



**BOROUGH OF STATEN ISLAND
COMMUNITY BOARD #3**

1243 Woodrow Road - 2nd Floor

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LAND USE COMMITTEE MINUTES

September 14, 2016

COMMITTEE MEMBERS PRESENT:

Frank Morano, *Chairman of the Board*

Thomas Barlotta, *Chairman*

Louis Bara

Charles Cappucci

Frank Contrera

Patrick Donahue

Jeffrey Geary

Celia Iervasi

Helen Napoli

Andrew V. Poznanski

Nicole Romano

Wayne Rosenfeld

Daniel Venuto

BOARD MEMBERS PRESENT:

Robert DiGennaro

Owen Reiter

STAFF:

Charlene Wagner, *District Manager*

Patricia Piccochi, *Community Coordinator*

Stacey Wertheim, *Community Coordinator*

GUESTS:

Frank Rapacciolo, representing Councilman Joseph Borelli

Glen Cutrona, Cutrona Architecture PLLC

Todd Dale, Rothkrug, Rothkrug and Spector LLC

Eric Palatnik, P.C.

Philip Rampulla, Rampulla Associates Architects

Steven Simicich, Esq.

Mike Picciallo, Ashland Building LLC

Paul Leffreno, Foster Development

Gregory Wolkoff, Foster Development

Andrew Gonchar, Shore to Shore Realty

Esther Larubio, DiTommaso Real Estate

Dom D'Argenio

Salvatore Granata

Ramsey Nukho

Thomas Barlotta convened the Land Use Committee with the Pledge of Allegiance at 7:30 p.m.

PUBLIC CONTACT SESSION: No speakers

2016-4210-BZ – 19 Robinson Avenue, Block 5315, Lot 62, Special South Richmond District, Staten Island, NY, 10309, R3-1

Construction of a new single family detached home contrary to lot area regulations, ZR 107-42, and rear yard regulations, ZR 23-47.

Steven Simicich presented the application for the applicant / owner of record, James DeFrancesco. Mr. Simicich explained that since the zoning text change on December 8, 2005 the owner could not build according to the zoning code. Applicant requests a waiver to reduce the 30 ft. required rear lot rule to 25 ft. This reduction would align the proposed new construction in line with some of the other homes on this block.

MOTION: Thomas Barlotta “to accept the application as presented.”

SECOND: Owen Reiter

VOTE: 11-0-0 (attendance at the time of vote)

MOTION PASSED

2016-4229BZ – 1452 Drumgoole Road West, Block 6333, Lot 201, Special South Richmond District, Staten Island, NY, 10312, R3X

Application for a variance pursuant to ZR 72-21 of the Zoning Resolution of the City of New York, as amended (ZR) to reduce the rear yard requirement of ZR 23-47 from thirty feet (30') to thirteen feet two inches (13'2"). The variance would facilitate the development of a two (2) family, two (2) story semi-detached home in an R3X District.

Eric Palatnik presented the application for the applicant / owner Loffcoff Properties LLC. The Land Use Committee had several concerns:

- The rear yard behind the proposed construction is too close to the adjacent rear homeowner's yard.
- The garage facing the side of the home and the driveway placement on the side of the home reduces the side yard open area.
- Move the fire hydrant on Drumgoole Road West and relocate the driveway to directly in front of the garage.

MOTION: Frank Morano “to approve the application with the stipulation that the garage face Drumgoole Road West, and the driveway be placed in front of the home, not on the side.

SECOND: Charlie Cappucci

VOTE: 12-0-0 (attendance at the time of vote)

MOTION PASSED

2016-4239BZ – 180 Mansion Ave, Block 5207, Lot 28, Special South Richmond District, Staten Island, NY 10308, C3A

An application for a special permit to allow for an eating and drinking establishment in an existing building to be altered within a C3A zoning district.

Todd Dale presented the application for the applicant / owner the Atlantis Marina and Yacht Club. Currently the premise has three (3) buildings on the lot; only the octagonal building which is used for accessory office space is the subject of this proposal. It is proposed to alter the existing building, retaining the existing shape and restore and improve the exterior and layout. First floor would have a bar area, restrooms and seating for 28 patrons. The second floor would contain a kitchen area, seating for 40 patrons and a single bathroom and mechanical space. The third floor would consist only of an observation tower with a catwalk.

The third floor is an observation tower only. Required parking for 15 spaces will be provided and there could be more parking spaces made available if needed within the boat yard parking lot. Parking would be provided on the existing 50,000 square foot parking lot currently used by the boat yard. Per ZR 36-21 fifteen (15) spaces would be required for the proposed use, presently the lot contains over 75 parking spaces, with additional area available for parking boats and cars.

Land Use Committee concerns:

- Lack of sidewalks in the area
- Committee requests a precondition to approval that no amplified music be permitted outside.

MOTION: Wayne Rosenfeld “to accept the application as presented”

SECOND: Charles Cappucci

AMENDED MOTION: Frank Morano amended the MOTION “to approve the application with the requirement that amplified sound of any kind including music, is “at all times” prohibited on the exterior of the premise.

SECOND: Owen Reiter

VOTE: 15-0-0 (attendance at the time of vote)

MOTION PASSED

REVISION submitted to BSA

2016-4165-BZ (CEQR No. 16 BSA-104R) – 5801 Amboy Road Block 6896, Lot 53, Special South Richmond District, Staten Island, NY, 10309, R3X

Glen Cutrona presented the application for the applicant Shore to Shore Foster LLC. He stated the plans were revised to include egress and ingress with signage posted for Right Hand Turns Only onto Amboy Road. The Land Use Committee wants the following stipulations agreed to in perpetuity by the applicant:

- That the Amboy Road egress remain an “Exit Only” at all times.
- That the retail store hours will be 5:00 am to Midnight.
- That the Drive-Through hours of operation will be 5:00 am to Midnight.
- That baking on the premise will not be restricted; baking will be permitted when the establishment is closed.

MOTION: Thomas Barlotta “to accept the application with the amended hours of operation and changes to ingress and egress.”

SECOND: Owen Reiter

VOTE: 15-0-0

MOTION PASSED

M080258 (A)ZAR, N130211RAR, N090389RCR Bradford Avenue / Drumgoole Road East

An application for modification of previously approved authorization N080258ZAR to add a one family house on Lot #8 and amend calculations to reflect the additional single family home. Together with an application pursuant to Section 107-65 for the modification of existing topography; and a certification by the Chairperson of City Planning Commission pursuant to Section 107-123 that sufficient school capacity.

Michael Picciallo presented the application on behalf of himself, owner of record, Ashland Building LLC. He claims that due to numerous complications and changes to the zoning during the course of the original project, including litigation with the adjoining property owner, a house was not proposed on the subject lot at the time of the original City Planning approval for 11 homes.

Land Use Committee concerns:

- The proposed 3 ft. to 5 ft. change in grade to raise the property to street level will affect the adjoining properties on Fonda Place who receive water from this property because it is higher. The builder responded he plans to put a wall to keep water on his own property.
- The part of lot in question has a shared portion dedicated to the existing turn-around on Bradford Avenue (as required by the NYC Fire Department).

The resident at 26 Fonda Place whose property adjoins the proposal had concerns:

- Due to the narrowed lot size there will be infringement of privacy for the adjacent homeowner.
- The site plan proposes construction 5 feet from his property line and building elevation will be taller than his home, therefore is requests that any new construction be set back 10-15 ft.
- Storm water runoff has already caused damage to his property; any change in topography should only be permitted if the applicant protects adjacent homeowners from excessive water runoff.

MOTION: Daniel Venuto “to deny the application”

SECOND: Wayne Rosenfeld

Discussion on the MOTION:

Frank Morano suggested that a new application to City Planning from an architect should be filed by the applicant rather than permitting an amended application. The original application approved 11 houses which are already built.

VOTE: 13-0-0

MOTION PASSED to **DENY** the application.

N160356RCR – 132 Halpin Avenue “This application does not require Community Board review; however City Planning requested that we place this application on the agenda to review.

Proposed tree restoration. Request Commission to certify restoration requirements to the Department of Buildings to resolve ECB Violation #35011127Z

Applicant and City Planning were not in attendance to present. It is not the Community Board’s policy to vote on an application that has not been properly presented to board members.

New Business: Frank Contrera announced there will be a presentation by the developers for The Galleria Mall planned for Arthur Kill Road on October 6, 2016 at 7 p.m. at The United Methodist Church Hall located at 1075 Woodrow Road.

Respectfully submitted,



Thomas Barlotta, Chairman