

COMMUNITY BOARD 3
LAND USE COMMITTEE MINUTES
May 20, 2009

Following are the minutes from the Land Use Committee of Community Board #3 Public Hearing held Wednesday, May 20, 2009 at 7:30 p.m. in the Community Board 3 offices located within the Woodrow Plaza Shopping Center, 655-218 Rossville Avenue, Staten Island, New York, 10309:

ATTENDANCE:

Committee Members Present:

Philip Centineo	Alice Ruch
Frank Morano	Frank Santarpia
Helen Napoli	Charlie Cappucci
Frank Contrera	Albert Esposito
Joseph Romagnolo	Thomas Uttaro

Staff:

Marie Bodnar, District Manager
 Patricia Piccochi, Community Coordinator
 Charlene Wagner, Community Associate

Other Attendees:

20+ area residents
 Roger Wilson, President of the South Shore Swim Club
 Bert Springstead, Vice-President of the Board of the South Shore Swim Club
 Dee Vandenburg, President, Staten Island Taxpayers Association Inc.
 Elaine Adamo – Director of the Montessori School, 500 Butler Boulevard
 John LaFemina, Oakwood Civic Association
 Erik Palatnik, Esq., representing the applicants for Maguire Woods, Presentation Circle
 Robert Gaudio, Esq. representing the applicant for 6737 Hylan Boulevard (South Swim Club)
 Richard Moss, AIA, representing the applicant for 85 Woodland Avenue
 Rob Avaltroni, representing Councilman Ignizio

Chairman of the Land Use Committee, Phil Centineo, opened the Public Contact Session at 7:30 p.m.

Dee Vandenburg, representing Staten Island Taxpayers, Inc., spoke about future plans by the developer of several shopping centers on Page Avenue to expand the Tottenville Square Shopping Center on Page Avenue at Amboy Road and the lack of proper sewer infrastructure. John LaFemina, Oakwood Civic Association President, also spoke in regards to the septic problems encountered at the Burger King Restaurant at that location, the garbage and grease waste thrown behind the stores. Dee Vandenburg also reported the New York State Department of Environmental Conservation written permits for the 33 houses proposed for Page Avenue at Geigerich does in fact disallow the proposed homes

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to have rear or side yards in the 60 ft. buffer zone of the Wetlands area of this location. This contradicts the drawings approved by the State and presented by the architect at the Public Hearing. The State wrote in correction of this error to the Staten Island Taxpayers Association that they will be “abiding by the written permit, not the drawings submitted by the applicant”.

56-09BZ – 6736 Hylan Boulevard (Block 7734 / Lot 50), South Shore Swim Club Inc. – Board of Standards and Appeals application from Omnipoint Communications seeking a Special Permit approval pursuant to Section 73-30 of the NYC Zoning Resolution for a proposed 80-foot non-accessory radio tower and related equipment at grade in a Residential District. Robert Gaudio, representing Omnipoint Communications Inc. / T-Mobile, made the presentation for the radio tower emphasizing its safety based upon regulations required by the Federal Communications Act of Federal Statutes adopted in 1996. Members of the surrounding community strongly opposed the application. Bert Springstead spoke on behalf of the South Shore Swim Club Board of Directors who reviewed the application and agreed to allow this facility to be placed on their property because they reviewed health risk documentation and determined there is “no defined answer” regarding health risk considerations. The membership of the South Shore Swim Club (375 families and 55 singles) voted in favor of this application. The owner of the Montessori School questioned if D.E.C. Permits were filed for and if this facility is located in the buffer zone. Mr. Guadioso did not believe this facility was located in the buffer zone and will review the location again to make that determination. He stated the applicant filed an Environmental Assessment Statement that included that type of documentation.

Frank Morano MOTIONED: “that Community Board 3 oppose the proposal for a Special Permit to construct an 80 ft. Telecommunications Radio Tower and related equipment on the grounds of the South Shore Swim Club located at 6736 Hylan Boulevard due to Community opposition and the proximity to State Wetlands.”

SECONDED: Helen Napoli

Discussion – Marie Bodnar and Albert Esposito asked why this tower must be placed in a residential neighborhood instead of adding antennae to existing towers previously approved. She noted the proximity of State Wetlands in relation to this facility. Frank Morano stated the Community opposition to this project should be taken into consideration. Tom Uttaro stated “in the absence of evidence that this facility is safe I can not imagine the residents and members of the Swim Club agreeing to this proposal.”

VOTE: 9 in favor -0 opposed -1 abstention (Thomas Uttaro)

MOTION PASSED.

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159-09-A – 85 Woodland Avenue (Block 5442 / Lot 44), - An application to the Board of Standards and Appeals from 2nd Street Development Corporation seeking to construct a single family dwelling located partially within the bed of a mapped street (1/2 of Doane Avenue) contrary to Section 35 of the General City Law. – Erik Palatnik made the presentation for the proposal. He stated the Woodland Avenue side of the street would be improved conforming to Department of Transportation regulations. One area resident was concerned this proposal would exasperate existing parking problems already in the neighborhood

Patrick Donahue MOTIONED: “that Community Board 3 accept the proposal to build within the bed of a mapped street (Doane Avenue)”

SECONDED: Charles Cappucci

Discussion: The Committee members expressed concern for the narrow width of the street (Doane Avenue Lot 31 B5442)) if it were put through after the homes are built. The portion of Doane Avenue on this property was voided when the homeowner went to Supreme Court in 2002 and obtained a court order that removed half of the street from the maps of the City of New York. They were concerned that if the proposed homes were to be demolished and larger homes built in the future that the existing judicial consent would not apply on this narrow street.

VOTE: 1 in favor (Patrick Donahue) – 9 opposed – 0 abstentions

MOTION FAILED.

57-09A thru 158-09A Maguire Woods (Block 6979 / Lots 64-362 totaling 102 Lots) – The Board of Standards and Appeals has received an application from Maguire Avenue Realty Corporation seeking to build 102, two-family dwellings within an R3-2 (SRD) zoning district as the development does not meet the criteria of Section 11-30 of the zoning resolution for a major development. – Erik Palatnik made the presentation for the proposal explaining why the application was made. The previously issued permits lapsed by operation of law because of Growth Management causing the zoning to change in this location which now requires different rear yards, buffering, front yards and parking requirements, none of which this development complies with. The developer pleads an economic hardship if this development can not proceed as originally approved. There was no community opposition.

Frank Morano MOTIONED: “that Community Board 3 accept the proposal to renew permits to continue to build Maguire Woods.”

SECONDED: Charles Cappucci

Discussion: Members discussed how the homeowners bought their home in this development knowing that the plans included an additional 102 dwellings. There were no

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speakers from this development against the completion of this development. The hardship to the existing homeowner is valid since the cost is to be shared with the 102 dwellings.

VOTE: 7 in favor – 2 opposed (Helen Napoli, Helen Ruch) – 0 abstentions

MOTION PASSED.

CEQR# 09DCP006R / ULURP # 080374ZSR Presentation Circle & Woodrow Road, 83ft. east of Sherrill Avenue (Block 5735 Lot 1, tentative Lot 15) – The Department of City Planning has received an application requesting authorization pursuant to Sect. 107-64 (Removal of Trees), Sect. 107-22 (D.O.S.), Sect. 107-123 (School Seats), Sect.107-65 (Modification of Existing Topography), and Special Permit pursuant to Sect. 74-732 (Private Sewer Pump Station) to develop 83 one-family and 7 two family residences with open passive recreational space located on one zoning lot. – Richard Moss made the presentation for the proposed development. There were a few area residents present who had concerns about the adjacent Wetlands and Open Space, lack of available parking and emergency vehicle access, and availability of school seats.

Frank Morano MOTIONED: “that Community Board 3 accept the proposal for the development of Presentation Circle with the condition that the developer find additional egress in and out of the development for emergency access.

SECONDED: Charles Cappucci

Discussion: Helen Napoli expressed concern about the Pump Station location. Marie Bodnar addressed what type of storm water management or dry wells will be in place. Richard Moss stated the dry wells would be placed in the center of the development for some of the water runoff and that D.E.P. is allowing some water (not street water) to drain into the adjacent Wetlands. The impact on the existing sanitary sewer in Woodrow Road was another concern as the developer will be using a Force Main to expel sanitary waste. Frank Morano stated the street width in this private development with on street parking would be dangerous for emergency vehicle access.

VOTE: 5 in favor – 4 opposed – 0 against.

MOTION PASSED