



CITY PLANNING COMMISSION

September 11, 2013/Calendar No. 14

C 130279 ZMR

IN THE MATTER OF an application submitted by the New York City Economic Development Corporation and Bricktown Pass, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 32d:

1. changing from an M1-1 District to an R3-2 District property bounded by Englewood Avenue, the easterly, northerly and westerly boundary lines of a Park and its northerly prolongation, and Cosmen Street;
2. changing from an M1-1 District to a C4-1 District property bounded by Arthur Kill Road, the westerly prolongation of a northerly boundary line of a Park, a westerly boundary line of a Park and its southerly prolongation, a line 480 feet northerly of Veterans Road West, Waunner Street and its northerly centerline prolongation, and Veterans Road West; and
3. changing from an M1-1 District to a C4-1 District property bounded by a southerly boundary line of a Park, the southerly prolongation of an easterly boundary line of a Park, Bricktown Way, and an easterly boundary line of a Park and its southerly prolongation;

Borough of Staten Island, Community District 3, as shown on a diagram (for illustrative purpose only), dated May 6, 2013.

The application for an amendment to the Zoning Map, Section No. 32d, was filed by the Economic Development Corporation and Bricktown Pass LLC on April 30, 2013 to rezone several blocks generally bounded by Bricktown Way, Veterans Road West, Arthur Kill Road and Englewood Avenue, from an M1-1 District to C4-1 and R3-2 districts to facilitate a phased mixed use development including approximately 279,000 square feet (SF) of retail space, a 15,000SF New York Public Library, 162 units of senior housing, a 750-seat public school and 43 acres of parkland in Community District 3 of Staten Island.

RELATED ACTIONS

In addition to a zoning map amendment which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission (CPC) or its Chairperson on the following applications which are being considered concurrently with this application:

- C 130229 MMR City Map Change to establish Bricktown Way, Tyrellan Avenue, Englewood Avenue, Fairview Park and Conservation Area; and extinguish 10 unbuilt record streets
- C 130289 PSR Site Selection of property for use as a public library
- C 130288 PQR Acquisition of property for use as a public school
- C 130290 PQR Acquisition of property easement to facilitate pedestrian, vehicular and bicycle access
- N 130285 RAR Authorization pursuant to 107-64 for removal of Trees
- N130286 RAR Authorization pursuant to 107-65 for modification of existing topography
- N130287 RAR Authorization pursuant to 107-68 for modification of group parking facility and access regulations
- N 130283 ZAR Authorization pursuant to 36-023 for site planning in C4-1 District
- N 130284 ZAR Authorization pursuant to 36-023 for reduction of parking requirement in C4-1 district
- N 130282 RCR Certification pursuant to 107-08 for future subdivision
- N 130280 ZCR Chairperson’s certification pursuant to 36-592 for cross access connections
- N 130281 ZCR Chairperson’s certification pursuant to 36-596 (a) that no cross access connection is required

BACKGROUND

Related applications by the New York City Economic Development Corporation (EDC), Bricktown Pass LLC, New York City Department of Citywide Administrative Services (DCAS), New York City Department of Parks and Recreation (DPR), New York City Department of Transportation (DOT) and New York Public Library (NYPL) seek approval of several land use actions to facilitate the construction

of a mixed-use development including retail use, a public library, park, senior housing and school on a 93 acres predominantly city-owned site in the South Richmond section of Staten Island.

Area and Site Description

The 93-acres project site is generally bounded by Englewood Avenue, Arthur Kill Road, Bricktown Way and Veterans Road West in the Charleston neighborhood. It is located near arterial highways including the West Shore Expressway to the east and the Richmond Parkway providing direct connections to the Outerbridge Crossing to the south. The project site is vacant, undisturbed and largely covered by trees and other vegetation. Portions of the site include wetlands, areas of archeological remains of a historic mansion-Krischerville, and trails formed by pedestrians and horse riders. The eastern portion of project site contains a mixture of natural areas which was set aside as a conservation area as part of a previous City Planning Commission action as described below.

The northern boundary of the project site is defined by Englewood Avenue. A portion of Englewood Avenue, a portion of which, between Arthur Kill Road and Kent Street, is built but unimproved. The paved width varies from 20 to 30 feet. There are a mix of uses including one- and two-story detached homes, horse stables, commercial and industrial storage and warehouse buildings located on both sides of the street. Englewood Avenue, between Kent Street and Veterans Road West is mapped but un-built and abuts the Clay Pit Pond State Park Preserve to the north and the city's preservation area to the south. A portion of Englewood Avenue along this section is under New York State jurisdiction and the remainder is under New York City jurisdiction. The western boundary of the project site is generally defined by Arthur Kill Road. The uses along Arthur Kill Road are also mixed including an MTA/NYCT bus depot, a shooting range, and a vacant site occupied by the landmarked Kreisler House. West of Arthur Kill Road is a 190-unit senior housing complex called the Tides at Charleston. Veterans Road West and Bricktown Way West form the southern boundary of the project site. There are a variety of uses located along Veterans Road West including a storage facility, nursery and contractor's office. Along Bricktown Way (formerly known as Mohr Street) is the Bricktown Shopping Center, a large format retail center spanning across three separate adjacent blocks. Bricktown Way is a privately-owned street providing public access to the shopping center. The eastern boundary of the project site is bounded by Veterans Road West which abuts the West Shore Expressway and Bloomingdale Park, a city park, to the east.

The project site is located in an M1-1 District within the Special South Richmond Development District (SSRDD). M1-1 Districts typically allow light manufacturing and community facility uses with a

maximum allowable FAR of 1.0 and 2.40, respectively. The maximum streetwall height is 30 feet and the allowable height is based on a sky exposure plane located above the maximum streetwall height.

The surrounding area has a mix of zoning classifications. The area north of the project site is zoned M1-1. The immediate Charleston neighborhood to the northwest is also mapped “Special Area M” as defined in the SSRDD. Low-density residential use is permitted through a City Planning Commission discretionary review. The area to the west and east of the site is zoned R3-2 District, allowing low-density residential use with a maximum allowable FAR of 0.5, 0.95 FAR for non-profit residences for elderly, and a maximum building height of 35 feet. The area south of the site is zoned M1-1 and C8-2 along Veterans Road West and Bricktown Way, allowing low-density commercial and light-manufacturing uses including automotive, retail, custom manufacturing uses, with a maximum allowable FAR of 1.0 and 2.0 respectively.

Project Background

The project site was originally part of a 130 acre city-owned site. In 1978, the City Planning Commission approved the disposition (C 780161-163 PPR) of the site with conditions that “no large open commercial amusement establishment as listed in Use Group 15 of the Zoning Resolution be permitted.”

Approximately 10 acres of the site along Arthur Kill Road was set aside for MTA/NYCT bus depot. In 2002, the City in agreement with the Borough’s elected officials crafted a mixed use program for the remaining 120 acres including a conservation area, park, school, senior housing facility, retail use and the mapping of Englewood Avenue.

In 2002, the City Planning Commission approved several land use actions for an approximately 42 acre site to facilitate the development of the Bricktown Shopping Center and the construction of Bricktown Way and Tyrellan Avenue. As environmental mitigation in connection with the retail development, approximately 20 acres was set aside as a permanent conservation area and the city committed to develop another approximately 22 acres as a city park. In 2004, DPR submitted a mapping application to map approximately 42.6 acres as parkland –approximately 22.5 acres as active park site and approximately 20.1 acres as conservation area. The application was withdrawn after a lawsuit, in which the Court required a comprehensive Environmental Assessment Statement of the full long-range plan for all of the proposed uses in the remaining portion of city-owned site. In 2011, EDC identified two additional sites – approximately 11 acres and 7.3 acres, for retail development and issued an RFP to select a developer for the retail sites and complete the environmental assessment for the long-range project.

Project Description

The applicant is proposing to develop approximately 66 acres and conserve approximately 20 acres of the project site. The project would be built in two phases. Phase I would include the development of Retail Site A -approximately 11 acres, the proposed Fairview Park -approximately 23 acres, preservation of conservation area -approximately 20 acres, and mapping of public streets – approximately 6.4 acres. The projected development considered for Phase II includes Retail Site B -approximately 7.3 acres, senior housing -approximately 9 acres, and a public school -approximately 5.8 acres, mapping and building of Englewood Avenue –approximately 5.9 acres. In addition utility access corridors would be provided for each phase totaling approximately 3.2 acres.

Phase I Development

Retail Site A: This is an approximately 11 acre site located on the north side of Bricktown Way with approximately 895 feet of frontage along Bricktown Way. The proposed Fairview Park abuts the site to the west for approximately 576 feet and north for approximately 872 feet. The remaining 447 feet of frontage to the east abuts the Bricktown Shopping Center. The proposed development at Retail Site A would include four commercial buildings and a branch of the New York Public Library (NYPL) for a total floor area of approximately 189,060 SF with 633 accessory parking spaces.

The primary vehicular access to the retail site would be from a 60-foot wide curb cut, providing two lanes of traffic in each direction, located at the intersection of Bricktown Way and Tyrellan Avenue. A 30-foot wide curb cut providing for a secondary access from Bricktown Way is located at the western end of the site, providing for one lane of traffic in each direction. The proposed buildings would be located along a 30-foot wide internal road system which would connect the primary and secondary vehicular accesses, the accessory parking spaces and loading area. A total of 6 loading bays are proposed and would be located behind the commercial buildings. The loading areas would be accessible via a 14-foot wide internal road. A separate 30 feet wide curb cut would provide a vehicular exit to Bricktown Way from the loading area on the west side of the site.

Retail Site A would also include a branch of the NYPL. An approximately 18,647 SF area would be set aside at the north-west corner of Retail Site A for the development of a two-story, 15,000 SF branch library building. The library site is centrally located between the proposed active uses in the adjacent Fairview Park and the surrounding retail uses on Retail Site A. Two pedestrian access ways would be provided between the park and library via a 16-foot wide and a 4-foot wide gateways on the north and west sides, respectively. The access ways would remain open during Parks hours and be operated by the

designated developer - Bricktown Pass, LLC. Of the 633 parking spaces provided on Retail Site A, 15 spaces would be shared with the library and 30 spaces with the adjacent Fairview Park. These parking spaces would be maintained by the developer of Retail Site A. An easement agreement with the City and developer would be developed to ensure maintenance and public access to the library site from Bricktown Way for pedestrians, bicycles and vehicles.

Fairview Park: The proposed recreational parkland, approximately 23 acres consists of both active recreation facilities (approximately 7.5 acres) and passive recreational uses (approximately 15.5 acres). The active recreation facilities consisting of a soccer field, tennis courts, baseball field, bocce courts and a comfort station, would be located in the middle of the project site adjacent to the retail uses, library, school and senior housing sites. The remaining parkland would provide passive recreational uses and remain largely in a natural state. A parking lot with approximately 60 parking spaces would be located near the soccer field with vehicular access from Bricktown Way. Bike and pedestrian access and horse trails would be provided through the park with direct access to the proposed public and private developments adjacent to the park and surrounding neighborhoods.

Conservation Area: In addition to the recreational park, approximately 20 acres of the project site which was previously committed in 2002 as a conservation area would be formerly mapped as parkland to remain in its natural state. It is located on the eastern side of the project area. The conservation area is adjacent to Clay Pit Pond State Park Preserve to the north, but these two areas are separated by the mapped, but unbuilt Englewood Avenue which is located between them.

Phase II Development

Retail Site B: An approximately 7.3 acre site located at the north-east corner of Arthur Kill Road and Veterans Road West has been targeted for a future development of approximately 90,000 SF of retail space with approximately 300 parking spaces on-site. No developer has been selected for this site and the proposed development plans were used for purposes of zoning analysis only. The proposed rezoning would allow the proposed retail uses, however the future development, as proposed, would require additional City Planning Commission actions related to SSRDD and potentially additional discretionary zoning actions.

Senior Housing: An approximately 9 acre site located at the corner of Englewood Avenue and Cosmen Street has been targeted for a future senior housing development. It is proposed to include approximately 162 residential units, of which approximately 80 units would be multi-family affordable rental units and

the remaining approximately 82 units would be market rate owner-occupied detached units. The senior housing development would also provide approximately 195 on-site parking spaces and a community center. No developer has been selected for this site and the proposed development plans were used for purposes of zoning analysis only. The proposed rezoning would allow residential uses, however the future development, as proposed, may require future City Planning Commission actions related to SSRDD and additional discretionary zoning actions.

School: An approximately 5.8 acres site located on Englewood Avenue between the proposed senior housing and the existing Conservation Area would be developed for a public school by the School Construction Authority (SCA). It is proposed to be a combined elementary and middle school serving kindergarten through 8 grades with an approximately 750-seat capacity. It is estimated that approximately 60 parking spaces would be provided. It is proposed to share the use of the active recreational uses located in the adjacent Fairview Park.

To facilitate the phased development streets would be mapped and built including mapping of existing privately-owned built streets, and mapping and rebuilding unmapped streets. Rebuilding of street would occur in Phase II.

Street: Approximately 12.3 acres would be mapped and build as streets. The existing Bricktown Way and Tyrellan Avenue are existing, privately-owned streets built to a width of 85 feet and 70 feet respectively. They are proposed to be mapped to their existing built width. These streets constitute approximately 6.4 acres of proposed mapped street. These streets are privately-owned and would remain in private ownership, but the city would acquire a public easement to guarantee future public unrestricted vehicular, pedestrian and bicycle access over Bricktown Way and Tyrellan Avenue. Englewood Avenue is currently mapped to a width of 80 feet between Kent Street and Veterans Road West and is partially built to a varying width west of Kent Street till Arthur Kill Road. It is proposed to be mapped over existing public and private properties at a width of 80 feet between Arthur Kill Road and Kent Street. A continuous mapped width of 80 feet between Arthur Kill Road and Veterans Road West would allow for a 52 feet wide road providing two travel lanes in each direction, a parking lane, side walk, and a pedestrian and bicycle pathway. Rebuilding of Englewood Avenue constitutes approximately 5.9 acres.

LAND USE ACTIONS

The following actions are required to allow for the proposed development on the project site.

Zoning Map Amendment (C130279ZMR)

The proposed actions include a rezoning of the project site from M1-1 to C4-1 and R3-2 Districts. The proposed C4-1 District would be mapped in two locations; on the north side of Bricktown Way between Tyrellan Avenue and Fairview Park to allow for the development of Retail Site A, including the NYPL branch; and at the corner of Veterans Road West and Arthur Kill Road to allow for the development of Retail Site B. The rezoning Along Arthur Kill Road would also include two private parcels that are not part of the proposed development site. These two private sites are currently used for contraction open storage and parking. A C4-1 District allows 1.0 FAR of commercial and 2.0 FAR of community facility uses with a maximum streetwall height of 30 feet or 35 feet for a mixed commercial and community facility development. The allowable height is based on a sky exposure plane located above the maximum streetwall height. In a C4-1 District residential use, up to 1.25 FAR is permitted, however, within the borough of Staten Island it requires a City Planning Commission special permit. The parking requirement for a C4-1 District is one parking space per 100 SF for UG 6 and one parking space per 150 SF for library use. However, the maximum number of permitted parking spaces for an accessory group parking is 30 in the SSRDD, unless authorized by the City Planning Commission.

The proposed R3-2 District would be located on the south side of Englewood Avenue from Cosmen Street to a point approximately 370 feet east of Kent Street to allow for the proposed development of senior housing and a public school on the project site. An R3-2 District allows 0.50 FAR for residential use, 0.95 FAR for non-profit residences for elderly with a maximum building height of 35 feet including the ridge line for residential use. For community facility uses a maximum of 1.0 FAR is permitted and the allowable height is based on a sky exposure plane located above the height of 25 feet.

City Map Change (C130229MMR)

The proposed actions include amendments to the City Map to establish several streets, Fairview Park and the extinguishment of several record streets within and adjacent to the area bounded by Veterans Road West, Englewood Avenue, and Arthur Kill Road. Specifically, the proposed changes to the City Map include:

- Establishment of Englewood Avenue between Arthur Kill Road and Kent Street on the city map
This approximately 1,800-foot section is currently partially built but would be mapped to the

proposed width of 80 feet to allow for a proposed 52 feet wide paved roadbed and adjacent sidewalks. Small portions of a number of adjacent private tax lots are located within the northern and southern boundaries of the proposed mapped street and would need to be acquired. The City would acquire the property necessary for the construction of Englewood Avenue prior to the start of construction.

- Establishment of Bricktown Way and Tyrellan Avenue north of Veterans Road West on the city map. Bricktown Way is an existing private street that would be mapped to a width of 85-feet. The subject portion of Tyrellan Avenue, between Veterans Road West and Bricktown Way, is also a built private street and would be mapped to a width of 70-feet. Public accessibility to the subject portions of Bricktown Way and Tyrellan Avenue (approximately 6.4 acres) would be made possible by the granting of an easement from the property owner to the City. The easement would provide access to the proposed mapped park and Retail Site A. Bricktown Way and Tyrellan Avenue would continue to be privately owned and maintained until the City acquires fee title to the property.
- Establishment of an approximately 43-acre Fairview Park on the city map. The park would include the existing 20 acre conservation area and proposed new 23-acre addition for active and passive uses.
- Extinguish Third Street, Pembine Street, Bayne Street, Goethals Avenue, Burr Avenue, Claude Street, Alice Street, Baxter Street, Beaver Street, and Cady Avenue in their entirety from the city map. These ten record streets are currently mapped to a width of 50 feet, respectively, but are not built, and are located in the Conservation area, the proposed school site and Fairview Park.
- Extinguish Coke Street south of Englewood Avenue. Coke Street is a record street that is currently mapped to a width of 50 feet but is not built.

Site Selection (C130289PSR)

To facilitate development of a NYPL branch within Retail Site A, a site selection action is required. The site, approximately 18,647 SF, would be located in the northwest corner of Retail Site A, and is proposed to be developed with a two-story, 15,000 SF branch library. The library site is centrally located between the proposed active uses in the adjacent Fairview Park and the surrounding retail uses on Retail Site A. Two pedestrian access points would be provided between the library and Fairview Park. Fifteen shared parking spaces would be provided for the library. These parking spaces would be owned and maintained by the developer of Retail Site A at no cost to the city or the NYPL.

Acquisition of Property (C130288PQR)

Approximately 5.9 acres of the project site has been indentified for the development of a future public school. All existing tax lots proposed for the school site are under city ownership except for an approximately 4,000 SF parcel located in Block 7375, Lot 7. It is located in the interior of the proposed school site. The City is proposing to acquire the site to facilitate the development of the school. The acquired lot would be conveyed to SCA together with the remainder of the site which is currently city-owned, to form an assemblage for the development of the project. The acquisition of the vacant lot would facilitate the future development of a 750-seat public school for kindergarten through 8 grades pursuant to the proposed zoning.

Acquisition of Property for A Public Easement (C130290PQR)

An acquisition of property for a public access easement for unrestricted vehicular, pedestrian and bicycle access over Bricktown Way and Tyrellan Avenue is proposed. These are built, private streets providing access to the existing Bricktown Shopping Center. The City is proposing to map the streets; however the streets would remain under private ownership. The access easement would extend over Bricktown Way from Veterans Road West to the east to Veterans Road West to the south; and over Tyrellan Avenue from Veterans Road West to the south to Bricktown Way to the north. Bricktown Way would provide primary access to Retail Site A, the library and the proposed Fairview Park.

In addition to the above stated actions the following actions are required to facilitate the development of Retail Site A pursuant to the SSRDD and C4-1 District regulations. These actions require City Planning Commission authorizations and certifications from the Chairperson of the City Planning Commission.

ZR Section 107-64: Removal of trees (N130285RAR)

To facilitate the development on Retail Site A there is a need to modify the topography to allow for the accessory parking lots. Pursuant to Section 107-321 of the Zoning Resolution trees are permitted to be removed in areas to be occupied by buildings, driveways and in areas required for accessory parking. The site contains approximately 333 trees that are more than 6 inch caliper or greater. Authorization for removal of the trees is requested: to facilitate the development of the proposed retail center building, NYPL, parking and circulations; and because the trees are located where more than two feet of cur or fill is required. The development on the site would result in cuts and fill of approximately 86,927 cubic yard and 1,445 cubic yard, respectively. The proposed development complies with the required parking lot landscaping, screening and buffering regulations for the retail site. It would plant a total of 169 trees with

three inch caliper, four inch wide densely planted shrubs in and around the parking lot, in addition to 30 street trees along Bricktown Way.

ZR Section 107-65: Modification of existing topography (N130286RAR)

Pursuant to Section 107-65 of the Zoning Resolution modification to topography is permitted based upon the determination that the development is not feasible without such modifications, it would not cause unnecessary disturbance of the drainage pattern in the area, and it would have minimal impact on the existing topography and blend harmoniously with it.

Retail Site A slopes up from Bricktown Way, at the front of the site, to the rear of the site. The grade change from the lowest elevation point is approximately 26.13 feet. A modification to the topography is proposed to ensure that the accessibility routes through and around the proposed public parking lots would not to exceed a three percent slope to meet ADA requirement, and to provide a level grade for the pedestrian connections between the library and adjacent Fairview Park. The proposed modification of grades would also minimize the need for retaining walls along the adjacent parkland boundary. Finally, an archeological sensitive site is located within 300 feet of Retail Site A and within the proposed parkland. The location of the sensitive site affects the placement and grade proposed for the uses on the parkland. To minimize the transition of grades between the park and the retail site the topography of the retail site is proposed to be modified.

The proposed modification of grades would result in a change in topography in excess of two feet outside of the proposed building footprints. The proposed modification would require a total of 86,927 cubic yard of cut and 1,449 cubic yard of fill on Retail Site A. To accommodate a level grade elevation with the adjacent parkland to the east and west, the elevated grade change would be evident along Bricktown Way and addressed via a sloped landscaped berm, approximately 210 linear feet along this street frontage. The height of the berm would range from one foot near the intersection of Bricktown Way and Tyrellan Avenue to eight feet at the western end of Retail Site A. In addition, a retaining wall on the eastern side of the zoning lot would be required to address the grade change from Retail Site A, an elevation of approximately 104 feet at the eastern end, to Bricktown Shopping Center, an elevation of approximately 91 feet.

Therefore, modification of existing topography is requested in order to make development of the site feasible with proper site planning for drainage, landscaping, manageable slope for parking area, as well as

pedestrian connection between two public amenities –the library and park and surrounding uses, and minimize extensive use of retaining walls.

ZR Section 107-68: Modification of Group Parking Facility and Access Regulations (N130287RAR)

In SSRDD the maximum accessory parking spaces permitted for a group parking facility for commercial and community facility uses is 30 spaces. The Commission may authorize an increase in the number of parking spaces based upon review of the site plan and a determination that vehicular access and egress would not draw traffic through local streets in nearby residential areas.

The proposed development would include a total of 189,060 SF of retail and NYPL, and 633 accessory parking spaces. The proposed parking areas would be accessed primarily from Bricktown Way and Tyrellan Avenue; neither of these streets are identified in SSRDD as arterial streets. The site is surrounded by retail and storage facilities within M1-1 and C8-2 Districts. Access to the site traffic would not require traveling to and through local streets in residential areas. Three new curb cuts are proposed along Bricktown Way to provide access to the parking lot and loading areas. The findings relate to traffic and pedestrian safety.

ZR Section 36-023: Applicability of Regulations in C4-1 District for Site Planning (N130283ZAR)

Pursuant to Section 36-023 of the Zoning Resolution group parking facilities located in zoning lots that are in excess of four acres must ensure that layout of parking spaces are arranged and located in relation to the use and provide adequate access and circulation.

Retail Site A is in excess of 4 acres and is proposed to be rezoned to a C4-1 District. A group parking facility proposed for the retail site would provide 633 spaces. The site would be accessed from two curb cuts located on Bricktown Way. The primary access would be from a 60 feet wide curb cut at the intersection of Tyrellan Avenue with two lanes in each direction. The secondary access, 30 feet wide, would be located to the west with a single lane in each direction. A loading exit way would be provided at the western end of the site to Bricktown Way. The primary and secondary access ways would be connected by a 30 feet wide internal road system. All buildings would be accessible from the internal road. Six loading areas would be provided at the back of the retail buildings. A 14-foot wide loading path would provide access to the loading areas. The proposed site plan meets the landscaping requirements for the parking area.

ZR Section 36-023: Applicability of Regulations in C4-1 District for parking reduction

(N130284ZAR)

The applicant of Retail Site A is proposing to reduce the parking requirement of Section 36-21 of the Zoning Resolution by an amount not exceeding 50 percent, provided that the proposed parking is sufficient for the use proposed. A total of 1,177 parking spaces is required – 1,162 spaces for retail and 15 spaces for library. The applicant is proposing to provide a total of 633 parking spaces (a reduction of 47 percent). According to the FEIS it is projected that a maximum peak demand for 508 spaces would occur on a typical weekend between 1 and 2 PM. The proposed reduction to 633 spaces would be able to meet peak demand.

ZR Section 107-08: Future Subdivision of land (N130282ZCR)

To allow for subdivision of zoning lots greater than five acres in size, the future subdivision shall preserve existing topography and trees to the greatest extent possible, and provide vehicular circulation system.

Future subdivision is requested to create four zoning lots to facilitate the proposed Phase II development, which includes Retail Site B, senior housing and the public school. The elevation throughout the subdivision area varies between 38 and 127 feet. Though no developer has been selected for two of the sites and the proposed development plans were used for purposes of zoning analysis, topographic modification would be required at a minimum to allow for accessible internal roadways and parking facilities. A total of 1,112 trees have been identified on the proposed zoning lots and majority of the trees are 6 to 10 inches in diameter. The proposed developments on the zoning lots would result in removal of the trees. The proposed Retail Site B parcel would have vehicular access from Arthur Kill Road and Veterans Road West. Arthur Kill Road is a designated arterial and therefore Retail Site B may require a future City Planning Commission action to allow access from Arthur Kill Road. The vehicular access to proposed zoning lots for the senior housing and public school sites would be from Englewood Avenue which is proposed to be mapped to a width of 80 feet from Arthur Kill Road to Kent Street. It is not a designated arterial. Building of Englewood Street would be needed to provide access to these two development sites. In addition, the existing zoning lot does not contain designated open space. The development plan of the project site conserves majority of the natural areas and wetlands by designating such areas as conservation area and parkland.

ZR Section 36-592: Chairperson’s Certification for providing Cross Access Connection

(N130280ZCR)

Cross access connection to adjoin zoning lot is required to facilitate vehicular circulation between adjacent commercial sites that have separate ownership. The proposed zoning lot would provide approximately 189,060 SF of floor area for commercial and community facility uses, and 633 accessory parking spaces. The applicant is proposing three cross access connections along Bricktown Way, a proposed mapped street that would remain under private ownership. Retail Site A has approximately 895 linear feet of frontage along Bricktown Way. The cross access connection located at the intersection of Bricktown Way and Tyrellan Avenue would be 60 feet wide. The remaining two cross access connections, also located along Bricktown Way, would be 30 feet wide. Two of the cross access connections are located to provide access to the parking lot and internal road, and one cross access connection is located to accommodate an exit lane for delivery vehicles only.

ZR Section 36-596: Chairperson’s Certification for waiver of Cross Access Connections

(N130281ZCR)

A certification that no cross access connection is required can be waived where the grade change is greater than 15 percent along zoning lot lines. The zoning lot for Retail Site A shares a zoning lot line of approximately 446 linear feet on the east side with an adjacent zoning lot consisting of retail use-Bricktown Shopping Center. The existing grade at the north eastern and south eastern corners of Retail Site A is approximately 106 and 108 feet respectively. The proposed topographic modification would reduce the elevation to approximately 104 feet. The adjoining grades in Bricktown Shopping Center on the north eastern and south eastern corners are approximately 91 feet and 97 feet respectively. Even with the proposed topographic modification there would be a grade change of 7 to 13 feet along the east side which is more than 15 percent of grade change, thus making cross access connection infeasible. Therefore, the applicant is requesting cross access waivers on north and south eastern ends of the zoning boundary.

ENVIRONMENTAL REVIEW

This application (C 130279 ZMR) 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 lead agency is the Office of the Deputy Mayor for Economic Development. The designated CEQR number is 13DME001R.

It was determined that the proposed actions may have a significant effect on the environment and that an Environmental Impact Statement would be required for the following reasons:

- The proposed project would require a rezoning as well as several authorizations and certifications from the City Planning Commission (CPC). Thus, the potential effects on land use and land use trends, zoning and public policy will be further examined in an environmental impact statement;
- The proposed project would introduce new development of approximately 684,030 square feet plus associated on-site parking. Thus, the potential for a socioeconomic effects cannot be ruled out;
- The proposed project also includes residential and commercial development that is expected to generate over 200 residents and 500 employees. Thus, the potential for an open space impact cannot be ruled out;
- The proposed project is located within and adjacent to areas with designated and potentially eligible historic resources. Thus, the potential for a historic resource impact cannot be ruled out;
- The proposed project would potentially lead to a substantial physical alteration to the streetscape or public space that is not currently allowed by existing zoning, or would result in obstruction of publicly accessible views to visual resources that is not currently allowed by existing zoning. Thus the potential for an urban design/visual resource impact cannot be ruled out;
- The proposed project is located adjacent to and across the street from sun-light sensitive resources. Thus, the potential for shadow impacts cannot be ruled out;
- The proposed project contains substantial areas of vegetation and wetlands. Thus the potential for a natural resource impact cannot be ruled out;
- The proposed project is in an area currently zoned for industrial use and there are commercial/industrial businesses present. Thus the potential for a hazardous materials impact cannot be ruled out;
- The proposed project would lead to a significant amount of stormwater runoff. Without proper management, there is a potential for significant water and sewer infrastructure adverse impacts and potential impacts cannot be ruled out;
- The proposed project would generate more than 50 vehicle trips at key intersections during several peak hours in the vicinity of the project site, as well as create a potentially large demand for parking spaces. The project thus has the potential to create significant adverse transportation impacts;
- The proposed project would introduce a number of new structures into relative proximity of each other creating the potential for building impacts from vents for HVAC systems. In addition, the proposed project would result in sensitive receptors including school and residences in areas adjacent to manufacturing uses. Therefore, the potential for air quality impacts cannot be ruled out;
- The proposed project would result in the development of greater than 350,000 square feet. Thus, a Greenhouse Gas emissions analysis for operational and construction activities will be included as part of the environmental impact statement;
- The proposed project is in the vicinity of major traffic arterials that act as noise sources, including the West Shore Expressway and the Outer Bridge Crossing approaches. In addition, the Colonial Rifle and Pistol Club directly adjoins the project area. Therefore, the potential for noise from these sources impacting future residents and park users cannot be ruled out;

- The proposed project area is predominantly vacant and covered with vegetation and wetlands that would be significantly transformed by the construction of new senior housing, retail shopping centers and a school. Thus, the potential for significant adverse neighborhood character impacts cannot be ruled out; and
- Construction activities resulting from the proposed project are expected to span in excess of two years. Thus, the potential for significant adverse impacts from construction activities cannot be ruled out.

A Positive Declaration was issued on September 28, 2012, and distributed, published and filed and the applicants were asked to prepare or to have prepared a Draft Environmental Impact Statement (DEIS).

The applicant prepared a DEIS and a Notice of Completion for the DEIS was issued on May 2, 2013. Pursuant to SEQRA regulations and the CEQR procedures, a joint public hearing was held on the DEIS on July 24, 2013, in conjunction with public hearings on the related Uniform Land Use review Procedure (ULURP) items (s) (C 130229 MMR, C 130289 PSR, C 130288 PQR, C 130290 PQR). The Final Environmental Impact Statement (FEIS) was issued on August 30, 2013. The Notice of Completion for the FEIS identified the following potential significant adverse impacts, as well as mitigation measures to address these impacts:

HISTORIC AND CULTURAL RESOURCES

Specific plans are under preparation for the development of Retail Site “A” and for the proposed Fairview Park. Construction on these parcels has the potential to disturb or destroy other prehistoric archaeological sites and areas that possess archaeological potential that have never been surveyed. These resources and proposed mitigation strategies are noted below:

- ***Fairview Park.*** Two sites with historic and cultural resources have been identified within the current location of the proposed Fairview Park: *Fairview Prehistoric Site (NYS Site A08501.002815)* and *Balthasar Kreischer Estate (Fairview) Ruins (NYS Site A08501.002814)*. To avoid impacts on these resources, the proposed Fairview Park has been designed to minimize the potential for adverse impacts to these identified archaeological sites. In the northwest portion of the proposed park where these sites are located, the Fairview Park plan would retain the existing walking trails with minimal changes to any surrounding areas. While the park would include playing fields and other active recreation facilities, none of them would be located in this area, avoiding major grading and topographic changes that could result in impacts to these resources. With this resource-avoidance design, combined with careful attention to the presence of those resources during construction of other aspects of the park, adverse impacts to these resources due to the proposed park would be avoided.
- ***Retail Site “A”.*** A prehistoric site was located during the Phase IB survey atop a prominent knoll in the east-central portion of the current Project Area where Retail Site “A” would be developed. To mitigate the loss of portions or components of this prehistoric site, further archaeological investigation will be required to be undertaken in the parkland and on Retail Site “A” prior to construction or any ground disturbing activities. A Scope of Work for archaeological field testing will be prepared and submitted to the NYCLPC for review and approval prior to any ground

disturbance. The exact protocol to be used for excavation, resource recovery and documentation would be defined in consultation with the NYCLPC prior to the initiation of work, all of which would occur prior to any construction activities in that portion of the Retail Site “A” parcel. Remedial measures, which could include Phase 1B testing and, if needed as determined by NYCLPC based on the results of the Phase 1B testing, any necessary Phase 2 and 3 investigations, and continued consultation with NYCLPC and, if appropriate, OPRHP, will be required to be undertaken by the developer through the provisions the Contract of Sale between the City and the developer(s).

Further archaeological investigation will be required to be undertaken in the parkland and on Retail Site “A” (limited to the area identified in the quadrant as C4-MCB-1) prior to construction or ground disturbing activities. A Scope of Work for archaeological field testing will be prepared and submitted to the New York City Landmarks Preservation Commission (NYCLPC) for review and approval. Remedial measures, including Phase 1B testing, and if needed as determined by NYCLPC based upon the results of the Phase 1B testing, any necessary Phase 2 and 3 investigations, and continued consultation with NYCLPC and, if necessary, OPRHP, will be required to be undertaken by the developer(s) through the provisions of a contract for sale or lease, or other legally binding agreement between NYCEDC or the City and the developer(s).

The other components of the Proposed Project; Englewood Avenue, the school and the senior housing, would not be developed until 2020 and no specific plans exist at present. Consequently, the full potential for these Proposed Project components to result in significant adverse impacts on identified historic or prehistoric resources is not yet known. The potential cultural resources of concern are:

- **Englewood Avenue.** In addition to the known prehistoric “*Site A7-MCB-1*” It is possible that remains of prehistoric occupation are present elsewhere in this 80-foot wide linear corridor. Given the density of prehistoric site locations already identified for this portion of Staten Island, it is possible that other intact prehistoric resources are present.
- **Retail Site “B”.** Block 7494: Lots 8, 90, 95, 97, and 183 - Retail Site “B” (*Features associated with occupation by Shea or Beckman families. Remnants of prehistoric occupation*) and Block 7487, Lot 100 – Retail Site “B”. Block 7487 (some areas within the existing sewer easement line running have not been previously surveyed).
- **Senior Housing Site.** *Fairview Prehistoric Site (NYS Site A08501.002815) and Balthasar Kreisler Estate (Fairview) Ruins*, as discussed under Year 2015 above.

At this time, there are no specific development proposals for the Senior Housing Site or Retail Site “B” and future developers will be selected pursuant to a RFP process. Further archaeological investigation will be required to be undertaken by the developer(s) after selection. For all developments in the Project Area to be completed by the year 2020, remedial measures, including Phase 1B testing, and if needed as determined by NYCLPC based upon the results of the Phase 1B testing, any necessary Phase 2 and 3 investigations, and continued consultation with NYCLPC and, if necessary, OPRHP, will be required to be undertaken by the developer(s) through the provisions of a contract for sale or lease, or other legally binding agreement between NYCEDC or the City and the developer(s).

With these types of mitigation strategies, adverse impacts to these resources could potentially be avoided or substantially minimized.

NATURAL RESOURCES

The FEIS presents mitigation strategies for impacts to wetlands and habitats that are summarized below.

WETLANDS

It is anticipated that the wetlands impacted by the Proposed Project would require mitigation by the USACE and NYSDEC. Federal Executive Order (EO) 11990 Protection of Wetlands, issued in 1977, is an overall wetlands policy for all agencies managing federal lands, sponsoring federal projects, or providing federal funds to state or local projects. EO 11990 requires that, when a construction project involves wetlands, a finding must be made by the federal agency that there is no practicable alternative to such construction, and that the Proposed Project includes all practicable measures to minimize impacts on wetlands resulting from such use. It requires federal agencies to follow avoidance, mitigation, and preservation procedures, with public input, before proposing new construction in wetlands, and generally requires the minimization of activities in wetlands and coordination with United States Army Corps of Engineers (USACE) regarding wetlands mitigation. If federal funding would be utilized for the Proposed Project, the Proposed Project would need to comply with EO 11990. Wetlands are also regulated under Section 404(b)(1) of the Clean Water Act).

Permits from the USACE for work in and around regulated wetlands would be required; the permits would require compensatory mitigation. Compensatory mitigation is the restoration, establishment, enhancement, or in certain circumstances preservation of aquatic resources to offset a Proposed Project's unavoidable adverse impacts after all appropriate and practicable avoidance and minimization has been achieved (33 Code of Federal Regulations [CFR] Part 332.2). The principal objectives of compensatory mitigation are to replace the functions and values lost from the impacted aquatic resources, and to comply with the goal of no net loss of wetlands.

The NYSDEC prioritizes wetland mitigation options differently than do the USACE and the U.S. Environmental Protection Agency ("USEPA"). NYSDEC guidelines (NYSDEC, 1993) specify that 44 preferably compensatory mitigation should be on site. Off-site mitigation, although generally not preferred, is acceptable in some circumstances; notably, when on-site mitigation is not possible or desirable. NYSDEC guidelines on compensatory mitigation specify that the preferred order of compensatory mitigation is wetland restoration, then creation, and finally enhancement. Also, New York State wetland laws do not allow the use of in-lieu fee programs.

The NYSDEC typically regulates a 100-foot adjacent area to NYSDEC-regulated freshwater wetlands. Mitigation is required for impacts to wetlands and the regulated adjacent area; although, impacts to adjacent areas typically require mitigation of a smaller magnitude than wetlands.

NYSDEC-regulated Freshwater Wetlands within the Development Area are Class II Wetlands. As indicated in Part 663: Freshwater Wetlands Permit Requirements "A permit shall be issued only if it is determined that the proposed activity satisfies a pressing economic or social need that clearly outweighs the loss of or detriment to the benefit(s) of the Class II wetland." Thus, the purpose and need for impacts to these wetlands would need to be demonstrated and the project sponsor would need to demonstrate that the loss of functions and value would be minimized and mitigation performed.

Required Mitigation

It is anticipated that approximately 0.07 acres of NYSDEC- and USACE-regulated wetlands and 0.9 acres of NYSDEC-regulated adjacent areas would require mitigation. Therefore, it is anticipated that the USACE and NYSDEC would require mitigation for the wetlands impacted by the Proposed Project.

If compensatory mitigation is required, regulatory agencies prefer to have mitigation occur within the same watershed as the impacted wetlands. The ratio of mitigation for regulated wetlands and adjacent areas would be determined in consultation with the regulatory agencies. Currently, the amount of regulated wetlands and adjacent areas that would require mitigation is 0.07 and 0.09 acres, respectively. As noted earlier, other wetlands delineated in the area, may be considered jurisdictional by the USACE. If so, additional wetland mitigation may be required.

In addition to other nearby sites, areas within the 20-acre Conservation Area may provide wetland mitigation opportunities to offset the anticipated impacts to Wetlands B and C in 2020. Once design plans for Englewood Avenue are progressed to a sufficient level of detail in 2020, further ecological studies and consultation with involved regulatory agencies would need to be conducted to determine the suitability of the Conservation Area to provide mitigation opportunities in 2020. Some mitigation opportunities may also exist within the proposed Fairview Park section of the Development Area. In the southern portion of proposed Fairview Park, in the vicinity of Wetland A the land area is of lower elevation than much of the Development Area and it is anticipated that hydrology (e.g., sheet flow, runoff, etc.) could be conveyed to this location. Thus, this area should be examined as a potential candidate for wetland creation on site.

The regulatory agencies require post-mitigation monitoring for created and/or enhanced wetlands. Created and/or enhanced forested wetlands usually require longer mitigation monitoring periods than emergent wetlands.

While the location and width of its right-of-way is defined, the plans for Englewood Avenue within that area, especially between CPPSPP and the Conservation Area, are conceptual in nature and have not yet reached the design phase. As the design plans for the roadway advance in the future, it is anticipated that there will be opportunities to minimize impacts on these wetland resources. Design measures that will be considered here include, but are not limited to, minimizing the disturbance footprint to the greatest extent practicable, using grates when possible to reduce shading, treatment of stormwater discharges etc.

FLORA AND HABITATS

Flora

New York City Local Law 3 of 2010 requires trees in public property under the jurisdiction of the NYCDPR to be mitigated (replaced) if removed. Approximately 208 trees would be impacted by the development of Fairview Park. The total amount of mitigation required will be determined after an evaluation of each tree to be removed is performed. The replacement trees will first be considered at the proposed Fairview Park site and then within the surrounding areas of Staten Island Community District 3.

Habitats

General recommendations presented for the preservation of habitats includes:

- Vernal Pool Habitat Preservation and/or Creation. – Only Wetland B has been identified as a vernal pool habitat meeting all four criteria. Many of the small wetlands on site that will be lost due to construction are small isolated depressions that likely serve as vernal pool habitat only in the late winter and early spring. For any wetland habitats that do not occur within the build footprints, a vegetated buffer should remain in place around them. These areas should have a vegetated buffer around them. Also, during construction appropriate measures would be taken to ensure that existing vernal pools are not directly or indirectly impacted by construction activities.
- Bird Conservation Area – The NYSDEC designated CPPSPP Bird Conservation Area could be officially be extended to include the approximately 20-acre Conservation Area.

- Invasive and Nuisance Species Removal – restoration programs should include a program for the removal of invasive plants and nuisance species and the reintroduction of native plant species, especially in recently disturbed habitats and along the edges of habitats. Where possible, parcel development will include removal of nuisance and invasive species and inclusion of native and noninvasive species.

The specific mitigation presented in the FEIS was for the use of culverts or other structures underneath Englewood Avenue (portion between CPPSPP and Conservation Area) road surface are recommended to allow for the passage of fauna under the roadway is advisable as part of the eventual design of this roadway. This would also maintain suitable travel ways for organisms between CPPSPP and the Conservation Area. Plans for underpasses, wildlife crossings, etc. would be designed in consultation with the appropriate regulatory agencies. A nuisance and invasive species removal program could be targeted along the edges of Englewood Avenue.

THREATENED AND ENDANGERED SPECIES

There is a small colony of Torrey mountain mint growing along the edge of an expanding wood line in the southeast portion of Retail “A.” Boneset plants were observed in the southern and central portion of the Development Area. Also, another 20-30 specimens were observed in the central successional old field. Below are the mitigation options presented in the FEIS to offset the potential impacts to these species.

- **Torrey’s mountain mint** – Given the success of the Bricktown Plan’s propagation, it is proposed that a similar propagation program be implemented to mitigate the displacement of the mountain mint colony identified on Retail Site “A.” Trans-located stock, soil, cuttings, and seeds from the Retail Site “A” mountain mint colony would be used to propagate these plants at one or more of NYCDPR’s, successful outplanting parcels or on other suitable NYCDPR-controlled sites to support the continuation of this plant in the area.
- **Boneset** – Updated field surveys will be performed in advance of the 2020 development sites’ construction to determine the extent to which fringed boneset is still present on these sites and the extent to which mitigation would be warranted. If these surveys determine that open field habitats are still present within the Development Area and that they would be displaced by the Proposed Project’s continued development, a portion of these habitats would be maintained as mitigation for the projected loss of these open field habitat areas due to the Proposed Project’s 2020 development sites.

TRANSPORTATION

TRAFFIC

The Proposed Project would result in significant adverse traffic impacts at a number of locations in the traffic study area. The major overall finding of the traffic mitigation analysis is that the majority of the 24 intersections analyzed would either not be significantly impacted or could be mitigated with readily implementable traffic improvement measures, including signal timing and phasing changes, regulation changes to gain or widen a travel lane at key intersections, and lane restriping. These measures represent some of the standard traffic capacity improvements that are typically implemented by NYCDOT.

Based on the identified potential traffic impacts, transportation improvements are recommended at the following intersections for one or more of the four weekday or Saturday peak periods under the year 2015 analysis:

- Allentown Lane-Veterans Road West/Arthur Kill Road;

- Richmond Valley Road/Arthur Kill Road;
- Veterans Road West/Bricktown Way/Korean War Veterans Parkway westbound off-ramp;
- Veterans Road West/Tyrellan Avenue;
- Boscombe Avenue/Outerbridge Crossing Ramps;
- Boscombe Avenue/Tyrellan Avenue;
- Englewood Avenue/Veterans Road West;
- Englewood Avenue/Veterans Road East;
- Veterans Road East-Drumgoole Road West/Bloomingdale Road; and
- Pleasant Plains Avenue-Amboy Road/Bloomingdale Road.

Based on the identified potential traffic impacts, transportation improvements are recommended at the following intersections for one or more of the four weekday or Saturday peak periods under the year 2020 analysis:

- Allentown Lane-Veterans Road West/Arthur Kill Road;
- Richmond Valley Road/Arthur Kill Road;
- Veterans Road West/Bricktown Way/Korean War Veterans Parkway westbound off-ramp;
- Veterans Road West/Tyrellan Avenue;
- Boscombe Avenue/Outerbridge Crossing Ramps;
- Boscombe Avenue /Tyrellan Avenue;
- Englewood Avenue/Veterans Road West;
- Englewood Avenue/Veterans Road East;
- Veterans Road East-Drumgoole Road West/Bloomingdale Road;
- Pleasant Plains Avenue-Amboy Road/Bloomingdale Road;
- Arthur Kill Road/Bloomingdale Road; and
- Englewood Avenue/Arthur Kill Road.

The improvement measures are designed to accommodate the future traffic volumes projected to occur on the roadway network during critical periods of peak traffic activity under the future with the Proposed Project condition; specifically, during the peak 15-minute periods, by both the 2015 and 2020 years.

Each of the highway network-related improvements that involve the widening of streets or highway facilities (such as components of the mitigation measures proposed for Boscombe Avenue/Outerbridge Crossing Ramps and Veterans Road West/Bricktown Way/Korean War Veterans Parkway westbound off-ramp) described in **Chapter 4.0, Mitigation**, beyond the operational improvements which are under NYCDOT jurisdiction, would require a collaborative review process between NYCDOT and the New York State Department of Transportation (NYSDOT). Final design for construction of those measures which do not fall under the jurisdiction of NYCDOT will be further reviewed by NYSDOT closer to the time of construction. These measures represent preferred improvements that would benefit the overall traffic network. If these mitigation measures are modified or rejected by NYCDOT or NYSDOT, significant adverse impacts identified above may be unmitigated.

UNIFORM LAND USE REVIEW

This application (C 130279 ZMR), in conjunction with the application for related actions (C 130229 MMR, C 130289 PSR, C 130288 PQR, C 130290 PQR) was certified as complete by the Department of City Planning on May 6, 2013, and was duly referred to Staten Island Community Board 3 and the Staten Island Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b) along with the related non-ULURP actions (N 130285 RAR, N 130286 RAR, N 130287 RAR, N 130283 ZAR, N 130284 ZAR, N 130282 RCR, N 130280 ZCR and N 130281 ZCR) which were referred for information purposes.

Community Board Public Hearing

Community Board 3 held a public hearing on this and the related applications (C 130229 MMR, C 130289 PSR, C 130288 PQR, C 130290 PQR) along with the related non-ULURP actions (N 130285 RAR, N 130286 RAR, N 130287 RAR, N 130283 ZAR, N 130284 ZAR, N 130282 RCR, N 130280 ZCR and N 130281 ZCR) on May 28, 2013 and, on that date, by a vote of 25 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 130279 ZMR), in conjunction with the related actions (C 130229 MMR, C 130289 PSR, C 130288 PQR, C 130290 PQR) along with the related non-ULURP actions (N 130285 RAR, N 130286 RAR, N 130287 RAR, N 130283 ZAR, N 130284 ZAR, N 130282 RCR, N 130280 ZCR and N 130281 ZCR) was considered by the Staten Island Borough President, who issued a recommendation approving the application on June 28, 2013.

City Planning Commission Public Hearing

On July 10, 2013 (Calendar No. 11), the City Planning Commission scheduled July 24, 2013 for a public hearing on this application (C 130279 ZMR) and the related applications (C 130229 MMR, C 130289 PSR, C 130288 PQR and C 130290 PQR). The hearing was duly held on July 24, 2013 (Calendar No. 32). There were five speakers in favor of the application and none in opposition.

A representative from EDC, DPR, Bricktown LLC, a local resident, and the Staten Island Borough President appeared in favor. The representative from EDC described the project and stated it would achieve the implementation of the goals identified in the *Working West Shore 2030 Study*. The representative from DPR highlighted the park uses proposed for Fairview Park and the design of the

park that would balance the preservation of natural areas with the provision of new active area. The park design would incorporate uses that would address the need of the surrounding communities including equestrian trails and uses complimentary to senior housing in addition to future uses proposed on the project site. A representative for Bricktown LLC spoke about the proposed retail development on Retail Site A, and its synergy with the phased mixed- use development. A resident of an adjacent senior housing community spoke in favor of the project and the site plan that would also leave most of the natural area undisturbed. The Staten Island Borough President was pleased with the outcome of the project which was achieved through a collaborative process with the city agencies, community members and elected officials. The Borough President further highlighted the need for senior housing in Staten Island and was pleased that the plan would ensure a future development of senior housing on a portion of the project site.

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

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY

This application (C 130279 ZMR) in conjunction with the related applications (C 130229 MMR, C 130288 PQR, C 130289 PSR, C 130290 PQR) along with the related non-ULURP actions (N 130285 RAR, N 130286 RAR, N 130287 RAR, N 130283 ZAR, N 130284 ZAR, N 130282 RCR, N 130280 ZCR and N 130281 ZCR) was reviewed by the City Coastal Commission 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 13-042.

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 for a zoning map amendment (C 130279 ZMR), in conjunction with the related actions for a city map change (C 130229 MMR), site selection (C 130289 PSR), acquisition of property (C 130288 PQR), and acquisition of a property easement (C 130290 PQR)

are appropriate, along with the related non-ULURP actions (N 130285 RAR, N 130286 RAR, N 130287 RAR, N 130283 ZAR, N 130284 ZAR, N 130282 RCR, N 130280 ZCR and N 130281 ZCR).

These actions would facilitate the phased mixed-use development of commercial use, a public library, a new park, senior housing and school on approximately 93 acres of predominantly city-owned land. Future development of the site would achieve the implementation of the project goals identified in *Working West Shore 2030 Study*, a culmination of a collaborative two-year effort among City and State agencies, over 300 community members, business leaders and civic stakeholders that crafted a vision for the West Shore of Staten island. The study identified community needs for recreational, housing, educational, cultural and commercial uses as well as preserving and linking existing open spaces and expanding the employment base.

The Commission recognizes that the proposed development plan would locate uses adjacent to existing compatible uses. The uses proposed for build year 2015 -Fairview Park, Retail Site A, and the public library, would be located along an existing roadway –Bricktown Way. Additionally, the traffic generated from these uses would be on existing streets -Bricktown Way and Tyrellan Avenue - that are near other high transit areas and away from residential areas and areas where sensitive natural resources have been identified including Clay Pit Pond State Park and Conservation area in Phase I. The uses proposed for build year 2020 –Retail Site B, a senior housing, public school and build out of Englewood Avenue are also located adjacent to existing compatible uses. Retail Site B would be located along Veterans Road West and Arthur Kill Road, an arterial street, and abut an MTA/NYCT bus depot. The proposed senior housing and public school would be located along the western section of Englewood Avenue that is currently built to a varying width and is proposed to be mapped to a uniform width of 80 feet from Arthur Kill Road and Kent Street. The Commission notes that the proposed development plan has considered the existing topographic condition of the site to minimize topographic changes and removal of trees to the extent possible. The proposed rezoning and mapping of the parkland is responsive to the sensitive natural and archeological resources, including the ruins of Balthasar Kreischer’s 19th century estate and prehistoric remains, all of which would be preserved in Fairview Park’s passive areas. Also the existing network of trails used by equestrians would be preserved by locating the park at the proposed location. Furthermore, the proposed active areas would be placed to the extent practicable on areas that were previously cleared or graded to minimize topographic changes. The Commission believes the proposed development plan would facilitate a well conceived transformative development that would improve the site with a plan that is superior to that which would be permitted as-of-right.

Zoning Map Amendment

The Commission believes that the proposed C4-1 and R3-2 Districts on the project site are appropriate. A C4-1 District mapped along Bricktown Way, and Arthur Kill Road and Veterans Road West would allow for the planned retail development of approximately 189,060SF and 90,000Sf of retail uses on Retail Site A and B, respectively. It would also allow for community facility use including a public library in Retail Site A. The Commission believes that the proposed C4-1 District allows for retail options that are compatible with surrounding existing mixed uses located along Bricktown Way, Veterans Road West and Arthur Kill Road. Proposed Retail Sites A and B are surrounded by local and regional, small and large format retail stores, light manufacturing and community facility uses. The Commission recognizes that retail use would serve the growing residential neighborhoods in south Staten Island and would expand the local employment base. Vehicles accessing these proposed uses would be travelling primarily through Bricktown Way and Tyrellan Avenue via Veterans Road West and Arthur Kill Road. These streets are not local streets and do not go through residential areas. The Commission notes that development of Retail Site B would be subject to future discretionary review. A method of designating a developer has not been determined by EDC for the site.

The proposed R3-2 District mapped on the south side of Englewood Avenue would allow for the planned development of approximately 162 units of senior residential housing and a 750 seat Kindergarten through 8th grade public school in Phase II. The adjacent existing uses are mixed including residential, commercial office and light manufacturing uses, with more commercial and light industrial uses located near Arthur Kill Road. The existing mix of uses along Englewood Avenue is different from those along Bricktown Way, Veterans Road West and Arthur Kill Road which consists of larger and medium format retail use, construction and storage yards, and bus depot. The Commission has also approved mapping of the proposed R3-2 District in the surrounding area to accommodate senior housing development. Of the total 162 units approximately 80 are proposed to be affordable rental units. The senior housing would also provide 195 on-site parking spaces, and a community facility space. The Commission notes that development of senior housing on the site would require additional future discretionary actions. EDC is committed to issuing an RFP in selecting a developer for the senior housing site. The proposed school site would also provide 60 parking spaces. The facility would be developed by SCA at a future time. The Commission recognizes that senior housing and public school would address the changing demography of the borough where it is projected that by 2030 there would be a growth of seniors and young school age population.

City Map Amendment

The Commission believes that the proposed city map amendment for the mapping of parkland, establishment of streets, and extinguishment of record streets is appropriate. This would facilitate the proposed phased 66-acres of mixed-use development plan. The mapping of 43 acres of parkland including 23 acres for Fairview Park and 20 acres of conservation area, would provide for active and passive recreation uses, preserve natural area within Fairview Park and link existing open spaces including Clay Pit Pond State Park. This mapping of parkland is consistent with the commitment of recreational and open space the City made in 2004. The extinguishment of ten record streets is also necessary. The ten record streets, at a width of 50 feet, are located in areas designated for parkland, senior housing and the proposed school. Extinguishment of the record streets would allow for the proposed planned development on the project site.

The Commission notes that the establishment of Englewood Avenue to a width of 80 feet between Kent Avenue and Arthur Kill Road (“Englewood Avenue Section 1”) would allow for future access to the proposed senior housing and school sites. Currently Englewood Avenue Section 1 is unmapped, but built to a varying width of 20 to 30 feet. An adjacent section of Englewood Avenue, from Kent Avenue to Veterans Road West, (Englewood Avenue Section 2”), is currently mapped to a width of 80 feet and therefore is not a part of the proposed mapping action. Both sections of Englewood Avenue are proposed to be improved to a width of 80 feet. The proposed street construction of Englewood Avenue Section 1 and Englewood Avenue Section 2 would maintain a uniform width of 80 feet that would improve east-west traffic flow and connectivity to the area, as well as provide a pedestrian and bicycle pathway.

The establishment of Englewood Avenue between Kent Avenue and Arthur Kill Road on the city map would allow for the authorization for acquisition of real property that lie within the proposed bed of the mapped street. Small portions of a number of private tax lots are located within the northern and southern boundaries of the proposed mapped street and would need to be acquired. Currently, the State of New York owns the northern 45 feet and the City owns the southern 35 feet of Englewood Avenue Section 2. In order to construct Englewood Avenue Section 2 to the full existing mapped width of 80 feet, a transfer of ownership of this area from the State to the City would therefore need to occur.

Two alternatives regarding Englewood Avenue were analyzed in the FEIS. The first called the “Shortened Englewood Avenue Alternative” would map and widen Englewood Avenue Section 1 to 80 feet, but Englewood Avenue Section 2 would not be constructed to this width and its use would be limited to emergency vehicles. Instead, a limited access roadway would be constructed within Section 2 which

would be accessible by emergency vehicles only and would restrict non-emergency vehicles from access, through mechanisms like siren-activated gates and/or removable bollards, to Veterans Road West. For non-emergency vehicles, a turnaround would be constructed at the terminus of Englewood Avenue Section 1. It is expected that the emergency road would be 34 feet wide and would be sited on the southernmost portion of Section 2. Unlike under the proposed action, this alternative would not require a transfer of property from the State to the City. In addition, compared to the proposed action, this alternative would likely result in fewer potential significant adverse impacts. However, this alternative does not allow for the 19-foot wide bicycle and pedestrian greenway in Englewood Avenue Section 2 to be constructed and reduces east-west traffic flow along Englewood Avenue, thus compromising important goals of the proposed project.

A second alternative, called the “40-foot Wide Englewood Avenue Alternative” in the FEIS would map and widen Englewood Avenue Section 1 to 80 feet, but Englewood Avenue Section 2 would be improved to 40 feet, instead of 80 feet under the proposed action. As in the proposed action, the 40-foot Wide Englewood Avenue Alternative would require State-owned property to be transferred to the City. Compared to the proposed action, this alternative would likely result in fewer potential significant adverse impacts. However, this alternative also does not allow for the 19-foot wide bicycle and pedestrian greenway in Englewood Avenue Section 2 to be constructed and would reduce east-west traffic flow, thus compromising important goals of the proposed project.

The Commission believes that the proposed action is the preferred approach with respect to Englewood Avenue as it would maintain a uniform width of 80 feet, improve east-west traffic flow and connectivity to the area, as well as provide a pedestrian and bicycle pathway. However, the Commission recognizes that there may be impediments to achieving this result. Should that prove to be the case, EDC should be authorized to pursue either the Shortened Englewood Avenue Alternative or the 40-foot Wide Englewood Avenue Alternative.

The establishment of Bricktown Way and Tyrellan Avenue on the city map is appropriate and would be necessary to provide public access to the proposed Fairview Park, Retail Site A and the proposed branch of the NYPL. The Commission further notes that these existing, privately-built streets would remain in private ownership, and until such time as the City acquires the streets, the City would retain an acquisition easement (C 30290 PQR) providing for public access. Bricktown Way and Tyrellan Avenue would be mapped to the currently built width of 85 feet and 70 feet, respectively.

Site Selection

The Commission believes that the application submitted by the Department of Citywide Administrative Services (DCAS) and NYPL for site section of city-owned property for the construction of a branch library of NYPL is appropriate. The site selection would facilitate the construction of an approximately 15,000SF public library on an approximately 18,647SF site. The Commission believes that the selection of the site and location is appropriate. The proposed C4-1 District would allow for commercial use as proposed in Retail Site A as well as community facility use. The library site is centrally located between the proposed active uses in the adjacent Fairview Park and the surrounding retail uses on Retail Site A. The Commission notes that approximately 15-parking spaces would be shared by the retail use and the library. These parking spaces would be located within Retail Site A, maintained and owned by the developer of Retail Site A at no cost to the city or the library.

Acquisition of Property

The Commission believes that the acquisition of a property (Block 7375, Lot 7) by DCAS for future development of a K through 8 grade public school is appropriate. The site, approximately 4,000SF is privately owned, underutilized, and located in the interior of the site identified for the proposed school. The Commission notes that the remainder of the proposed site is under city ownership. The proposed acquisition would allow for assemblage for future development by SCA on the site.

Acquisition of Easement

The Commission believes that the acquisition of an easement by DCAS over Bricktown Way and Tyrellan Avenue is appropriate. The easement would allow for unrestricted pedestrian, vehicular and bicycle access through the two streets that are proposed to be mapped but would remain under private ownership. Bricktown Way and Tyrellan Avenue provide primary access to proposed Fairview Park and NYPL within Retail Site A. The unrestricted public easement would ensure access to the public uses proposed in the project site.

Related Actions

The Commission has reviewed the actions related to Retail Site A (N 130285 RAR, N 130286 RAR, N 130287 RAR, N 130283 ZAR, N 130284 ZAR, N 130282 RCR, N 130280 ZCR and N 130281 ZCR) and also believes the actions are appropriate for the development of Retail Site A in relation to the public library proposed on the site and abutting Fairview Park. The site plan for Retail Site A would provide pedestrian accesses with a minimum transition of grade between Fairview Park and NYPL site located at the north-western end of the site. The site plan would also minimize the construction of a retaining wall

between the park and Retail Site A. While this would result in elevating the site along Bricktown Way, the site plan would address it by providing a landscaped sloped berm along the street. Furthermore, within Retail Site A, 15-shared parking spaces for NYPL and 30-shared parking spaces for park users would also be provided within the proposed parking lot containing 633 parking spaces.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion ratified herein was issued on August 30, 2013, with respect to this application, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable, provided that in the event that the action cannot be realized with respect to improvement of Englewood Avenue from Kent Avenue to Veterans Road West, either the “Shortened Englewood Avenue Alternative” or the “40-Foot Wide Englewood Avenue Alternative” may be pursued ; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, in accordance with environmental commitment letters, each dated September 10, 2013, from the New York City Economic Development Corporation and the New York City Department of Parks and Recreation, and acknowledged and accepted by the Office of the Deputy Mayor for Economic Development, those project components related to the environment and mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Planning Commission, having reviewed the waterfront aspects of this action finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 197-c and 201 of the New York City Charter, that based on the environmental determination and consideration described in this report, the

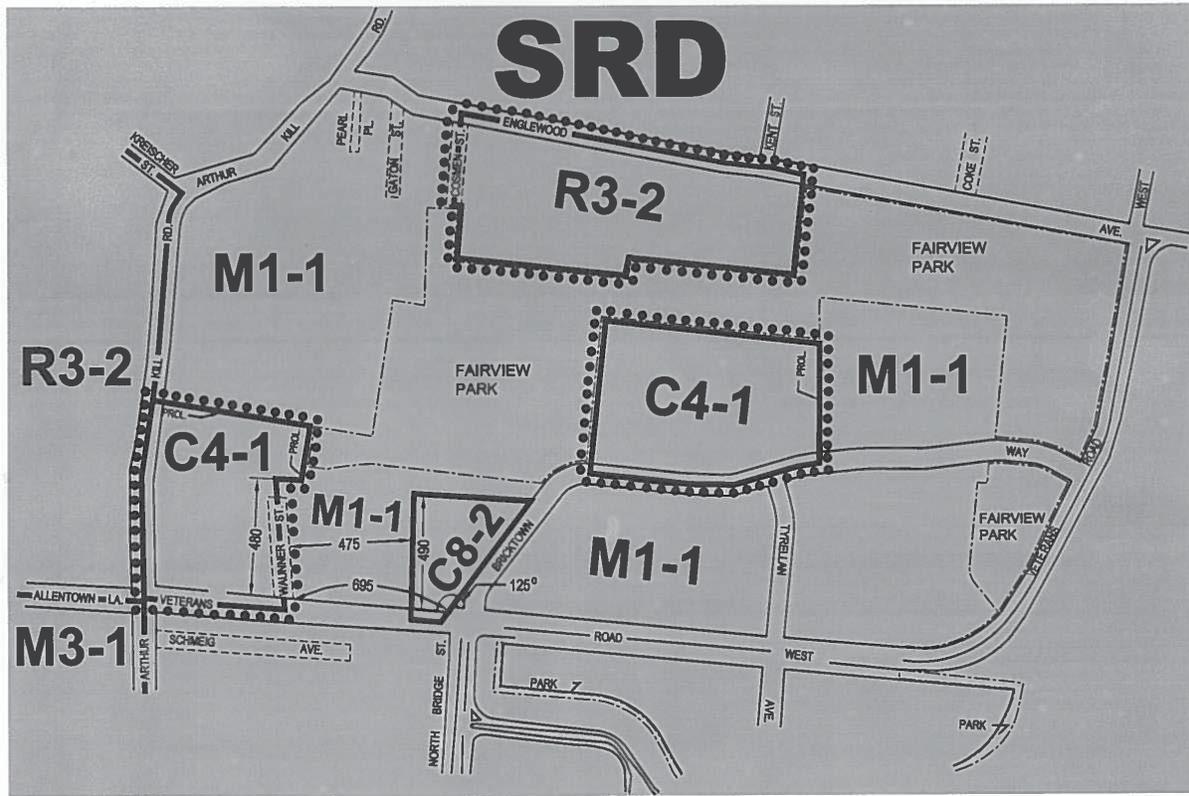
Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby amended by changing the Zoning Map, Section No. 32d:

1. changing from an M1-1 District to an R3-2 District property bounded by Englewood Avenue, the easterly, northerly and westerly boundary lines of a Park and its northerly prolongation, and Cosmen Street;
2. changing from an M1-1 District within to a C4-1 District property bounded by Arthur Kill Road, the westerly prolongation of a northerly boundary line of a Park, a westerly boundary line of a Park and its southerly prolongation, a line 480 feet northerly of Veterans Road West, Waunner Street and its northerly centerline prolongation, and Veterans Road West; and
3. changing from an M1-1 District to a C4-1 District property bounded by a southerly boundary line of a Park, the southerly prolongation of an easterly boundary line of a Park, Bricktown Way, and an easterly boundary line of a Park and its southerly prolongation;

Borough of Staten Island, Community District 3, as shown on a diagram (for illustrative purpose only), dated May 6, 2013.

The above resolution (C 130279 ZMR), duly adopted, by the City Planning Commission on September 11, 2013 (Calendar No. 14), 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
RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE R. DE LA UZ,
MARIA M. DEL TORO, JOSEPH I. DOUEK, RICHARD W. EADDY,
ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED

ZONING CHANGE

ON SECTIONAL MAP

32d

BOROUGH OF

STATEN ISLAND

J. Miraglia, PE
for J. Miraglia, Director
Technical Review Division

New York, Certification Date
MAY 06, 2013



- NOTE:**
- Indicates Zoning District Boundary.
 - The area enclosed by the dotted line is proposed to be rezoned by changing an M1-1 district to R3-2 and C4-1 districts.
 - Indicates a Special Richmond Development District.

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.
THIS DIAGRAM REFLECTS PROPOSED CHANGES IN THE CITY MAP
PURSUANT TO RELATED MAPPING APPLICATION C 130229 MMR.

*The
City
of
New York*



BOROUGH OF STATEN ISLAND
COMMUNITY BOARD 3

655-218 Rossville Avenue, Staten Island, N. Y. 10309

Telephone: (718) 356-7900

Fax: (718) 966-9013

Email: sicb3@cb.nyc.gov

Website: www.nyc.gov/sicb3

June 18, 2013

Amanda M. Burden
Chair, City Planning Commission
Director, Department of City Planning
22 Reade Street
New York, N. Y. 10007-1216

Re: Charleston Mixed Use
130279 ZMR, 130229 MMR, 130289 PSR, 130288 PQR, 130290 PQR, N 130285 RAR,
N 130286RAR, N 130287RAR, N 130280ZCR, N 130281ZCR, N 130283ZAR,
N 130284 ZAR, N 130282 RCR

Dear Director Burden:

Community Board 3 has been involved in the development of the Charleston complex since its inception. Through the years we have witnessed many reconfigurations for the multiple use development of this site. We listened to concerns and objections, constructive criticisms and positive opinions from the community.

We support developing the east/west connection of Englewood Avenue between Veteran's Road West and Arthur Kill Road. Opening Englewood Avenue is the only acceptable solution that will respond to the anticipated increased traffic demand.

Our Land Use Committee has reviewed the mixed use applications and Community Board 3 unanimously supports the above referenced applications.

Thank you for the opportunity to comment on this application.

Very truly yours,

Handwritten signature of Frank Morano in black ink.

Frank Morano
Chairman of the Board

Handwritten signature of Thomas Barlotta in black ink.

Thomas Barlotta
Land Use Committee Chairman

cc: Borough President James P. Molinaro
Councilman Vincent Ignizio
Len Garcia-Duran, SI Director City Planning
Munro W. Johnson, AICP NYC Economic Development Corporation


BOROUGH PRESIDENT RECOMMENDATION
 Pursuant to the Uniform Land Use Review Procedure

 Application #: C130279ZMR
 CEQR #: 13DME001R

 Project Name: Charleston Mixed-Use Development
 Borough(s): Staten Island
 Community District Number(s): 03

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

Docket Description:

IN THE MATTER OF an application submitted by the New York City Economic Development Corporation and Bricktown Pass, L.L.C. pursuant to Sections 197-c and 201 of the New York City Charter and the amendment of the Zoning Map, Section No. 324:

1. Changing from an M1-1 District to an R3-2 District property bounded by Englewood Avenue*, the easterly, northerly and westerly boundary lines of a Park* and its northerly prolongation, and Cosmen Street;
2. Changing from an M1-1 District to a C4-1 District property bounded by Arthur Kill Road, the westerly prolongation of a northerly boundary line of a Park*, a westerly boundary line of a Park* and its southerly prolongation, a line 480 feet northerly of Veterans Road West, Waunner Street and its northerly centerline prolongation, and Veterans Road West; and,
3. Changing from an M1-1 District to a C4-1 District property bounded by a southerly boundary line of a Park*, the southerly prolongation of an easterly boundary line of a Park*, Bricktown Way*, and an easterly boundary line of a Park*, and its southerly prolongation.

*Note: A Park (Fairview Park), Englewood Avenue and Bricktown Way are proposed to be mapped under a concurrent related application (C130229 MMR) for a change to the City Map.

Related Applications:

 C 130229 MMR N 130282 RCR N 130285 RAR C 130288 PQR
 N 130280 ZCR N 130283 ZAR N 130286 RAR C 130289 PSR
 N 130281 ZCR N 130284 ZAR N 130287 RAR C 130290 PQR

RECEIVED

JUL 01 2013

 Department of City Planning
 Staten Island Office

Recommendation:
 Approve

 Disapprove

Approve With Modifications/Conditions

Disapprove With Modifications/Conditions

Explanation of Recommendation, Conditions or Modification:

I fully support the applications submitted by the NYC Economic Development Corporation and Bricktown Pass, LLC for the Charleston Mixed-Use Development. The addition of a new 43 acre park, Public Library Branch, Senior Housing Village, future public school site and new retail uses to complement those currently operating at Bricktown Centre are much-needed and welcome community services and amenities. The mapping of Bricktown Way and Englewood Avenue will provide the required pedestrian, bicycle and vehicle connectivity to the residential and community facility components. These mapping actions will finally connect arterial streets and link the existing user population east of the West Shore Expressway with the new planned uses on the subject property. These mapping actions (C130229 MMR) are a vital part of the mixed-use master plan. With the continued growth of retail and other commercial services in Charleston, the establishment of throughput and redundancy in our street system will ensure the viability of this site in the future.

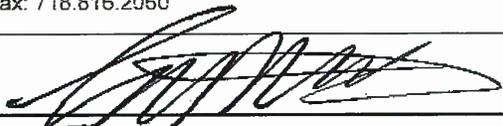
Related Applications: See above

Contact:

Address questions about this recommendation to:

OFFICE OF THE STATEN ISLAND BOROUGH PRESIDENT
ATTN: LAND USE DIRECTOR

 Address: 10 Richmond Terrace, Staten Island, NY 10301 (Room G-12)
 Phone: 718.816.2112
 Fax: 718.816.2060


 James P. Molinaro
 President of the Borough of Staten Island

June 28, 2013

DATE