

***CORRECTION**

This resolution adopted on October 16, 2007, under Calendar No. 298-06-A and printed in Volume 92, Bulletin Nos. 39-41, is hereby corrected to read as follows:

298-06-A

APPLICANT – Glen V. Cutrona, AIA, for John Massamillo, owner.

SUBJECT – Application November 13, 2006 – Proposed construction of a four story mixed use (commercial & residential) bldg. located within the bed of mapped street(Victory Boulevard) contrary to General City Law Section 35 . C4-2 /R5 Zoning District. Companion BZ case under Cal.No. 297-06-BZ. PREMISES AFFECTED – 130 Montgomery Avenue, between Victory Boulevard and Fort Place, Block 17, Lot 116, Borough of Staten Island.

COMMUNITY BOARD #1SI

APPEARANCES –

For Applicant: Glen V. Cutrona.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson.....4

Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Staten Island Borough Commissioner, dated November 6, 2006 and updated on August 8, 2007, acting on Department of Buildings Application No. 500855452, reads in pertinent part:

“Objection #1 – Construction proposed in the bed of a final mapped street that is contrary to Article 111, Section 35 of the General City Law”; and

WHEREAS, this application requests permission to build a mixed-use building, partially located within the bed of a mapped street (Victory Boulevard Extension); and

WHEREAS, a separate application was filed under BSA Cal. No. 297-06-BZ, for waivers of rear yard and lot coverage requirements pursuant to ZR § 72-21 and is addressed within a separate resolution; and

WHEREAS, a public hearing was held on this application on September 18, 2007 after due notice by publication in the *City Record*, and then to closure and decision on October 16, 2007; and

WHEREAS, by letter dated February 23, 2007, the Department of Transportation (DOT) states that it has reviewed the application and requests that the sidewalk and curb adjacent to the proposed development should follow the same width and alignment as currently exists adjacent to the improved properties on the west side of

Montgomery Avenue; and

WHEREAS, the Board notes that DOT did not indicate that it intends to include the applicant’s property in its ten-year capital plan; and

WHEREAS, in response to DOT’s request, the applicant agreed that once the Builder’s Pavement Plan is prepared it will follow the same width and alignment as currently exists adjacent to the improved properties on the west side of Montgomery Avenue, and

WHEREAS, by letter dated July 30, 2007, DOT states that it has reviewed the applicant’s submission and has no further comments; and

WHEREAS, by letter dated September 27, 2007, the Fire Department states that it has reviewed the application and has no objection; and

WHEREAS, by letter dated December 21, 2006, the Department of Environmental Protection (DEP) states that it has reviewed the above application and advises the Board that there is an adopted Drainage Plan PRD-2D, Sheet 7 of 9, which calls for two 10-in. diameter sanitary sewer and a 12-in. diameter storm sewer in the bed of the Victory Boulevard Extension between Montgomery Avenue and Monroe Avenue; and

WHEREAS, therefore, DEP requires that the applicant either amend the drainage plan or provide a Sewer Corridor with a minimum width of 35’-0” in the bed of the Victory Boulevard Extension between Montgomery Avenue and Monroe Avenue for the purpose of installation, maintenance, and/or reconstruction of two 10-in. diameter drainage plan sanitary sewer and a 12-in. diameter drainage plan storm sewer; and

WHEREAS, in response to DEP’s request, the applicant met with DEP and provided evidence of the existing conditions of the sewers at the site; and

WHEREAS, by letter dated March 5, 2007 , DEP states that it has reviewed the evidence submitted and finds that there is no need to modify the drainage plan at this time; and

WHEREAS, the applicant has submitted adequate evidence to warrant this approval under certain conditions.

Therefore it is Resolved that the decision of the Staten Island Borough Commissioner, dated November 6, 2006 and updated on August 8, 2007, acting on Department of Buildings Application No 500855452, is modified by the power vested in the Board by Section 35 of the General City Law, and that this appeal is granted, limited to the decision noted above; *on condition* that construction shall substantially conform to the drawing filed with the application marked “Received August 8, 2007,” “A-2b” - one (1) sheet; that the proposal shall comply with all applicable zoning district requirements; and that all other applicable laws, rules, and regulations shall be complied with; and *on further condition*:

THAT this approval is limited to the relief granted

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by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

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

THAT the Department of Buildings 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, October 16, 2007.

***The resolution has been amended.**

Corrected in Bulletin No 15, Vol. 102, dated April 20, 2017.

A true copy of resolution adopted by the Board of Standards and Appeals, October 16, 2007.

Printed in Bulletin Nos. 39-41, Vol. 92.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

