



CITY PLANNING COMMISSION

September 24, 2008 / Calendar No. 19

C 080450 ZSR

IN THE MATTER OF an application submitted by Northrop Grumman Information Technology Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 107-73 of the Zoning Resolution to modify the height and setback regulations of Section 107-43 to allow a 120 foot-high telecommunications tower in connection with a proposed wireless communications facility on property located at 209-211 Main Street (Block 8047, Lot 39), in an R3A/C2-1 District, within the Special South Richmond Development District, Borough of Staten Island, Community District 3.

** 197-d(b)(2) eligible

The application for the special permit was filed by Northrop Grumman Information Technology Inc. on May 21, 2008 to modify the Special South Richmond Development District height limitation of 50 feet to construct a 120-foot high telecommunications tower at 209-211 Main Street in the Tottenville neighborhood in Staten Island, Community District 3.

RELATED ACTION

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

N 080451 ZCR Certification for substitution of other plant materials pursuant to
Section 107-323.

BACKGROUND

A public safety wireless facility consisting of a 120-foot high stealth monopole and related equipment cabinets on a 3-foot by 6-foot concrete pad is proposed to be constructed within an approximately 143 square-foot leased project site located on the 13,700 square-foot zoning lot at 209-211 Main Street. The applicant, Northrop Grumman Information Technology, was selected by the City of New York to develop and maintain the proposed facility as part of the New York City Wireless Network (NYCWIn). The citywide data network will support the City's public safety and public service agencies and will only be accessible to those agencies. The secure, broadband

network will transmit data, including city, state, and federal database information, real-time video, traffic information, GIS maps, and building plans. The network is proposed to better coordinate the City's first responders and mobile workforce. There will be approximately 400 wireless facility sites citywide, 51 of which will be located in Staten Island.

The project site is located at 209-211 Main Street in the Tottenville neighborhood of Staten Island's Community District 3 (Block 8047, Lot 39). The site is within an R3A district with a C2-1 overlay. Main Street is comprised of mixed-use buildings, commercial and institutional uses, and multi-family residences. The institutional uses include the South Baptist Church, the Church of the Virgin Mary and St. George, and the Tottenville Post Office.

The site is approximately 13,700 square feet. The site is developed with two existing buildings. A two-story mixed-use building with ground floor commercial uses and three residential units fronts Main Street, and a one-story building with three residential units is located in the center of the lot. The lot is relatively flat, and there are no existing trees on the site.

There are also single-family detached residences in the surrounding blocks within R3A, R3X, and R1-2 zoning districts. The lot immediately north is occupied by a newly constructed, four-story residential building. Immediately to the south is a vacant, former theater. The adjacent lot at the rear of the property is vacant.

The applicant proposes construction of a 120-foot high monopole and a 3-foot by 6-foot concrete pad for related equipment cabinets. The facility will be located in a 9'-6" by 15'-0" fenced area. The monopole will be designed to resemble a flagpole, and all antennas will be contained within the pole. The pole's diameter will be 38 inches at the base and taper to 24 inches at the top. An American flag will be mounted on the pole.

The proposed facility will occupy approximately 143 square feet directly behind the existing one-story residential building. The location of the facility will result in the removal of two existing parking spaces. The project area will be screened by an eight-foot high fence and nine shrubs and will be protected by bollards. In addition, five trees will also be planted along the rear and north side lot lines to buffer the proposed development from neighboring residential uses.

The applicant requests a special permit (C 080450 ZSR) pursuant to Section 107-73 of the Zoning Resolution to modify the 50-foot Special South Richmond Development District height limit to allow construction of the 120-foot high public safety wireless facility. Pursuant to Section 107-43, no structures shall exceed a height of 50 feet in the South Richmond District, unless modified by a special permit pursuant to Section 107-73. The Commission must make findings related to the effects of this proposal on the surrounding area's character and the ability of the proposal's design to take full advantage of the site's special characteristics.

The applicant is also requesting a Commission certification (N 080451 ZCR) pursuant to Section 107-323 because the proposal does not meet the minimum requirements for on-site trees in South Richmond. Pursuant to Section 107-322(a), any development on a zoning lot requires the preservation or planting of trees at a rate of 1 tree credit per 1,000 square feet of zoning lot area. Therefore, this site would require 14 tree credits. There are no existing tree credits on the site, and the applicant proposes to plant 5 trees for 5 tree credits along the rear and side lot lines. The applicant also proposes to plant 9 shrubs adjacent to the proposed 8-foot fence which will enclose the project area. It is infeasible to plant additional trees due to the existing residential, commercial, and parking uses which occupy the majority of the zoning lot.

ENVIRONMENTAL REVIEW

This application (C 080450 ZSR), in conjunction with the application for the related action (N 080451 ZCR), 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 08DCP076R. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on June 16, 2008.

UNIFORM LAND USE REVIEW

This application (C 080450 ZSR) was certified as complete by the Department of City Planning on June 16, 2008, and was duly referred to Community Board 3 and the 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 3 held a public hearing on this application on June 18, 2008, and on June 24, 2008, by a vote of 25 to 2 with 0 abstentions, adopted a resolution recommending disapproval of the application. Community Board 3 stated:

Community Board 3 does not support this project. This facility is too close to residential homes.

Borough President Recommendation

This application was considered by the Staten Island Borough President who issued a recommendation disapproving the application on July 31, 2008. The Borough President stated:

This recommendation supports the previous recommendation of Community Board 3 regarding the Special Permit application. The property location is in an existing residential community and it is recommended that alternative locations be explored.

City Planning Commission Public Hearing

On August 11, 2008 (Calendar No. 14), the City Planning Commission scheduled August 27, 2008, for a public hearing on this application (C 080450 ZSR). The hearing was duly held on August 27, 2008 (Calendar No. 30). There were three speakers in favor and none in opposition. The speakers in favor were two representatives of the applicant and a representative from the Department of

Information Technology and Telecommunications (DOITT).

The first applicant's representative indicated that a wireless facility was needed in this area to complete the NYCWiN network in southern Staten Island and explained the selection process for the proposed site. He discussed the difficulty in finding feasible alternative sites and violations on the site issued by the Department of Housing Preservation and Development.

The second applicant's representative and the DOITT representative also appeared in favor.

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 08-057.

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

CONSIDERATION

The Commission believes that the grant of this special permit is appropriate.

This special permit requests a modification of the Special South Richmond Development District's height limitation of 50 feet pursuant to Section 107-73 of the Zoning Resolution. The proposed public safety wireless facility would be 120 feet high and would be located near the rear of the subject zoning lot in an R3A/C2-1 zoning district. Further, the stealth monopole is designed as a flagpole which is 38 inches in diameter at its base and 24 inches at the top.

The Commission notes that the site is located on Tottenville's Main Street, an area developed primarily with commercial and residential uses. The choice of location in a commercial overlay district is intended to minimally impact the nearby residential neighborhoods while providing coverage for the entire southern tip of Staten Island. The proposed site is located in an R3A/C2-1 zoning district, which permits the use.

The Commission notes that although this site is occupied by and adjacent to both commercial and residential uses, the proposed facility will have minimal impact on the surrounding area. Enclosing the antennas inside the monopole improves the aesthetic appearance of the public safety wireless facility and takes advantage of the special characteristics of the site. The design of the facility as a flagpole helps it to blend into the surrounding environment.

The Commission notes that the project area is screened from the street by the mixed-use building fronting Main Street and the residential building in the rear of the zoning lot and by an eight-foot high opaque fence and nine newly planted shrubs. The project area and related equipment cabinets will also be protected by parking bollards, and five trees will be planted along the side and rear lot lines. In addition, the design of the proposed wireless facility as a flagpole is seen as appropriate for this setting.

Further, the Commission also notes that the proposed wireless facility is necessary to complete coverage for the New York City Wireless Network. The applicant was unable to find another feasible location for this facility. NYCWiN is a public service that will provide valuable data to the City's first responders. The facility will be exclusively used as part of NYCWiN.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 107-73 which allows the Special South Richmond Development District 50-foot height limit to be modified:

- (a) that such development is so located as not to impair the essential character of the

- surrounding area;
- (b) not applicable; and
 - (c) that the development's design proposal takes full advantage of all special characteristics of the site.

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 and findings described in this report, the application submitted by Northrop Grumman Information Technology Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 107-73 of the Zoning Resolution to modify the height and setback regulations of Section 107-43 to allow a 120-foot high telecommunications tower in connection with a proposed wireless communications facility on property located at 209-211 Main Street (Block 8047, Lot 39), in an R3A/C2-1 District, within the Special South Richmond Development District, Borough of Staten Island, Community District 3, is approved subject to the following terms and conditions:

1. The property that is the subject of this special permit (C 080450 ZSR), shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by URS Corporation for Northrop Grumman Information Technology Inc., and incorporated in this resolution:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-1	Proposed Conditions Plan	August 22, 2008
Z-2	Proposed Equipment Plan and Cabinet Detail	May 20, 2008
Z-3	Encroachment Diagram	May 20, 2008
Z-4	Site Details	May 20, 2008
Z-6	Site Landscape Plan, Legend and Tables	August 22, 2008
Z-7	Compound Landscape Plan, Legend, Tables, and Details	May 20, 2008

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. All zoning computations are subject to verification and approval of 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 special permit, or the failure of any heir, successor, assign or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms of conditions of this resolution whose provisions shall constitute conditions of the special permit and authorizations hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit and authorization. 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 special permit 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 080450 ZSR), duly adopted by the City Planning Commission on September 24, 2008, (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,
KENNETH J. KNUCKLES, Esq., Vice Chairman
IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, AIA, BETTY Y. CHEN,
MARIA M. DEL TORO, RICHARD W. EADDY, NATHAN LEVENTHAL,
SHRILEY A. MCRAE, KAREN A. PHILLIPS, Commissioners.**

ALFRED C. CERULLO III, JOHN MEROLO, Commissioners, Voting No.