



CITY PLANNING COMMISSION

March 30, 2011/Calendar No. 13

C 100118 ZMR

IN THE MATTER OF an application submitted by 647-649 Washington Avenue, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 20c by changing from an M1-1 District to an R3A District property bounded by the southerly boundary line of a Railroad Right-Of-Way, Union Avenue, Leyden Avenue, and Harbor Road, Borough of Staten Island, Community District 1 as shown on a diagram (for illustrative purposes only) dated November 15, 2010 and subject to the conditions of CEQR Declaration E-265.

The application for an amendment to the Zoning Map was filed by 647-649 Washington Avenue, LLC on October 16, 2009 to change from an M1-1 District to a R3A District, a site bounded by a rail right-of-way to the north, Union Avenue to the east, Harbor Road to the west and Leyden Avenue to the south in Mariner's Harbor, Community District 1, Borough of Staten Island. The requested action would facilitate the development of 24 single-family detached houses and 7 two-family detached houses totaling 38 units.

BACKGROUND

The applicant is seeking approval for an amendment to the zoning map to change a portion of Block 1226 (Lots 1, 3, 5, 7, 11, 57, 70, 74, 77, 78, 79, 83, 87) from an M1-1 District to a R3A District. The area to be rezoned is generally bounded by the former Staten Island Rapid Transit rail-right-of-way to the north, which is currently in use to back up diesel trains as ships are off-loaded from the Howland Hook/NY Container Terminal. The area to be rezoned is also generally bounded by Union Avenue to the east, Harbor Road to the west and Leyden Avenue to the south. The rezoning area is comprised of 13 parcels totaling 165,059 square feet. Nine of the 13 lots are owned by the applicant and is the site of the former Baisley Terminal Lumber Yard, which has

been vacant for five years. The applicant's property contains a one-story 7,400 square foot storage building, a two-story 5,400 square foot metal storage structure, a two-story 4,320 square foot concrete storage building, a three-story 9,600 square foot coal storage silo, a one-story 2,100 square foot office building and 6 vacant lots. The remaining four lots (Lots 74, 78, 79, and 87) are under private ownership and contain one, two and one-half story, two-family detached house; two, two-story, single-family detached houses; and one, three-story, two-family detached house.

Directly adjacent to the area to be rezoned, along Union Avenue, Leyden Avenue and Harbor Road, are a mixture of one- to three-story, single- and two-family detached, attached, and semi-detached houses and two-story multiple dwelling buildings. To the north, directly adjacent to the rezoning area and parallel to the applicant's northern property line, are two vacant lots that contain a portion of the rail-right-of-way.

The neighborhood surrounding the area to be rezoned is predominately developed with low-density residential buildings, including 1- to 3-story, single- and two-family detached, attached, and semi-detached houses and two-story multi-family buildings. Also within the area are a public school, churches, some retail uses and several vacant lots. The tracks of the former Staten Island Rapid Transit Railway continue east of the rezoning area.

Richmond Terrace, three blocks north of the rezoning, is the closest major east-west road that provides access to the rezoning area. The S40 and S90 buses routes provide east-west access along Richmond Terrace. The S46 bus route can be obtained at the intersection of Union Avenue

and Leyden Avenue. The X12 bus route can be obtained at Brabant Street and South Avenue, which is five blocks southwest of the rezoning area.

The area to be rezoned is currently zoned M1-1. M1-1 is a manufacturing district that allows light industrial and commercial uses at a maximum permitted FAR of 1.0. Limited community facility uses are also allowed at a maximum FAR of 2.4. Residential uses are not allowed in M1-1 districts. Building height is regulated by the sky exposure plane in the M1-1 zoning district. Parking in an M1-1 is based on the use and floor area.

The proposed R3A zoning district, as mapped in Staten Island's Lower Density Growth Management Area, is a low-density residential district that permits single-family detached houses on lots that are a minimum of 25 feet wide and two-family detached houses on lots that are a minimum of 33 feet wide. Multiple-family, attached, or semi-detached houses, manufacturing or commercial uses are not allowed in R3A districts. Community Facilities are allowed at 1.0 FAR. The R3A permits a maximum perimeter wall height of 26 feet, a maximum peak height of 35 feet, and 0 lot line buildings. The maximum permitted residential FAR is 0.6. Two parking spaces must be provided for a single-family house, while three parking spaces must be provided for a two-family house.

The proposed action would facilitate the construction of 24 single-family detached houses and 7 two-family detached houses for a total of 38 residential units. 20 single-family houses would front on a private road, and 4 single-family houses and 2 two-family houses would front on Leyden

Avenue. The remaining 4 two-family houses will front on Union Avenue. The proposed buildings would each be 2-stories. The existing houses on Lots 74, 78, 79 and 87 will remain and will comply with the new zoning regulations.

ENVIRONMENTAL REVIEW

The subject application (C 100118 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 91 of 1977. The designated CEQR number is 06DCP112R. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Conditional Negative Declaration was issued. The Conditional Negative Declaration included an (E) designation (E-265) that would eliminate the potential for significant adverse impacts related air quality, noise and hazardous materials, and would ensure that appropriate testing, remediation and corrective action, if needed, would be undertaken.

To preclude the potential for significant adverse hazardous materials impacts, an (E) designation would be established on the Staten Island lots listed below.

(Projected Development Sites 2 and 3) Block 1226, Lots 79 & 87

The text for the (E) designations is as follows:

Task 1-Sampling Protocol

A. Petroleum

A soil, soil gas, and groundwater testing protocol (including a description of methods), and a site map with all sampling location represented clearly and precisely, must be submitted to the NYCDEP by the fee owner(s) of the lot which is restricted by this (E) designation, for review and approval.

A site map with the sampling locations clearly identified and a testing protocol with a description of methods, for soil, soil gas, and groundwater, must be submitted by the fee owner(s), of the lot, which is restricted by the (E) designation, to the NYCDEP for review and approval.

B. Non-Petroleum

The fee owner(s) of the lot restricted by this (E) designation will be required to prepare a scope of work for any sampling and testing needed to determine if contamination exists and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to NYCDEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis. For all non-petroleum (E) designated sites, the three generic NYCDEP soil and ground-water sampling protocols should be followed.

A scope of work for any sampling and testing to be completed, which will determine the extent of on-site contamination and the required remediation, must be prepared by the fee owner(s) of the lot restricted by this (E) designation. The scope of work will include the following: site plans, sampling locations, and all other relevant supporting documentation. The scope of work must be submitted to the NYCDEP for review and confirmation that an adequate testing protocol (i.e., number of samples collected, appropriate parameters for laboratory analysis) has been prepared. The NYCDEP must approve the scope of work before it can be implemented.

For non-petroleum (E) designated sites, one of the three generic soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater, including: the release of a solid hazardous material to ground surface; the release of a liquid hazardous material to the ground surface; and the release of a hazardous material to the subsurface (i.e., storage tank or piping). The type of release defines the areas of soil to be sampled from surface, near-surface, to subsurface. Additionally, it determines the need for groundwater sampling.

A written approval of the sampling protocol must be received from the NYCDEP before commencement of sampling activities. Sample site quantity and location should be determined so as to adequately characterize the site, the source of contamination, and the condition of the remainder of the site. After review of the sampling data, the characterization should have been complete enough to adequately determine what

remediation strategy (if any) is necessary. Upon request, NYCDEP will provide guidelines and criteria for choosing sampling sites and performing sampling. Finally, a Health and Safety Plan must be devised and approved by the NYCDEP before the commencement on any on-site activities.

Task 2-Remediation Determination and Protocol

After sample collection and laboratory analysis have been completed on the soil and/or groundwater samples collected in Task 1, a summary of the data and findings in the form of a written report must be presented to the NYCDEP for review and approval. The NYCDEP will provide a determination as to whether remediation is necessary.

If it is determined that no remediation activities are necessary, a written notice will be released to that effect. However, if it is the NYCDEP's determination that remediation is necessary the fee owner(s) of the lot restricted by the (E) designation must submit a proposed remediation plan to the NYCDEP for review and approval. Once approval has been obtain, and the work completed, the fee owner(s) of the lot restricted by the (E) designation must provide proof to the NYCDEP that the work has been completed satisfactorily.

To preclude the potential for significant adverse air quality impacts related to HVAC emissions, an (E) designation would be incorporated into the proposal. The text for the (E) designations is as follows:

Projected Development Site 1 (Block 1226, lots 1, 3, 5, 7, 11, 57, 70, 77 and 83), Projected Development Site 2 (Block 1226, lot 78), and Projected Development Site 3 (Block 1226, lot 87)

Any new residential development on the above-referenced property must use natural gas for HVAC systems.

To preclude the potential for significant adverse impacts related to noise, an (E) designation would be incorporated into the proposal. The text for the (E) designations is as follows:

Projected Development Site 1 (Block 1226, lots 7, 11, and 57)

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on the north façade in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.

With the placement of the above (E) designation (E-265), no significant adverse impacts related to air quality, noise and hazardous materials would occur.

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, Union Avenue Development Corporation, LLC, agrees to complete a Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP), which will be submitted to the Department of Environmental Protection (DEP), or the agency succeeding its jurisdiction, for approval prior to any site excavation activities.

It is fully agreed and understood that if the foregoing conditions, modification, and alterations are not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental impact Statement before proceeding further with said proposal.

The applicant signed the Conditional Negative Declaration on November 10, 2010. The Conditional Negative Declaration was published in the City Record on November 15, 2010 and in the New York State Environmental Notice Bulletin on November 15, 2010. Pursuant to the SEQRA 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.

UNIFORM LAND USE REVIEW PROCEDURE

This application (C 100118 ZMR) was certified as complete by the department of City Planning on November 15, 2010 and was duly referred to Staten Island Community Board 1 and the Staten Island Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 1 held a public hearing on this application on January 18, 2011, and on that date, by a vote of 13 to 11 with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 100118 ZMR) was considered by the Staten Island Borough President who issued a recommendation approving the application on February 8, 2011.

City Planning Commission Public Hearing

On February 16, 2011, (Calendar No. 4), the City Planning Commission scheduled March 2, 2011 for public hearing on this application (C 100118 ZMR). The hearing was duly held on March 2, 2011 (Calendar No 29).

There were two speakers in favor of the application.

A representative of the applicant spoke in favor of the application. The representative described the proposal, described the proposed building layout and stated that the project would be consistent with the surrounding neighborhood context. He also stated the Mariner's Harbor Civic Association and the Land Use Committee of Community Board 1 voted to approve the proposal.

The architect for the applicant also spoke in favor of the application.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed zoning map amendment (C 100118 ZMR) is appropriate.

The City Planning Commission notes that the proposed zoning map change from M1-1 to R3A would facilitate the construction of a new 38-unit residential development, consisting of 24 detached single-family homes and 7 detached two-family homes.

The City Planning Commission believes that the proposed rezoning would facilitate the redevelopment of an underutilized industrial site as an appropriate residential development that is in context with the surrounding neighborhood character and compatible with adjacent land uses. It would also bring the existing residential buildings on Lots 74, 78, 79 and 87 into conformance with the zoning and the surrounding community.

The City Planning notes that the neighborhood surrounding the area to be rezoned is predominately developed with low-density residential buildings, including 1- to 3-story, single- and two-family detached, attached, and semi-detached houses and two-story multi-family buildings. The Commission therefore believes that the proposed R3A zoning district is appropriate because it is adjacent to other low density residential districts and will reinforce the low-density neighborhood character of the Mariners Harbor community.

The Commission further believes that the additional residential development at this location will blend with the existing residential character of the neighborhood and will benefit Community

Board 1 and particularly the Mariner's Harbor neighborhood.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant effect on the quality of the environment subject to the following condition,

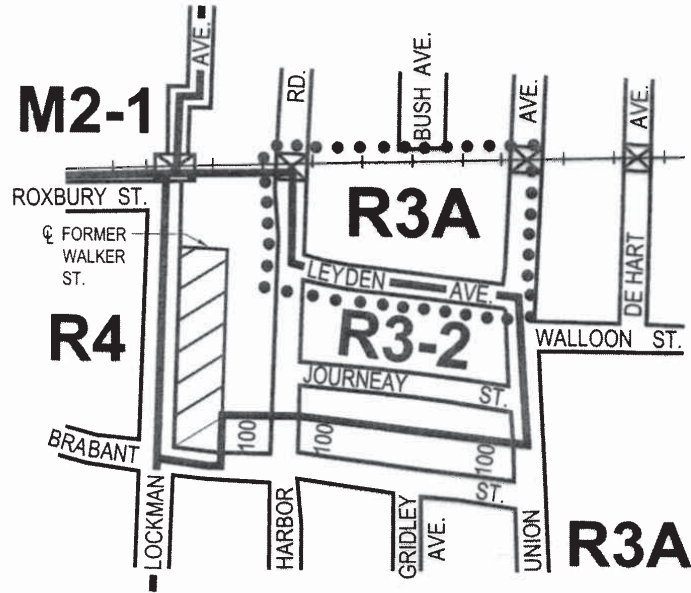
1. The applicant, Union Avenue Development Corporation, LLC, agrees to complete a Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP), which will be submitted to the Department of Environmental Protection (DEP), or the agency succeeding its jurisdiction, for approval prior to any site excavation activities.

and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter and Section 5-430 et. Seq. of the New York City Administrative Code, 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 modified, is further amended by changing Zoning Map, Section No. 20c by changing from an M1-1 District to an R3A District property bounded by the southerly boundary line of a Railroad Right-Of-Way, Union Avenue, Leyden Avenue, and Harbor Road, Borough of Staten Island, Community District 1, as shown on diagram (for illustrative purposes only) dated November 15, 2010 and subject to the conditions of CEQR Declaration E-265..

The above resolution (C 100118 ZMR), duly adopted by the City Planning Commission on March 30, 2011 (Calendar No. 13) is filed with the Office of the Speaker, City Council and Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN,
RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,
KAREN A. PHILLIPS, Commissioners



CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP
20c

BOROUGH OF
STATEN ISLAND

S. Voyages
 S. Voyages, R.A. Director
 Technical Review Division

New York, Certification Date
 NOVEMBER 15, 2010



- NOTE:
- Indicates Zoning District Boundary.
 - The area enclosed by the dotted line is proposed to be rezoned by changing an M1-1 District to an R3A District.
 - Indicates a C1-1 District.

Community/Borough Board Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

Application # **C 100118 ZMR**
CEQR # **06DCP112R**
Community District No. 01 Borough: Staten Island
Community District No. ___ Borough: ___
Project Name: **Union Avenue Rezoning**

INSTRUCTIONS:
1. Complete this form and return one copy to the
Celeris Information Office, City Planning Commission,
Room 2E, at the above address.
2. Send one copy of the completed form with any
attachments to the applicant's representative at the address
listed below, one copy to the Borough President, and one
copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by 647-649 Washington Avenue, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 20c by changing from an M1-1 District to an R3A District property bounded by the southerly boundary line of a Railroad Right-Of-Way, Union Avenue, Leyden Avenue, and Harbor Road, Borough of Staten Island, Community District 1, as shown on a diagram (for illustrative purposes only) dated November 15, 2010 and subject to the conditions of CEQR Declaration E-265.

Applicant(s): 647-649 Washington Avenue, LLC
1028 40th Street
Brooklyn, NY 11219
Phone: (347) 247-1690

Applicant's Representative: Adam Rothkrug, Esq
Rothkrug Rothkrug & Spector LLP
55 Watermill Lane, Suite 200
Great Neck, NY 11021
(516) 487-2252

Community Board No. 01 Borough: **Staten Island** Borough Board

Date of public hearing: 01/03/11 Location: Board Office, 1 Edgewater Plaza Suite 217
Staten Island, NY 10305

Was a quorum present? **YES** **NO**
A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: 01/18/11 Location: 250 Park Avenue
Staten Island, NY 10302

RECOMMENDATION

- Approve
- Approve With Modifications/Conditions
- Disapprove
- Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

Approve application with Green Building requirements.

Voting
In Favor: 13 Against: 11 Abstaining: 0 Total members appointed to the board: 36

Petecia Benavides
Community/Borough Board Officer
Chairwoman
Title
January 20, 2011
Date
v.012006w

* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.



Uniform Land Use Review Procedure
New York City Department of City Planning
Staten Island Borough President Recommendation

ULURP NO.
C 100118 ZMR
UNION AVENUE REZONING

COMMUNITY DISTRICT: 1

DOCKET DESCRIPTION:

In the Matter of an application submitted by 647-449 Washington Avenue, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 20C by changing from an M1-1 District to an R3A District property bounded by the southerly boundary line of a Railroad Right-Of-Way, Union Avenue, Leyden Avenue, and Harbor Road, Borough of Staten Island, Community District 1, as shown on a diagram (for illustrative purposes only) dated November 15, 2010 and subject to the conditions of CEQR Declaration E-265.

RECOMMENDATION:

APPROVE

DISAPPROVE

WITH CONDITIONS/MODIFICATIONS

EXPLANATION OF RECOMMENDATION, CONDITION OR MODIFICATIONS


JAMES P. MOLINARO

PRESIDENT, BOROUGH OF STATEN ISLAND

DATE: February 8, 2011