



IN THE MATTER OF an application submitted by Dominick Calderoni, Fred T. Santucci Jr. & Jeffrey D. Klein pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 4b:

1. establishing within an existing R4 District a C2-2 District bounded by Pierce Avenue, a line 150 feet southwesterly of Yates Avenue, a line 75 feet southeasterly of Pierce Avenue, Williamsbridge Road, a line 50 feet southeasterly of Pierce Avenue, and a line 50 feet northeasterly of Tomlinson Avenue; and
2. establishing within an existing R4A District a C2-2 District bounded by a line 100 feet northwesterly of Pierce Avenue, Williamsbridge Road, a line 225 feet northwesterly of Pierce Avenue, a line 110 feet southwesterly of Yates Avenue, Pierce Avenue, and a line 50 feet northeasterly of Tomlinson Avenue;

Borough of the Bronx, Community District 11, as shown on a diagram (for illustrative purposes only) dated May 23, 2016.

This application (C 160332 ZMX) for an amendment of the Zoning Map was filed by Dominick Calderoni, Fred T. Santucci Jr. and Jeffrey D. Klein on May 10, 2016 to add a C2-2 commercial overlay within existing R4 and R4A districts to facilitate the legalization of commercial properties which are not currently permitted at the intersection of Williamsbridge Road and Pierce Avenue, in Morris Park, Bronx Community District 11.

BACKGROUND

This application is made on behalf of Dominick Calderoni, Fred T. Santucci, Jr. and Jeffrey D. Klein ("the Applicant"), the owners of the site at 1614 Williamsbridge Road (Block 4111, Lot 47) in the Morris Park section of Bronx Community District 11. The application proposes a Zoning Map Amendment ("the Proposed Action") to establish a new C2-2 commercial overlay in existing R4 and R4A districts. In addition to rezoning the Applicant's property, the Proposed Action would rezone 12 additional properties on four blocks (Block 4111, Lots 38, 41, 42, 43, 44 and 45; Block 4107, Lots 31 and 34; Block 4087, Lot 23; and Block 4088, Lots 15, 16 and 17, hereinafter, the "Project Area"), which are not under control of the Applicant.

There have been two area-wide rezonings in the area surrounding this project within the past ten years: the Morris Park Rezoning (C 050442 ZMX) was completed in 2005 and the Pelham Parkway/Indian Village Rezoning (C 060335 ZMX) was completed in 2006.

The Morris Park Rezoning involved 12 full blocks and portions of 24 blocks in the Morris Park neighborhood and affected the Project Area. Many R4 districts were rezoned to R4-1 and R4A. C1-2 commercial overlays were replaced with C1-4 overlays along Morris Park Avenue and mapped to a depth of 100 feet from the street line to prevent commercial uses from encroaching on mid-block residential uses. However, the Project Area was not mapped with a commercial overlay, despite pre-existing commercial uses and an overall mixed-use character.

The Pelham Parkway/Indian Village Rezoning affected a total of 75 blocks in the adjacent Pelham Parkway and Indian Village neighborhoods. The rezoning modified R3-2, R4 and M1-1 districts to R3-1, R4A, R4-1, R5D, and R6A, and replaced C1-2 and C2-2 overlays with C1-4 and C2-4 overlays. The Project Area was not affected by this rezoning.

The Project Area is currently zoned R4 and R4A, which permits residential and community facility uses (Use Groups 1-4). R4 zoning districts permit attached and semi-detached two or three-story residential buildings with a maximum floor area ratio (FAR) of 0.75 and a 20% FAR bonus that can be achieved by providing an attic. One off-street parking space must be provided for each dwelling unit. The R4A contextual district permits one- and two-family detached houses with a maximum allowable FAR of 0.9, requiring one parking space per residential unit. Both R4 and R4A zoning permits a maximum community facility FAR of 2.0. Commercial uses are not permitted in R4 or R4A zoning districts.

The neighborhood surrounding the project area is predominately developed with two-story, one- and two-family residences. There is also a scattering of commercial properties, vacant lots and institutional uses located in the area. Several large community and medical institutions are located near the rezoning area, including Yeshiva University, Albert Einstein College of Medicine and Hutchinson Metro Center.

The proposed C2-2 commercial overlay would result in a R4/C2-2 and R4A/C2-2 zoning district and would expand the range of permitted uses to include commercial uses (Use Groups 5-9) at a maximum commercial FAR of 1.0, which reflects existing mixed-use and commercial development within the Project Area.

The proposed zoning map amendment would legalize pre-existing commercial properties and accurately reflect the mixed-use character of the intersection of Williamsbridge Road and Pierce Avenue. The Project Area includes 4 sites with residential-only buildings and 7 sites with commercial uses that are not permitted in an R4 or R4A zoning district, counting the Applicant's property. The proposed zoning map amendment legalizes these existing commercial uses and eliminates nonconformance within the affected area.

The Applicant's property is a 6,597 square foot lot with approximately 50 feet of frontage along Williamsbridge Road and a depth of approximately 131 feet. It is improved with a 3,054 square foot two-story building containing commercial office space with two accessory parking spaces in the rear and developed to an FAR of 0.46. The existing commercial use (Use Group 6) is the subject of litigation brought by the Department of Buildings (DOB) as the consequence of violations (ECB 34499408K). On October 8, 2015, the Applicant entered into an agreement with the DOB that permits the Applicant to continue operating its professional office at the Development Site until the proposed Zoning Map amendment is approved.

ENVIRONMENTAL REVIEW

This application (C 160332 ZMX) 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 of 1977. The designated CEQR number is 16DCP153X. The lead is the City Planning Commission.

After a study of the potential environmental impact on the proposed action, a Negative Declaration was issued on May 23, 2016.

UNIFORM LAND USE REVIEW

This application (C 160332 ZMX) was certified as complete by the Department of City Planning on May 23, 2016 and was duly referred to Community Board 11 and the Borough President, in accordance with Title 62 of the rules of the City of New York, Section 2-02(b).

Community Board Review

Community Board 11 held a public hearing on this application (C 160332 ZMX) on July 18, 2016 and, on that date, by a vote of 28 in favor and 0 opposed, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 160332 ZMX) was considered by the Bronx Borough President, who issued a recommendation approving the application on August 24, 2016.

City Planning Commission Public Hearing

On August 24, 2016 (Calendar No. 1), the City Planning Commission scheduled September 7, 2016 for a public hearing on this application (C 160332 ZMX). The hearing was duly held on September 7, 2016 (Calendar No. 22). There was one speaker in favor of the application and no speakers opposed.

The Applicant's land use attorney spoke in favor of the application, highlighting the technical aspects and implications of the application, as well as reiterating the support of adjacent business owners, Community Board 11 and the Borough President.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application (C 160332 ZMX) for the amendment of the Zoning Map to establish a C2-2 commercial overlay within existing R4 and R4A districts is appropriate.

The intersection of Williamsbridge Road and Pierce Avenue is characterized by a mix of land uses, including residential and commercial uses. The commercial uses lining the intersection are long-standing and serve the needs of the community. The proposed action would bring those uses into compliance with zoning.

The Commission believes that the proposed Zoning Map Amendment is consistent with the prevailing neighborhood character and would not result in any significant new commercial development, but rather, will bring long-standing commercial uses into conformance and will contribute to the existing mixed-use character of the intersection.

The Commission also acknowledges that Community Board 11 and the Bronx Borough President recommended approval of the proposed rezoning action and that the Applicant has garnered the support of the majority of the surrounding business owners.

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 described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 4b:

1. establishing within an existing R4 District a C2-2 District bounded by Pierce Avenue, a line 150 feet southwesterly of Yates Avenue, a line 75 feet southeasterly of Pierce Avenue, Williamsbridge Road, a line 50 feet southeasterly of Pierce Avenue, and a line 50 feet northeasterly of Tomlinson Avenue; and
2. establishing within an existing R4A District a C2-2 District bounded by a line 100 feet northwesterly of Pierce Avenue, Williamsbridge Road, a line 225 feet northwesterly of Pierce Avenue, a line 110 feet southwesterly of Yates Avenue, Pierce Avenue, and a line 50 feet northeasterly of Tomlinson Avenue;

Borough of the Bronx, Community District 11, as shown on a diagram (for illustrative purposes only) dated May 23, 2016.

The above resolution (C 160332 ZMX) duly adopted by the City Planning Commission on October 5, 2016 (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.

CARL WEISBROD, Chairman

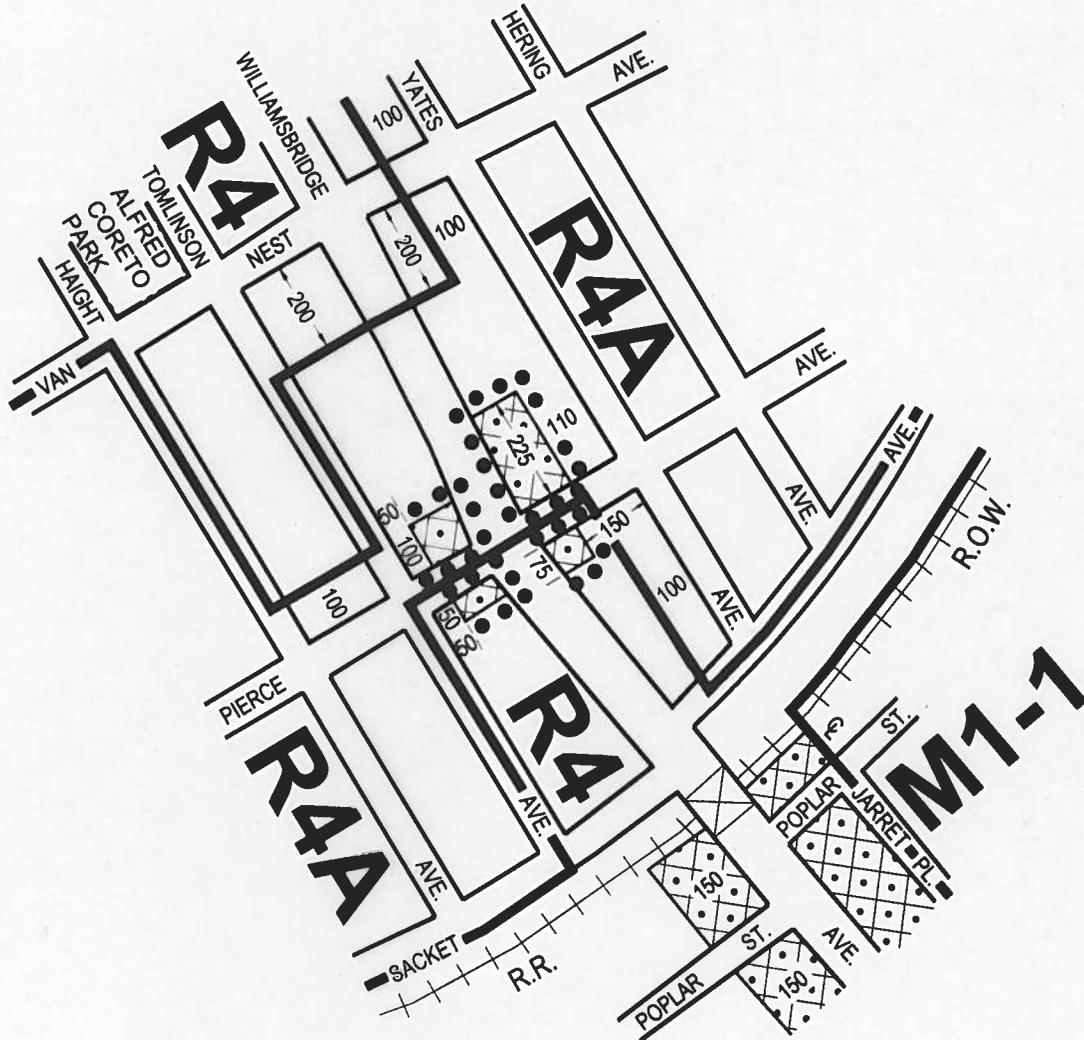
KENNETH J. KNUCKLES, ESQ., Vice Chairman

RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,

MICHELLE DE LA UZ, RICHARD W. EADDY,

CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,

ORLANDO MARÍN, LARISA ORTIZ, Commissioners



CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP

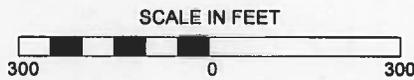
4b

BOROUGH OF
BRONX

J. Miraglia

J. Miraglia, Director
Technical Review Division

New York, Certification Date
MAY 23, 2016



NOTE:

-  Indicates Zoning District Boundary.
-  The area enclosed by the dotted line is proposed to be rezoned by establishing a C2-2 District within existing R4 and R4A Districts.
-  Indicates a C2-2 District.

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.



COMMUNITY BOARD 11
1741 COLDEN AVENUE
BRONX, NY 10462
(718) 892-6262
www.nyc.gov/bxcb11

Borough President Ruben Diaz, Jr.

Chairman Anthony Vitaliano

District Manager Jeremy Warneke

COMMITTEES

Leadership

*Community
Development &
Budget Priorities*

*Economic
Development*

*Education, Culture &
Youth Services*

*Health & Social
Services*

Housing

Land Use

Parks & Recreation

Public Safety

*Sanitation &
Environmental
Protection*

Transportation

August 5, 2016

Attention: Hannah Peters
City Planner • Bronx Borough Office
NYC Department of City Planning
1 Fordham Plaza, Suite 502
Bronx, NY 10458

Good Day, Ms. Peters:

At its public hearing of July 18, 2016, Community Board 11 voted to have no objection to the Proposed Zoning Map Amendment for application #160332ZMX. There were 28 members present and the vote was unanimous.

If you have any questions about this, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeremy Warneke". The signature is written in a cursive style and is positioned above the printed name.

Jeremy Warneke

JW: ck

BRONX BOROUGH PRESIDENT'S RECOMMENDATION
ULURP APPLICATION NO: C 160332 ZMX
1614 Williamsbridge Road
August 31, 2016

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Dominick Calderoni, Fred T. Santucci, Jr. & Jeffrey D. Klein pursuant to Section 197- c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 4b:

1. Establishing within an existing R4 District a C2-2 District bounded by Pierce Avenue, a line 150 feet southwesterly of Yates Avenue, a line 75 feet southeasterly of Pierce Avenue, Williamsbridge Road, a line 50 feet southeasterly of Pierce Avenue, and a line 50 feet northeasterly of Tomlinson Avenue; and
2. Establishing within an existing R4A District, a C2-2 District bounded by a line 100 feet northwesterly of Pierce Avenue, Williamsbridge Road, a line 225 feet northwesterly of Pierce Avenue, a line 110 feet southwesterly of Yates Avenue, Pierce Avenue, and a line 50 feet northeasterly of Tomlinson Avenue;

Borough of The Bronx, Community District #11, as shown on a diagram (for illustrative purposes only) dated May 23, 2016.

BACKGROUND

Approving this application will amend the Zoning Map by creating in an existing R4 and R4A Districts, a C2-2 commercial overlay. This application is being submitted on behalf of Dominick Calderoni, Fred T. Santucci, Jr. and Jeffrey D. Klein (the applicants) The applicants own property located at 1614 Williamsbridge Road (Block 4111, Lot 47). In addition to the applicants' property, this application will extend the proposed commercial overlay to include a total of 12 (11 additional) properties situated on the following four blocks and include:

Block 4111, Lots 38, 41-45 & 47
Block 4107, Lots 31 & 34
Block 4087, Lot 23
Block 4088, Lots 15-17

The proposed C2-2 overlay will include sites at the following addresses:

On Williamsbridge Road: 1586, 1588, 1590, 1603, 1604, 1606, 1607, 1610, 1614*
On Pierce Avenue: 1147, 1149 1151

*1614 is the applicants' property

The current use-profile of Block 4111 is typified by two-story, brick buildings on modest size landscaped lots. These structures, a majority of which were built between 1900-1930 as residences, average between 3,000 to 5,000 square feet, with frontage on Willisambridge Road approximating 50 feet. The subject property, 1614 Williamsbridge Road, occupies a lot of 6,597 square feet, on which is constructed a two-story brick building offering 3,054 square feet. Accessory parking accommodates two vehicles in the rear of the property.

Development of the surrounding community is predominately composed of two-story, well maintained brick buildings. A house of worship is located directly across Williamsbridge Road from the subject property. Additional residential development does include mid-rise residential buildings averaging six stories. Commercial activity pursuant to an existing C2-2 overlay is found at the intersection of Sacket Avenue and Williamsbridge Road, approximately 1 ½ blocks south of the subject property (1614 Williamsbridge Road). Bus transportation is available on Williamsbridge Road. The nearest subway access via the #6 train is approximately one mile from the subject property.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

This application has been reviewed pursuant to SEQR and CEQR and received a Negative Declaration, meaning the proposed use poses no threat to the environment. The City Planning Commission certified this application as complete on May 23, 2016.

BRONX COMMUNITY BOARD PUBLIC HEARING

Bronx Community Board #11 conducted a public hearing on this matter on July 18, 2016. A unanimous vote recommending approval of this application was 28 in favor, zero opposed and zero abstaining.

BOROUGH PRESIDENT'S PUBLIC HEARING

A public hearing was convened by the Bronx Borough President on July 26, 2016. Representatives of the applicant were present and spoke in favor of this application. There being no other members of the public speaking to this matter, the hearing was closed.

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

Having reviewed this matter I am pleased to note that approval will not in any significant way alter the existing "built-profile" of this Morris Park community. Rather, approval will allow many existing professional offices located on Williamsbridge Road and Pierce Avenue to conform to the proposed C2-2 commercial overlay. Mindful that Bronx Community Board #11 has unanimously approved this application, I too recommend approval.

**BOROUGH PRESIDENT
RECOMMENDATION**

**CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
Fax # (212)720-3356**

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

APPLICATION # C 160332 ZMX

DOCKET DESCRIPTION

PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION

COMMUNITY BOARD NO. 11

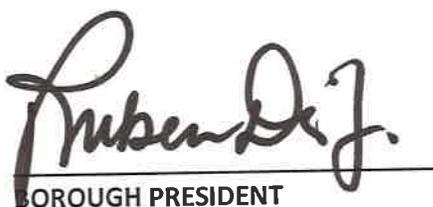
BOROUGH: BRONX

RECOMMENDATION

- APPROVE**
 APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
 DISAPPROVE

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

PLEASE SEE ATTACHMENT FOR BOROUGH PRESIDENT'S RECOMMENDATION


BOROUGH PRESIDENT

8/24/2016
DATE