



## CITY PLANNING COMMISSION

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June 8, 2005/Calendar No. 11

C 050014 ZMR

**IN THE MATTER OF** an application submitted by Councilman Andrew J. Lanza pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section Nos. 32d and 35a:**

- 1. changing from an R3A District to an R1-2 District property bounded by:**
  - a. Asp Place and its northwesterly centerline prolongation, Hopping Avenue, Bentley Street, Amboy Road, Wards Point Avenue, a line 100 feet southerly of Perth Amboy Place, Satterlee Street, Pittsville Avenue (Stairway Street), and the U.S. Pierhead and Bulkhead Line;
  - b. Amboy Road, Bedell Avenue, Minerva Avenue, Giegerich Avenue, Amboy Road, Page Avenue, Hylan Boulevard, a line 325 feet northeasterly of Bedell Avenue, a line 470 feet southeasterly of Jacob Street, Bedell Avenue, Jacob Street and its southwesterly centerline prolongation, Sprague Avenue, Keppel Avenue and its southwesterly centerline prolongation, a line 200 feet northeasterly of Sleight Avenue, Hylan Boulevard, a line 200 feet southwesterly of Sleight Avenue, a line 200 feet southeasterly of Amboy Road, Sprague Avenue, the north street line of former DeWitt Street, and Brehaut Avenue; and
  - c. Hylan Boulevard, Bedell Avenue, Clermont Avenue and its southwesterly centerline prolongation, Page Avenue and its southeasterly centerline prolongation, the U.S. Pierhead Line, a line 450 feet northeasterly of Sprague Avenue and its southeasterly prolongation, Joline Lane and its southwesterly centerline prolongation, Joline Avenue, a line 300 feet northeasterly of Joline Lane and its southwesterly prolongation, a line 450 feet northeasterly of Sprague Avenue, a line 645 feet southwesterly of Hylan Boulevard, and a line 200 feet northeasterly of Sprague Avenue;
- 2. changing from an R3A District to an R3X District property bounded by:**
  - a. the U.S. Pierhead and Bulkhead Line, Bentley Street, Arthur Kill Road, Butler Avenue, Amboy Road, Chelsea Street, Pittsville Avenue, a line 200 feet southwesterly of Sleight Avenue, Hylan Boulevard, Chelsea Street, Clermont Avenue, Swinnerton Street, Hylan Boulevard, Carteret Street, Clermont Avenue, Massachusetts Street, Hylan Boulevard, Satterlee Street, a line 100 feet southeasterly of Perth Amboy Place, Wards Point Avenue, Amboy Road, Bentley Street, Hopping Avenue, and Asp Place and its northwesterly centerline prolongation;
  - b. Arthur Kill Road, Yetman Avenue, Craig Avenue, Lee Avenue, Orchard Avenue and its southwesterly centerline prolongation, Fisher Avenue, Arthur Kill Road, St. Andrews Place, a line 225 feet northeasterly of

Hecker Street, Maiden Lane, Hecker Street, Craig Avenue, Nashville Street, Amboy Road, Barnard Avenue, a line 200 feet northwesterly of Amboy Road, Wood Avenue, a line 160 feet northwesterly of Amboy Road, Lee Avenue, Amboy Road, and Johnson Avenue; and

- c. Keppel Avenue, Sprague Avenue, Jacob Street and its southwesterly centerline prolongation at Joline Avenue, Bedell Avenue, a line 470 feet southeasterly of Jacob Street, a line 325 feet northeasterly of Bedell Avenue, Hylan Boulevard, Page Avenue, Clermont Avenue and its southwesterly centerline prolongation, Bedell Avenue, Hylan Boulevard, a line 200 feet northeasterly of Sprague Avenue, a line 645 feet southeasterly of Hylan Boulevard, a line 450 feet northeasterly of Sprague Avenue, a line 300 feet northwesterly of Joline Lane and its southwesterly prolongation, Joline Avenue, Joline Lane and its southwesterly centerline prolongation, a line 450 feet northeasterly of Sprague Avenue and its southeasterly prolongation, the U.S. Pierhead Line, Sprague Avenue and its southeasterly centerline prolongation, Hylan Boulevard, and a line 200 feet northeasterly of Sleight Avenue;

within the Special South Richmond District, Borough of Staten Island, Community District 3, as shown on a diagram (for illustrative purposes only) dated February 28, 2005.

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The application for an amendment of the Zoning Map was filed by Council Member Andrew Lanza on July 12, 2004, to rezone from R3A to R1-2 and R3X an approximately 65 block area generally located in the Tottenville section of Staten Island, Community District 3.

## **BACKGROUND**

The area proposed to be rezoned from R3A to R1-2 and R3X consists of an approximately 65 block area generally bounded Arthur Kill Road to the north, the Arthur Kill to the west, Raritan Bay to the south, and Page Avenue to the east. The proposed rezoning area is bordered to the north by M3-1, to the east by R3X, and to the south by R3A, in the Tottenville section of Staten Island, Community District 3. The area consists primarily of one- and two-family detached houses. The area was subject to contextual rezonings in 1995 (C940491ZMR), 1996

(C9506201ZMR), and 1997 (C960516ZMR), which changed the zoning from R3-1, R3-2 and C3 to R3A.

The rezoning is proposed in response to community concerns that the R3A district allows a minimum lot size that is not in character with the existing predominant detached housing on large lots.

There are 2,498 lots in the rezoning area, 89.2% of which are developed residentially, 9.5% are vacant, .6 are commercial, and .6 are community facilities.

The present R3A district within the Special South Richmond Development District permits one- and two-family detached houses on lots with a minimum width of 35 feet. The R3A district requires 30-foot rear yards, 18-foot front yards, two on-site parking spaces for a one-family house and three spaces for a two-family house and a maximum .5 FAR plus .1 attic allowance.

The proposed R1-2 districts are located in three areas of Tottenville. The first area is generally bounded by the Arthur Kill, Amboy Road, and Bentley Avenue. Within this area 80% of residentially developed lots conform to the R1-2 single-family requirement. The second area is generally bounded by Amboy Road, Page Avenue, Hylan boulevard, Keppel Avenue, and Sleight Avenue. Within this area 77% of the residentially developed lots conform to the R1-2 single-family requirement. The third is generally bounded by Hylan Boulevard, Page Avenue, Raritan Bay, and Sprague Avenue. Within this area 86% of the residentially developed lots

conform to the R1-2 single-family requirement. The majority of the homes in these areas are single-family detached homes on 40-foot wide lots with lots areas greater than 5,700 square feet.

In all the areas to be rezoned R1-2, approximately 78% of lots conform to the one-family requirement, 93% of the lots comply to the lot width requirement and 81% comply to the lot area requirement. The proposed R1-2 district within the Special South Richmond Development District requires one-family detached houses on minimum 40-foot wide lots for one- and two-story buildings. The R1-2 requires 30-foot rear yards, 20-foot front yards, two on-site parking spaces and a maximum .5 FAR.

The proposed R3X districts are located in three areas of Tottenville. The R3X district was chosen for these areas because it requires a 40-foot lot width for detached two-family homes. Most of the homes in this meet or exceed this requirement. The first area is generally bounded by Ellis Road, Nashville Street, Amboy Road, and Johnson Avenue. Within this area 98% of the residentially developed lots meet the R3X requirements. The second area is generally bounded by Amboy Road, Clermont Avenue, Hylan Boulevard, and Yetman Avenue. Within this area 95% of the residentially developed lots meet the R3X requirements. The majority of the homes in these areas are one- and two-family detached homes on 40 foot wide lots with lots areas greater than 3,800 square feet. The third area is generally bounded by Surf Avenue, Sleight Avenue, and Page Avenue. Within this area 95% of the residentially developed lots meet the R3X requirements. In all the areas to be rezoned R3X, approximately 96% of lots conform to the one-family requirement, 81% of the lots comply to the lot width requirement and 87% comply to the lot area requirement. The proposed R3X district within the Special South

Richmond Development District permits one- and two- family detached houses on minimum 40-foot wide lots for one- and two-story buildings. The R3X district requires a 30-foot rear yard, an 18-foot front yard, two on-site parking spaces for a one-family house and three spaces for a two-family house and a maximum .5 FAR plus .1 attic allowance.

### **ENVIRONMENTAL REVIEW**

This application (C 050014 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 05DCP003R. 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 February 28, 2005.

### **UNIFORM LAND USE REVIEW**

This application (C 050014 ZMR) was certified as complete by the Department of City Planning on February 28, 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 on March 16, 2005, and on March 22, 2005, by a vote of 29 to 0 with no abstentions, adopted a resolution recommending approval.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation approving the application with conditions on March 19, 2005.

The Borough President's recommendation included the following conditions:

- This application will remove the option of converting existing detached one- and two-family homes into two-family dwellings.
- Since the maximum floor area will remain unchanged, there is a greater likelihood that existing dwellings will be designed and arranged for use as illegal two-family dwelling units.
- If illegal conversions become prevalent, there will be a greater risk to the public-at-large with no formal construction inspection process and no reduction in density or neighborhood traffic.
- The reality of illegal two-families will further burden curbside guest parking availability. The same units, designed as legal two-family dwellings would require (3) off-street spaces.
- The elimination of future rental apartments, in these areas, will preclude families that can not afford to purchase a home and will further reduce their housing options.

On April 27, 2005 (Calendar No. 3), the City Planning Commission scheduled May 11, 2005, for a public hearing on this application (C 050014 ZMR). The hearing was duly held on May 11, 2005 (Calendar No. 17). There was one speaker in favor of the application. The applicant, the Council Member from the 51st District spoke of the antiquated road system in the south shore of Staten Island and that the schools were overburdened. He spoke of the increase of teardowns which undermined the character of Staten Island's neighborhoods.

There were no other speakers and the hearing was closed.

### **Waterfront Revitalization Program Consistency Review**

This application (C 050014 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 et seq.). The designated WRP number is WRP-04-103.

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 is appropriate.

The proposed zoning map change recognizes the established character of this part of the Tottenville community. The area is characterized by one- and two-family detached homes on large lots.

The proposed R1-2 districts would limit future residential development to detached one-family residences compatible with the present development pattern. Seventy-eight percent of the existing homes in the area proposed to be rezoned are detached one-family homes. The proposed R3X districts would limit future residential development to detached one- and two-family residences compatible with the present development pattern, as well.

The Commission recognizes the Borough president's comments, but notes that the area is overwhelmingly one-family in character and does not believe that the rezoning will result in the undocumented conversion of one-family houses to two-family houses.

The Commission also notes that this area is subject to the Lower Density Growth Management regulations of the Zoning Resolution. The Commission believes that this action will reinforce Lower Density Growth Management, whose intent is to protect neighborhood character, encourage more appropriate development, and enhance the quality of life.



## **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. 32d and 35a,

**1. changing from an R3A District to an R1-2 District property bounded by:**

- a. Asp Place and its northwesterly centerline prolongation, Hopping Avenue, Bentley Street, Amboy Road, Wards Point Avenue, a line 100 feet southerly of Perth Amboy Place, Satterlee Street, Pittsville Avenue (Stairway Street), and the U.S. Pierhead and Bulkhead Line;
- b. Amboy Road, Bedell Avenue, Minerva Avenue, Giegerich Avenue, Amboy Road, Page Avenue, Hylan Boulevard, a line 325 feet northeasterly of Bedell Avenue, a line 470 feet southeasterly of Jacob Street, Bedell Avenue, Jacob Street and its southwesterly centerline prolongation, Sprague Avenue, Keppel Avenue and its southwesterly centerline prolongation, a line 200 feet northeasterly of Sleight Avenue, Hylan Boulevard, a line 200 feet southwesterly of Sleight Avenue, a line 200 feet southeasterly of Amboy Road, Sprague Avenue, the north street line of former DeWitt Street, and Brehaut Avenue; and
- c. Hylan Boulevard, Bedell Avenue, Clermont Avenue and its southwesterly centerline prolongation, Page Avenue and its southeasterly centerline prolongation, the U.S. Pierhead Line, a line 450 feet northeasterly of

Sprague Avenue and its southeasterly prolongation, Joline Lane and its southwesterly centerline prolongation, Joline Avenue, a line 300 feet northeasterly of Joline Lane and its southwesterly prolongation, a line 450 feet northeasterly of Sprague Avenue, a line 645 feet southwesterly of Hylan Boulevard, and a line 200 feet northeasterly of Sprague Avenue;

**2. changing from an R3A District to an R3X District property bounded by:**

- a. the U.S. Pierhead and Bulkhead Line, Bentley Street, Arthur Kill Road, Butler Avenue, Amboy Road, Chelsea Street, Pittsville Avenue, a line 200 feet southwesterly of Sleight Avenue, Hylan Boulevard, Chelsea Street, Clermont Avenue, Swinnerton Street, Hylan Boulevard, Carteret Street, Clermont Avenue, Massachusetts Street, Hylan Boulevard, Satterlee Street, a line 100 feet southeasterly of Perth Amboy Place, Wards Point Avenue, Amboy Road, Bentley Street, Hopping Avenue, and Asp Place and its northwesterly centerline prolongation;
- b. Arthur Kill Road, Yetman Avenue, Craig Avenue, Lee Avenue, Orchard Avenue and its southwesterly centerline prolongation, Fisher Avenue, Arthur Kill Road, St. Andrews Place, a line 225 feet northeasterly of Hecker Street, Maiden Lane, Hecker Street, Craig Avenue, Nashville Street, Amboy Road, Barnard Avenue, a line 200 feet northwesterly of Amboy Road, Wood Avenue, a line 160 feet northwesterly of Amboy Road, Lee Avenue, Amboy Road, and Johnson Avenue; and
- c. Keppel Avenue, Sprague Avenue, Jacob Street and its southwesterly centerline prolongation at Joline Avenue, Bedell Avenue, a line 470 feet southeasterly of Jacob Street, a line 325 feet northeasterly of Bedell Avenue, Hylan Boulevard, Page Avenue, Clermont Avenue and its southwesterly centerline prolongation, Bedell Avenue, Hylan Boulevard, a line 200 feet northeasterly of Sprague Avenue, a line 645 feet southeasterly of Hylan Boulevard, a line 450 feet northeasterly of Sprague Avenue, a line 300 feet northwesterly of Joline Lane and its southwesterly prolongation, Joline Avenue, Joline Lane and its southwesterly centerline prolongation, a line 450 feet northeasterly of Sprague Avenue and its southeasterly prolongation, the U.S. Pierhead Line, Sprague Avenue and its southeasterly centerline prolongation, Hylan Boulevard, and a line 200 feet northeasterly of Sleight Avenue;

Borough of Staten Island, Community District 3, as shown on a diagram (for illustrative purposes only) dated February 28, 2005 (C 050014 ZMR).

The above resolution (C 050014 ZMR), duly adopted by the City Planning Commission on June 8, 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, RICHARD W. EADDY, JANE D. GOL,**

**LISA A. GOMEZ, CHRISTOPHER KUI, DOLLY WILLIAMS, Commissioners**

**JOHN MEROLO, KAREN A. PHILLIPS, Commissioners, voting no**