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**IN THE MATTER OF** an application submitted by Josif A LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and/or 10A uses) greater than 10,000 square feet within a proposed multi-building commercial development with a total floor area of approximately 219,377 square feet on property located at 534 South Avenue (Block 1707, Lots 1 and 5), in an M1-1 District, Borough of Staten Island, Community District 1.

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This application was filed by Josif A LLC on January 26, 2016 for a special permit pursuant to Section 74-922 of the Zoning Resolution to allow retail establishments larger than 10,000 square feet within a proposed multi-building commercial development located at 534 South Avenue, Staten Island Community District 1.

### **RELATED ACTION**

In addition to the special permit that is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

**C 150359 MMR** City Map amendment involving the establishment of North Morrow Street; the elimination, discontinuance and closing of a portion of Morrow Street; and the elimination of Albany Avenue, Amador Street and Garrick Street.

### **BACKGROUND**

The applicant, Josif A LLC, seeks the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution and approval of a City Map amendment to facilitate the development of five one-story retail establishments, each comprising more than 10,000 square feet on a 28.3-acre parcel (the “development site”) at 534 South Avenue (Block 1707, Lots 1 and 5), located south

and west of the intersection of Forest and South Avenues, in the Mariner's Harbor neighborhood of northwestern Staten Island, Community District 1. The project also requires approval of a City Map amendment within the area generally bounded by South Avenue to the east, Goethals Road North to the south, Albany Avenue and Morrow Street to the west and Forest Avenue, Dwarf Street and Wemple Street to the north (the "project area"). The project area includes the development site as well as three other properties or portions thereof (Block 1717, parts of Lots 95 and 140 and Block 1715, part of Lot 100). The City Map amendment would facilitate the widening and re-alignment of a portion of Morrow Street and the elimination, discontinuance and closing of portions of Morrow Street, Albany Avenue, Amador Street and Garrick Street, and the adjustment of grades necessitated thereby. These mapped streets are proposed to be removed from the City Map. The NYC Department of Transportation (DOT) indicates that these mapped but unbuilt streets will not be built out because they are mapped primarily over New York State Department of Environmental Protection (NYSDEC)-mapped wetland areas.

The project area comprises approximately 51.3 acres, of which 28.3 acres is within the development site. The site is located near the intersection of two main North Shore arterial roads, Forest Avenue and South Avenue.

The project area, which includes the development site and the adjacent privately owned wetland areas to the south of the development site, is located within an M1-1 zoning district, which permits light industrial and commercial uses as-of-right up to a floor area ratio (FAR) of 1.0. This district often functions as a buffer between residential or commercial districts and other industrial uses. In an M1 district, certain retail uses in Use Groups 6 and/or 10A, such as department stores and clothing stores, in excess of 10,000 square feet per establishment, are not permitted as-of-right, but are allowed with a CPC special permit pursuant to Section 74-922 of the Zoning Resolution.

The development site has a lot area of approximately 28.3 acres (1,231,609 square feet). It is a currently wooded and vacant parcel and includes the following wetland and wetland-adjacent areas:

- 5.06 acres of NYSDEC-regulated freshwater wetlands and 3.76 acres of freshwater wetland-adjacent areas;
- 0.5 acres of NYSDEC-regulated tidal wetlands and 2.67 acres of tidal wetland-adjacent areas; and
- 6.32 acres of mapped US Army Corps of Engineers (USACE) regulated freshwater wetlands. Some of these USACE regulated areas overlap the NYSDEC-designated areas.

The applicant has stated that in the 1930s several houses were located on the development site and in the 1960s a go-cart track was also located in the northern portion of the site. As surrounding blocks were developed in the 1950s and 1960s, changes occurred in the natural ecosystem. A freshwater brook was filled in, which led to expansion of the wetland areas at the southern end of the site and beyond the site to the adjacent privately-owned parcels. By the 1980s, all developments on the site had been demolished and the property reverted to the existing wooded stand, which includes invasive and non-native species as a result of disturbance of native vegetation on northern and western portions of the site. The NYSDEC- and USACE-regulated wetlands located at the southern end of the site are part of the larger Graniteville Swamp, which extends onto adjacent private and public properties to the south and west.

The remaining 23 acres of the project area, located outside of the development site, include mapped NYSDEC wetlands. Within the project area, located along the southern perimeter of the wetlands, are an automobile service station, a chain restaurant and a self-storage facility fronting on Goethals Road North.

Forest Avenue, the northern boundary of both the project area and the development site, is the major commercial corridor on the Staten Island North Shore, providing access to a diverse range of businesses including large suburban retail centers and small local businesses. The areas surrounding the development site are zoned M1-1, M2-1, R3-2 with C2-1 and C2-2 overlay districts, C4-1 and C8-1. M1-1 districts permit light industrial uses with high performance standards, retail uses, hotels and offices. M2-1 districts permit industrial uses with lower performance standards than the M1 districts, and retail and office uses. R3-2 districts permit residential and community facility uses. C4-1 districts permit large retail establishments and

department stores that require large amounts of parking in addition to residential uses. C8-1 districts permit automotive and other heavy commercial uses. C2-1 and C2-2 overlay districts permit commercial uses that are primarily retail in nature.

The land uses surrounding the development site are varied and consist of a mix of retail, light manufacturing uses and lower density residential uses. The uses directly north of the development site across Forest Avenue, within the M1-1 zoning district, include a mix of light manufacturing and automobile-related uses, a Home Depot store, and single-family residential homes. There are nonconforming residential uses, a medical facility and commercial offices located directly adjacent to the north side of the development site, on the south side of Forest Avenue. South of the development site, within the M1-1 zoning district, there is an automobile service station, a chain restaurant and a self-storage facility fronting on Goethals Road North. There are also two undeveloped lots to the south of the development site that have frontage on Goethals Road North and contain mapped wetland areas.

An M2-1 zoning district, with commercial and manufacturing uses, is mapped to the west of the project area. There is a 16-screen movie theater complex to the immediate west, across Morrow Street.

The other uses along Forest Avenue in the surrounding area are primarily commercial and include a trucking establishment, a gardening center, a Kohl's department store, and small retail establishments and restaurants. The areas to the east and north of the development site, within an R3-2 zoning district mapped east of the development site across South Avenue, is primarily residential, characterized by one- and two-family residences.

The development site is served by the S40, S90 and X30 bus routes along Forest Avenue and the S46 and S96 routes along South Avenue. There are existing bus stops on Forest Avenue at the Lilac Court and the Morrow Street intersections fronting the development site. There are no existing pedestrian sidewalks connecting these bus stops.

To the west of the project area, and south of the movie theater complex, is Graniteville Swamp Park, a nine-acre City-owned passive wetland park located within Block 1717. This park is part of the larger Graniteville Swamp area, which consists of contiguous public and privately-owned properties, including the NYSDEC-mapped wetlands on the development site. The Graniteville Swamp area has been identified in the NYSDEC 2016 Open Space Conservation Plan as a large regional priority conservation project area. The Plan notes that the goal of long-term open space conservation would require a balance between conservation and compatible, natural resource-sensitive economic development. The Graniteville Swamp area was also identified as a significant wetland resource in a 2001 report by the Trust for Public Land and the New York City Audubon Society.

The applicant proposes to develop a retail center with approximately 219,377 square feet of total floor area. Along the southern boundary of the development site, the applicant proposes that the owner of the site, through a combination of preservation and new plantings, would maintain in perpetuity approximately 10.77 acres of NYSDEC- and USACE-regulated wetland areas and wetland adjacent areas. The proposed development footprint is wholly located outside of the regulated wetland areas.

In 2012, NYSDEC provided conditional sign-off on the proposed retail center site plan. In 2015, NYSDEC affirmed that the current site plan is in substantial accordance with their 2012 sign-off. If this application is approved, the applicant team is expected to work with NYSDEC to finalize the NYSDEC permit process.

The proposed retail center would comprise seven one-story retail buildings, an 838-space surface parking lot, five loading berths, and 30-foot-wide travel aisles around the perimeter of the lot with access and egress on Forest Avenue and South Avenue. To enhance traffic safety, the applicant proposes to donate 8,823 square feet of the development parcel to the City to accommodate the proposed realignment of the Morrow Street-Forest Avenue intersection and facilitate the use of an existing traffic signal to provide signalized access to the retail center on Forest Avenue. The lot area of the development parcel would be reduced to 1,222,786 square feet. The realigned portion of Morrow Street would be renamed North Morrow Street. A new traffic signal is proposed for the

entrance on South Avenue. An un-signalized curb cut to accommodate right turns into and out of the development site is proposed for Forest Avenue.

In an M1 district, the CPC may permit certain retail uses in Use Group 6 and 10A larger than 10,000 square feet of floor area per establishment, provided that findings related to vehicular traffic movement, transit access, land use compatibility, and neighborhood character are met. The Commission may also prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Five of the proposed buildings, each with more than 10,000 square feet of floor area, require this special permit. These five proposed buildings are:

- Building A, a 14,500-square-foot building, and Building B, a 15,400-square-foot building, which could each contain Use Group 6 or 10A uses. Each would be a one-story, stand-alone building, surrounded by parking spaces. They are proposed to be located at the northern portion of the site, fronting on Forest Avenue. They could contain restaurants or small retail stores.
- Buildings C, D and E would be attached and located to the south of the main proposed parking lot, fronting on the development site's 30-foot-wide main east/west travel aisle.
  - Building C would have 89,760 square feet of floor area and is proposed to contain a wholesale warehouse club;
  - Building D would have 33,965 square feet of floor area and could contain one or more retail establishments; and
  - Building E is proposed to contain a 65,000-square-foot supermarket.

The other two proposed buildings on the development site would accommodate as-of-right uses consisting of a 355-square-foot gas station and a 397-square-foot drive-through ATM facility. These would be located immediately east of the proposed North Morrow Street and would be accessed by the main east/west travel aisle at the Forest Avenue, via North Morrow Street, entrance to the proposed retail center.

The applicant proposes to construct new public sidewalks on South Avenue, Forest Avenue and North Morrow Street in connection with development of this retail center. The project would also include two dedicated, landscaped pathways through the main parking lot to provide direct pedestrian access from MTA bus stops on Forest Avenue to the three largest retail buildings. The site plan provides for sidewalks along the front of all five proposed main buildings. The main parking lot would include seven proposed planting islands/bioswales. Proposed loading docks would be provided at the rear of Buildings C and E to reduce pedestrian/loading conflicts.

The proposed amendment to the City Map (C 150539 MMR) would facilitate the widening and realignment of Morrow Street to relocate the existing intersection of Morrow Street at Forest Avenue to the east to align with an existing traffic signal at a Home Depot curb cut on the northern side of Forest Avenue. To accommodate this proposed widening and realignment of Morrow Street, the applicant proposes to donate 8,823 square feet of the subject zoning lot area to the City, which would include the realigned roadway and a landscaped portion between the new roadway and the western street line. The City Map amendment would also establish a cul-de-sac in the former bed of Morrow Street, across from the existing movie theater curb cut. This widened and realigned Morrow Street, from Forest Avenue down to the established cul-de-sac, would be renamed North Morrow Street.

The proposed amendment to the City Map also involves amending the City Map to remove unbuilt privately-owned mapped streets that are located over mapped wetlands. These mapped but unbuilt streets include:

- Morrow Street from the southern end of proposed North Morrow Street south to Albany Avenue;
- Amador Street from Morrow Street east to South Avenue;
- Albany Avenue from Morrow Street south to Goethals Road North;
- Garrick Street within the development site from Wemple Street south to Amador Street and south of the development site from Amador Street to Goethals Road North.

In total, approximately 138,188 square feet (3.17 acres) of privately-owned mapped streets would be de-mapped outside of the development site. Since these mapped streets are located wholly within existing mapped wetland areas, no development potential would result from the de-mapping of these streets.

## **ENVIRONMENTAL REVIEW**

This application (C 160174 ZSR), in conjunction with the related application (C 150359 MMR), 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 17DCP030R. The lead agency is the City Planning Commission.

It was determined that the proposed actions may have a significant effect on the environment, and that an environmental impact statement would be required. A Positive Declaration was issued on August 26, 2016, and distributed, published and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on August 26, 2016. A public scoping meeting was held on the Draft Scope of Work on September 27, 2016. A Final Scope of Work, reflecting the comments made during the scoping, was issued on June 2, 2017.

A DEIS was prepared and a Notice of Completion for the DEIS was issued June 2, 2017. Pursuant to the SEQRA regulations and the CEQR procedures, a joint public hearing was held on the DEIS on July 26, 2017, in conjunction with the public hearing on the related applications (C 160174 ZSR and C 150359 MMR). A Final Environmental Impact Statement (FEIS) reflecting the comments made during the public hearing was completed and a Notice of Completion for the FEIS was issued on August 25, 2017.

The applicant, Josif A LLC, has entered into a restrictive declaration with the New York City Landmarks Preservation Commission (LPC) to develop and implement an archaeological

monitoring program in consultation with LPC. With the implementation of the restrictive declaration measures, no significant adverse impacts related to historic resources would occur.

The FEIS identified significant adverse impacts with respect to transportation (traffic). The identified significant adverse impacts and proposed mitigation measures are summarized in the Executive Summary of the FEIS attached as Exhibit B hereto.

## **UNIFORM LAND USE REVIEW**

This application (C 160174 ZSR), in conjunction with the related application (C 150359 MMR), was certified as complete by the Department of City Planning on June 5, 2017, and was duly referred to Staten Island Community Board 1 and the Staten Island 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 1 held a public hearing on this application (C 160174 ZSR), in conjunction with the related application (C 150359 MMR), on June 7, 2017 and on June 13, 2017, by a vote of 17 in favor, 14 opposed, and with five abstentions, denied the recommendation to approve both applications. The abstentions are counted as disapproval votes.

### **Borough President Recommendation**

The application (C 160174 ZSR), in conjunction with the related application (C 150359 MMR), was considered by the Staten Island Borough President, who issued a recommendation to approve the application with conditions on July 12, 2017. The following summary of the conditions include that:

- Morrow Street be widened/realigned and open to public use and that a maintenance agreement be provided.
- Curb cut to Wemple Street be provided.
- An operational plan for delivery schedules and proposed truck routes be provided.
- Protected and enhanced wetlands and adjacent areas be tied into the neighboring Graniteville Swamp Park

- Project is designed to:
  - Locate development footprint wholly outside of NYSDEC regulated wetlands
  - Have no adverse effects on storm surge protection provided by existing wetlands or stormwater attenuation or exacerbate stormwater runoff and will not result in increased flooding potential
  - Comply with all requirements for streets trees, Builder's Pavement Plan and stormwater management

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

On July 12, 2017 (Calendar No. 8), the City Planning Commission scheduled July 26, 2017, for a public hearing on this application (C 160174 ZSR). The hearing was duly held on July 26, 2017 (Calendar No. 40), in conjunction with the public hearing on the related application.

There were six speakers in favor of the application and six speakers in opposition.

Those speaking in favor included the applicant's land use counsel, planning consultant and environmental consultants, and a representative of a prospective tenant. The land use counsel described the proposed project, stating that the applicant would donate a portion of the development site to the City to re-align Morrow Street. Counsel also emphasized that the proposed project does not impinge on the NYSDEC-regulated wetlands on the property. Counsel described plans for wetlands preservation/enhancement and stormwater management, stating that this would result in approximately 10.77 acres of preserved, buffered and enhanced wetland and adjacent areas that would be deed restricted to be maintained in perpetuity by the property owner. The planning consultant stated that the project meets the findings for the special permit and provides more than the required parking lot landscaping plantings and dedicated pedestrian circulation. The environmental consultants described their work with NYSDEC and the proposed plan to protect and enhance wetlands. They said that traffic impacts identified in the DEIS would be mitigated by signal timing and lane striping. They also stated that the applicant has committed to a post-opening monitoring plan. The representative of the prospective anchor tenant expressed enthusiasm to open its business on Staten Island.

Those speaking in opposition included four representatives of environmental groups and two local residents. The representatives of the environmental groups expressed concerns that the subject development would mean loss of a valuable wooded area that assists in minimizing flooding in the area and the effects of climate change. They requested that the property be acquired for open space preservation. They also expressed concern that the proposed development would increase stormwater discharges into Old Place Creek to the south and increase sewage discharges to the Port Richmond Treatment Plant, which is susceptible to combined sewage overflows. They expressed concern that the DEIS did not adequately describe the economic need for the proposed development or address the surrounding community's location within an EPA-designated Environmental Justice community. The two local residents expressed individual concerns that commercial development of the subject property could increase flood potential and requirements for flood insurance. They also expressed quality-of-life concerns, including traffic congestion and foot traffic through existing residential developments, and the potential loss of sidewalks if traffic lanes were added.

There were no other speakers and the hearing was closed.

During the following 10-day period for comments on the DEIS, which ended on August 7, 2017, additional comments in opposition were received from the public. These comments reiterated concerns stated at the Public Hearing. In addition, the applicant provided a letter to the Commission dated August 3, 2017, which stated that the proposed development footprint is located entirely outside of the NYSDEC-regulated wetlands, and that the project includes an on-site stormwater management plan, as required, to maintain pre-development site drainage conditions.

#### **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

This application (C 160174 ZSR), in conjunction with the related application (C 150359 MMR) 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 30, 2013 and by the New York State Department of State on February 3, 2016, 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 13-090.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

## **CONSIDERATION**

The Commission believes that the grant of this special permit (C 160174 ZSR) pursuant to Section 74-922 of the Zoning Resolution, in conjunction with the application for the related action (C 150359 MMR), is appropriate.

The Commission notes that the proposed large retail establishments at 534 South Avenue would be located along Forest Avenue, which is Staten Island's primary commercial corridor on the North Shore. Forest Avenue already features a wide range of retail and commercial uses and stores of varied sizes. The Commission believes that allowing large retail uses on the vacant development site, in accordance with a site plan that received NYSDEC conditional sign-off, would strike a balance between conservation and compatible, natural resource-sensitive economic development. It would also enable the preservation of important mapped wetland and wetland adjacent areas, while providing a new retail destination in the northwestern portion of Staten Island's North Shore.

The Commission believes that the proposed Use Group 6 and 10A large retail uses are compatible with the mixed-use neighborhood character and would not impair this character or the future use of or development of the surrounding area. The proposed retail stores would service and support the surrounding residential population and provide employment opportunities. The proposed retail uses would complement the area's existing commercial character more than the light manufacturing uses permitted as-of-right within the M1-1 zoning district. Existing retail uses would be complemented by the proposed retail at the development site. Additionally, the retail and proposed food store would support and service the residential uses and employees of the existing uses in the surrounding area.

The Commission believes that the proposed retail development would draw a minimum of vehicular traffic to and through local streets and would facilitate increased use of existing bus lines on Forest Avenue and South Avenue by providing new sidewalks and protected pedestrian access between the retail center and the existing bus stop at Lilac Court and Forest Avenue for the S40, S90 and X30 routes. The proposed North Morrow Street re-alignment is expected to increase vehicular traffic safety by providing direct signalized access to the proposed retail center and the existing movie theater. The three proposed vehicular access points for the proposed retail center use Forest Avenue, South Avenue and the proposed North Morrow Street, and would not direct vehicular traffic to or through local streets. The Commission also believes that the proposed retail center is designed with sufficient entrances, exits and drive aisles to prevent vehicular congestion, providing at a minimum a distance of 600 feet between each access point located on Forest Avenue and South Avenue.

At the public hearing, concerns were raised that the development site is located within the Environmental Protection Agency's (EPA) designated Environmental Justice community on the Staten Island North Shore. In November 2009, the EPA designated Staten Island's North Shore as one of 10 Environmental Justice Showcase Communities. One community was identified in each of the EPA's 10 regions. These communities demonstrated concerns with multiple, disproportionate environmental health burdens; population vulnerability; limits to effective participation in decisions with environmental and health consequences; and opportunities for multiple federal, state and local agency collaboration, with a focus on green development. The EPA provided each Showcase Community with \$100,000 over two years to assist in the development and implementation of a community outreach campaign, a community-based environmental health training program, and the interpretation of existing environmental and public health data in a manner community members can understand, and solicitation of other governmental and nongovernmental entities to join the EJ Showcase Community project. The EPA designation recognizes that the North Shore has a history as a former industrial community that contains abandoned and contaminated properties primarily located along the waterfront. The Commission notes that, while the development site is located within the Mariner's Harbor neighborhood, which is within the Environmental Justice community, the development site is not a contaminated former industrial waterfront property.

With regard to trailer truck access to and circulation within the proposed retail center, the applicant team has stated that their plan to route tractor trailer ingress and egress to the site via the Forest Avenue entrances would assist in reducing noise and other impacts to existing residential areas along South Avenue.

The Commission is encouraged by the applicant's stated commitment to instruct tenants using tractor trailers to use Forest Avenue for ingress and egress to the retail center, and to establish a post-occupancy monitoring program to determine if there are any adverse traffic impacts.

The Commission believes that retail uses, including large retail establishments over 10,000 square feet, are appropriate uses along the Forest Avenue corridor in Mariner's Harbor. The Commission agrees that planned safeguards for increased pedestrian and vehicular safety can provide for a vibrant new retail center at this location.

The Commission notes that the proposed site plan is designed to maintain pre-development drainage conditions and that this plan has received conditional sign-off from NYSDEC. The applicant has also stated that proposed retail development would provide more trees than required by zoning.

The proposed site plan does not locate any development within NYSDEC-mapped wetlands or within the existing or preliminary FEMA floodplain. The Commission believes that the stormwater management features required by zoning, and the proposed planting of trees and shrubs in amounts beyond the required parking lot landscaping regulation minimums, would work together to capture and slow stormwater runoff and maintain runoff at required pre-development rates. The Commission notes the importance of these zoning parking lot landscaping requirements in providing for appropriate drainage of future large impervious surface areas such as parking lots. Additionally, NYC Department of Environmental Protection regulations and the Department of Buildings building code require that all stormwater runoff be captured on-site and managed appropriately.

The Commission believes that the grant of this special permit would result in a superior site plan to one that would be permitted in an as-of-right retail development.

The proposed City Map amendment (C 150359 MMR) is appropriate. The Commission believes that the widening and realignment of Morrow Street would improve its intersection with Forest Avenue and provide safer vehicular access to the proposed development. The Commission recognizes the need to remove from the City Map several mapped but unbuilt streets that are located in mapped wetlands. The Commission notes that the Department of Transportation has no plans to build these mapped streets.

## **FINDINGS**

The City Planning Commission hereby makes the following finding pursuant to Section 74-922 of the Zoning Resolution:

- (a) that the principal vehicular access for such #use# is not located on a local #narrow street#;
- (b) that such #use# is so located to draw a minimum of vehicular traffic to and through local #streets#;
- (c) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion;
- (d) that vehicular entrances and exits are provided for such #uses# and are located not less than 100 feet apart;
- (e) that in selecting the site due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;
- (f) that such #use# is so located as not to impair the essential character or the future use of or development of the surrounding area;
- (g) that such #use# will not produce any adverse effects which interfere with the appropriate #use# of land in the district or in any adjacent district;
- (h) Not applicable;
- (i) Not applicable;

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on August 25, 2017, with respect to this application (CEQR No. 17DCP030R), 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; 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, those mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes 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**, 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 described in this report, the application (C 160174 ZSR) submitted by Josif A LLC for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and/or 10A uses) greater than 10,000 square feet on property located at 534 South Avenue (Block 1707, Lots 1 and 5), in an M1-1 District, Borough of Staten Island, Community 1, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 160174 ZSR) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Rampulla Associates Architects, LLP. filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
CPC-002.00	Zoning Analysis Sheet	4/26/17
CPC-003.00	Proposed Site Plan	5/25/17
CPC-003A.00	Proposed Partial Site Plan	4/26/17
CPC-003B.00	Proposed Partial Site Plan	4/26/17
CPC-003C.00	Proposed Partial Site Plan	4/26/17
CPC-003D.00	Proposed Partial Site Plan	4/26/17
CPC-004.00	Site Sections	5/25/17

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 any 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 160174 ZSR), duly adopted by the City Planning Commission on September 6, 2017 (Calendar No. 24), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

**MARISA LAGO**, *Chair*

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

**IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,**

**JOSEPH I. DOUEK, RICHARD W. EADDY,**

**CHERYL COHEN EFFRON, HOPE KNIGHT,**

**ORLANDO MARIN, LARISA ORTIZ**, *Commissioners*

**MICHELLE R. DE LA UZ**, *Commissioner Abstaining*



City Planning Application Nos. C 160174 ZSR, South Avenue Retail Development  
C 150369 ZMR, South Avenue Retail

Motion made to approve both applications with the condition that all tractor trailers use Forest Avenue as ingress and egress.

The motion failed 17-14-5.

No further motion made.



**BOROUGH PRESIDENT RECOMMENDATION**  
Pursuant to the Uniform Land Use Review Procedure

Application #: <b>C 160174 ZSR</b> CEQR #: 17DCP030R	Project Name: <b>SOUTH AVENUE RETAIL DEVELOPMENT</b> Borough(s): <b>STATEN ISLAND</b> Community District Number(s): 1
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Please use the above application number on all correspondence concerning this application

*Docket Description:*

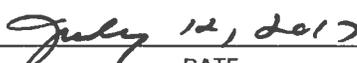
**IN THE MATTER OF** an application submitted by Josif A LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and/or 10A uses) larger than 10,000 square feet within a proposed multi-building commercial development with a total floor area of approximately 219,377 square feet on property located at 534 South Avenue (Block 1707, Lots 1 and 5) in an M1-1 District, Borough of Staten Island, Community District 1.

Recommendation:

<input type="checkbox"/> Approve	<input checked="" type="checkbox"/> Approve With Modifications/Conditions
<input type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions

*Explanation of Recommendation, Conditions or Modification:*

**SEE PAGE 2 FOR EXPLANATION OF CONDITIONS**

Related Applications: C 150359 MMR	
<p>Contact</p> <p><i>Address questions about this recommendation to</i></p> <p><b>OFFICE OF THE STATEN ISLAND BOROUGH PRESIDENT</b> <b>ATTN: LAND USE DIRECTOR</b></p> <p>Address: 10 Richmond Terrace, Staten Island, NY 10301 (Room G-12) Phone: 718.816.2112 Fax: 718.816.2060</p>	
<p></p> <p>James S. Oddo President of the Borough of Staten Island</p>	<p></p> <p>DATE</p>

*Explanation of Recommendation, Conditions or Modification (continued):*

**This Recommendation for approval includes the following conditions:**

1. That a portion of the subject property be mapped as part of an expanded Morrow Street terminating in a cul-de-sac, to align vehicle access with the signalized intersection at Forest Avenue.
2. That an MOU be considered to establish maintenance standards and responsible parties for maintenance and improvements to privately-owned portions of Morrow Street.
3. That a Dedication of Public Use be executed by the owner for privately owned portions of Morrow Street that also should also include a condemnation clause addressing acquisition damage awards.
4. That a Builder's Pavement Plan be filed with all agencies having jurisdiction for Forest Avenue, Morrow Street, Dwarf Street, Wemple Street and South Avenue for all street, sidewalk and curb improvements.
5. That curb cuts be provided from the drive aisles of the proposed parking area to Wemple Street located north of the site.
6. That an operational plan be mutually agreed-upon identifying delivery schedules and proposed truck routes, including ingress and egress from the site.
7. That street trees be planted along all street frontages as required in accordance with the NYC Zoning Resolution.
8. That the project development footprint be located wholly outside of the NYSDEC regulated wetlands and no development will occur within these areas.
9. That protected and enhanced wetlands and adjacent areas on the southern portion of the property be tied into the neighboring Graniteville Swamp Park.
10. That the project has no adverse effects to existing wetland storm surge protection or storm water attenuation and will not result in increased flooding potential.
11. That the project, as designed, will not exacerbate storm water runoff or leave the nearby community vulnerable to flooding from storm water.
12. That the project complies with all conditions of the General Permit for Stormwater Discharges from Construction Activity including implementing bioswales, infiltration practices and plantings and enhance and conserve approximately 10.77 acres of natural areas to reduce storm water. Incorporate storm water management devices that discharge water at a rate and in a pattern which will maintain the pre-development drainage conditions of the property.