

287-13-A & 288-13-A

APPLICANT – Rothkrug Rothkrug & Spec tor LLP,
for BIRB Realty Inc., owner.

SUBJECT – Application October 15, 2013 –

Proposed construction of a building that does not
front on a legally mapped street, contrary to General
City Law Section 36. R3X SRD district.

PREMISES AFFECTED – 525 & 529 Durant Avenue,
north side of Durant Avenue, 104-13 ft. west of
intersection of Durant Avenue and Finlay Avenue,
Block 5120, Lot 64, Borough of Staten Island.

COMMUNITY BOARD #3SI

ACTION OF THE BOARD – Application granted on
condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins,
Commissioner Ottley-Brown, Commissioner Hinkson
and Commissioner Montanez5

Negative:.....0

THE RESOLUTION –

WHEREAS, the decisions of the Staten Island
Borough Commissioner, dated September 13, 2013,
acting on Department of Buildings (“DOB”) Application
Nos. 520160441 and 520160432, read in pertinent part:

The proposed two family dwelling, which does
not front on a legally mapped street, is
contrary to Article 111, Section 36 of the
General City Law; and

WHEREAS, this is an application to allow the
construction of two, two-family homes not fronting a
legally mapped street, contrary to General City Law
(“GCL”) § 36; and

WHEREAS, a public hearing was held on this
application on December 10, 2013, after due notice by
publication in *The City Record*, and then to decision on
February 11, 2014; and

WHEREAS, the premises and surrounding area had
site and neighborhood examinations by Commissioner
Montanez and Commissioner Hinkson; and

WHEREAS, the subject site comprises two
proposed zoning and tax lots (Tentative Tax Lots 64 and
66) located on the north side of Durant Avenue,
approximately 104 feet west of the intersection of Durant
Avenue and Fieldway Avenue, within an R3X zoning
district, within the Special South Richmond Development
District; and

WHEREAS, the applicant notes that a third two-
family home, to be located on a proposed third lot (Tax
Lot 62) is not part of this application, because it is
proposed to front on Durant Avenue, which is a legally
mapped street; and

WHEREAS, the applicant also notes that a separate
application will be filed with the Department of City
Planning seeking a text amendment to permit
modification of the designated open space at the site; and

WHEREAS, the applicant represents that the
proposed buildings, which will be fully-sprinklered, will

front only on an access road that will be paved to a width
of 34 feet and will extend from the boundary of Durant
Avenue to the western boundary of Lot 66; the road will
extend for approximately 100 feet, and it will be
maintained by the homeowners of the affected lots; and

WHEREAS, initially, the applicant proposed a
minimum paved width of 30 feet; however, based on
discussions with the Fire Department, as noted below, the
proposal was revised to provide a minimum paved width
of 34 feet; and

WHEREAS, by letter dated December 6, 2013, the
Fire Department informed the Board of its objections to
the proposal; specifically, the Fire Department stated that
because the development includes six dwelling units, it is
contrary to Fire Code § FC503.2.1, which generally
requires a minimum access road width of 38 feet, but
allows for a minimum access road width of 30 feet where,
among other things, not more than five dwelling units will
be accessed by the road; and

WHEREAS, in response to the concerns of the Fire
Department, by letter dated January 28, 2014, the
applicant submitted a revised proposal, which increased
the width of the extension of Durant Avenue to 34 feet,
and which indicated that “No Parking” signs will be
posted to establish a no parking zone for the entire
extension of Durant Avenue; and

WHEREAS, by letter dated February 3, 2014, the
Fire Department informed the Board that it no longer
objected to the proposal, provided that: (1) the access
road is constructed and maintained with a minimum
paved width of 34 feet, measured curb to curb; (2) “No
Parking” signs are installed on both sides of the access
road for its entire length, establishing a no parking zone;
(3) all buildings fronting on the access road comply with
Fire Code § FC502.1; (4) the applicant submits and
obtains from the Fire Department a formal variance for
the proposal; and (5) the two buildings fronting on the
access road are fully-sprinklered; and

WHEREAS, based on the record, the Board has
determined that the applicant has submitted adequate
evidence to warrant this approval under certain
conditions; and

Therefore it is Resolved, that the decisions of the
Staten Island Borough Commissioner, dated September
13, 2013, acting on Department of Buildings Application
Nos. 520160441 and 520160432, are modified by the
power vested in the Board by Section 36 of the General
City Law, and that this appeal is granted, limited to the
decision noted above; *on condition* that construction shall
substantially conform to the drawing filed with the
application marked “Received February 4, 2014” one (1)
sheet; and *on further condition*:

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 the site and roadway will conform to the
BSA-approved plans;

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THAT the roadway will be maintained with a minimum paved width of 34 feet, measured curb to curb;

THAT "No Parking" signs will be installed on both sides of the roadway, establishing a no parking zone for its entire length;

THAT a formal variance will be obtained from the Fire Department prior to the issuance of DOB permits;

THAT both buildings fronting on the roadway will comply with Fire Code § FC502.1 and be fully sprinklered;

THAT all required approvals will be obtained from the Department of City Planning prior to the issuance of DOB permits;

THAT a Homeowners' Association will be created to maintain the street;

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
February 11, 2014.

**A true copy of resolution adopted by the Board of Standards and Appeals, February 11, 2014.
Printed in Bulletin No. 7, Vol. 99.**

**Copies Sent
To Applicant
Fire Com'r.
Borough Com'r.**

