



**STATEN ISLAND SPECIAL DISTRICTS
UPDATE ON WORKING GROUP COLLABORATION**

April 2020



Staten Island Working Group Members

To create the proposal, DCP conducted significant research and worked collaboratively with stakeholders.

Ongoing coordination with other agencies:

- NYC Department of Buildings
- NYC Department of Parks and Recreation's Natural Resources Group
- NYC Department of Environmental Conservation
- NYC Fire Department
- NYC Department of Environmental Protection
- NYS Department of Environmental Conservation

Staten Island Working Group Members:

- SI Community Board 1
- SI Community Board 2
- SI Community Board 3
- Serpentine Art and Nature Commons Inc.
- SI Taxpayers Association
- SI Borough President's Office
- SI Chapter- American Institute of Architects
- SI Building Industry Association
- NYC Parks – Natural Resources Group
- Protectors of Pine Oak Woods
- Westervelt Civic Association
- Department of Buildings
- Professional Landscape Architects and Planners





Based on feedback from Staten Island communities, including requests to simplify an earlier proposal, DCP re-started conversations with the SI Working Group in the summer of 2019.

Our goals have remained the same – to balance neighborhood development with the preservation of Staten Island’s natural areas, and to make home improvement projects less costly and burdensome for homeowners.

Through collaboration with the Working Group, we have made significant improvements to the proposal that we collectively believe better reflect the priorities of Staten Island.

We held several meetings since June 2019 to:

- Identify the feedback and priorities of Staten Island communities
- Discuss and test out potential solutions tailored to the needs and goals of each of the three SI Special Districts (Special Hillside Preservation District, Special Natural Area District, and Special South Richmond Development District)
- Reach consensus on a draft proposal based on the project principles

Feedback and questions from SI communities: *Why was DCP combining all three special districts when the context of South Richmond is different than the other Special Districts?*

Our earlier proposal was aimed at streamlining the regulations to provide consistency across the Island. While the three existing Special Districts have many shared objectives and common best practices, we heard concerns about the context of South Richmond being different from the other two districts, where the main objective was protecting steep slopes and the Serpentine Ridge.

For example, while lot coverage and hard surface regulations have been in place to protect steep slopes in Hillside and Special Natural Area District for many years, these regulations were new for South Richmond where steep slope conditions are less prevalent. We heard concerns about the loss in flexibility that might result from extending these regulations to those areas.

Solutions:

The draft proposal recognizes these different contexts by offering tailored solutions. First, we propose to modify the existing Special South Richmond Development District to modernize and simplify rules for homeowners, for the first time ensuring there is opportunity for community input for larger sites with natural features.

Second, as SNAD and Hillside share much of the same context and regulatory framework today, the draft proposal seeks to combine these districts to provide consistency in how steep slopes are preserved across these geographies and throughout the Serpentine Ridge.



Feedback and questions from SI communities: *Why was DCP adding extra restrictions to my backyard if I live adjacent to a park, wetland, or other large habitat? Special Districts regulations are important, but the newer rules would result in less flexibility for me to use my backyard.*

Staten Islanders and those living adjacent to parks, Bluebelts, and State-protected wetlands are essential stewards of the Borough's natural resources. The earlier proposal required a planted buffer on lots abutting these areas. While our goal was to ensure that these natural areas would be protected in perpetuity, we heard the community's concerns about the additional constraint this would put on how they use their backyards.

Solutions:

As a result of this community input, the earlier proposal to require a planted buffer will be removed, and we will keep the same on-site tree planting requirements that exist today.

The draft proposal will instead prevent encroachment on State-protected wetlands while allowing homeowners the full use of their backyard spaces—a newly created lot with protected wetland habitats must contain enough buildable area for new development.

Potential changes for tree planting

Feedback and questions from SI communities: *Why was DCP adding a restriction for what species of tree on my property gets “credit?” What if I want to keep the “invasive tree” if it’s healthy? The tree requirements were too onerous for a homeowner and provided less flexibility.*

We heard from property owners that they shouldn’t be penalized for trees planted under current Special Districts rules that have since become “invasive” by State law. We also heard the earlier proposal’s tree requirements were too onerous and complex for homeowners.

Solutions:

While State law prohibits the planting of *new* invasive trees, the draft proposal would ensure that any tree that was planted under today’s rules could still be counted towards meeting your minimum tree requirements. You will not be penalized for existing invasive trees, and mature, older-growth trees—*invasive or non-invasive*—will count extra toward your tree credit.

You can also get a bonus towards your credit for removing any invasive species from your property. At the same time, we will ensure that newly planted trees are not invasive in accordance with State law.

Potential changes for groundcover planting

Feedback and questions from SI communities: *Does DCP really need to regulate what I plant in my garden or if I choose to not have one at all?*

Groundcover planting and hard surface limitations are best practices today to preserve the neighborhood character of SNAD and Hillside. However, we've heard that elements of the previously proposed regulations were confusing to homeowners, and not applicable to all areas.

Solutions:

In SNAD and Hillside, to preserve neighborhood character and the integrity of the steep slopes, the proposal would codify today's best practice of requiring an amount of planted area on-site, but would allow homeowners absolute discretion on where and what to plant.

The draft proposal would not include new groundcover planting requirements in South Richmond.

Feedback and questions from SI communities: *Why was DCP requiring a certain percentage of habitat on a site to remain preserved? This is a one-size fits all approach and may not consider the needs of the site design, other codes/regulations, or surrounding context.*

One of our primary objectives is to ensure the preservation of Staten Island's last remaining large natural resources. We acknowledge that the earlier proposal's 25% habitat preservation requirement for large lots was too rigid, and did not allow enough flexibility for developers, the community, or City Planning to determine the appropriate amount to be preserved on a site by site basis.

Solutions:

The draft proposal keeps the concept of habitat preservation for large undeveloped lots over an acre, but does not include a specific amount of how much needs to be preserved.

Instead, the amount required to be preserved would be determined on a case-by-case basis depending on the proposed site plan, community needs, and the ecological importance and connectivity of the resource. The preservation area would be established by approval from the City Planning Commission with direct input during Community Board review.



Next Steps for the Staten Island Working Group:

- Finalize draft proposal with the Working Group and commence broader community outreach
- Obtain feedback from Working Group on technical zoning solutions for draft zoning text and environmental review

For further information on the proposal or how to get involved you can email us at:

SISpecialDistrictsUpdate@planning.nyc.gov