

## 55-03-A

APPLICANT - Robert E. Englert, A.I.A., for Sleepy Hollow Development Corp., owner.

SUBJECT - Application February 10, 2003 - Proposed two family attached frame building, not fronting on a legally mapped street, and located within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

PREMISES AFFECTED - 45 Hall Avenue, north side, west of Willowbrook Road, Block 2091, Lot 71, Borough of Staten Island.

### COMMUNITY BOARD #2SI

APPEARANCES - None.

**ACTION OF THE BOARD** - Appeals granted on condition.

### THE VOTE TO GRANT -

Affirmative: Chair Srinivasan, Vice-Chair Babbar, Commissioner Caliendo, Commissioner Chin and Commissioner Miele.....5

Negative:.....0

### THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings Staten Island Borough Commissioner dated December 11, 2003 and December 16, 2003, acting on N.B. Application No. 500405117, reads in pertinent part:

- “1. The streets given access to [the] proposed buildings are not duly placed on the official map of the City of New York therefore:
  - a. No Certificate of Occupancy can be issued pursuant to Article 3, Section 36 of the General City Law.
  - b. Proposed construction does not have at least 8% of the total perimeter of buildings fronting directly upon a legally mapped street or frontage space contrary to Section 27-291 New York City Building Code.
2. Proposed development includes site appurtenances located in the bed of streets duly placed on the official map of the City of New York therefore:
  - a. No permit can be issued pursuant to Article 3, Section 35 General City Law.”; and

WHEREAS, the proposed development contemplates the construction of twenty (20) three story one-family semi-detached dwellings in the bed of a mapped street, Hall Avenue between Willowbrook Road and Hawthorne Avenue; and

WHEREAS, by letter dated February 9, 2004, the Fire Department has reviewed the proposed project and has no objections provided that a 25 foot wide paved road will be maintained from Hall Avenue to Hawthorne Avenue for use by the Fire Department for emergency access; it is further understood that all buildings are to front on Hall Avenue which has a 38 foot curb to curb width for its

entire length until it intersects with Willowbrook Road; and

WHEREAS, by letter dated November 17, 2003, the Department of Transportation has reviewed the above project and has recommended that a permanent Homeowner’s Association be established to maintain the private roadway, and that such a condition should be made a restriction on the property deeds; and

WHEREAS, by letter dated April 14, 2003, the Department of Environmental Protection has reviewed the proposed project and requires the applicant to provide a 38 ft. wide clearance located in Hall Avenue for a “Sewer Corridor”, with no permanent structures being constructed within this “Sewer Corridor”, for the purpose of future drainage and installation, maintenance and/or reconstruction of the 10 inch dia. Sanitary and 48 inch dia. Storm Sewer in Hall Avenue between Hawthorne Avenue and Willowbrook Road under a substitute drainage plan; and

WHEREAS, in response to DEP’s request the applicant has filed a drainage plan that will supercede the adopted NYC Drainage Plan (RDP-DP-9-5); the substitution of this drainage plan will satisfy the requirements of DEP and allow the construction of the referenced property; and

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

*Resolved*, that the decision of the Staten Island Borough Commissioner, dated December 11, 2003 and December 16, 2003, acting on N.B. Application No. 500405117, is modified under the power vested in the Board by Section 35 and Section 36 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 April 13, 2004”-(1) sheet; and that the proposal comply with all applicable R3-2 zoning requirements and all other applicable laws, rules, and regulations; and *on further condition*:

THAT a Homeowners Association be established to maintain the private roadway, the private storm/sanitary drains, street lighting, and to provide snow removal;

THAT pursuant to the instruction of the Fire Department, a 25-foot paved road will be maintained from Hall Avenue to Hawthorne Avenue for use by the Fire Department for emergency access.

THAT the above conditions be noted on the Certificate of Occupancy;

THAT all yard, parking, and street width conditions as shown on the approved plans be fully complied with;

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THAT no certificate of occupancy be issued for any of the subject buildings prior to acceptance by DEP, and recording thereof, of the proposed substitute drainage plan;

THAT this approval is limited to the relief granted 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) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, May 11, 2004.

**A true copy of resolution adopted by the Board of Standards and Appeals, May 11, 2004.  
Printed in Bulletin Nos. 20-21, Vol. 89.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**