

118-14-BZ

CEQR #14-BSA-162R

APPLICANT – Rampulla Associates Architects, for Mangone Developers Corporation, owner.

SUBJECT – Application June 3, 2014 – Variance (§72-21) to allow a three-story sixteen unit condominium contrary to use regulations, with accessory parking for thirty six cars. Located within R3X, R1-2 split zoning district and in an NA-1 designated area.

PREMISES AFFECTED – 1891 Richmond Road, northwest side of Richmond 2667.09' southwest of the corner of Four Corners Road and Richmond Road, Block 895, Lot (s) 61, 63, 65, 67 (61 tentative), Borough of Staten Island.

COMMUNITY BOARD #2SI

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.....4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated May 5, 2014, acting on DOB Application No. 520184390, reads, in pertinent part:

ZR 22-12(A)(1) – The proposed detached three-story multiple dwelling building (16 dwelling units) with 36 accessory parking spaces is not permitted as-of-right in R3X zoning district; contrary to Zoning Resolution Section 22-00; and

WHEREAS, this is an application under ZR § 72-21, to permit, on a site partially within an R1-2 zoning district and partially within an R3X zoning district, within a Special Natural Area District (NA-1), the construction of three-story multiple dwelling for persons 55 years of age or older (Use Group 2) with 16 dwelling units and 36 accessory parking spaces, contrary to ZR § 22-12; and

WHEREAS, a public hearing was held on this application on December 16, 2014, after due notice by publication in *The City Record*, with a continued hearing on February 3, 2015, and then to decision on March 3, 2015; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Commissioner Montanez and Commissioner Ottley-Brown; and

WHEREAS, Community Board 2, Staten Island, recommends approval of this application; and

WHEREAS, the subject site is located on the west side of Richmond Road between Hunter Avenue and Hull Avenue, partially within an R1-2 zoning district and partially within an R3X zoning district, within a Special Natural Area District (NA-1); and

WHEREAS, the site comprises Tax Lots 61, 63, 65, 67, and 70; it has approximately 538 feet of frontage along Richmond Road and 57,862 sq. ft. of lot area

(13,500 sq. ft. of lot area in the R1-2 portion of the site and 44,362 sq. ft. of lot area in the R3X portion of the site); and

WHEREAS, the site is vacant, aside from partial retaining walls constructed in connection with a 2004 City Planning Commission (“CPC”) approval to construct four detached, two-family dwellings; and

WHEREAS, the applicant notes that the 2004 CPC approval created a 22,987 sq.-ft. Area of No Disturbance in the southwest corner of the site; and

WHEREAS, the applicant acknowledges that because the site is within a Special Natural Area District, CPC approval must be obtained prior to the issuance of a DOB permit; and

WHEREAS, the applicant now seeks to construct, within the R3X portion of the site, a three-story multiple dwelling for persons 55 years of age or older (Use Group 2) with 28,392 sq. ft. of floor area (0.49 FAR), 16 dwelling units, and 36 accessory parking spaces; the proposal reflects that the building will have a front yard depth of 10’-0”, one side yard with a width of 25’-0”, one side yard with a width of 260’-0”, a rear yard depth of 30’-0”, and a building height of 40’-0”; and

WHEREAS, pursuant to ZR § 22-12(A)(1), only single- or two-family detached residences are permitted within an R3X zoning district; and

WHEREAS, accordingly, the proposed multiple dwelling requires a use variance; and

WHEREAS, the applicant asserts that the site qualifies for the requested variance under ZR § 72-21; and

WHEREAS, the applicant states that, per ZR § 72-21(a), the following are unique physical conditions, which create practical difficulties and unnecessary hardships in developing the site in conformance with underlying district regulations: (1) the site’s changes in elevation; and (2) the site’s soil condition; and

WHEREAS, the applicant states that elevation of the site varies from 57’-5” (southeast corner) to 104’-0” (northwest portion), resulting in slopes that vary from 11 percent to 25 percent, and that this condition is unlike any site within the surrounding area; and

WHEREAS, the applicant states that the varied elevation and slope of the site creates practical difficulties in developing the site because an excessive amount of excavation must be performed and a retaining wall must be constructed, at significant cost; and

WHEREAS, the applicant also notes that due to the site’s changes in elevation, it is classified as a Special Natural Area District; as such, the applicant estimates that CPC will require approximately 40 percent of lot area of the site to remain undeveloped and undisturbed, which further constrains development of the site; and

WHEREAS, the applicant asserts that the site is also burdened by unusual soil conditions that create premium construction costs; specifically, the applicant identifies the presence of hard serpentine rock, which

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cannot be excavated using conventional means; instead, the applicant states that the rock must be pulverized and removed from the site in stages, at significant cost; and

WHEREAS, the applicant estimates that the total premium construction costs for the excavation, retaining wall, and serpentine rock removal will be \$873,525; and

WHEREAS, the Board agrees that the elevation changes and serpentine rock at the site are unique physical conditions that create practical difficulties and unnecessary hardships in developing the site in conformance with the applicable zoning regulations; and

WHEREAS, the applicant asserts that, per ZR § 72-21(b), there is no reasonable possibility that the development of the site in conformance and compliance with the Zoning Resolution will realize a reasonable return; and

WHEREAS, the applicant provided a financial analysis for: (1) eight, three-story detached two-family residences (16 total dwelling units); and (2) the proposal; and

WHEREAS, the study concluded that only the proposal would provide a reasonable return; and

WHEREAS, based upon its review of the applicant's submissions, the Board has determined that because of the site's unique physical conditions, there is no reasonable possibility that development in strict conformance and compliance with applicable zoning requirements will provide a reasonable return; and

WHEREAS, the applicant represents that the proposed building will not alter the essential character of the neighborhood, will not substantially impair the appropriate use or development of adjacent property, and will not be detrimental to the public welfare, in accordance with ZR § 72-21(c); and

WHEREAS, the applicant states that while detached, single-family homes characterize the areas south and west of the site, the areas north and east of the site (which are at higher elevations) are characterized by their diversity of uses, including semi-attached two-family dwellings, multiple dwellings, and several community facility uses; thus, the proposed residential use is in keeping with the predominantly residential character of the area; and

WHEREAS, as to bulk, the applicant notes that the proposed number of dwelling units (16) is the same number of dwelling units that would be permitted at the site, if such units were provided within eight buildings (two units per building) rather than in a single building; thus, the applicant states that no more families will be residing at the site than would be permitted by the underlying district regulations; further, the applicant notes that the proposed 0.49 FAR is 0.11 FAR less than the 0.60 FAR than is permitted as-of-right; and

WHEREAS, as to height, the applicant states that while the proposed building height of 40'-0" is 5'-0"

higher than the maximum height permitted for a conforming use within the subject R3X district (35'-0"), the dramatic slope of the site mitigates the impact of such height upon the neighborhood; further, the applicant contends and the Board agrees that the additional height is essential to providing a building form that is consistent with the prevailing architecture of homes in the vicinity (pitched roofs and gables); and

WHEREAS, turning to traffic, the applicant states that the site's only frontage is along Richmond Road, which is a heavily-trafficked, four-lane thoroughfare; the applicant notes that the proposal reflects two curb cuts, which is significantly fewer curb cuts than would be constructed in connection with an as-of-right development of single- or two-family homes; as such, the applicant contends that the proposal is more consistent with existing traffic conditions than an as-of-right development would be; and

WHEREAS, finally, the applicant notes that 36 parking spaces will be provided, which is eight more spaces than would be required for 16 dwelling units in an R3X zoning district; and

WHEREAS, based upon the above, the Board finds that this action will not alter the essential character of the surrounding neighborhood nor impair the use or development of adjacent properties, nor will it be detrimental to the public welfare; and

WHEREAS, the Board finds that the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the applicant states that the proposal represents the minimum variance needed to allow for a reasonable and productive use of the site; and

WHEREAS, the Board finds that this proposal is the minimum necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under ZR § 72-21; and

WHEREAS, the project is classified as a Unlisted action pursuant to 6 NYCRR, Part 617.2; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 14-BSA-162R dated February 12, 2014; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

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WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact on the environment.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration, with conditions as stipulated below, prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR § 72-21 and grants a variance, to permit, on a site partially within an R1-2 zoning district and partially within an R3X zoning district, within a Special Natural Area District (NA-1), the construction of three-story multiple dwelling for persons 55 years of age or older (Use Group 2) with 16 dwelling units and 36 accessory parking spaces, contrary to ZR § 22-12, *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 12, 2015"- seven (7) sheets; and *on further condition*:

THAT the parameters of the building and site shall be as follows: 28,392 sq. ft. of floor area (0.49 FAR), 16 dwelling units, a minimum front yard depth of 10'-0", one side yard with a width of 25'-0", one side yard with a width of 260'-0", a minimum rear yard depth of 30'-0", a maximum building height of 40'-0", and 36 parking spaces, as illustrated on the BSA-approved plans;

THAT all required CPC approvals shall be obtained prior to the issuance of the DOB permit;

THAT the applicant shall forward BSA a copy of the CPC-approved plans prior to applying for the DOB permit;

THAT the occupancy of the building shall be limited to persons 55 years of age or older;

THAT the above conditions shall be listed on the certificate of occupancy;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk shall be signed off by DOB and all other relevant agencies by March 3, 2019;

THAT this approval is limited to the relief granted by the Board in response to specifically cited DOB/other

jurisdiction objection(s);

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, March 3, 2015.

A true copy of resolution adopted by the Board of Standards and Appeals, March 3, 2015.

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Copies Sent
To Applicant
Fire Com'r.
Borough Com'r.

