



## **CITY PLANNING COMMISSION**

December 4, 2013 / Calendar No. 3

C 140051 ZSX

IN THE MATTER OF an application submitted by St. Patrick's Home for the Aged and Infirm pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-90 of the Zoning Resolution to allow a nursing home use within an existing eight-story building, on property located at 66 Van Cortlandt Park South (Block 3252, Lot 76), in an R7-1 District, Borough of The Bronx, Community District 8.

The application was filed by St. Patrick's Home for the Aged and Infirm on July 30, 2013 for a special permit pursuant to Section 74-90 of the Zoning Resolution to bring into conformance the construction of an existing nursing home within an impacted district in Community District 8, The Bronx.

### **RELATED ACTIONS**

In addition to the proposed special permit (C 140051 ZSX) which is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

C 110102 ZSX	Special Permit pursuant to ZR Section 74-90 to facilitate the enlargement of an existing nursing home.
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### **BACKGROUND**

A full background discussion and description of this application appears in the related report for a special permit (C 110102 ZSX).

### **ENVIRONMENTAL REVIEW**

This application (C 140051 ZSX), in conjunction with the application for the related action (C 110102 ZSX), 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 14DCP011X. The lead is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action (C 140051 ZSX), a Type II determination was issued on July 31, 2013.

### **UNIFORM LAND USE REVIEW**

This application (C 140051 ZSX), in conjunction with the application for the related action (C 110102 ZSX), was certified as complete by the Department of City Planning on August 5, 2013, and was duly referred to Community Board 8 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Community Board 8 held a public hearing on this application (C 140051 ZSX) on September 9, 2013, and on September 11, 2013, by a vote of 42 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application (C 140051 ZSX) was considered by the Bronx Borough President who issued a recommendation approving the application on October 16, 2013.

### **City Planning Commission Public Hearing**

On October 23, 2013 (Calendar No. 2), the City Planning Commission scheduled July 10, 2013 for a public hearing on this application (C 140051 ZSX). The hearing was duly held on November 6, 2013 (Calendar No. 26).

There were a number of appearances, as described in the related report for a special permit application (C 110102 ZSX), and the hearing was closed.

## **CONSIDERATION**

The Commission believes that grant of this special permit (C 140051 ZSX) is appropriate.

A full consideration and analysis of the issues, and reason for approving this application appears in the related report for a special permit (C 110102 ZSX).

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to 74-90 (Use and Bulk Modifications for Certain Community Facility Uses) of the Zoning Resolution:

1. That the architectural landscaping treatment and the height of the proposed building containing such uses blends harmoniously with the topography of the surrounding area;
2. That the proposed development will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made;
3. That the streets providing access to such use are adequate to handle the traffic generated thereby or provision has been made to handle such traffic;
4. That the disadvantages to the community imposed by the concentration of these facilities in the Community District are outweighed by the benefits derived from the proposed use; and
5. Not applicable.

**RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration and findings described in this report, the application submitted by St. Patrick’s Home for the Aged and Infirm pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-90 of the Zoning Resolution to allow a nursing home use within an existing eight-story building, on property located at 66 Van Cortlandt Park South (Block 3252, Lot 76) in an R7-1 District, Borough of The Bronx, Community District 8, is approved, subject to the following terms and conditions:

1. That the property that is subject to this application (C 140051 ZSX), in conjunction with the related application (C 110102 ZSX), shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans, prepared by David Lawrence Mammina Architect, filed with this application and incorporated in this resolution:

<b>Drawing Nos.</b>	<b>Title</b>	<b>Last Revised Date</b>
A-0.0	Zoning Analysis	7/26/2013
A-0.1	Site Plan	7/26/2013
A-1.0	Cellar Floor Plan	7/26/2013
A-1.1	First Floor Plan	7/26/2013
A-1.2	Second Floor Plan	7/26/2013
A-1.3	Typical Floor Plan (3rd to 8th Floors)	7/26/2013
A-2.0	Existing Building Elevations	7/26/2013
A-3.0	Building Sections	7/26/2013

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above, which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation, and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee, or occupant.
5. Upon the failure of any party having right, title, or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms, or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation, or amendment of the special permit hereby granted.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 140051 ZSX), duly adopted by the City Planning Commission on December 4, 2013 (Calendar No. 3), is filed with the Office of the Speaker, City

Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, *FAICP*, Chair**

**KENNETH J. KNUCKLES, *Esq.*, Vice-Chairman**

**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,**

**ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE R. DE LA UZ,**

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**ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners**