



CITY PLANNING COMMISSION

August 8, 2012 / Calendar No. 12

C 110218 ZMR

IN THE MATTER OF an application submitted by The Marco Savo Irrevocable Trust, The Gino Savo Irrevocable Trust, and The Leonello Savo Jr. Irrevocable Trust and The Anthony Savo Irrevocable Trust pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 32d, by changing an M1-1 District to a C8-2 District property bounded by Veterans' Road West, a line 475 feet easterly of Waunner Street, a line 490 feet northerly of Veterans' Road West and its easterly prolongation, and a line passing through a point at an angle 125 degrees to the northerly street line of Veterans' Road distant 695 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Veterans' Road West, and the easterly street line of Waunner Street, Borough of Staten Island, Community District 3, as shown on a diagram (for illustrative purposes only), dated April 9, 2012.

This application for an amendment of the Zoning Map, Section No. 33a, was filed by The Marco Savo Irrevocable Trust, the Gino Savo Irrevocable Trust, The Leonello Savo Jr. Irrevocable Trust, and the Anthony Savo Irrevocable Trust on February 16, 2011 to facilitate the development of a new 70,000 square foot food store in the Charleston section of Staten Island's Community District 3.

RELATED ACTIONS

In addition to an amendment of the Zoning Map 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:

- | | |
|--------------|--|
| C 110219 ZSR | Special Permit pursuant to Section 74-743 of the Zoning Resolution to modify yard requirements to allow a 35-foot high 2-story portion of a building within the 20-foot required rear yard of a large-scale general development. |
| N 110220 RAR | Authorization for Modification of Existing Topography in the Special South Richmond Development District. |

The area surrounding the project site is zoned M1-1 and is characterized by one and two-story commercial and manufacturing buildings with the Bricktown Retail Center to the east, NYC/EDC property to the north, including a sewer easement adjoining the rear lot line, and a privately owned zoning lot containing a storage facility to the west. A few blocks west, along Arthur Kill Road is a residential development called the Tides. One block south, is the West Shore Expressway and the entrance to Outerbridge Crossing.

The applicant is requesting the rezoning to facilitate the development of a new 70,000 square foot food store and 233 accessory parking spaces on the subject zoning lot. The parking is proposed along the Veterans Road West frontage and the building is proposed at the rear of the site, with 7 loading berths in the east and west wings. Vehicular traffic would enter the site from one of two curb cuts, one on Veterans Road West and one on the internal drive, with a third curb cut for truck access only to the eastern loading berths.

The applicant also requests a Special Permit pursuant to Section 74-743 (Special Provisions for Bulk Modifications within Large Scale Developments) to allow a portion of the proposed building to be constructed within the required rear yard to a height of 35 feet, as measured from curb level. In a commercial district, a commercial use is allowed to be constructed in the required rear yard, provided the building not exceed one-story or 23-feet in height, as measured from the curb level. The proposed store and west wing would be constructed at a single story, and a small second floor in the eastern wing of the building would be constructed for administrative offices and loading docks. The proposed building would be up to about 19 feet above the surrounding finished grades. However, due to the topography of the site, which slopes up from the curb level at Veterans Road West, the first floor of the proposed building is

about 8 feet above the curb level, and the proposed eastern loading berths, which are farther up the natural slope, are about 16 feet above curb level. Therefore, although only 19-feet in height relative to nearby grades, the building measures about 27feet in height from the curb level over the store and west wing, or 35 feet from the curb level over the eastern loading docks, and is therefore not permitted to obstruct the rear yard. The requested Special Permit would allow a modification to the bulk regulation to permit the building, including a portion of the second floor, to obstruct the required rear yard.

In addition, the applicant requests an authorization (N 110221 RAR) pursuant to SSRDD to facilitate a group parking facility with more than 30 parking spaces (233 parking spaces are required and provided) and an authorization (N 110220 RAR) pursuant to SSRDD modify existing topography by over 2 feet to create a gradually sloping parking area. The proposed site plan meets parking requirements for a 70,000 square foot food store and all landscaping requirements for the parking areas.

The applicant also requests Chair Certifications relating to cross access. Cross access to adjoining zoning lots is required in Staten Island C8 zoning districts in order to facilitate vehicular circulation between adjacent commercial sites that have separate ownership, except where existing buildings or terrain near zoning lot lines preclude such connections. A certification of cross access connection (N 110222 ZCR) facilitates a curb cut onto the adjacent existing, private internal driveway on the east side. A certification that no connection is required (N 110262 ZCR) waives the requirement for cross access to the existing storage facility to the west due to existing storage buildings on the adjacent zoning lot that are within 50 feet of the subject zoning lot, as well as a grade change greater than 15% along the same (western) lot line.

ENVIRONMENTAL REVIEW

This application (C 110218 ZMR), in connection with the ULURP application (C 110219 ZSR) and Non-ULURP applications (Nos. N 110220 RAR, N 110221 RAR, N 110222 ZCR, N 110262 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 11DCP149R. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed actions, a Conditional Negative Declaration was issued. The lead agency has determined that the proposed actions will have no significant effect on the quality of the environment, once it is modified as follows:

The applicant agrees to perform the remediation measures as articulated in its February 2012 Remedial Action Plan (RAP) that was reviewed and approved by NYC Department of Environmental Protection (DEP). The remediation measures include excavation to the depth of construction and installation of a 20-mil vapor barrier beneath the foundation of the proposed structure; disposal of impacted soil in accordance with all federal, state and local regulations; removal of underground storage tanks if encountered during remediation and/or construction and installation of at least one foot of clean soil in areas not capped with asphalt or concrete; dust control and soil stockpiling procedures.

The applicant also agrees to adhere to its Construction Health and Safety Plan (CHASP) to ensure the protection of on-site workers, monitoring plan, and other safety

requirements during construction of the applicant's proposed building. Furthermore, the applicant agrees to submit to DEP, upon the completion of the proposed project, a Professional Engineer certified Remedial Closure Report.

The applicant signed the Conditional Negative Declaration on April 5, 2012. The Conditional Negative Declaration was published in the City Record on April 18, 2012 and in the New York State Environmental Notice Bulletin on April 25, 2012. 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 and the Conditional Negative Declaration was issued on August 8, 2012.

UNIFORM LAND USE REVIEW

This application (C 110218 ZMR) was certified as complete by the Department of City Planning on April 9, 2012, 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), along with the related zoning Special Permit (N 110219 ZSR) and other Non-ULURP actions (N 110220 RAR, N 110221 RAR) which were referred for information and comment in accordance with the procedure for Non-ULURP actions.

Community Board Public Hearing

Community Board 3 held a public hearing on this application (C 110218 ZMR) on May 9, 2012, and on May 22, 2012, by a vote of 23 in favor, with 1 opposed and 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Staten Island Borough President who issued a recommendation approving the application on June 4, 2012.

City Planning Commission Public Hearing

On June 20, 2012 (Calendar No. 4) the City Planning Commission scheduled July 11, 2012 for a public hearing on this application (C 110218 ZMR) in conjunction with the public hearing on the application for the related Special Permit (N 110219 ZSR). The hearing was duly held on July 11, 2012 (Calendar No. 14). There were no 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 11-068.

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

CONSIDERATION

The Commission believes that this application (C 110218 ZMR) for an amendment of the Zoning Map, in conjunction with the related applications, is appropriate.

The proposed amendment to the zoning map would create a new commercial district over the entire site, which would allow for a food store larger than 10,000 square feet in area. The proposed building would be on Veterans Road West, a street with no other large food stores, but which contains other large-scale retail uses. Veterans Road West is also a main thoroughfare for automobile traffic and the terminus of two local bus routes and one limited-stop bus route.

The Commission believes that the proposed C8-2 zoning district would result in the construction of a new commercial building that would complement the existing, large commercial retail uses currently developed along Veterans Road West. The Zoning Resolution allows a commercial building to obstruct the required rear yard in a commercial district, up to a height of 23 feet, with the building height being measured from the curb level of the site. The Commission recognizes that the severe slope in the applicant's site raises the area to be constructed about 8 to 16 feet above curb level, so that a rear yard obstruction that would be permitted on a flat site, is not permitted on the applicant's site. The Commission believes that the requested special permit for bulk modification within a large scale development to allow the building to be partially constructed in the required rear yard is appropriate, in the context of the existing terrain of the

site, which slopes upward from Veterans Road West. The Commission further believes that the proposed bulk modification would not unduly increase the bulk of the proposed building or obstruct access to light and air, since the proposed rear yard obstruction is not generally higher than 23 feet above surrounding existing or finished grades.

The Commission notes that development on this site is also regulated by SSRDD restrictions on group parking facilities with more than 30 parking spaces and modification of topography outside of building footprints or driveways. The project requires a Commission authorization to allow the proposed 233 required accessory parking spaces, for which the Commission must find that traffic is minimized in residential areas and that the location of vehicular access and egress permits better site planning. The Commission believes that this proposed authorization is appropriate because the two curb cuts for the proposed parking facility would be on Veterans Road West and a 4-lane private access driveway network for other large stores to the east. Both thoroughfares allow direct access and egress onto the westbound side of the West Shore Expressway from the intersection in front of the site, as well as access and egress onto the eastbound side of the expressway off Boscombe Avenue from the Tyrellan Avenue intersection to the east. Both routes are not in residential areas. The Commission notes that the proposed parking facility meets all current landscaping and maneuverability requirements. The Commission believes that the proposed authorization to modify the topography is appropriate because it facilitates a gently sloping parking area with a consistent grade.

The Commission believes that the development of a 70,000 square foot food store on Veterans Road West would provide much-needed commercial services to the surrounding residential area.

RESOLUTION

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

The applicant agrees to perform the remediation measures as articulated in its February 2012 Remedial Action Plan (RAP) and to adhere to its Construction Health and Safety Plan (CHASP) to ensure the protection of on-site workers, monitoring plan, and other safety requirements during construction of the applicant's proposed building.

And be it further

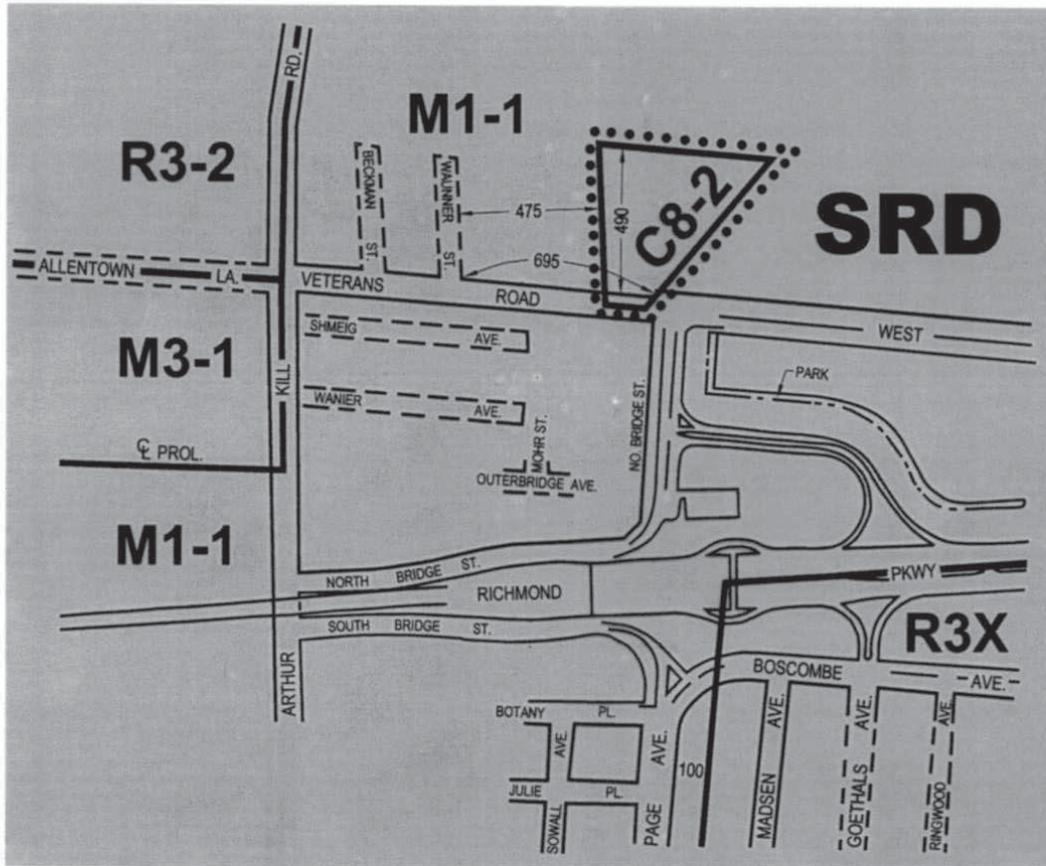
RESOLVED that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, 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 hereby amended by changing the Zoning Map, Section No. 32d, by changing an M1-1 District to a C8-2 District property bounded by Veterans' Road West, a line 475 feet easterly of Waunner Street, a line 490 feet northerly of Veterans' Road West and its easterly prolongation, and a line passing through a point at an angle 125 degrees to the northerly street line of Veterans' Road distant 695 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Veterans' Road West, and the

easterly street line of Waunner Street, Borough of Staten Island, Community District 3, as shown on a diagram (for illustrative purposes only), dated April 9, 2012, is approved.

The above resolution (C 110218 ZMR), duly adopted by the City Planning Commission on August 8, 2012 (Calendar No. 12) 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
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE DE LA UZ,
MARIA M. DEL TORO, ANNA HAYES LEVIN,
ORLANDO MARIN, SHRILEY A. MCRAE, Commissioners.



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

32d

BOROUGH OF
STATEN ISLAND

New York, Certification Date
APRIL 9, 2012

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



- NOTE:**
- Indicates Zoning District Boundary.
 - The area enclosed by the dotted line is proposed to be rezoned by changing an M1-1 District to a C8-2 District.
 - Indicates a Special South Richmond Development District.



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

ULURP NO.
C 110218 ZMR
VETERANS PLAZA – FOOD STORE

COMMUNITY DISTRICT: 3

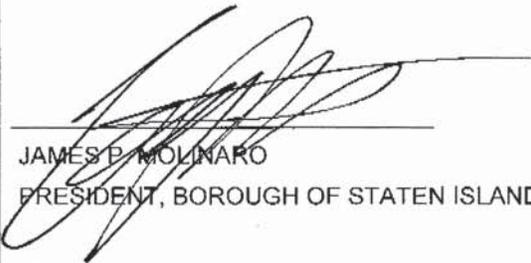
DOCKET DESCRIPTION:

IN THE MATTER OF an application submitted by The Marco Savo Irrevocable Trust, The Gino Savo Irrevocable Trust, and The Leonello Savo Jr. Irrevocable Trust and the Anthony Savo Irrevocable Trust pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 32d, by changing an M1-1 District to a C8-2 District property bounded by Veterans Road West, a line 475 feet easterly of Waunner Street, a line 490 feet northerly of Veterans Road West and its easterly prolongation, and a line passing through a point at an angle 125 degrees to the northerly street line of Veterans Road distant 695 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Veterans Road West, and the easterly street line of Waunner Street, Borough of Staten Island, Community District 3, as shown on a diagram (for illustrative purposes only), dated April 9, 2012.

RECOMMENDATION:

APPROVE **DISAPPROVE** **WITH CONDITIONS/MODIFICATIONS**

EXPLANATION OF RECOMMENDATION, CONDITION OR MODIFICATIONS



JAMES P. MOLINARO
PRESIDENT, BOROUGH OF STATEN ISLAND

DATE: JUNE 4, 2012