



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

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Land Use Committee Minutes

Teleconference

April 14, 2021

Committee Members Present

Thomas Barlotta, *Chairman*

Lou Bara

Patrick Donahue

Jeffrey Geary

Celia Iervasi

Andrew V. Poznanski

Owen Reiter

Wayne Rosenfeld

Danny Venuto

Committee Members Absent

Frank Morano

Board Members Present

Robert DiGennaro

Staff Present

Charlene Wagner, *District Manager*

Stacey Wertheim, *Community Coordinator*

Susan LaForgia, *Community Coordinator*

Guests

Frank Rapacciuolo, Representative, Councilman Joseph Borelli

Angie Koo, Department of City Planning (DCP)

Catie Ferrara Iannitto, Team Leader, DCP

Melissa Farley, Assistant Director Governmental Affairs, Metropolitan Transportation Authority (MTA)

Howard Levine, Government Relations Specialist, MTA

Carol Donovan, President, Richmondtown-Clarke Avenue Civic Association

Frank Contrera, Former Board Member

Public Contact Session – None

Agenda

Elevate Transit: Zoning For Accessibility – N210270ZRY

Department of City Planning and Metropolitan Transportation Authority, New York City Transit

This is a collaborative effort with DCP and MTA. It is a Citywide Zoning Text Amendment to make the transit system more accessible and to better coordinate with the streets and buildings around it. The text amendment would allow the MTA to work more efficiently with private developers to help achieve systemwide accessibility much more quickly.

MTA Proposal Includes:

A system-wide transit easement requirement; and

An expanded transit improvement bonus in high density areas (Not currently applicable to Staten Island based on zoning districts)

Who Would Benefit – Of the 8.4 Million NYC residents this population would benefit:

People with disabilities (550,000 Residents with an ambulatory disability)

Parents with young children (500,000 Children under 5)

Seniors (1.2 Million residents 65+)

People with temporary injuries:

The MTA's 2020-2024 Capital Program Makes Historic Investment in Accessibility

More than \$5B dedicated to making 77 stations accessible (New Dorp, Huguenot and Clifton)

43% of NYC Transit stations, serving over 60% of riders, will be fully accessible

No subway rider will be more than 2 stations away from an accessible station.

Existing Zoning Regulations: Easement Provisions:

An easement is a legal right to use another's land for a specific limited purpose. In this case, a small permanent space reserved in the building for transit to use at a later time. Station-adjacent sites in the city are required to provide a space for future station access.

DCP Proposal Includes:

Expand the easement requirement system-wide to better coordinate the present and future relationship of land uses around transit stations

Provide zoning flexibility to offset potential zoning burdens of an easement on development feasibility, and

Increase participation in the transit bonus program (Not currently applicable to Staten Island based on zoning districts)

System-wide Easement Requirement

In all applicable zoning districts, developments and enlargements on zoning lots of at least 5,000 sf and within 50 feet of mass transit stations would be required to first consult with the MTA and Chair of the CPC regarding the need for a transit easement. Zoning relief would apply if the easement is needed.

Applicable Zoning Districts include:

Residence Districts: All districts at or above R5 (with commercial overlay) and R5D districts

Commercial Districts: All districts with a residential equivalent at or above R5, as well at C7 and C8 districts

Manufacturing Districts: All districts

Discussion:

Concern: As part of this process, you are waiving things that we fight to keep. Floor area restrictions, height restrictions, parking restrictions, and density. "Currently" is a term we are not comfortable with. The possibility of residential zones becoming commercial zones is a concern.

Response: Waivers are targeted for when a building sets aside part of their floor area for accessibility purposes. DCP will grant leniency for changes in exchange for space that is being used for the development.

Rebuttal: The builders will cater the design to their benefit. Square footage, height, and change of use will benefit them. Developers, property owners, architects, planners want to maximize profit.

Concern: Are community boards involved in decision making process?

Response: No, There is no Public Review. MTA, CP and DOB will make decisions.

Concern: What is meant by 'Additional Discretionary Approvals?' – How are these approvals granted?

Response: These would require CB approval. These are unique situations which do not follow the easement provisions stated above.

Concern: Is the Easement process similar to that of Eminent Domain in the road widening process?

Response: If the lot is within 50ft of the station and greater than 5,000 sq ft, you must come talk to the MTA and they will let you know if they will need an easement. If they do not, then you are able to

proceed with your own plans. If they do desire an easement, they will enter into a discussion with the developer. They will offer relief to the developer so there is no loss. The developer cannot decline the easement. If they do, DOB will not issue permits for their development on the site.

Concern: If a property owner is approached by MTA and requests an easement for an elevator, will they be able to remove an established business?

Response: They will give sufficient notice if there is a business that will be affected by the easement use. If new construction, they will allow the owner to use the space for income with the understanding that the time will come when the MTA will need the space. At that time, you will be granted relief to use other space to your benefit.

Concern: What is the time frame of your construction? Is there a limit to the amount of time a property owner's business can be impacted by the construction?

Response: There is no guarantee of time frame for easement work. The project should not block be very obtrusive as it only encompasses a small area.

Rebuttal: I am very concerned with the Retro-fit work being performed on existing construction. Taking property from someone and building around his business is not a desirable situation.

Concern: Does DOT have a say in this process? DCP jurisdiction ends at the building's edge. Doesn't the sidewalk belong to DOT?

Response: The easement provision falls under zoning code. DOT is not a part of this as the improvements are being built off the sidewalk. The elevators will be in the building.

Rebuttal: I wasn't aware of any examples in the presentation where the elevators would be in buildings by station entrances.

Response: This doesn't exist currently. This is what it potentially would look like under easement provision. There will be a bridge from the elevator to the platform.

Concern: 5,000 sq ft equates to a 50x100 lot. Very common on Staten Island. This is not eminent domain. This is more akin to blackmail.

Concern: Elevators never work, they are crime ridden, and often used as bathrooms. Elevators have been around since the 1800's yet the MTA never thought to incorporate them into station planning. I advocate for the disabled but believe a better idea would be to put them in Access-a-Ride. It will cost less money and get them to where they need to go more safely and more efficiently.

Concern: The Community Board voice is cancelled. Our constituents do not have a say. I would object to this proposal.

Concern: Who is responsible for maintaining the elevator? Who is responsible for insurance regulations, indemnification, and crime in elevators in a residential building?

Response: This is all the responsibility of MTA. Elevators are available 96.5% of the time.

Rebuttal: Everyone gets dragged into lawsuits. The property owner will most likely need legal representation.

Complete presentation on file in CB3 Office

Old Business - None

New Business- None

Respectfully submitted,



Thomas Barlotta, Chairman