



July 25th, 2018 / Calendar No. 23

N 160401 ZMR

IN THE MATTER OF an application submitted by Pelton Place LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 21a, by establishing within an existing R3-1 District a C2-2 District bounded by Pelton Place, Elizabeth Avenue, a line perpendicular to the westerly streetline of Elizabeth Avenue distant 115 feet southerly (as measured along the streetline) from the point of intersection of the southerly streetline of Pelton Place and the westerly streetline of Elizabeth Avenue, Bement Avenue, and Richmond Terrace; Borough of Staten Island, Community District 1, as shown on a diagram (for illustrative purposes only) dated March 26, 2018, and subject to the conditions of CEQR Declaration E-441.

This application for a zoning map amendment was filed by Pelton Place, LLC on June 30, 2016 to facilitate the development of a commercial building along the Richmond Terrace corridor located in the West Brighton neighborhood of Staten Island, Community District 1.

BACKGROUND

The applicant proposes a zoning map amendment to extend an existing C2-2 commercial overlay east to encompass Block 150, Lots 1, 9, and part of 154 in the West Brighton neighborhood of Community District 1, Staten Island. The zoning map amendment would facilitate the development of commercial uses within the project area, including the development of a one-story, 4,830-square-foot commercial development with 16 parking spaces on Lot 1.

The applicant's property is located at 5 Bement Avenue (Block 150, Lot 1), at the southeast corner of the intersection of Bement Avenue and Richmond Terrace. Lot 1 comprises 15,655 square feet and is irregular in shape, with 150 feet of frontage along Richmond Terrace and 96 feet of frontage along Bement Avenue. Lot 1 is currently vacant and unimproved.

Lots 9 and 154, while not owned by the applicant, are included in the proposed R3-1/C2-2 district to facilitate the extension of a continuous commercial corridor along

Richmond Terrace. Lot 9, located at 45 Elizabeth Avenue, comprises 10,608 square feet with approximately 104 feet of frontage along Richmond Terrace and 104 feet of frontage along Elizabeth Avenue. It is developed with a vacant former automotive service use, containing a building of 1,708 square feet (for a floor area ratio, or FAR, of 0.16). Lot 154, located at 37 Elizabeth Avenue, is an interior lot with 3,876 square feet of lot area, approximately 38 feet of frontage along Elizabeth Avenue, and a depth of approximately 102 feet. The lot is developed with a one-family residential home with 1,312 square feet of floor area (0.34 FAR).

The surrounding land uses include low-density residential uses (one- and two-story single- and two-family detached and semi-attached homes) south of the project area, industrial maritime uses north of Richmond Terrace and along the Kill Van Kull waterfront, and automobile uses fronting Richmond Terrace to the south. These land uses generally reflect the existing zoning of the area, which consists of low-density residential districts (R3-1, R3-2, R3A, and R3X), a C2-2 overlay, and a M3-1 district.

Since commercial development is not permitted in the existing R3-1 zoning district, the applicant is proposing to extend an existing C2-2 commercial overlay district eastward by one block, creating a R3-1/C2-2 zoning district along Richmond Terrace and between Bement and Elizabeth avenues that would be mapped to a depth of 115 feet south of Richmond Terrace. The proposed C2-2 overlay would permit uses including local retail uses, a wide variety of other commercial uses, and some light manufacturing uses. A commercial FAR of 1.0 and a height of 30 feet would be permitted. The parking requirement for general retail uses in C2-2 commercial overlay districts is one space per 300 square feet of floor area.

The underlying R3-1 zoning district would remain unchanged. Underlying zoning requirements for the Lower Density Growth Management Area and Staten Island also require landscaping buffers between non-residential and residential uses on separate zoning lots.

Previous local planning efforts have contemplated commercial uses at this location.

In December 2011, the Department of City Planning (DCP) and the City's Economic Development Corporation (EDC) released the *North Shore 2030* study, which identified the community vision for West Brighton as a vibrant, active working waterfront and compatible industrial uses, with additional maritime support services and expanded commercial amenities along Richmond Terrace. In 2012, DCP partnered with the West Brighton Community Local Development Corporation and the New York Department of State to work with the community and stakeholders to craft a strategic plan for the West Brighton area with the goals of improving public access to waterfront, supporting new and existing maritime industrial uses, expanding retail and community services, and providing a safe, multimodal transportation network along Richmond Terrace. One of the recommendations of the *West Brighton Brownfield Opportunity Area (BOA)* report (issued in March 2016) was to promote the expansion or creation of new commercial uses along Richmond Terrace.

ENVIRONMENTAL REVIEW

This application (C 160401 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 designated CEQR number is 17DCP055R. The lead is the City Planning Commission. After a study of the potential environmental impact of the proposed actions, a Conditional Negative Declaration was issued on March 23, 2018. To avoid the potential for significant adverse impacts related to air quality, an (E) designation (E-441) is proposed to be assigned to the project site as described below.

Air Quality

Block 150, Lot 1

Any new commercial building must ensure that the heating, ventilating and air conditioning stack(s) is located at the building's highest level and at a minimum of 20 feet above grade, and at least 18 feet away from the lot line of Block 150, Lot 144 and at

least 18 feet from the lot line of Block 150, Lot 9, to avoid any potential significant air quality impacts.

Block 150, Lot 9

Any new commercial building must ensure that the heating, ventilating and air conditioning stack(s) is located at the building's highest level and at a minimum of 20 feet above grade, and at least 20 feet away from the lot line of Block 150, Lot 154 and at least 20 feet from the lot line of Block 150, Lot 1, to avoid any potential significant air quality impacts.

Hazardous Materials

Block 150, Lot 1

Due to the possible presence of hazardous materials on the aforementioned designated site, there is potential for contamination of the soil and groundwater. To determine if contamination exists and perform the appropriate remediation, the following tasks must be undertaken by the fee owners of the lot restricted by this (E) designation prior to any demolition or disturbance of soil on the lot.

Task 1

The applicant submits to New York City Office of Environmental Remediation (OER), for review and approval, a Phase 1A of the site along with a soil and groundwater testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.

If site sampling is necessary, no sampling program may begin until written approval of a work plan and sampling protocol is received from the OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after

review of the sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2

A written report with findings and a summary of the data must be presented to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination would be provided by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is necessary according to test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

An OER-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to OER for review and approval prior to implementation.

All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling, and disposal of suspect lead-paint and asbestos-containing materials. For all projected and potential development sites where no E-designation is recommended, in addition to the requirements for lead-based paint and asbestos, requirements (including those of New York State Department of Environmental Conservation) should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed.

In order to avoid the potential for significant adverse archaeological impacts as part of the Proposed Project, the Applicant entered into a Restrictive Declaration on November 8, 2016, and recorded on November 9, 2016, agreeing to conduct archaeological

identification, investigation, and mitigation in accordance with the CEQR Technical Manual and NYC Landmarks Preservation Commission (LPC) guidelines for archaeological work in New York City. Consequently, no significant adverse impact to archaeological resources are expected to result from the proposed action.

UNIFORM LAND USE REVIEW

This application (C 160401 ZMR) was certified as complete by the Department of City Planning on March 26, 2018, and was duly referred to Community Board 1 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 1 held a public hearing on this application (C 160401 ZMR) on May 1, 2018 and on June 8, 2018, by a vote of 26 in favor, with six opposed and no abstentions, adopted a resolution recommending approval of the application with the following modification:

“The proposed C2-2 commercial overlay district be adjusted to follow the existing tax lot of the adjoining residential property.”

Borough President Recommendation

The Staten Island Borough President did not issue a recommendation for the application.

City Planning Commission Public Hearing

On June 13, 2018 (Calendar No. 13), the Commission scheduled June 27, 2018 for a public hearing on this application (C 160401 ZMR). The hearing was duly held on June 27, 2018 (Calendar No. 24).

One speaker testified in favor of the application. The applicant’s representative provided a summary of the project and the requested action. The speaker stated that the applicant was amenable to the Community Board 1 recommendation to reduce the depth of the commercial overlay district to exclude the residential lot (Lot 154), and that such a

modification to the commercial overlay district would not create new restrictions for the proposed commercial development on the applicant's property.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 160401 ZMR) 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 14-033.

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 160401 ZMR), as modified herein, is appropriate.

This action would facilitate the development of new commercial uses within the West Brighton neighborhood of Staten Island, including the development of a one-story, 4,830-square-foot commercial development with 16 parking spaces.

The extension of the C2-2 district along Richmond Terrace is appropriate for this corridor devoted primarily to non-residential uses. The new zoning will facilitate the development of commercial or mixed-use buildings in context with other developments along Richmond Terrace and align with the recommendations of the North Shore 2030 and West Brighton BOA studies to promote the expansion or creation of new commercial uses along Richmond Terrace. Commercial uses along this corridor would serve the needs of local residents, workers, and travelers using Richmond Terrace, and the bulk and

height requirements, combined with the requirement that, in Staten Island, commercial uses adjoining residential only uses provide a planted buffer, are appropriate for this area and the surrounding context.

The Commission acknowledges the recommendation of Staten Island Community Board 1 to exclude the residential lot (Lot 154) from the proposed C2-2 commercial overlay district. In response, the Commission has modified the application to remove Lot 154 from the application. The Commission believes that reducing the depth of the commercial overlay district does not affect the proposed commercial development on Lot 1, and still promotes a continuous commercial overlay along Richmond Terrace.

RESOLUTION

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

RESOLVED, the City Coastal Commission 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

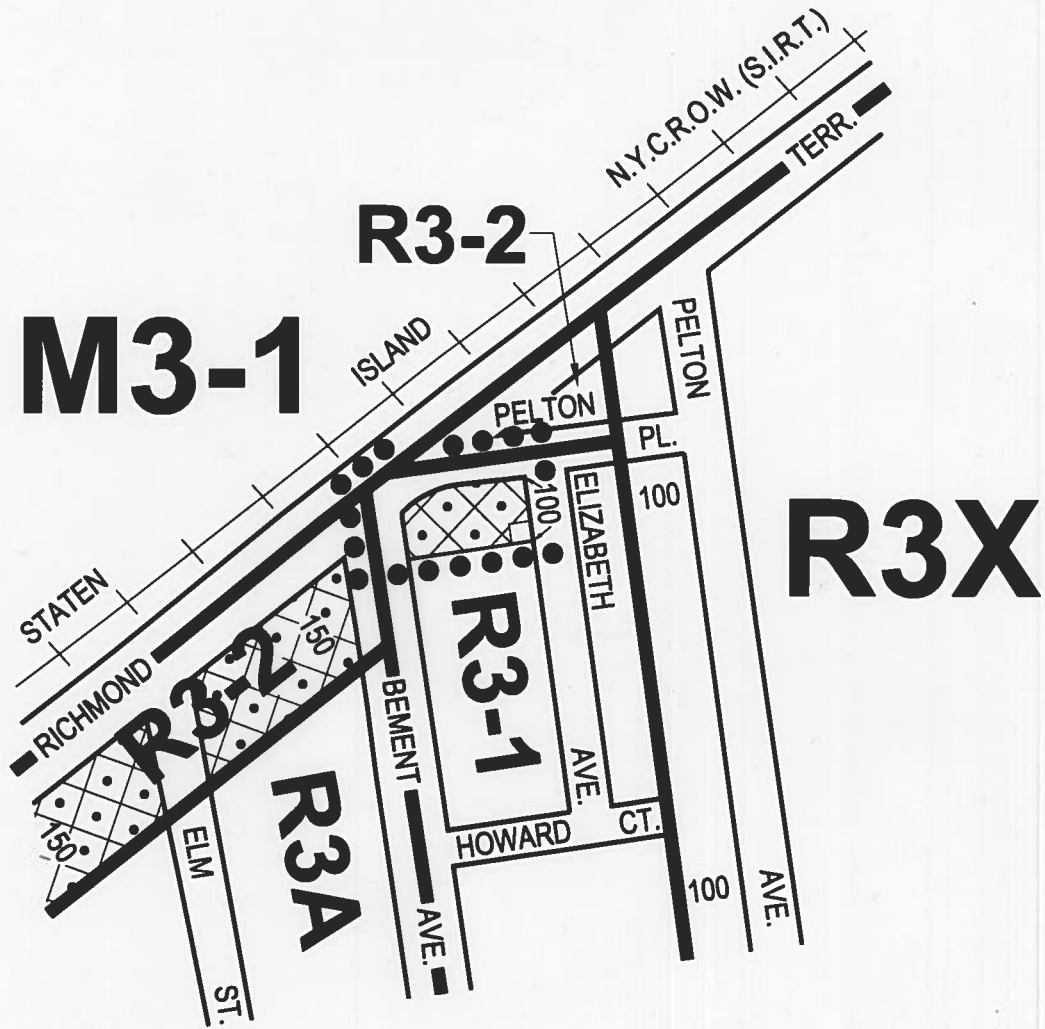
RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby amended by changing the Zoning Map, Section No. 21a by establishing within an existing R3-1 District a C2-2 District bounded by Pelton Place, Elizabeth Avenue, a line perpendicular to the westerly streetline of Elizabeth Avenue distant 100 feet southerly (as measured along the streetline) from the point of intersection of the southerly streetline of Pelton Place and the westerly streetline of Elizabeth Avenue, Bement Avenue, and Richmond Terrace, Borough of Staten Island, Community District 1, as shown on a diagram (for illustrative purposes only) dated March 26, 2018, modified by the City Planning Commission on July 25, 2018, and subject to the conditions of CEQR Declaration E-441.

The above resolution (C 160401 ZMR), duly adopted by the City Planning Commission on July 25, 2018 (Calendar No. 23) 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.

MARISA LAGO, *Chair*

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

**ALLEN CAPPELLI, ALFRED C. CERULLO, III, MICHELLE DE LA UZ,
JOSEPH DOUEK, RICHARD W. EADDY, CHERYL COHEN EFFRON,
HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ**
Commissioners



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED

ZONING CHANGE

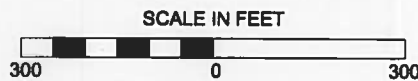
ON SECTIONAL MAP

21a




BOROUGH OF
STATEN ISLAND

New York, Certification Date
MARCH 26, 2018
CPC, Modification Date
JULY 25, 2018

S. Lenard, Director
Technical Review Division



NOTE:

-  Indicates Zoning District Boundary.
-  The area enclosed by the dotted line is proposed to be rezoned by establishing a C2-2 District within an existing R3-1 District.
-  Indicates a C2-2 District.

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NYC Planning Application No C 160401 ZMR - 5 Bement Avenue for an amendment to the zoning map creating a C2-2 overlay over and existing R3-1.

Motion made to approve with the condition that the line be adjusted and follows the existing tax lot of the adjoining residential property. Roll call vote taken, vote passed Land Use Committee unanimously.