

217-13-A

APPLICANT – Rampulla Associates Architects, for 750 LAM Realty, LLC c/o Benjamin Mancuso, owners; Puglia By The Sea, Inc. c/o Benjamin Mancuso, lessees.

SUBJECT – Application July 17, 2013 – Variance (§72-21) to demolish an existing restaurant damaged by Hurricane Sandy and construct a new eating and drinking establishment with accessory parking for 25 cars, contrary to use (§23-00) regulations, and located in the bed of the mapped street, (*Boardwalk Avenue*), contrary to General City law Section 35. R3X (SRD) zoning district.

PREMISES AFFECTED – 750 Barclay Avenue, west side of Barclay Avenue, 0' north of the corner of Boardwalk Avenue, Block 6354, Lot 40, 7, 9 & 12, Borough of Staten Island.

COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez 4
Negative:.....0
Absent: Vice Chair Collins.....1

WHEREAS, the decision of the Department of Buildings (“DOB”), dated July 19, 2013, acting on DOB Application No. 520146128, reads in pertinent part:

Proposed new Building construction is located within the bed of a mapped street is contrary to Section 35 of the General City Law.; and

WHEREAS, a public hearing was held on this application on February 25, 2014, after due notice by publication in *The City Record*, with continued hearings on May 13, 2014, and June 10, 2014, and then to decision on June 24, 2014; and

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

WHEREAS, this is an application to allow the reconstruction of an existing restaurant which will be located partially in the bed of Boardwalk Avenue, a mapped street; and

WHEREAS, this application is a companion application, pursuant to BSA Cal. No. 216-13-BZ for a variance allow the reconstruction of the restaurant at the site; and

WHEREAS, the subject site lies at the west side of Barclay Avenue, north of the corner of Boardwalk Avenue, within an R3X (SRD) zoning district; and

WHEREAS, Community Board 3, Staten Island, recommends approval of the application; and

WHEREAS, by letter dated January 15, 2014, the Fire Department states that it has reviewed the proposal and offers no objections provided the reconstruction

conforms with the current NYC Fire and Building Department codes; and

WHEREAS, by letter dated August 22, 2013, the Department of Environmental Protection (“DEP”) states that: (1) there are no existing sewers or water mains in the Boardwalk Avenue between Ryan Place And First Court; and (2) Amended Drainage Plan No. D-111(S2) Sheet 1of 1, dated April 2, 2012, for the above-referenced location, calls for a future a 10-inch diameter sanitary sewer, and a 15-inch diameter storm sewer in the bed of Boardwalk Avenue between Ryan Place and First Court; and

WHEREAS, DEP further states that it requires the applicant to submit a survey/plan showing: (1) the width of the mapped street portion of Boardwalk Avenue and the width of the widening portion of the street at the above location; (2) a 32-foot wide sewer corridor in the bed of Boardwalk Avenue along the proposed development for the installation, maintenance and/or reconstruction of the future 10-inch diameter sanitary sewer and the 15-inch diameter storm sewer; (3) the location of the hydrant on tentative Lot 7 and the distance from the hydrant to the lot line; and (4) to clarify if Lots 40 and 42, which show parking are included as part of the application; and

WHEREAS, in response to DEP’s request, by letter dated May 20, 2013, the applicant submitted a survey for Block 6397, Lots 7, 9, 12, and 18, which shows a 60-foot width of the mapped Boardwalk Avenue and a 20-foot wide traveled portion of the street in front of the Tentative Lot 7; the existing footprint of the building on the lot line abutting the traveled portion; and noted that the 20-foot wide record street will be available for the installation and/or reconstruction of the future 10-inch diameter sanitary sewer and the 15-inch diameter storm sewer; and

WHEREAS, the applicant also submitted a survey dated December 4, 2013 for the Block 6354, Lots 40 and 42 which reflects a 60-foot width of the mapped Boardwalk Avenue and 20-foot wide traveled portion of the street and the survey shows the 12-foot wide sewer corridor inside of the Lots 40 and 42 along the southerly lot line for a width of 32 feet width, which will be available for the installation and/or reconstruction of the future 10-inch diameter sanitary sewer and the 15-inch diameter storm sewer at the above referenced location; and

WHEREAS, DEP has no further objections; and

WHEREAS, by correspondence dated September 6, 2013, the Department of Transportation (“DOT”) states that it has reviewed the project and has no objections; and

WHEREAS, DOT notes that according to the Staten Island Borough President’s Topographical Bureau: (1) Boardwalk Avenue from Second Court to Barclay Avenue has a record width of 20 feet and is mapped at a 60-foot width, and (2) the City does not have title to

217-13-A

Boardwalk Avenue; and

WHEREAS, DOT also notes that the improvement of Boardwalk is not presently included in DOT's Capital Improvement Program; 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 decision of the DOB, dated July 19, 2013, acting on DOB Application No. 520146128 by the power vested in it by Section 35 of the General City Law, limited to the decision noted above, *on condition* that construction will substantially conform to the drawing filed with the application marked "Received June 23, 2014" – six (6) sheets; 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 street were not mapped;

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 June 24, 2014.

A true copy of resolution adopted by the Board of Standards and Appeals, June 24, 2014.

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Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

