



CITY PLANNING COMMISSION

April 28, 2004/Calendar No. 19

C 030225 ZSQ

IN THE MATTER OF an application submitted by Ciaran Staunton, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 103-06 of the Zoning Resolution to allow a one-story, 88.5-square-foot enlargement of an existing one-family residential building located at 39-36 46th Street (Block 154, Lot 74), in an R4 District, within the Special Planned Community Preservation District (Sunnyside Gardens), Borough of Queens, Community District 2.

This application for a special permit was filed by Ciaran Staunton on November 21, 2002, for an enlargement within the Sunnyside Gardens Special Planned Community Preservation District. The special permit would facilitate the construction of a one-story, 88.5-square-foot enclosed porch adjoining the front entrance of an existing, two-story, one-family residence located at 39-36 46th Street between Skillman Avenue and 39th Avenue in Sunnyside, Queens.

BACKGROUND

The subject property at 39-36 46th Street is located in Sunnyside Gardens, a 77-acre, predominantly residential area within the larger Sunnyside neighborhood of Queens. Generally located between Skillman and Barnett avenues from 43rd to 49th streets, Sunnyside Gardens encompasses part of 16 blocks following the city's traditional grid street pattern. There are 600 two-story row houses in combinations of one-, two, and three-family units, one cooperative building, eight apartment buildings including Phipps Houses, two community parks, and neighborhood stores.

Sunnyside Gardens is a town planning model developed between 1924 and 1928 and designed by renowned architects Clarence Stein, Henry Wright, and Frederick Ackerman, and landscape architect

Marjorie Cautley. Grouped in clusters of 10 to 12, the row houses in Sunnyside Gardens are arranged along the perimeter of each of the blocks, thereby creating common gardens or landscaped courts within the block interiors. Each row house has a small front yard as well as a private back yard abutting common open space. Walkways leading from street to street across the commons separate vehicular from pedestrian traffic. Diversity within the simple and cohesive plan and consistent building scale and form is achieved with building setbacks; alternating hipped slate and flat roofs; Colonial-revival style doorway details, including one- and two-level porches; alternating bay windows; and Art Deco brick patterns on the parapets.

Sunnyside Gardens was designated a Special Planned Community Preservation District in 1974 and a National Register Historic District in 1984. The subject property is located in an R4 zoning district within the Sunnyside Gardens Special Planned Community Preservation District.

The Special Planned Community Preservation District zoning regulations (Article X, Chapter 3, Section 103-00) are designed to protect the distinctive character of Sunnyside Gardens. Generally, the provisions stipulate that no new development, enlargement or substantial alteration of landscaping or topography is permitted within the district except by special permit of the City Planning Commission (CPC). As a condition precedent to the granting of a special permit, the CPC must find that the development, enlargement or alteration does not seriously alter the scenic amenity and environmental quality of the community; is sited to preserve the greatest amount of existing open space and landscaping consistent with the prevailing scale and design of the development; does not require new access roads or off-street parking

that would disrupt major portions of open space and landscaping; and causes minimal removal of landscaping during construction.

Currently adjoining the front entrance of the two-story residence at 39-36 46th Street is an open porch with a second-level terrace. The existing porch consists of wrought-iron posts and balustrades atop an at-grade concrete slab. The applicant proposes to enclose the first-floor level of the porch atop the existing concrete slab and retain the second-level open terrace and balustrade. Serving as a vestibule for the residence, the proposed enclosure would comprise a bay window with a window seat, a new entrance doorway with sidelights, and a coat closet.

The proposed enclosed porch would generally replicate the form and volume of the existing open porch. New red brick spans would align the perimeter of the existing rectangular concrete slab. A shallow, three-sided bay window with wood frame and panels would span the easterly front elevation of the proposed enclosure and provide a window seat overhanging the line of the concrete slab by two feet three inches (2'-3"). A new entrance with sidelights and wood panels would be located on the northerly elevation of the enlargement and accessed by the existing concrete walkway. The existing wood door at the main entrance would be reused at this new entrance.

The existing front brick wall, window and doorway of the residence would remain unchanged. The enclosed porch would remain set back from the street approximately twenty seven feet seven inches (27'-7") in an inside corner formed by the residence's existing front wall and the adjacent row house. The

enlargement would not result in any changes to the private walkways leading to the residence or the public walkways leading to and traversing the common areas of the block.

ENVIRONMENTAL REVIEW

This application (C 030225 ZSQ) 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 lead is the City Planning Commission.

This application was determined to be a Type II action which requires no further environmental review.

UNIFORM LAND USE REVIEW

This application (C 030225 ZSQ) was certified as complete by the Department of City Planning on January 5, 2004, and was duly referred to Community Board 2 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 2 held a public hearing on this application on February 5, 2004, and on that day, by a vote of 33 to 0 with one abstention, 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 March 5, 2004.

City Planning Commission Public Hearing

On March 10, 2004 (Calendar No. 23), the City Planning Commission scheduled March 24, 2004, for a public hearing on this application (C 030225 ZSQ). The hearing was duly held on March 24, 2004 (Calendar No. 8). There was one speaker in favor of the application.

The architect of the proposed enclosed porch representing the applicant presented a brief history of Sunnyside Gardens and its design as well as a project description. The speaker made the point that the enclosed porch is consistent with the prevailing scale and aesthetics of the special district.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a special permit is appropriate. Particularly, the Commission believes that the proposed enlargement relates to the adjoining residence and other structures in Sunnyside Gardens in scale and design. The proposed enclosure would be set on the existing, at-grade concrete porch slab, the Commission notes, and would generally replicate the form and volume of the existing open porch. The Commission notes that the designed fenestration, doorway, details, and materials

of the proposed enclosed porch are consistent with the design elements prevalent throughout the Sunnyside Gardens development.

The Commission also believes that the proposed enclosed porch would not significantly alter the scenic and environmental quality of the existing open space and landscaping either of the subject property or the Sunnyside Gardens neighborhood as a whole. In particular, the Commission notes that the enclosed porch would remain set back from the street approximately 27'-7" in an inside corner formed by the adjacent building and the existing front wall. Moreover, the Commission points out that the enclosure would be set on the existing, grade-level, concrete porch slab. As a result, the Commission acknowledges, the proposed enlargement would neither require any alteration to the existing landscaping during or after construction, removal of any plant materials, or any change to the existing private and public walkways.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 103-06

(Special Permit Provisions) of the Zoning Resolution:

- (a) that the enlargement relates to the existing buildings or other structures in scale and design; and that the enlargement will not seriously alter the scenic amenity and the environmental quality of the community;
- (b) that the enlargement is sited in such a manner as to preserve the greatest amount of open space and landscaping that presently exists, consistent with the scale and design of the existing development and the landscaping surrounding the new landscaping arrangement and the conditions of the community;
- (c) that the enlargement is sited in such a manner that it will not require at that time or in the foreseeable future new access roads or exits, off-street parking or public parking facilities that will disrupt or

eliminate major portions of open space and landscaping or will generate large volumes of traffic which will diminish the environmental quality of the community; and

- (d) that minimal landscaping shall be removed during construction and such areas will be fully restored upon completion of construction.

RESOLUTION

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 Ciaran Staunton for the grant of a special permit to allow a one-story, 88.5-square-foot enlargement of an existing one-family residential building located at 39-36 46th Street (Block 154, Lot 74), in an R4 District, within the Special Planned Community Preservation District (Sunnyside Gardens), Borough of Queens, Community District 2, is approved, pursuant to Section findings of the Zoning Resolution, subject to the following terms and conditions:

- 1. The property that is the subject of this application (C 030225 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by John Nakrosis Jr. Building Design, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A0	General Notes Plot Plan	November 24, 2003
A1	Existing Plans Proposed Plans	November 24, 2003
A2	Existing Elevations Proposed Elevations	November 24, 2003

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 which have 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 alteration in the development that is the subject of this application 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 030225 ZSQ), duly adopted by the City Planning Commission on April 28, 2004 (Calendar No. 19), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, 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-Chairman
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ANGELA R. CAVALUZZI, R.A., RICHARD W. EADDY,
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