



## **CITY PLANNING COMMISSION**

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January 6, 2010 / Calendar No. 19

N 090176 ZRR

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IN THE MATTER OF an application submitted by Brookside Amboy, LLC., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning the Special South Richmond Development District (Article X, Chapter 7) Appendix A, relating to modification of arterial setback requirements in Community District 3, Borough of Staten Island.

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The application (N 090176 ZRR) for amendment of the Zoning Resolution was filed by Brookside Amboy, LLC. on November 3, 2008 to eliminate a 20-foot setback requirement along the west side of Richmond Avenue between Amboy Road and Mosely Avenue within the Special South Richmond Development District (SSRDD).

### **RELATED ACTIONS**

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

N 090177 RAR      Authorization pursuant to Section 107-68 to modify the Special South Richmond Development District group parking facility and access regulations.

### **BACKGROUND**

The project site is located at 4523 Amboy Road in the Eltingville neighborhood of Staten Island's Community District 3 (Block 5585, Lots 62) and is generally bounded by Amboy Road on the south, Richmond Avenue on the east, Mosely Avenue on the north and a separate commercial tax lot to the west. Richmond Avenue and Amboy Road are both arterial streets.

One- and two-story commercial buildings surround the project site. The Staten Island Railroad and the Eltingville station are located two blocks north, a one-story retail building and a church are located to the south, detached and semi-detached one- and two-story residences are located to the west and a shopping center is located to the east.

The site is a single zoning lot developed with an existing three-story branch bank and an accessory parking lot for 111 cars, both of which were the subject of a previous City Planning Commission approval on January 14, 1987 (N860087RAR). It is within the Special South Richmond Development District, and is zoned R3-2 (FAR 0.5) with a C1-1 commercial overlay (FAR 1.0). The zoning lot (Block 5585, Lot 62) is approximately 61,118 square feet with approximately 287 feet of frontage on Amboy Road, 122 feet of frontage on Richmond Avenue and 129 feet of frontage on Mosely Avenue. The existing parking lot is accessed by two existing curb cuts off of Amboy Road. The lot is relatively flat, and there are existing trees planted in the landscaped areas of the parking lot.

The applicant proposes to demolish the existing three-story branch bank and construct a one-story 15,214 square foot retail building containing a 13,004 square foot pharmacy and a 2,210 square foot branch bank. A new parking lot and two relocated curb cuts are proposed. The proposal requires 101 accessory parking spaces and 101 accessory parking spaces are proposed. Amboy Road will be widened as part of this development. Access to the parking lot will be provided by two 20-foot wide curb cuts along Amboy Road. There will be no access to the proposed parking lot from Mosely Avenue. Planting and screening requirements have been provided as per Section 107-483 of the Special South Richmond Development District.

Pursuant to Section 107-06 (District Plan: Appendix A), a 20-foot building setback is required along the west side of Richmond Avenue between Amboy Road and Mosely Avenue. The zoning text amendment (N 090176 ZRR), which is the subject of this report, requests a modification to Map 33c of the District Plan to eliminate the 20-foot SSRDD arterial setback requirement in order to allow construction of a one-story retail building with 101 accessory off-street parking spaces within

this setback area. The applicant is proposing this text amendment in order to maintain the continuity of the pedestrian retail character of the Eltingville town center. In order to accomplish this, a text amendment is required to modify the Special South Richmond Development District Plan, Map 33c.

Pursuant to Section 107-68 of the Special South Richmond Development District (SSRDD), a City Planning Commission authorization (N 090177 RAR) is also required for a modification of the group parking facility and access regulations for commercial and community facility parking lots with more than 30 parking spaces. The applicant is required to provide one parking space per 150 square feet of floor area in a C1-1 district; the proposed development would require 101 parking spaces. 101 parking spaces are being provided. In addition, as per Section 107-251(a) Access Restrictions, only one curb cut is allowed on an arterial street. The applicant is also requesting a modification pursuant to Section 107-68 to facilitate two relocated curb cuts for access and egress to the parking lot along Amboy Road. Further, in order to preserve existing vegetation, the applicant is requesting a modification to the parking lot landscaping requirements under Section 107-68. The proposed perimeter landscaping areas along Amboy Road and along the western lot line are not proposed to be designed as a bioswale system to collect storm water runoff. This modification will result in the preservation of 35 existing trees in those areas.

## **ENVIRONMENTAL REVIEW**

This application (N 090176 ZRR), in conjunction with the application for the related action (N 090177 RAR) 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 09DCP22R. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action (N 090176 ZRR), a

Conditional Negative Declaration (CND) was issued. The lead agency has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

The applicant, Brookside Amboy LLC, agrees to prepare a Construction Health and Safety Plan (HASP), which would be submitted to the Department of Environmental Protection (DEP) for review, and approval prior to start of construction of the project and incorporate an appropriate vapor barrier into the design plan of the proposed building.

The applicant signed the conditional negative declaration on October 1<sup>st</sup>, 2009. The conditional negative declaration was published in the City Record and the New York State Environmental Notice Bulletin. Pursuant to the SEQR regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed. No comments were received and a Conditional Negative Declaration was issued on December 2<sup>nd</sup>, 2009.

## **PUBLIC REVIEW**

This application (N 090176 ZRR), along with the related application for an authorization (N 090177 RAR), was duly referred to Community Board 3 and the Borough President on October 5, 2009 for information and review in accordance with the procedure for referring non-ULURP matters.

## **Community Board Review**

Community Board 3 issued a letter on October 28, 2009, recommending approval of the application with the following comments:

“The Land Use Committee has reviewed the application and Community Board #3 does not object to waiving the 20 foot setback restriction as required in the Special South Richmond Development District providing that the applicant adheres to the designated street widening on Amboy Road. Also, the board does not oppose the modification of the size of the accessory group parking.”

### **Borough President Recommendation**

This application was considered by the Staten Island Borough President who issued a recommendation approving the application on November 5, 2009.

### **City Planning Commission Public Hearing**

On November 18, 2009 (Calendar No. 9), the City Planning Commission scheduled December 2, 2009 for a public hearing on this application (N 090176 ZRR). The hearing was duly held on December 2, 2009 (Calendar No. 20). There were two speakers in favor and none in opposition.

The two speakers in favor of the application were the applicant's project architects. One speaker stated that the location of the proposed retail building will help to maintain the pedestrian retail character of the town center around the Eltingville train station and would closely align with the adjacent retail streetscape. The location of the proposed parking lot and its access drives will help to improve pedestrian and vehicular maneuverability. Screening and landscaping have been provided as per the design regulations for commercial and community facility parking lots. The second speaker stated he was in favor of the application. There were no other speakers 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 09-071.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

## **CONSIDERATION**

The Commission believes the application for an amendment to the Zoning Resolution (N 090176ZRR), in conjunction with the related action (N090177 ZAR) is appropriate.

The Commission believes the proposed text amendment with respect to the elimination of the 20-foot arterial setback requirement at this location is appropriate. The text amendment would allow the proposed retail building to be built within the setback area along Richmond Avenue, thereby closely matching the existing built patterns of the Eltingville pedestrian retail strip. All the existing retail buildings between the project site and the Eltingville train station are built at the street wall without a building setback. The text amendment would also help preserve the overall character of the historic Eltingville town center surrounding the Eltingville train station. The Commission notes that without the text amendment the proposed building would be required to be setback from the street, which would result in a parking lot facing Richmond Avenue that would disrupt the existing streetwall character of the existing retail strip.

The Commission acknowledges the Community Board's concern regarding the street widening along Amboy Road. The Commission notes that a street widening is proposed along Amboy Road and the proposed site plan is consistent with that widening.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment subject to the following condition:

The applicant, Brookside Amboy LLC, incorporates an appropriate vapor barrier into the design plan of the proposed building as recommended by the Department of Environmental Protection (DEP); 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 Section 200 of the New York City Charter, that based on the environmental determination and 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 as follows:

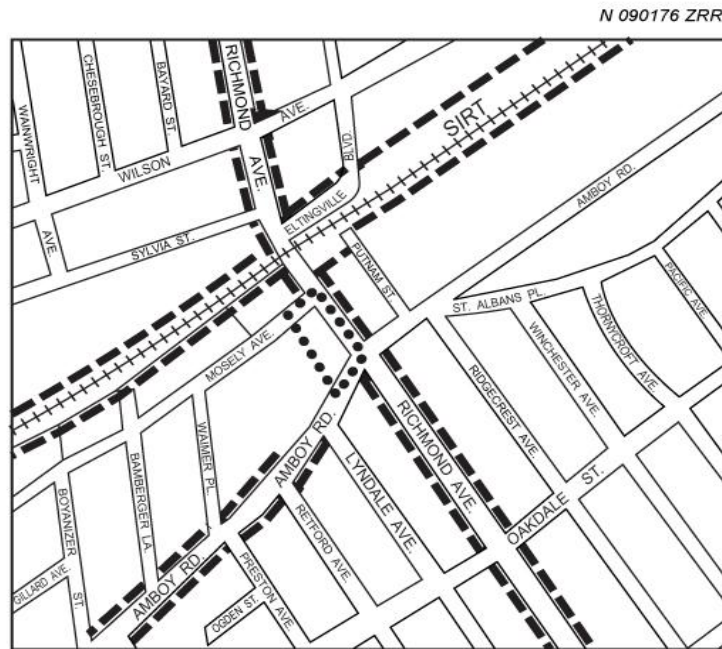


DIAGRAM SHOWING PROPOSED  
CHANGE IN ARTERIAL SETBACK SHOWN ON  
SOUTH RICHMOND SPECIAL DISTRICT PLAN

ON SECTIONAL MAP

**33c**

BOROUGH OF

STATEN ISLAND

SCALE IN FEET



NOTE:

- Indicates a 20 Foot Setback if there is no parking within the setback.  
35 Foot Setback if parking is provided within the setback.
- ..... The area enclosed by the dotted line delineates area deleted from the arterial setback provision within the Special South Richmond District.

The above resolution (N 090176 ZRR), duly adopted by the City Planning Commission on January 6, 2010, (Calendar No. 19), 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,  
RAYANN BESSER, ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,  
RICHARD W. EADDY, SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners**