



CITY PLANNING COMMISSION

March 2, 2011 / Calendar No. 7

N 070384 ZRX

IN THE MATTER OF an application submitted by G.B.G. Inc pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 2 (Special City Island District), Appendix A (Special City Island District – Height Areas).

The application for an amendment to the Zoning Text was filed by G.B.G. Inc on March 29, 2007. The proposed Zoning Text Amendment will modify the ZR Section relating to Article XI, Chapter 2 (Special City Island District), Appendix A (Special City Island District – Height Areas), in the Borough of the Bronx, Community District 10.

RELATED ACTIONS

In addition to the amendment of the Zoning Text, which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

- | | |
|-----------------|---|
| M 900604(A) ZMX | Modification to amend an existing restrictive declaration. |
| N 040483 ZAX | Authorization pursuant to ZR Section 112-106 for modification of perimeter wall height and setback regulations. |
| N 070385 ZAX | Authorization pursuant to ZR Section 22-26 for modification and waiver provisions for private streets. |

BACKGROUND

The applicant is proposing a residential development to be known as Sea Breeze Estates (Block 5639, Lots 23 and 40, and Block 5640, Lots 90 and 150) within the Special City Island District, of Community District 10, in the Bronx. The project site is located on the eastern shore of City Island and has approximately 235 feet of shoreline frontage on Long Island Sound. The area to the south and west of the project site is primarily developed with one- and two-family residential homes, and to the north of the project site is Pilot Cove Manor, a four-story senior housing

retirement facility.

The project lies within a C3 zoning district, which has an R3-2 residential equivalent and permits residential and community facility uses as well as certain marine-related uses (Use Group 14) and is currently vacant.

The project site has a number of constraints, including New York State Department of Environmental Conservation's requirements regarding the location of the waterfront promenade and state mandated water basin areas, and FDNY's requirements for fire truck access and turnaround.

On July 29, 1991, City Planning Commission granted approval of three actions to facilitate the Sea Breeze Estates residential development. The 1991 project sought a rezoning from M1-1 to C3 (C 900604 ZMX), the demapping of Marine Street (C 900603 MMX), and a special permit and authorization for various height waivers (C 900602 ZSX). The project as approved in 1991 included buildings ranging from 35 feet to 41 feet in height. The 1991 proposal had 51 dwelling units, a 92 car garage, a 76 slip marina, and maximized the FAR at 0.6 with 48,000 sq feet of development. This approval predated the waterfront text and the waterfront access requirements for development on lots over 20,000 square feet in the Special City Island District, however, waterfront access was required pursuant to a restrictive declaration, with minimal design and planting requirements. Shortly after the 1991 approvals, the applicant deferred construction of Sea Breeze Estates due to the changing market conditions and the need to develop a program to address certain site-specific environmental conditions.

The applicant is now proposing a residential development consisting of two, two-story residential buildings containing 16 dwelling units in each, for a total of 32 dwelling units. The development would also contain 93 parking spaces and 43 marina slips. The buildings would have a maximum height of 32 feet, 3 inches, for the northern building and 31 feet, 6 inches, for the southern building. The current proposed project creates fewer, but larger, residential units that are in much shorter buildings when compared to the 1991 project.

The project will provide a private road extending from Marine Street approximately 160 feet into the project site, terminating at a turnaround. From the end of the private road is a fifty-foot wide public pedestrian access easement which will act as an upland connection to the waterfront. The access area will be complete with planting strips, benches, tree plantings, planters, and trash receptacles. At the terminus of the upland connection will be the waterfront public access seating area which will measure approximately 7,000 square feet of waterfront promenade. The waterfront area will include trees, benches, planters, trash receptacles, and will provide access to the water through the boat launch, which will be attached to the private marina. The parking for the project would be located underground, below the two residential buildings, and accessible via a driveway connecting to the private road.

The project requires four discretionary actions including: an authorization to modify the private road requirements; a text amendment to amend Appendix A of the Special City Island District; an authorization to modify the perimeter wall height regulations; and a modification to amend the 1991 Restrictive Declaration.

Authorization pursuant to ZR Section 22-26 for modification and waiver provisions for private roads (N 070385 ZAX)

The applicants are seeking an authorization to modify three private road requirements. The private road which begins at the existing terminus of Marine Street would extend approximately 160 feet into the project site, terminating at a circular turnaround. Due to the unique physical site conditions which constrain the development area within the site, the authorization would seek to modify the following three requirements:

A) ZR Section 26-22 — the requirement that a curb cut from a private road to parking facilities not exceed 18-feet in width, including splays.

As designed there will be two 30-foot wide curb cuts, including splays, along both the north and south sides of the private road. Each curb cut would provide access to a ramp leading to a below-grade parking garage that will serve the project. The applicant proposes that these 30-foot wide curb cuts, including splays, be provided to reduce the potential for vehicular turning movement conflicts between entering and exiting vehicles given the limited sight distance due to site conditions, including the approximately 14% gradient of the access ramps to the below-grade off-street parking garages.

B) ZR Section 26-23 — the requirement that a minimum three-foot wide planting strip be provided adjacent to and along the entire length of the required curb.

To accommodate the anticipated pedestrian traffic as residents, visitors, delivery, and service personnel move back and forth to the buildings, and to provide for an area of unimpeded access for emergency service and other municipal vehicles from the private road to the waterfront, the applicant proposes to create hard surfaces interspersed between sections of required planting strips, all without reducing the required number of trees. The project, taken as a whole, would provide substantial plantings along the visual corridor to the waterfront created by the public pedestrian access easement and on the grassy open areas to the west of the proposed buildings, including numerous trees. Where planting strips are provided, the Applicant will build them with a minimum width of five feet to promote the health and viability of the trees and vegetation.

C) ZR Section 26-25—the requirement that an area open to the sky at least five feet in depth be provided between the required sidewalks and any building.

Each of the two proposed residential buildings, at a single point, comes within two feet three inches (2’3”) of the required sidewalk, or two feet nine inches (2’9”) too close. This intrusion into the required open area is due to the narrowness and other constraints of the project site, including the configuration of the required turnaround, the state restricted location of the waterfront promenade, and state mandated water basis, which together, dictate the location of the required sidewalk and the geometry of the two buildings.

In order to grant the authorization, the Commission shall make findings that the modifications will enhance the design quality of the development.

Text Amendment to amend Appendix A to Article XI, Chapter 2: Special City Island District (N 070384 ZRX)

The applicant is seeking a text amendment to amend Appendix A of the Special City Island District which would subject the entire project site to the same building height controls and the same process for attaining an authorization pursuant to the perimeter wall height. Under the existing Special City Island District Appendix A, the project site is divided between “Area A-Height Areas” and “Area B-Height Areas.” The proposed text amendment would place the entire site within the “Area B-Height Areas,” in order to rationalize the regulations by applying the same controls over the entire site. The amendment would only affect the proposed project site, and would not affect the redevelopment of any other site within the special district. Under the “Area A-Height Area” the applicant would need to seek a special permit to modify the perimeter wall height. Under the “Area B-Height Area” the applicant need only apply for an authorization to modify the perimeter wall height.

Authorization pursuant to ZR 112-106 to permit modification of the perimeter wall height and setback regulations (N 040483 ZAX)

The applicant is seeking an authorization to build two buildings within the project site that exceed the building envelope. In R3-2 zoning districts, new development is limited to a perimeter wall height of 21 feet, before sloping to a maximum building height of 35 feet. The project has perimeter wall heights of 26 feet 3 inches for the proposed building on the northern portion of the project site, and a perimeter wall height of 25 feet 6 inches for the proposed building on the southern portion of the project site. The proposed building penetrates the permitted building envelope along six locations; these six areas located outside the permitted building envelope constitute the requested perimeter wall authorization.

The Commission shall make findings that the modification allows adequate light and air to surrounding streets, does not impair water views, allows for better site planning distribution of open space, and the new development heights are not in excess of 35 feet.

Modification to amend and restate an existing restrictive declaration which had been approved as part of the 1991 approval (M 900604 (A) ZMX)

The applicant is seeking to modify their approved 1991 Restrictive Declaration for consistency with the current regulations applicable to the Special City Island District, revise a Public Pedestrian Access Easement that would be consistent with requirements that would be imposed on the project by DEC, and include a Maintenance and Operations agreement as would be negotiated with the NYC Department of Parks & Recreation. If approved, this document would become the 2010 Restrictive Declaration.

In addition to the text amendment, authorizations, and modification to the restrictive declaration, a Certification by the Chairperson of the City Planning Commission pursuant to Section 62-711 of the Zoning Resolution for the projects' compliance with the waterfront public access and visual corridor requirements (N 070386 ZCX); and Certification by the Chairperson of the City Planning Commission pursuant to Section 112-14 of the Zoning Resolution, that the project meets the Special City Island District public access requirements (N 040484 ZCX).

ENVIRONMENTAL REVIEW

A Technical Memorandum (CEQR No. 89-040X) was filed in conjunction with the subject modification (N 070384 ZRX), and with the related actions (M 900604(A) ZMX, N 040483 ZAX, and N 040485 ZAX). The Technical Memorandum assessed whether the proposed actions would have the potential to cause any significant adverse environmental impacts not previously identified in the Final Environmental Impact Statement (“FEIS”) for the Sea Breeze Estates (C 900604 ZMX, C 900603 MMX, and C 900602 ZSX) issued July 19, 1991 by the City Planning Commission 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission (CPC). A Notice of Minor Modification was issued on September 10, 2010, which concluded that the action represents a minor modification and does not alter the conclusions of the earlier review. Therefore, the Notice of Completion of the FEIS issued on July 19, 1991 remains valid.

LAND USE REVIEW

This application (N 070384 ZRX), in conjunction with the related application (M 900604(A) ZMX), was duly referred to Bronx Community Board 10, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), which was referred for information and review in accordance with procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 10 held a public hearing on this application (N 070384 ZRX), and the related action (M 900604(A) ZMX), on October 21, 2010, by a vote of 28 in favor, 0 opposed, and 2 abstentions, adopted a resolution approving this application.

City Planning Commission Public Hearing

On December 1, 2010 (Calendar No. 1), the City Planning Commission scheduled December 15, 2010 for a public hearing on this application (N 070384 ZRX). The hearing was duly held on December 15, 2010 (Calendar No. 14).

There was one speaker in favor of the application and no speakers in opposition. The speaker in favor of the application was the applicant's attorney who summarized the proposed development.

There were no other speakers on the application and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application (N 040484 ZRX), in conjunction with the related actions (M 900604(A) ZMX, N 040483 ZAX, and N 040485 ZAX), 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 07-081. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

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 to amend the Zoning Text (N 070384 ZRX), along with the related applications, for a modification to amend the existing restrictive declaration (M 900604(A) ZMX), authorization pursuant to ZR Section 112-106 for modification

of perimeter wall height and setback regulations (N 040483 ZAX), and an Authorization pursuant to ZR Section 22-26 for modification and waiver provisions for private streets (N 070385 ZAX), are appropriate.

The Commission notes that the lot is minimally improved and currently underutilized. The proposed project would transform the site into a high quality residential development and marina with a publicly accessible waterfront and seating area near the Long Island Sound. The waterfront and seating area would provide the community with publicly accessible waterfront open space which is currently not available at the site.

The Commission additionally notes that the project site has a number of site constraints which make development on the lot difficult, including, DEC's requirements regarding the state restricted location of the waterfront promenade and state mandated water basin configuration areas, FDNY's requirements for fire truck access and turnaround, as well as City Planning's requirements for the applicant to provide a private road with turnaround, a visual corridor through the site, and a waterfront public access area. The Commission believes that the proposed modifications to the perimeter wall and set back regulations and private street requirements are appropriate to facilitate a development on this severely constrained site.

The Commission believes that the text amendment to Appendix A of the Special City Island District to place the entire project site into "Area B-Height Areas," would allow a more rational development of the site, since the current condition splitting the development into "Area A-Height Areas" on the northern half of the project site and "Area B-Height Areas" on the southern half of the project site, would require different perimeter wall heights for each building, unless one building was granted a special permit. The Commission acknowledges that the proposed text amendment would allow both buildings to have matching perimeter wall heights.

The Commission believes that the modification to the 1991 Restrictive Declaration will update the 1991 approval by bringing the project up to the current citywide public access area standards. This includes the applicant filing a Public Access Areas declaration which would include a Maintenance and Operations agreement with the Parks Department and would act as the revised

Public Pedestrian Access Easement that would be consistent with the requirements imposed by DEC.

The Commission believes that the authorization for the modification to the private road will improve the safety of the project site where the wider driveway curb cuts will allow for easier mobility into and out of the below grade driveways by minimizing turning conflicts.

The Commission acknowledges that site constraints preclude a 3-foot wide planting strip around the entire private road, however, the Commission recognizes that to accommodate the pedestrian traffic of residents, visitors, and delivery services, as well as to provide unimpeded access for emergency services, that the applicant needs to create hard surfaces. The Commission is nonetheless pleased that the applicant will maintain the required tree planting strips with larger than required planting areas to promote the health and viability of the trees, while the project, taken as a whole, will provide substantial plantings and grassy open areas throughout the project site.

The Commission further acknowledges that site constraints create two pinch points where the corners of the two buildings intrude into the 5-foot open space between the sidewalk and the building, required by the private road regulation. However, the Commission believes that these two intrusions, which occur only at the building's corners, are minimal and necessary to achieve good site design.

The Commission recognizes the unique conditions and limitations of the site, and believes that by granting the authorization to increase in the perimeter wall height of the two buildings, as well as modifications to the private street regulations, the development will allow for better site planning of the open space and a larger than required waterfront public access area. The development will still allow for adequate light and air to the surrounding streets and will not impair views of the water.

RESOLUTION

RESOLVED, that the City Planning Commission, after consideration of the proposed

modification, and the sufficiency of information in the 1991 FEIS, finds that the application will not result in environmental impacts substantially different from or greater than those described in the 1991 FEIS and would not alter the conclusions of the 1991 FEIS, and that having considered such materials and the 1991 FEIS for which a Notice of Completion was issued on July 19, 1991, the City Planning Commission certifies that the requirements of the New York State Environmental Quality Review Act and regulations promulgated pursuant thereto have been met, and finds that the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable, by incorporating as conditions to the decision those mitigation measures that were identified as practicable.

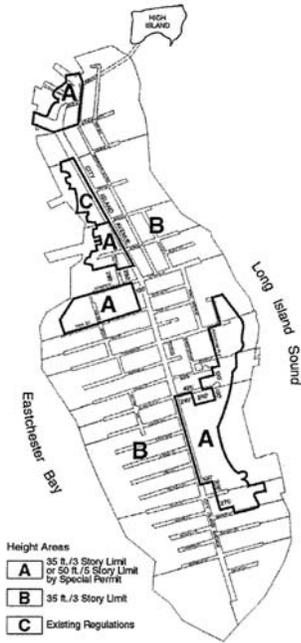
The report of the City Planning Commission, together with the 1991 FEIS and the Notice of Minor Modification dated September 10, 2010 constitutes the written statement of facts that form the basis of the decision; and

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 the WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City 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 further amended as follows:

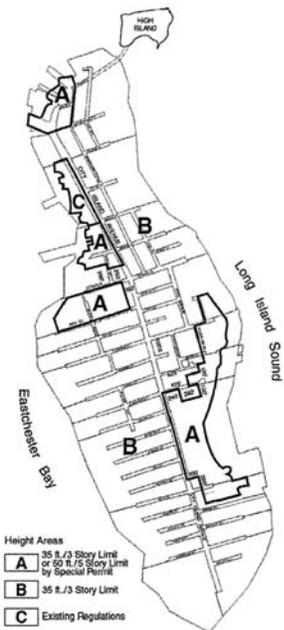
To be deleted:

Appendix A Special City Island District-Height Areas



To be added:

Appendix A Special City Island District-Height Areas



The above resolution (N 070384 ZRX), duly adopted by the City Planning Commission on March 2, 2011 (Calendar No. 7), 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, MARIA M. DEL TORO,

RICHARD W. EADDY, ANNA HAYES LEVIN,

SHIRLEY A. McRAE, KAREN A. PHILLIPS, *Commissioners*



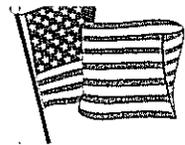
BRONX COMMUNITY BOARD NO. 10

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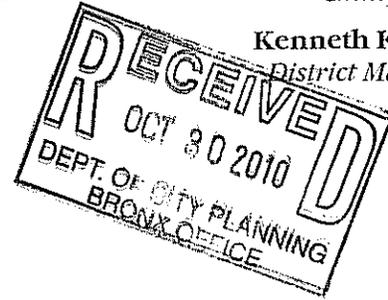
Website: www.nyc.gov/bronxcb10



John Marano
Chairperson

Kenneth Kearns
District Manager

Ruben Diaz, Jr.
Borough President



October 27, 2010

Ms. Carol Samol, Director
Bronx Office of City Planning
New York City
Department of City Planning
1 Fordham Plaza
Bronx, New York 10457

Dear Ms. Samol:

At its public meeting of October 21, 2010, Bronx Community Board #10 passed the following resolutions:

“Resolved...at the recommendation of the Housing and Zoning Committee of Bronx Community Board #10, that the language of the Lower Density Growth Management Areas Community Facility Text Amendment, be approved in its present form, with the recommendation of adding group homes and houses of worship to said language, after the Amendment has secured approval from the City Council, and that this Resolution be communicated to the full Board for its approval.”

This Resolution passed the Board with (27) votes in the affirmative and (3) abstentions.

“Resolved... at the recommendation of the Housing and Zoning Committee of Bronx Community Board #10, that the requested change in the Zoning Text Amendment, providing for an increase in height of the perimeter wall from 21 to 25-26 feet; the authorization for private street status and adherence by Sea Breeze Development to a Restrictive Declaration for a public access venue and promenade, in accordance with the standards established by the New York City Department of Parks and Recreation be approved by the full Board, with the reservation that Sea Breeze Development provide the Board with a letter stating that they are willing to work with Bronx Community Board #10 and local civic associations, during the duration of construction.”

Sea Breeze/Blitman Development issued the attached letter agreeing to work with the community (see attached). This Resolution passed the Board with (28) votes in the affirmative and (2) abstentions.

Thank you for your attention and consideration.

Sincerely,

Kenneth Kearns
District Manager

- C: J. Marano – Chairman, Bronx Community Board #10
- P. Sullivan – Chairman, Housing and Zoning Committee
- Hon. J. Vacca – Member of the City Council
- J. Horstman, NYC Department of City Planning

Blitman Development Corporation

118 North Bedford Road
Mount Kisco, NY 10549
(914) 424-0359

October 19, 2010

Mr. John Marano, Chairman
Bronx Community Board # 10
3165 East Tremont Avenue
The Bronx, NY 10461

10-21-10 11:11

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Re: Sea Breeze Estates
City Island, The Bronx

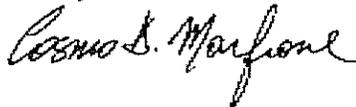
Dear Mr. Marano:

On behalf of G.B.G. Inc., the owners and developers of Sea Breeze Estates, I wish to thank you, Peter Sullivan and the board members who organized last night's public meeting on City Island. As we have over the years, we will incorporate ideas and suggestions made by our neighbors into our project as it moves forward. Our dialogue with City Islanders has served us well in the past and, as the committee suggested, we will continue it going forward.

To do this, prior to commencing work on the site we will hold a public meeting on City Island for our Marine Street neighbors and other City Island residents and associations to share our project work schedule, hear further ideas and to answer questions. Once we are underway, I look forward to meet regularly with our neighbors and others to review our progress and hear suggestions. In addition, as project manager, I will be available *via* e-mail or on site to receive ideas, answer questions or address problems.

Again, thank you for your courtesies. G.B.G. Inc. and I look forward to working with the City Island community on the development of the Sea Breeze project.

Sincerely,



Cosmo D. Marfione, P.E.
Project Manager
cmarfione@hv-cs.com

cc:

Peter Sullivan, Committee Chair
Kenneth Kearns, District Manager
Robert A. Kandel, Esq.