

**260-13-A thru 263-13-A**

APPLICANT – Eric Palatnik PC, for Block 3162 LLC, owner.

SUBJECT – Application August 15, 2013 – The proposed buildings are also located within the bed of a mapped street, contrary to General City Law Section 35. R3-2 zoning district.

PREMISES AFFECTED – 25, 27, 31, 33, Sheridan Avenue aka 2080 Clove Road, between Giles Place and the Staten Island Rapid Transit right of way, Block 3162, Lot 22, 23, 24, 25, Borough of Staten Island.

**COMMUNITY BOARD #2SI**

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT –**

Affirmative: Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez .....4  
Negative:.....0

**THE RESOLUTION –**

WHEREAS, the decisions of the Department of Buildings (“DOB”), dated March 19, 2014, acting on DOB Application Nos. 520074035, 520141980, 520141999, and 520142006 read in pertinent part:

Proposed construction located within the bed of a mapped street is contrary to section 35 of the General City Law; and

ZR 23-00 – Proposed new building has bulk non-compliances resulting from the location of mapped streets; and

WHEREAS, a public hearing was held on this application on June 10, 2014, after due notice by publication in *The City Record*, with a continued hearing on July 15, 2014, and then to decision on July 29, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Commissioner Hinkson, Commissioner Dara Ottley- Brown and Commissioner Montanez; and

WHEREAS, this is an application to allow on a site located within an R3-2 zoning district, the construction of three semi-detached, two-story, single-family homes, and one semi-detached, three-story, two-family home within the bed of two mapped but unbuilt portions of Clove Road and Sheridan Avenue, contrary to General City Law § 35; and

WHEREAS, the site is also subject to a variance application pursuant to ZR § 72-21 to resolve zoning objections not associated with the presence of the mapped street, which was decided on the same date; and

WHEREAS, the subject site is a trapezoidal lot bounded by Sheridan Avenue, Giles Place, Clove Road, and a right of way for the Staten Island Rapid Transit line, within an R3-2 zoning district; and

WHEREAS, the site, which is vacant, has 148 feet of frontage along Sheridan Avenue, 100 feet of frontage along Giles Place, 72 feet of frontage along Clove Road, and 11,000 sq. ft. of lot area; the site will be divided into four tax lots (Lots 22, 23, 24, and 25) in connection with the proposed development; and

WHEREAS, the applicant notes that portions of the site are within proposed street widening areas for Sheridan Avenue (which has an improved width of 30’-0” and a mapped width of 40’-0”) and Clove Road (which has an improved width of 40’-0” and a mapped width of 80’-0”); in addition, the site is encumbered by an

easement for the Staten Island Rapid Transit line; and

WHEREAS, by letter dated October 23, 2013, the Fire Department states that it has reviewed the proposal and offers no objection, provided that; (1) as noted on the site plan, the exterior walls abutting the outdoor parking area of Units 2, 3, and 4 be constructed to minimum one-hour fire rating; and (2) all proposed units are to fully-sprinklered; and

WHEREAS, by letter dated October 30, 2013, the Department of Environmental Protection (“DEP”) states that: (1) there are no existing City sewers in the bed of Clove Road between the Staten Island railroad and Giles Place; (2) there is an existing eight-inch city water main in the bed of Clove Road at the above referenced location; (3) there is also an existing six-inch diameter sanitary drain, an existing 24-inch diameter water main and an existing eight-inch water main in the bed of Sheridan Avenue between the Staten Island Railroad and Giles Place; (4) City Drainage Plan No. PRD-2D, sheet 2 of 9, dated November 21, 1973, calls for a future ten-inch diameter sanitary sewer, and a 12-inch diameter storm sewer to be installed in Clove Road between the Staten Island Railroad and Giles Place; and (5) there will be a future ten-inch diameter sanitary sewer and a 12-inch diameter storm sewer in Sheridan Avenue between Staten Island Railroad and Giles Place; and

WHEREAS, DEP further states that it requires the applicant to submit a survey/plan showing: (1) the width of mapped Clove Road, the width of the widening portion and the distance between the easterly lot line and the existing eight-inch diameter City Water main in Clove Road between the Staten Island Road and Giles Place; (2) the width of mapped Sheridan Avenue, the width of the widening portion and the distances between the westerly lot line and existing six-inch diameter sanitary drain, the 24-inch diameter and the eight-inch diameter City Water main in Sheridan Avenue between Staten Island Railroad Road and Giles Place; and

WHEREAS, by letter dated December 10, 2013, DEP also requires information regarding the size, type, and distance from the property line to the manholes on the existing drain in the westerly sidewalk of Clove Road; and

WHEREAS, in response to DEP’s request, by letter dated December 2, 2014 and on January 14, 2014 the applicant has submitted a revised survey and site plan addressing DEP issues; and

WHEREAS, by letter dated February 7, 2014, DEP states that it has reviewed the submission and notes that the revised site plan shows (1) the 40-foot width of the travel portion of Clove Road between the Staten Island Railroad and Giles Place, which will be available for the maintenance and or reconstruction of the existing sewer, water mains and the installation of the future sewers and (2) the 30-foot width of the travel portion of Sheridan Avenue between the Staten Island Railroad and Giles Place, which will be available for the maintenance and or reconstruction of the existing and future sewers and existing water mains; and

WHEREAS, the DEP has no objections to the proposal; and

WHEREAS, by email correspondence dated December 13, 2013 and May 7, 2014, the Department of Transportation (“DOT”) states that because Sheridan Avenue is a dead end street, on-street parking requirements and minimum allowable street widths must

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be met on Sheridan Avenue to provide the ability for vehicles to turn around; therefore, Sheridan Avenue must be widened to a minimum of 28 feet (20 feet for two moving lanes, and eight feet for parking).

WHEREAS, the applicant asserts that: (1) there is "No parking" permitted on either side of Sheridan Avenue and (2) the Fire Department has reviewed the proposal and has not requested either a turnaround or a street widening because the existing street system is adequate to meet its needs to provide life safety services; and

WHEREAS, by letter dated June 11, 2014, DOT requires the applicant to provide 20 feet of unobstructed space in front of Tentative Lot 25 to allow for vehicles to turn around at the dead end of Sheridan Avenue; and

WHEREAS, by letter dated July 3, 2014, the applicant submitted a revised site plan depicting a 20-foot area of unobstructed space within the driveway of Tentative Lot 25; and

WHEREAS, by letter dated July 23, 2014, DOT states that it has reviewed the revised proposal and has no objections; and

WHEREAS, DOT also states that according to the Staten Island Borough President Topographical Bureau, Sheridan Avenue from the north side of Giles Place to a point approximately 150 feet south of the Staten Island Rapid Transit Operating Authority is mapped at a 40-foot width on the Final City Map; in addition, the city has an Opinion of Dedication for 30 feet, as-in-use, dated October 26, 1916; lastly, Clove Road from the north side of Giles Place to a point approximately 102 feet south of the Staten Island Rapid Operating Transit Authority is mapped at an 80-foot width on the Final City Map and the City has an Opinion of Dedication for 40 feet as-in-use, dated May 9, 1975; and

WHEREAS, the Board also notes that DOT has not represented that construction within the widening areas of Sheridan Avenue and Clove Road would conflict or interfere with its Capital Improvement Program; and

WHEREAS, the Board notes that pursuant to GCL § 35, the Board may authorize construction within the bed of the mapped street subject to reasonable requirements; and

WHEREAS, the Board notes that pursuant to ZR § 72-01-(g), the Board may waive bulk regulations where construction is proposed in part within the bed of a mapped street; such bulk waivers will be only as necessary to address non-compliances resulting from the location of construction within and outside of the mapped street, and the zoning lot will comply to the maximum extent feasible with all applicable zoning regulations as if the street were not mapped; and

WHEREAS, consistent with GCL § 35 and ZR § 72-01-(g), the Board finds that applying the bulk regulations across the portion of the subject site within the mapped street and the portion of the subject lot

**A true copy of resolution adopted by the Board of Standards and Appeals, July 29, 2014.**

**Printed in Bulletin No. 31, Vol. 99.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

outside the mapped streets as if the portions were a lot unencumbered by mapped streets is both reasonable and necessary to allow the proposed construction; and

WHEREAS, as noted, zoning objections not associated with the presence of the mapped unbuilt street are resolved by separate application, pursuant to ZR § 72-21; and

WHEREAS, accordingly, the Board has determined that the applicant has submitted adequate evidence to warrant this approval under certain conditions.

*Therefore it is Resolved*, that the Board modifies the decisions of the DOB, dated March 19, 2014, acting on DOB Application Nos. 520074035, 520141980, 520141999, and 520142006 by the power vested in it by Section 35 of the General City Law, and also waives the bulk regulations associated with the presence of the mapped but unbuilt streets pursuant to Section 72-01(g) of the Zoning Resolution to grant this appeal, limited to the decision noted above *on condition* that construction will substantially conform to the drawing filed with the application marked "Received July 25, 2014" – one (1) sheet; and *on further condition*:

THAT DOB will review and approve plans associated with the Board's approval for compliance with the underlying zoning regulations as if the unbuilt portions of Sheridan Avenue and Clove Road streets were not mapped;

THAT 20 feet of unobstructed space must be maintained within the driveway of 33 Sheridan Avenue (Tentative Lot 25) and left open and available for vehicle turnaround at all times;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT DOB will review the proposed plans to ensure compliance with all relevant provisions of the Zoning Resolution;

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals on July 29, 2014.

