5-story enlargement of an existing 4-story nursing home, on property located at 91 Tompkins Avenue (Block 534, Lots 120, 150 and 200), in an R3-2 District, Borough of Staten Island, Community District 1.

The application for the special permit was filed by Sisters of Charity Health Care System Nursing Home, Inc. d/b/a St. Elizabeth Ann's Health Care & Rehabilitation Center on June 18, 2007, in order to facilitate the enlargement of the St. Elizabeth Ann's Health Care & Rehabilitation Center.

RELATED ACTIONS

In addition to the special permit which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 070546 ZSR Special permit pursuant to Section 74-90 of the Zoning Resolution to allow the enlargement of an existing nursing home.

BACKGROUND

A description of this application, the surrounding area and the proposed project is included in the report on the related action for the grant of a special permit (C 070546 ZSR).

ENVIRONMENTAL REVIEW

This application (C 070547 ZSR), in conjunction with the application for the related action (C 070546 ZSR) 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 09DCP050R. 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 April 20, 2009.

A revised Negative Declaration was issued on June 29, 2009 in order to correct a minor typographical error in the original Negative Declaration issued on April 20, 2009.

UNIFORM LAND USE REVIEW

This application (C 070547 ZSR) in conjunction with the application for the related action (C 070546 ZSR), was certified as complete by the Department of City Planning on April 20, 2009, and was duly referred to Community Board 1 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 1 held a public hearing on this application on May 4, 2009, and on May 12, 2009, by a vote of 33 to 0, 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 May 13, 2009.

City Planning Commission Public Hearing

On June 3, 2009 (Calendar No. 3), the City Planning Commission scheduled June 17, 2009 for a public hearing on this application (C 070547 ZSR) and related application (C 070546 ZSR). The hearing was duly held on June 17, 2009 (Calendar No. 31) in conjunction with the public hearing on the related application (C 070546 ZSR).

There were five speakers in favor as described in the report on the related application (C 070546 ZSR). There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application (C 070547 ZSR) for grant of a special permit and the related application (C 070546 ZSR) are appropriate.

A full consideration and analysis of the issues and reasons for approving this application appear in the report on the related application (C 070546 ZSR).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Sections 74-902 of the Zoning Resolution:

- 74-902 Use and Bulk modifications for certain Community Facility Uses
- a) that the distribution of the bulk of the total development will not unduly obstruct the access of light and air to adjoining properties or public streets, and will result in satisfactory site planning and satisfactory urban design relationships of buildings to adjacent streets and surrounding developments;
 - b) that the proposed development will not require any significant additions to the supporting services of the neighborhood or that provisions for adequate supporting services has been made; and
 - c) that the streets providing access to such use will be adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

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, 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 and findings described in this report, the application of Sisters of Charity Health Care System Nursing Home, Inc. d/b/a St. Elizabeth Ann’s Health Care & Rehabilitation Center for the grant of a special permit to allow the community facility floor area ratio of Section 24-11 (Maximum Floor Area and Percentage of Lot Coverage) to apply to a proposed 5-story enlargement of an existing 4-story nursing home, on property located at 91 Tompkins Avenue (Block 534, Lots 120, 150 and 200), in an R3-2 District, Borough of Staten Island, Community District 1, is approved pursuant to Section 74-902 of the Zoning Resolution, subject to the following terms and conditions:

1. That the property that is the subject of this application (C 070547 ZSR) in conjunction with (C 070546 ZSR) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Rampulla Associates Architects, L.L.P., and the Landscape Plan prepared by MKW + Associates, LLC. filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Drawing Title</u>	<u>Latest Revision Date</u>
CPC-1	Site Plan & Zoning	10/30/2008
CPC-2	Zoning Data	10/30/2008
CPC-3	Zoning Data	10/30/2008
CPC-4	Sky Exposure Plane	10/30/2008
CPC-5	Sections A, B, & C	11/10/2008
CPC-6	North & East Elevations	10/30/2008

CPC-7	South & West Elevations	7/15/2008
CPC-8	Streetscape	10/30/2008
CPC-9	Streetscape Across from SEA	10/30/2008
CPC-10	Area Map	7/24/2008
Attachment #3	Landscape Plan	10/27/2008

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for modifications specifically granted in this resolution and shown on the plans listed above which has been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. All leases, subleases or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.

5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application or

modification, cancellation or amendment of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 070547 ZSR), duly adopted by the City Planning Commission on June 29, 2009 (Calendar No. 5), 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, FAICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman,
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL,
SHIRLEY A. MCRAE, Commissioners