



CITY PLANNING COMMISSION

September 24, 2008/ Calendar No. 20

C 080476 ZSR

IN THE MATTER OF an application submitted by the New York City Department of Information Technology and Telecommunications and the New York City Department of Citywide Administrative Services pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 107-73 of the Zoning Resolution to modify the height and setback regulations of Section 107-43 of the Zoning Resolution to allow a 112-foot high telecommunications tower in connection with a proposed wireless communication facility on property located at 40 Storer Avenue (Block 7315, Lot 82), in an M1-1 District, within the Special South Richmond Development District, Borough of Staten Island, Community District 3.

The application (C 080476 ZSR) for the special permit was filed by the New York City Department of Information Technology and Telecommunications (DOITT) and the New York City Department of Citywide Administrative Services (DCAS) on May 29, 2008, to modify the Special South Richmond Development District height limit of 50 feet to construct a 112-foot high telecommunications tower as part of a public safety wireless facility for the New York City Channel 16 radio network project in the Charleston area of Community District 3, Staten Island.

RELATED ACTION

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 080477 PSR Site Selection to locate a public safety wireless facility on city-owned property.

BACKGROUND

A full description of the background appears in the report on the related site selection application (C 080477 PSR).

ENVIRONMENTAL REVIEW

This application (C 080476 ZSR), in conjunction with the application for the related action (C 080477 PSR), 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 08DIT002Y. The lead agency is the Department of Information Technology and Telecommunications.

After a study of the potential environmental impact of the proposed action, a revised Negative Declaration was issued on April 11, 2008.

UNIFORM LAND USE REVIEW

This application (C 080476 ZSR), along with the application for the related action (C 080477 PSR), was certified as complete by the Department of City Planning on June 16, 2008, and was duly referred to Community Board 3 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 3 held a public hearing on this application (C 080476 ZSR) on June 18, 2008, in conjunction with the public hearing on the application for the related action (C 080477 PSR), and on June 24, 2008, by a vote of 16 to 11 with zero abstentions, adopted a resolution recommending approval of these applications.

Borough President Recommendation

This application (C 080476 ZSR), along with the related application (C 080477 PSR), was considered by the Borough President of Staten Island, who issued a recommendation to approve the applications on July 31, 2008.

City Planning Commission Public Hearing

On August 11, 2008 (Calendar No. 12), the City Planning Commission scheduled August 27, 2008, for a public hearing on this application (C 080476 ZSR). The hearing was duly held on August 27, 2008 (Calendar No. 31), in conjunction with the hearing for the related action (C 080477 PSR).

There were two speakers, as described in the report on the related site selection application (C 080477 PSR) 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 08-042.

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 application (C 080476 ZSR) of the Department of Information Technology and Telecommunications (DOITT) and the Department of Citywide Administrative Services (DCAS) for grant of a special permit is appropriate.

A full consideration appears in the report on the related site selection application (C 080477 PSR).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 107-73 which allows the Special South Richmond Development District 50-foot height limit to be modified:

- (a) that such development is so located as not to impair the essential character of the surrounding area;
- (b) not applicable; and
- (c) that the development's design proposal takes full advantage of all special characteristics of the site.

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 and findings described in this report, the application submitted by the Department of Information Technology and Telecommunications (DOITT) and the Department of Citywide Administrative Services (DCAS) pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 107-73 of the Zoning Resolution to modify the height and setback regulations of Section 107-43 of the Zoning Resolution to allow a 112-foot high telecommunications tower in connection with a proposed public safety wireless facility on property located at 40 Storer Avenue (Block 7315, Lot 82), in an M1-1 District, within the Special South Richmond Development District, Borough of Staten Island, Community District 3, is approved subject to the following terms and conditions:

1. The property that is the subject of this special permit (C 080476 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 Hanson Architects and

Engineers P.C. for the Department of Information Technology and Telecommunications (DOITT) and the Department of Citywide Administrative Services (DCAS), and incorporated in this resolution:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
C1	Existing and Proposed Conditions	June 5, 2008
C2	Proposed Site Plan	June 5, 2008
C3	Project Site Details	June 5, 2008
C4	Fencing Details	June 5, 2008
Z1	Encroachment Diagram, Open Area and Sky Exposure	June 5, 2008
Z2	Streetscape Elevation	June 12, 2008

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above. All zoning computations are subject to verification and approval of 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 special permit, or the failure of any heir, successor, assign or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms of conditions of this resolution whose provisions shall constitute conditions of the special permit and authorizations hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit and authorization. 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 alteration in the development that is the subject of this special permit that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for 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 080476 ZSR), duly adopted by the City Planning Commission on September 24, 2008 (Calendar No.20), 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
IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, AIA, ALFRED C. CERULLO III,
BETTY Y. CHEN, MARIA DEL TORO, RICHARD W. EADDY, NATHAN LEVENTHAL,
SHIRLEY A. MCRAE, JOHN MEROLO, KAREN PHILLIPS, Commissioners**