



CITY PLANNING COMMISSION

May 9, 2012 / Calendar No. 5

C 110077 ZMR

IN THE MATTER OF an application submitted by Jhong Uhk Kim pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 33c:

1. eliminating from within an existing R3A District a C2-1 District bounded by Wiman Avenue, Hylan Boulevard, a line 320 feet northeasterly of Osborne Avenue, and a line midway between Russell Street and Hylan Boulevard; and
2. establishing within an existing R3A District a C2-2 District bounded by Wiman Avenue, Hylan Boulevard, a line 320 feet northeasterly of Osborne Avenue, Russell Street, a line perpendicular to the southeasterly street line of Russell Street distant 115 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Russell Street and the southwesterly street line of Wiman Avenue, and a line 35 feet southeasterly of Russell Street;

Borough of Staten Island, Community District 3, as shown on a diagram (for illustrative purposes only) dated January 23, 2012.

This application for an amendment of the Zoning Map, Section No. 33a, was filed by Jhong Unk Kim on September 8, 2010 to facilitate the development of a new 12,510 square feet commercial building with a drive-through window and 46 accessory parking spaces in the Bay Terrace/Great Kills area of Staten Island, 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:

N 110078 ZRR	Zoning Text Amendment concerning Section 107-06, District Plan (Appendix A)
N 110079 RAR	Authorization for Modification of Size and Access of an Accessory Group Parking Facility

BACKGROUND

The applicant is requesting several actions, including the elimination of an existing C2-1 commercial overlay and the establishment of a C2-2 commercial overlay within an existing R3A zoning district on a subject zoning lot located at 4051 Hylan Boulevard (Block 5276, Existing Lots 12, 14, 16, 18, 26, 28, 30, 35, 37, 40, 41, or Tentative Lot 12). The applicant seeks a zoning map amendment to facilitate the development of a new 12,510 square foot commercial building with a drive-through window and 46 accessory parking spaces.

The commercial overlay to be eliminated is 100 feet wide. The commercial overlay to be created is up to 200 feet wide and generally bounded by Wiman Avenue, Hylan Boulevard, the southwestern side lot line of the site, and Russell Street, but excluding two adjacent residential lots located near the intersection of Russell Street and Wiman Avenue. The applicant owns the subject zoning lot (Block 5276, Existing Lots 12, 14, 16, 18, 26, 28, 30, 35, 37, 40, 41, or Tentative Tax Lot 12). Three of the tax lots (Tax Lots 12, 16, 18) are each developed with an existing house, one tax lot (Tax Lot 37) contains a single-story commercial building, and the remaining lots (Tax Lots 14, 26, 28, 30, 35, 40, 41) are vacant. Two houses and the commercial building are vacated and one house is occupied.

The area surrounding the project site is characterized by residential uses with a commercial corridor along Hylan Boulevard. The area westerly of the site is zoned R3A and is developed with one and two family detached and semi-detached residences. The areas to the north, east and south of the site is zoned R3-1 and is developed also with one and two family detached and semi-detached residences. The commercial buildings located along Hylan Boulevard are predominantly single- or two-stories.

The existing R3A zoning district permits detached single-family residences and community facilities. The proposed C2-2 overlay zoning district permits commercial use groups 6 through 9.

The applicant is requesting the rezoning to facilitate the development of a new 12,510 square foot, single-story commercial building and 46 accessory parking spaces and an accessory drive-through, possibly for a bank, on the subject zoning lot.

The applicant also requests a zoning text amendment (N 110078 ZRR) concerning Section 107-06 District Plan (Appendix A, Map 2.4) to reflect the removal of arterial designation along the entire block fronting Hylan Boulevard to facilitate a uniform streetwall of existing and proposed retail buildings located along the sidewalk between Wiman Avenue and Osborne Avenue.

In addition, the applicant requests an authorization (N 110079 RAR) pursuant to SSRDD to facilitate a group parking facility with more than 30 parking spaces (42 parking spaces are required, 46 parking spaces are proposed). This authorization may waive the bioswale requirement for perimeter landscaping along Russell Street. The parking area is below the grade of the existing sidewalk and proposed landscaped buffer along Russell Street. The proposed site plan meets all other landscaping requirements.

ENVIRONMENTAL REVIEW

This application (C 110077 ZMR), in connection with the ULURP Applications (Nos. N 110078ZRR, N 110079RAR) 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 11DCP031R. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on January 23, 2012.

UNIFORM LAND USE REVIEW

This application (C 110077 ZMR) was certified as complete by the Department of City Planning on January 23, 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 text amendment (N 110078 ZRR) and a non-ulurp action (N 110079RAR) 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 110077 ZMR) on February 8, 2012, and on February 28, 2012, by a vote of 20 in favor, with 2 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 March 7, 2012.

City Planning Commission Public Hearing

On March 28, 2012 (Calendar No. 7) the City Planning Commission scheduled April 11, 2012 for a public hearing on this application (C 110077 ZMR) in conjunction with the public hearing on the applications for the related zoning text amendment (N 110078 ZRR). The hearing was duly held on April 11, 2012 (Calendar No. 14). There were two speakers in favor and none in opposition.

The applicant spoke in favor of the application, stating that this development would bring much need economic activity to the area. The applicant's architect also spoke in favor of the application, explaining the building's design and showing how the building would be buffered

from the neighboring residences. He also pointed out that the development would incorporate a green roof that would also improve the view from the neighboring residences.

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 11-074.

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 110077 ZMR) for an amendment of the Zoning Map, in conjunction with the related applications, is appropriate.

The Commission believes that the proposed new street-front commercial building would complement the existing, dense commercial Hylan Boulevard corridor and help reinforce the commercial character of the area.

The proposed amendment to the zoning map would extend an existing commercial overlay from 100 feet of depth from Hylan Boulevard to up to 200 feet of depth, which would allow for a commercial building with on-site parking. The proposed building is on a commercial corridor

that is a main thoroughfare for automobile traffic as well as 3 local bus routes and 4 express bus routes.

The Commission believes that the proposal is in context with the commercial street wall character of the immediate area. New construction in this area must comply with the SSRDD arterial setback requirement. The Commission believes such a setback would interrupt the existing continuous street wall and impact the pedestrian environment and therefore believes the proposed zoning text amendment to remove the arterial setback along Hylan Boulevard is appropriate to maintain the character of the area.

The proposed project requires an SSRDD commission authorization to modify the size of the accessory group parking facility. The Commission believes that this proposed authorization is appropriate because the site plan includes landscaping areas that exceed the buffering requirements adjacent to existing homes. The Commission notes that curb cuts are proposed on Wiman Avenue, across from an existing commercial use, and a one-way out, right-turn only curb cut is proposed on Hylan Boulevard, a busy commercial corridor. The commission also notes that no curb cuts are proposed on Russell Street, behind the site, which is primarily residential in character.

The Commission believes that the development to be facilitated by the aforementioned actions would reinforce the commercial character of Hylan Boulevard and provide 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; 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. 33a, by:

1. eliminating from within an existing R3A District a C2-1 District bounded by Wiman Avenue, Hylan Boulevard, a line 320 feet northeasterly of Osborne Avenue, and a line midway between Russell Street and Hylan Boulevard; and
2. establishing within an existing R3A District a C2-2 District bounded by Wiman Avenue, Hylan Boulevard, a line 320 feet northeasterly of Osborne Avenue, Russell Street, a line perpendicular to the southeasterly street line of Russell Street distant 115 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Russell Street and the southwesterly street line of Wiman Avenue, and a line 35 feet southeasterly of Russell Street;

Borough of Staten Island, Community District 3, as shown on a diagram (for illustrative purposes only) dated January 23, 2012.

The above resolution (C 110077 ZMR), duly adopted by the City Planning Commission on May 9, 2012 (Calendar No. 5) 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,
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.



Community/Borough Board Recommendation
Pursuant to the Uniform Land Use Review Procedure

Application #: C 110077 ZMR	Project Name: 4051 Hylan Boulevard
CEQR Number: 11DCP031R	Borough(s): Staten Island Community District Number(s): 3

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
 - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- 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 Jhong Uhk Kim pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 33c:

- eliminating from within an existing R3A District a C2-1 District bounded by Wiman Avenue, Hylan Boulevard, a line 320 feet northeasterly of Osborne Avenue, and a line midway between Russell Street and Hylan Boulevard; and
- establishing within an existing R3A District a C2-2 District bounded by Wiman Avenue, Hylan Boulevard, a line 320 feet northeasterly of Osborne Avenue, Russell Street, a line perpendicular to the southeasterly street line of Russell Street distant 115 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of Russell Street and the southwesterly street line of Wiman Avenue, and a line 35 feet southeasterly of Russell Street;

Applicant(s):		Applicant's Representative: Robert E. Schuster, AIA Buday & Schuster Architects, LLP 98 Lincoln Avenue Staten Island, NY 10306	
Recommendation submitted by: Staten Island Community Board 3			
Date of public hearing: February 8, 2012		Location: 655 Rossville Avenue Staten Island, NY 10309	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>	
Date of Vote: February 28, 2012		Location: 6451 Hylan Blvd., Staten Island, NY 10307	
RECOMMENDATION			
<input checked="" type="checkbox"/> Approve		<input type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting			
# In Favor: 20		# Against: 2	
# Abstaining:		Total members appointed to the board: 33	
Name of CB/BB officer completing this form Charlene Wagner		Title District Manager	Date 3/1/2012



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

ULURP NO.
C 110077 ZMR
4051 HYLAN BOULEVARD

COMMUNITY DISTRICT: 3

DOCKET DESCRIPTION:

In the Matter of an application submitted by Jhong Uhk Kim pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Section No. 33c:

1. Eliminating from within an existing R3A District a C2-1 District bounded by Wiman Avenue, Hylan Boulevard, a line 320 feet northwesterly of Osborne Avenue, and a line midway between Russell Street and Hylan Boulevard, and
2. Establishing within an existing R3A, Hylan Boulevard, a line 320 feet northeasterly of Osborne Avenue, Russell Street, a line perpendicular to the southeasterly street line of Russell Street distant 115 feet southwesterly (as measured along the street line) line of Wiman Avenue, and a line 35 feet southeasterly of Russell Street.

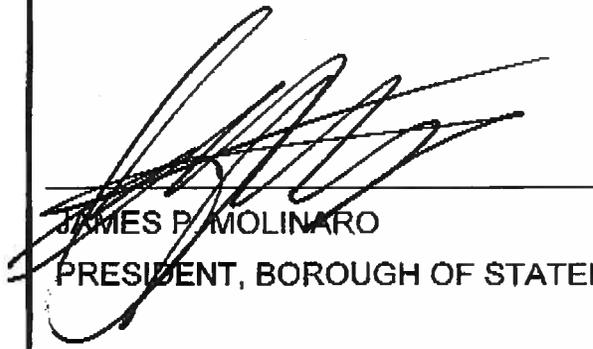
RECOMMENDATION:

APPROVE

DISAPPROVE

WITH CONDITIONS/MODIFICATIONS

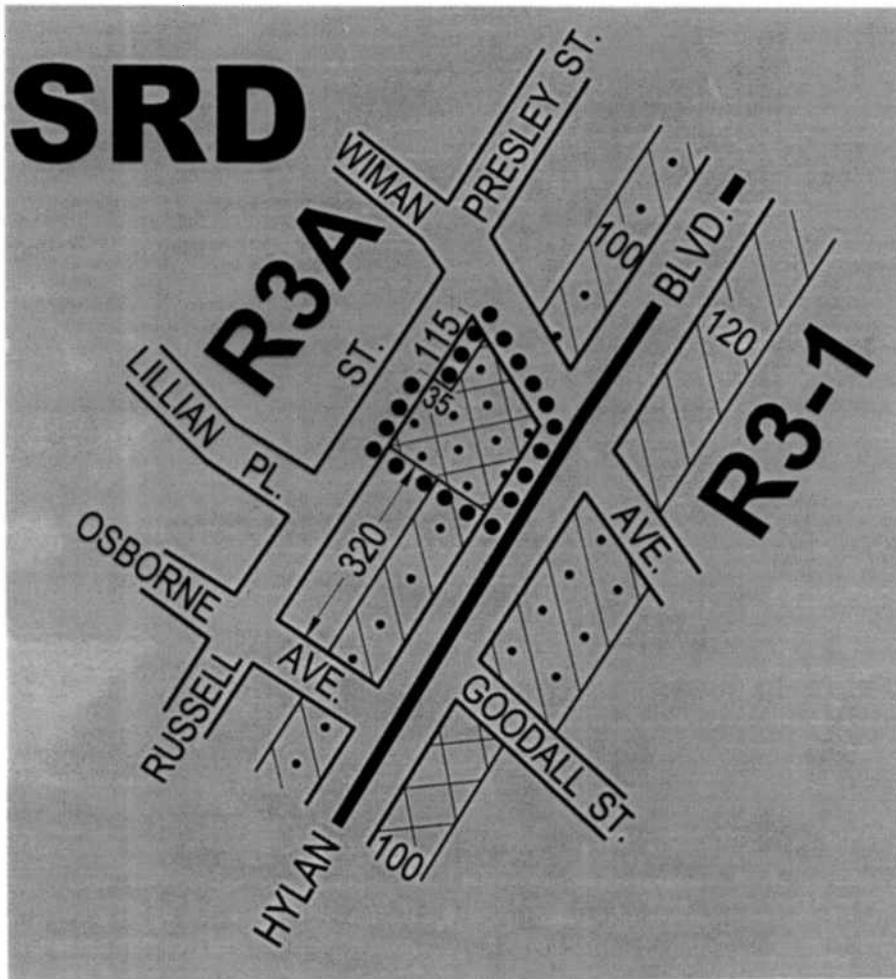
EXPLANATION OF RECOMMENDATION, CONDITION OR MODIFICATIONS



JAMES P. MOLINARO

PRESIDENT, BOROUGH OF STATEN ISLAND

DATE: March 7, 2012



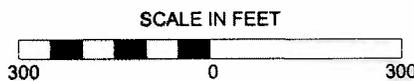
CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP
33c
 BOROUGH OF
STATEN ISLAND



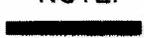
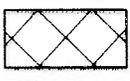
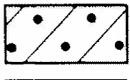
New York, Certification Date
 JANUARY 23, 2012

I. Sadko, P.E.

I. Sadko, P.E., Deputy Director
 Technical Review Division



NOTE:

-  Indicates Zoning District Boundary.
-  The area enclosed by the dotted line is proposed to be rezoned by eliminating an existing C2-1 District, and establishing a C2-2 District within an existing R3A District.
-  Indicates a C1-1 District.
-  Indicates a C1-2 District.
-  Indicates a C2-1 District.
-  Indicates a C2-2 District.
-  **SRD** Indicates a Special South Richmond Development District.