



City Environmental Quality Review

ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) SHORT FORM

FOR UNLISTED ACTIONS ONLY • Please fill out and submit to the appropriate agency ([see instructions](#))

Part I: GENERAL INFORMATION

1. Does the Action Exceed Any Type I Threshold in 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)? YES NO

If "yes," STOP and complete the [FULL EAS FORM](#).

2. Project Name 521-529 Durant Avenue

3. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency)
15DCP154R

BSA REFERENCE NUMBER (if applicable)
287-13-A ; 288-13-A

ULURP REFERENCE NUMBER (if applicable)
N 150340ZRR; N140172RCR; N140173RCR

OTHER REFERENCE NUMBER(S) (if applicable)
(e.g., legislative intro, CAPA)

4a. Lead Agency Information

NAME OF LEAD AGENCY
NYC Department of City Planning
NAME OF LEAD AGENCY CONTACT PERSON
Robert Dobruskin

4b. Applicant Information

NAME OF APPLICANT
BIRB Realty Inc.
NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON
Hiram Rothkrug, EPDSO, Inc.

ADDRESS 22 Reade Street

ADDRESS 55 Water Mill Road

CITY New York

STATE NY

ZIP 10007

CITY Great Neck

STATE NY

ZIP 11021

TELEPHONE 212-720-3423

EMAIL
rdobrus@planning.nyc.gov

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EMAIL
hrothkrug@epdsco.com

5. Project Description

The applicant, BIRB Realty Inc, seeks a Zoning Text Amendment within the Special South Richmond District of Staten Island Community District 3. The proposed action would facilitate a proposal to develop three two-family homes totaling six dwelling units, 8,382 square feet of residential (and total) floor area, and nine accessory parking spaces on Block 5120, Lot 62, currently vacant. The proposed text amendment would modify two maps, part of Section 107-06 of the Zoning Resolution ("ZR") (District Plan – Appendix A), removing a portion of Designated Open Space ("DOS") within the Special South Richmond Development District (Map 3 and Map 3.6). The two Certifications pursuant to ZR 107-08 and 107-121 (zoning lot and school seats) are being sought concurrent to this application, and are ministerial actions and not subject to CEQR.

Project Location

BOROUGH Staten Island

COMMUNITY DISTRICT(S) 3

STREET ADDRESS 521-529 Durant Avenue

TAX BLOCK(S) AND LOT(S) Block 5120, Lot 62

ZIP CODE 10308

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Durant Avenue and Fieldway Avenue

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R3X ;
Special South Richmond District

ZONING SECTIONAL MAP NUMBER 33C

6. Required Actions or Approvals (check all that apply)

City Planning Commission: YES NO UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

CITY MAP AMENDMENT ZONING CERTIFICATION CONCESSION

ZONING MAP AMENDMENT ZONING AUTHORIZATION UDAAP

ZONING TEXT AMENDMENT ACQUISITION—REAL PROPERTY REVOCABLE CONSENT

SITE SELECTION—PUBLIC FACILITY DISPOSITION—REAL PROPERTY FRANCHISE

HOUSING PLAN & PROJECT OTHER, explain:

SPECIAL PERMIT (if appropriate, specify type: modification; renewal; other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

Board of Standards and Appeals: YES NO

VARIANCE (use)
 VARIANCE (bulk)

SPECIAL PERMIT (if appropriate, specify type: modification; renewal; other); EXPIRATION DATE:
 SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION **GCL 36 approval for construction in the bed of a mapped street**

Department of Environmental Protection: YES NO If "yes," specify:

Other City Approvals Subject to CEQR (check all that apply)

LEGISLATION FUNDING OF CONSTRUCTION, specify:
 RULEMAKING POLICY OR PLAN, specify:
 CONSTRUCTION OF PUBLIC FACILITIES FUNDING OF PROGRAMS, specify:
 384(b)(4) APPROVAL PERMITS, specify:
 OTHER, explain:

Other City Approvals Not Subject to CEQR (check all that apply)

PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) LANDMARKS PRESERVATION COMMISSION APPROVAL
 OTHER, explain:

State or Federal Actions/Approvals/Funding: YES NO If "yes," specify:

7. Site Description: *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*
Graphics: *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

SITE LOCATION MAP ZONING MAP SANBORN OR OTHER LAND USE MAP
 TAX MAP FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)
 PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): **30,031** Waterbody area (sq. ft) and type:
 Roads, buildings, and other paved surfaces (sq. ft.): Other, describe (sq. ft.):

8. Physical Dimensions and Scale of Project (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): **8,382**
 NUMBER OF BUILDINGS: **3** GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): **2,794**
 HEIGHT OF EACH BUILDING (ft.): **33** NUMBER OF STORIES OF EACH BUILDING: **2**

Does the proposed project involve changes in zoning on one or more sites? YES NO
 If "yes," specify: The total square feet owned or controlled by the applicant:
 The total square feet not owned or controlled by the applicant:

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? YES NO
 If "yes," indicate the estimated area and volume dimensions of subsurface permanent and temporary disturbance (if known):
 AREA OF TEMPORARY DISTURBANCE: sq. ft. (width x length) VOLUME OF DISTURBANCE: cubic ft. (width x length x depth)
 AREA OF PERMANENT DISTURBANCE: **4,050** sq. ft. (width x length)

Description of Proposed Uses (please complete the following information as appropriate)

	Residential	Commercial	Community Facility	Industrial/Manufacturing
Size (in gross sq. ft.)	8,382			
Type (e.g., retail, office, school)	6 units			

Does the proposed project increase the population of residents and/or on-site workers? YES NO
 If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: **18** NUMBER OF ADDITIONAL WORKERS:
 Provide a brief explanation of how these numbers were determined: **6 NET DUs x 2.87 Persons (Average Household Size in SI CB 3)**

Does the proposed project create new open space? YES NO If "yes," specify size of project-created open space: sq. ft.

Has a No-Action scenario been defined for this project that differs from the existing condition? YES NO
 If "yes," see [Chapter 2](#), "Establishing the Analysis Framework" and describe briefly:

9. Analysis Year [CEQR Technical Manual Chapter 2](#)

ANTICIPATED BUILD YEAR (date the project would be completed and operational): **2018**

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: **8**

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? YES NO IF MULTIPLE PHASES, HOW MANY?

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

10. Predominant Land Use in the Vicinity of the Project (check all that apply)

RESIDENTIAL MANUFACTURING COMMERCIAL PARK/FOREST/OPEN SPACE OTHER, specify:

Part II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project’s impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the “no” box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the “yes” box.
- For each “yes” response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a “yes” answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Short EAS Form. For example, if a question is answered “no,” an agency may request a short explanation for this response.

	YES	NO
1. LAND USE, ZONING, AND PUBLIC POLICY: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is there the potential to affect an applicable public policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If “yes,” to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City’s Waterfront Revitalization Program boundaries ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If “yes,” complete the Consistency Assessment Form . See Attached		
2. SOCIOECONOMIC CONDITIONS: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
o Generate a net increase of 200 or more residential units?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Generate a net increase of 200,000 or more square feet of commercial space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Directly displace more than 500 residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Directly displace more than 100 employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Affect conditions in a specific industry?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. COMMUNITY FACILITIES: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Indirect Effects		
o Child Care Centers: Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Libraries: Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Public Schools: Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Health Care Facilities and Fire/Police Protection: Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. OPEN SPACE: CEQR Technical Manual Chapter 7		
(a) Would the proposed project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Is the project located within an under-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” would the proposed project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(c) Is the project located within a well-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” would the proposed project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(d) If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. SHADOWS: CEQR Technical Manual Chapter 8		

	YES	NO
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. HISTORIC AND CULTURAL RESOURCES: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. See attached.		
7. URBAN DESIGN AND VISUAL RESOURCES: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. NATURAL RESOURCES: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11 ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete the Jamaica Bay Watershed Form , and submit according to its instructions .		
9. HAZARDOUS MATERIALS: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Has a Phase I Environmental Site Assessment been performed for the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	<input type="checkbox"/>	<input type="checkbox"/>
10. WATER AND SEWER INFRASTRUCTURE: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If the proposed project located in a separately sewered area , would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas , including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. SOLID WASTE AND SANITATION SERVICES: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14 , the project's projected operational solid waste generation is estimated to be (pounds per week): 289		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. ENERGY: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15 , the project's projected energy use is estimated to be (annual BTUs): 787,908		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. TRANSPORTATION: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? <i>**It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.</i>	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	<input type="checkbox"/>	<input type="checkbox"/>
14. AIR QUALITY: CEQR Technical Manual Chapter 17		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in Chapter 17 ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17 ? (Attach graph as needed) See attached.	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. GREENHOUSE GAS EMISSIONS: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project fundamentally change the City's solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. NOISE: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. PUBLIC HEALTH: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20 , "Public Health." Attach a		

	YES	NO
preliminary analysis, if necessary.		
18. NEIGHBORHOOD CHARACTER: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21 , "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. CONSTRUCTION: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
<input type="checkbox"/> Construction activities lasting longer than two years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> The operation of several pieces of diesel equipment in a single location at peak construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Closure of a community facility or disruption in its services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Activities within 400 feet of a historic or cultural resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22 , "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.		

20. APPLICANT'S CERTIFICATION	
I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.	
Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.	
APPLICANT/REPRESENTATIVE NAME Justin Jarboe, EPDSCO, Inc.	DATE August 14, 2015
SIGNATURE <i>Justin Jarboe</i>	

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

Potentially Significant Adverse Impact

IMPACT CATEGORY	YES	NO
Land Use, Zoning, and Public Policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socioeconomic Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Facilities and Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Open Space	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shadows	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic and Cultural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Urban Design/Visual Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Natural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water and Sewer Infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Solid Waste and Sanitation Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greenhouse Gas Emissions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Health	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Neighborhood Character	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials?


YES NO

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

- Positive Declaration:** If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).
- Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.
- Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see [template](#)) or using the embedded Negative Declaration on the next page.

4. LEAD AGENCY'S CERTIFICATION

TITLE Deputy Director, EARD	LEAD AGENCY NYC Department of City Planning
NAME Olga Abinader	SIGNATURE 
	DATE August 14, 2015

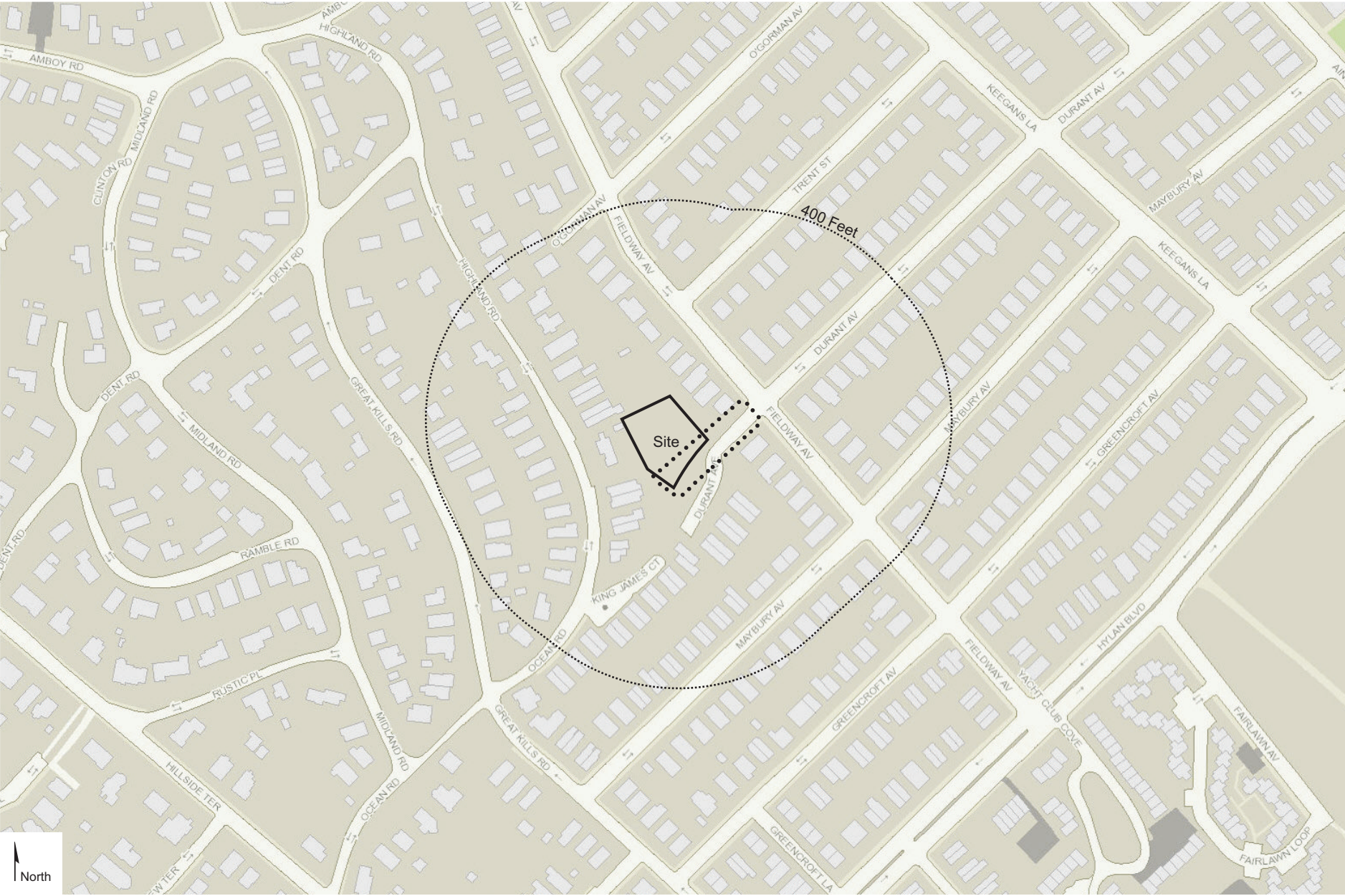


Figure 2 - Tax Map



NYC Digital Tax Map

Effective Date : 12-06-2008 18:21:17
 End Date : Current
 Staten Island Block: 5120

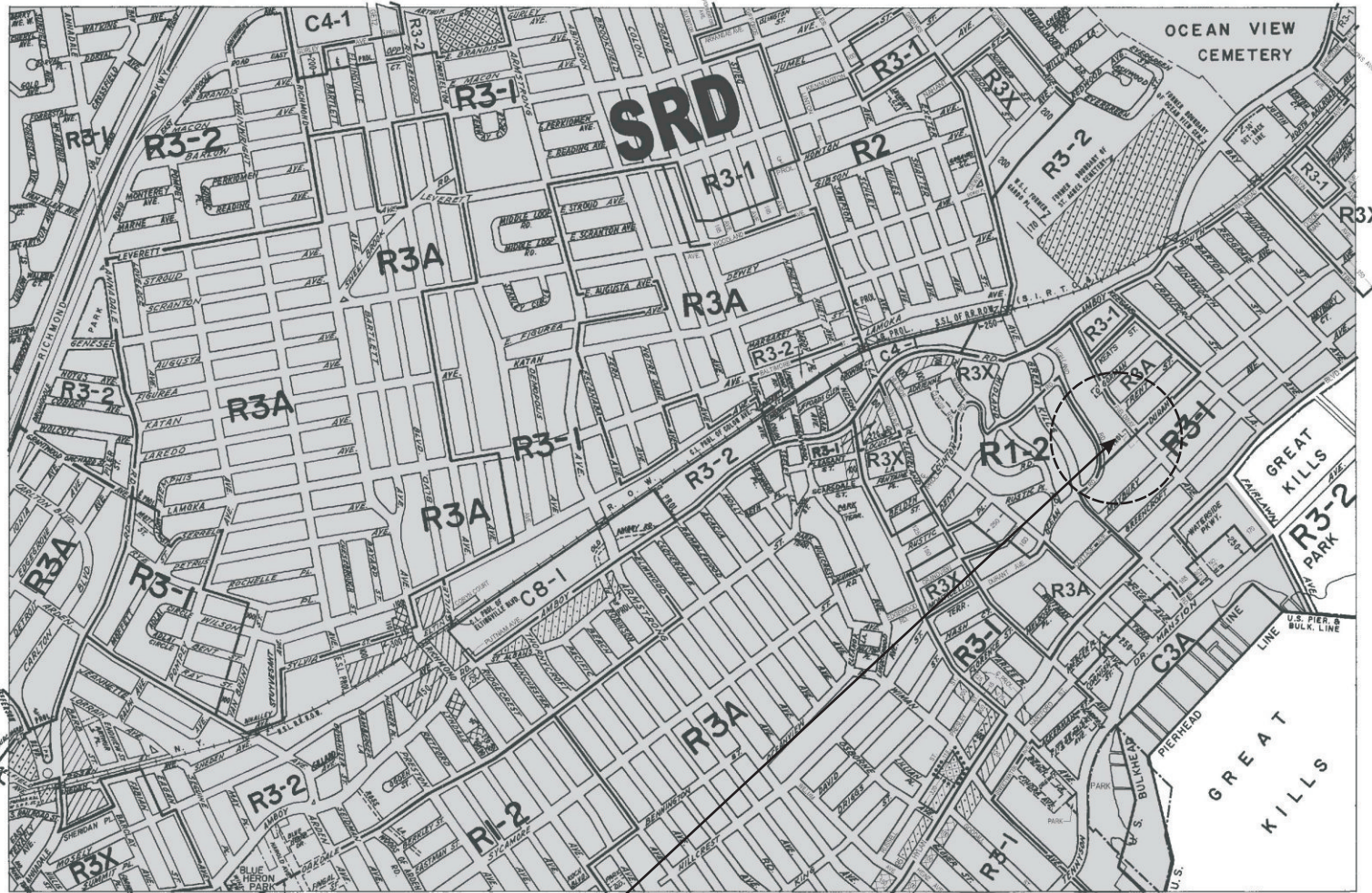
Legend

- Streets
- Miscellaneous Text
- ↕ Possession Hooks
- - - Boundary Lines
- ↕ Lot Face Possession Hooks
- Regular
- Underwater
- Yellow Tax Lot Polygon
- Condo Number
- Blue Tax Block Polygon

--- Development Site

••••• Project Area





ZONING MAP
THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:
The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R – RESIDENTIAL DISTRICT
- C – COMMERCIAL DISTRICT
- M – MANUFACTURING DISTRICT
- SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.
- ⋯ AREA(S) REZONED

Effective Date(s) of Rezoning:
06-13-2012 C 110077 ZMR

Special Requirements:
For a list of lots subject to CEQR environmental requirements, see APPENDIX C.
For a list of lots subject to "D" restrictive declarations, see APPENDIX D.
For Inclusionary Housing designated areas on this map, see APPENDIX F.

MAP KEY

26b	26d	27b
33a	33c	34a
33b	33d	34b

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ZONING MAP 33c

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

Site

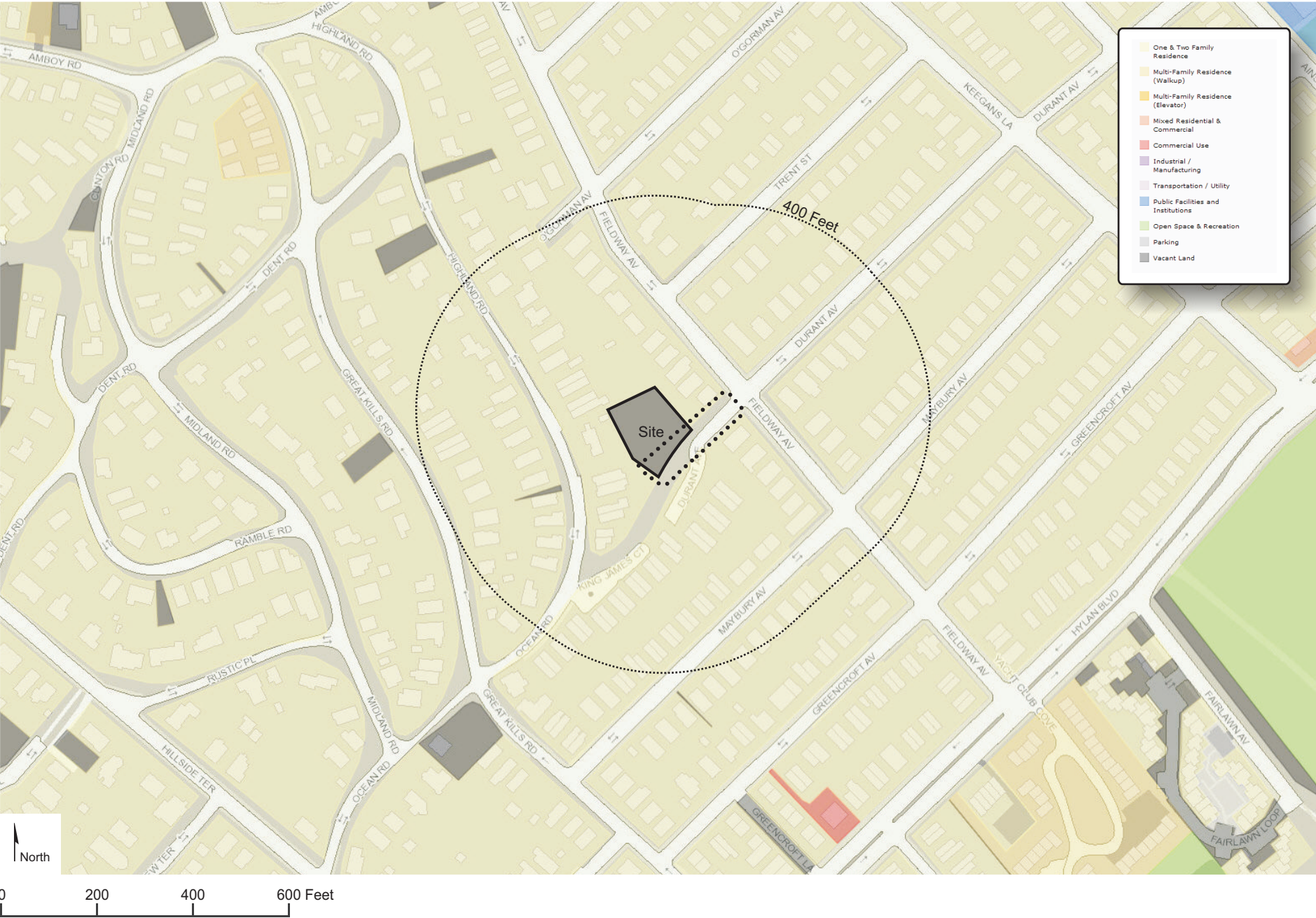
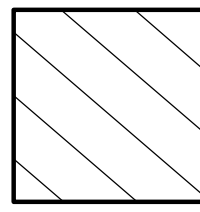
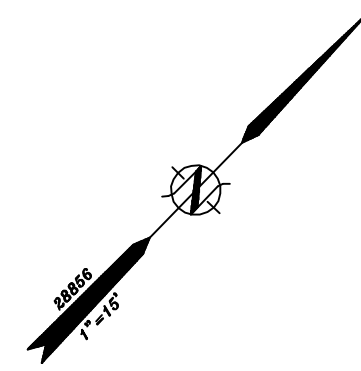


Figure 5 - DOS Map

"UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY NOT BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7009 SUBSECTION 2 OF THE NEW YORK STATE EDUCATION LAW"
 "ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S IMPRESSION SEAL SHALL BE CONSIDERED TO BE 'TRUE COPIES'."
 "CERTIFICATIONS INDICATED HEREIN SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS."
 "SAD CERTIFICATIONS SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY OR LENDING INSTITUTION LISTED HEREIN AND TO THE ADDRESS OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS."

COPYRIGHT 2013 ROGERS SURVEYING, PLLC
 ALL RIGHTS RESERVED
 IT IS A VIOLATION OF THE LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF THE LICENSED LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY.
 IF AN ITEM BEARING THE PROFESSIONAL SEAL OF THE LICENSED LAND SURVEYOR IS ALTERED, THE ALTERING LAND SURVEYOR SHALL AFFIX TO HIS ITEM HIS SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY HIS SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.



DESIGNATED OPEN SPACE TO BE REMOVED

HIGHLAND ROAD

FIELDWAY AVENUE

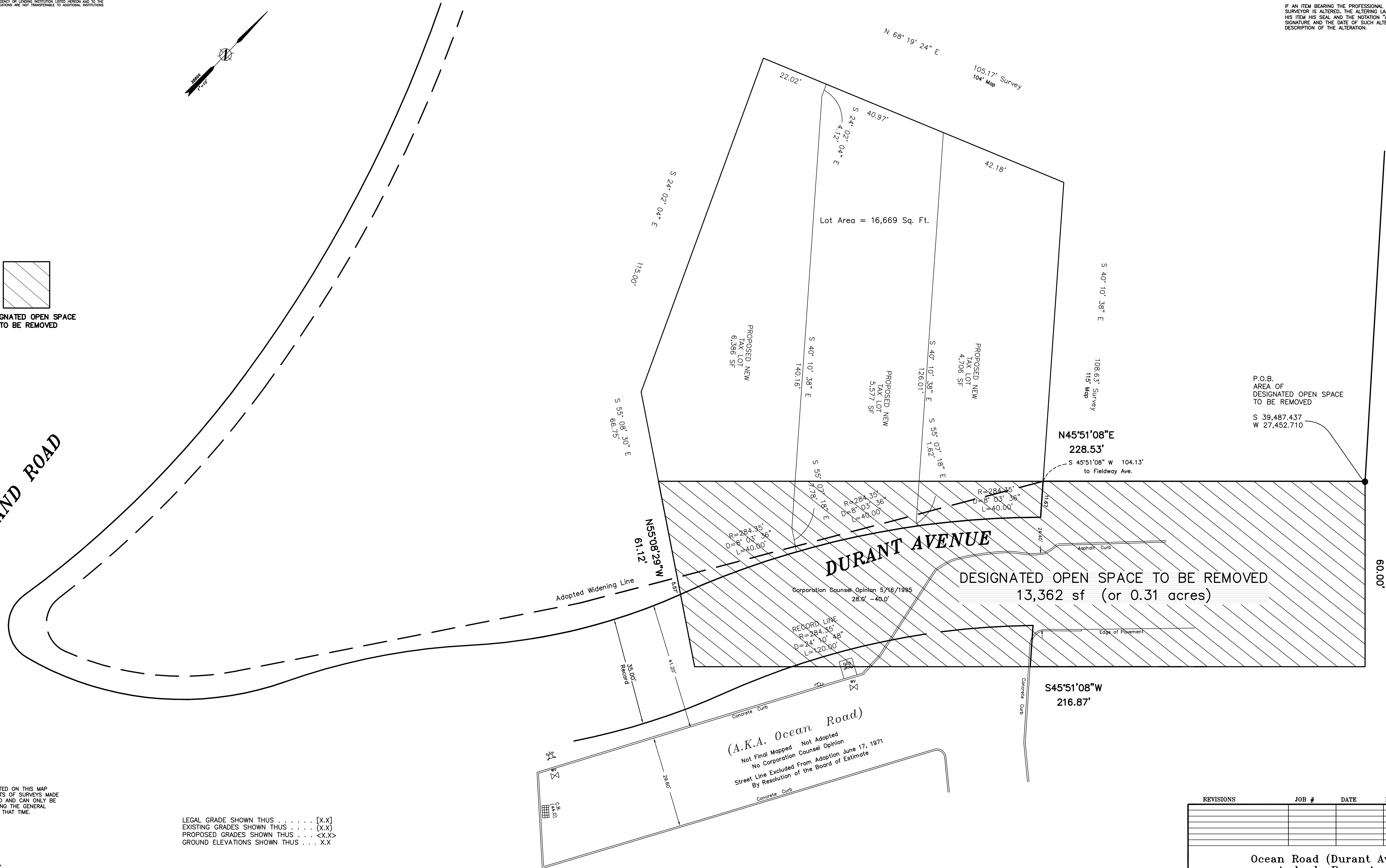


Figure 6 - Site Photographs



521/9 Durant Avenue, Staten Island
Block 5120
Lot 62 (tent. 62, 64, 66)



PRIVATE
PROPERTY

SITE

521/9 Durant Avenue, Staten Island
Block 5120
Lot 62 (tent. 62, 64, 66)

View #1
November 10, 2014



PRIVATE
PROPERTY

DEAD
END

SITE

521/9 Durant Avenue, Staten Island
Block 5120
Lot 62 (tent. 62, 64, 66)

View #2
November 10, 2014



PRIVATE
PROPERTY

PRIVATE
PROPERTY

SITE

521/9 Durant Avenue, Staten Island
Block 5120
Lot 62 (tent. 62, 64, 66)

View #3
November 10, 2014



SITE

521/9 Durant Avenue, Staten Island
Block 5120
Lot 62 (tent. 62, 64, 66)

View #4
November 10, 2014



SITE

521/9 Durant Avenue, Staten Island
Block 5120
Lot 62 (tent. 62, 64, 66)

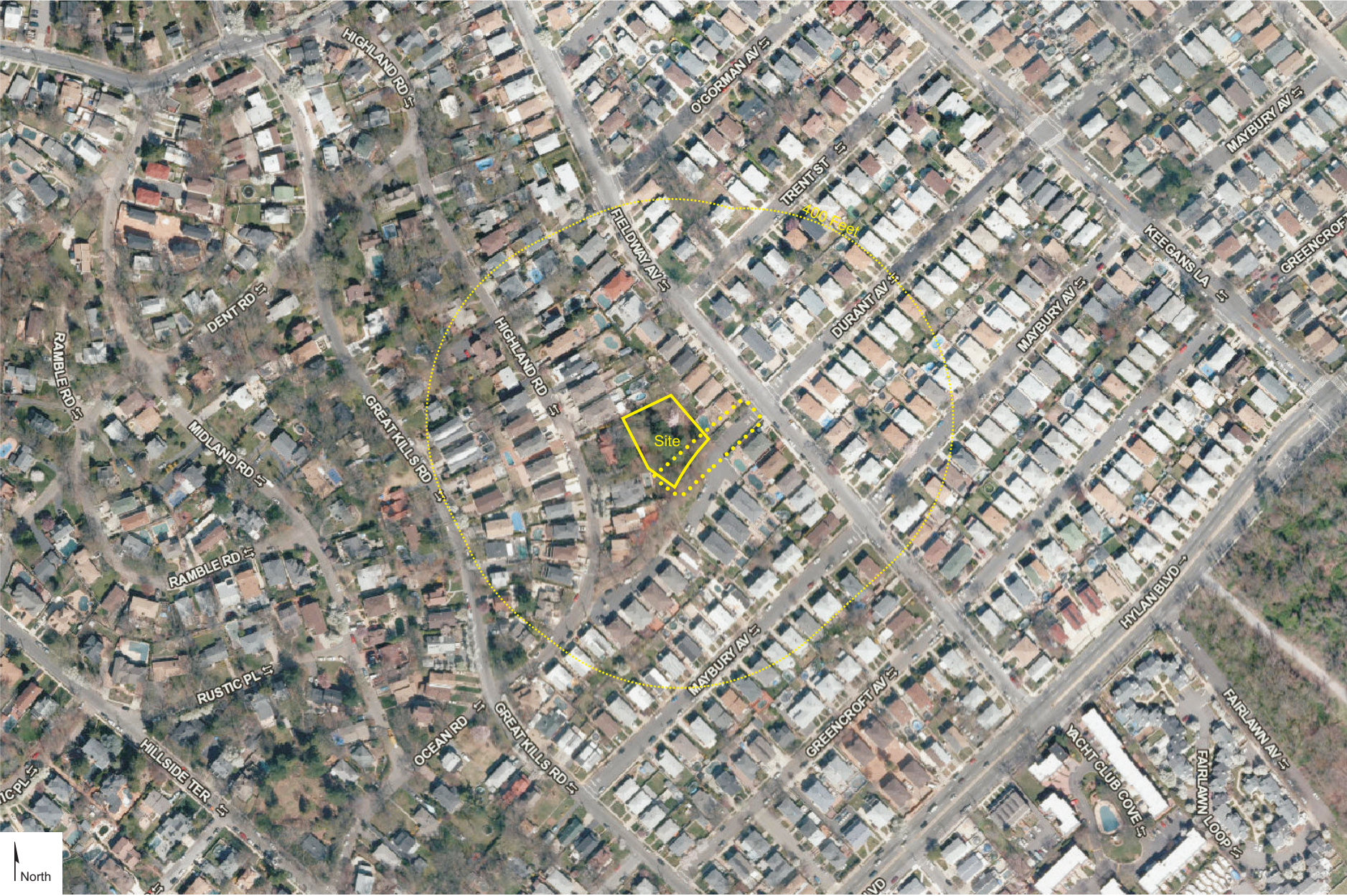
View #5
November 10, 2014



SITE

521/9 Durant Avenue, Staten Island
Block 5120
Lot 62 (tent. 62, 64, 66)

View #6
November 10, 2014



GENERAL DATA

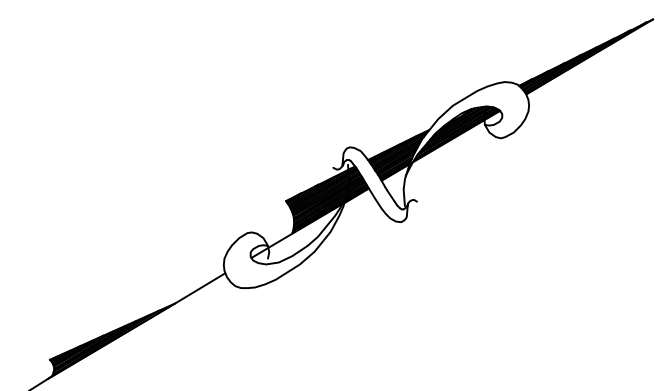
BLOCK	5120
LOTS	62, 64, 66
HOUSE #	521, 525, 529 DURANT AVENUE
MAP	33C
ZONE	R3-X
COMMUNITY BOARD	3
SPECIAL DISTRICT	SOUTH RICHMOND
OUTSIDE FIRE DISTRICT	
OUTSIDE WETLANDS	
OUTSIDE FLOOD ZONE	
NOT A PARK/ARTERIAL STREET	
D.O.S. WITHIN SITE TO BE REMOVED	
INSIDE LOWER DENSITY GROWTH MANAGEMENT AREA	

LEGEND

[]	LEGAL GRADE
< >	PROPOSED GRADE
()	EXISTING GRADE

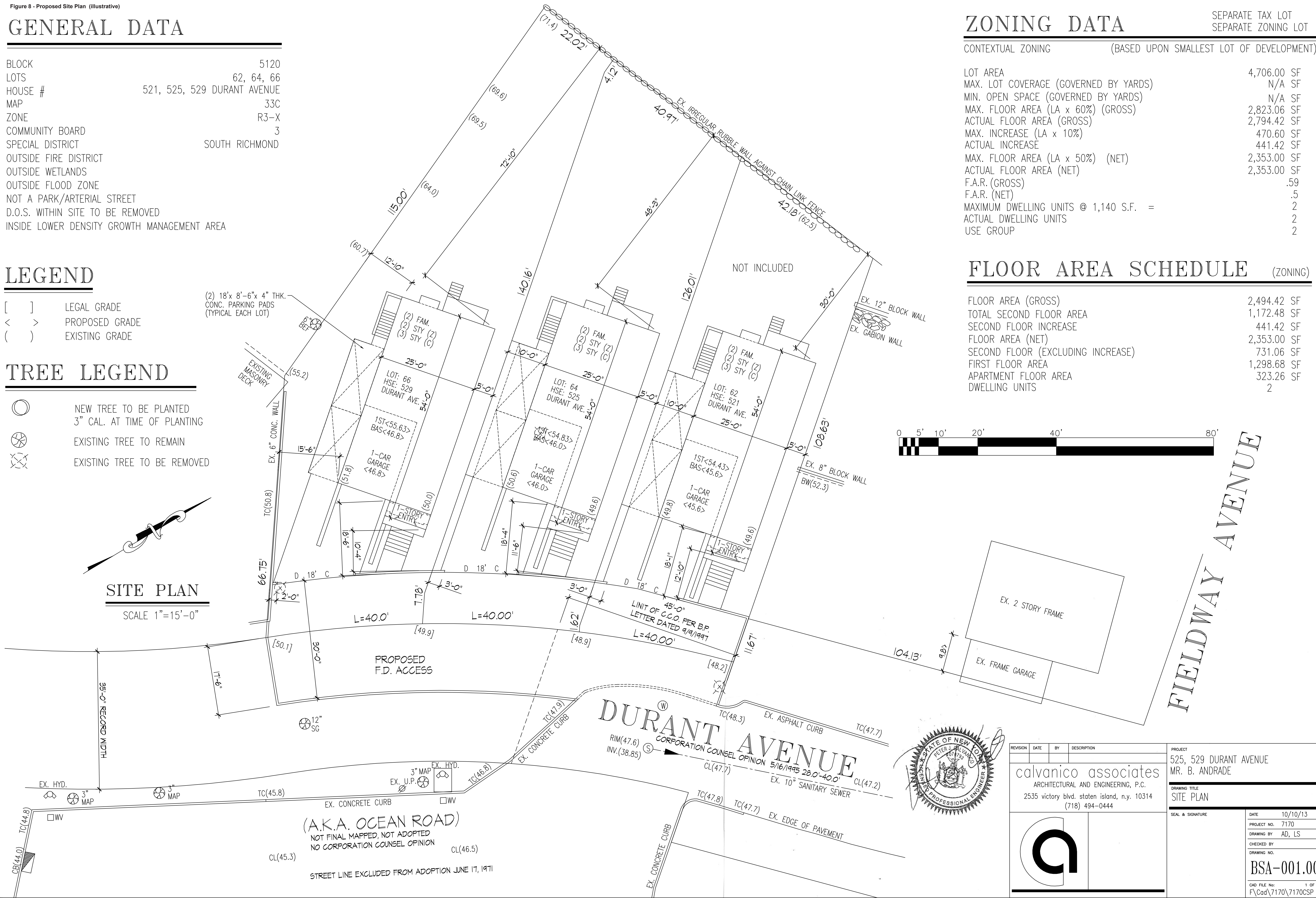
TREE LEGEND

	NEW TREE TO BE PLANTED 3" CAL. AT TIME OF PLANTING
	EXISTING TREE TO REMAIN
	EXISTING TREE TO BE REMOVED



SITE PLAN

SCALE 1"=15'-0"



ZONING DATA

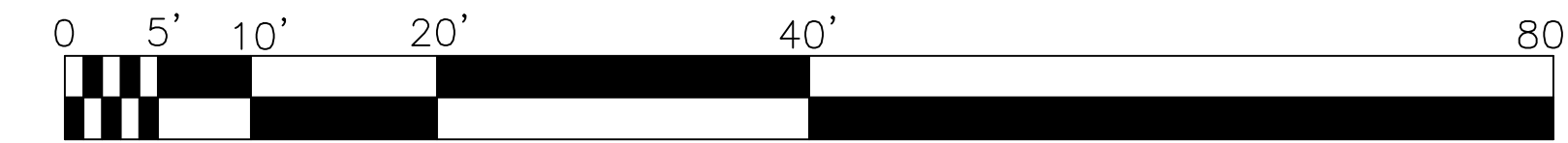
SEPARATE TAX LOT
SEPARATE ZONING LOT

CONTEXTUAL ZONING (BASED UPON SMALLEST LOT OF DEVELOPMENT)

LOT AREA	4,706.00 SF
MAX. LOT COVERAGE (GOVERNED BY YARDS)	N/A SF
MIN. OPEN SPACE (GOVERNED BY YARDS)	N/A SF
MAX. FLOOR AREA (LA x 60%) (GROSS)	2,823.06 SF
ACTUAL FLOOR AREA (GROSS)	2,794.42 SF
MAX. INCREASE (LA x 10%)	470.60 SF
ACTUAL INCREASE	441.42 SF
MAX. FLOOR AREA (LA x 50%) (NET)	2,353.00 SF
ACTUAL FLOOR AREA (NET)	2,353.00 SF
F.A.R. (GROSS)	.59
F.A.R. (NET)	.5
MAXIMUM DWELLING UNITS @ 1,140 S.F. =	2
ACTUAL DWELLING UNITS	2
USE GROUP	2

FLOOR AREA SCHEDULE (ZONING)

FLOOR AREA (GROSS)	2,494.42 SF
TOTAL SECOND FLOOR AREA	1,172.48 SF
SECOND FLOOR INCREASE	441.42 SF
FLOOR AREA (NET)	2,353.00 SF
SECOND FLOOR (EXCLUDING INCREASE)	731.06 SF
FIRST FLOOR AREA	1,298.68 SF
APARTMENT FLOOR AREA	323.26 SF
DWELLING UNITS	2



FIELDWAY AVENUE

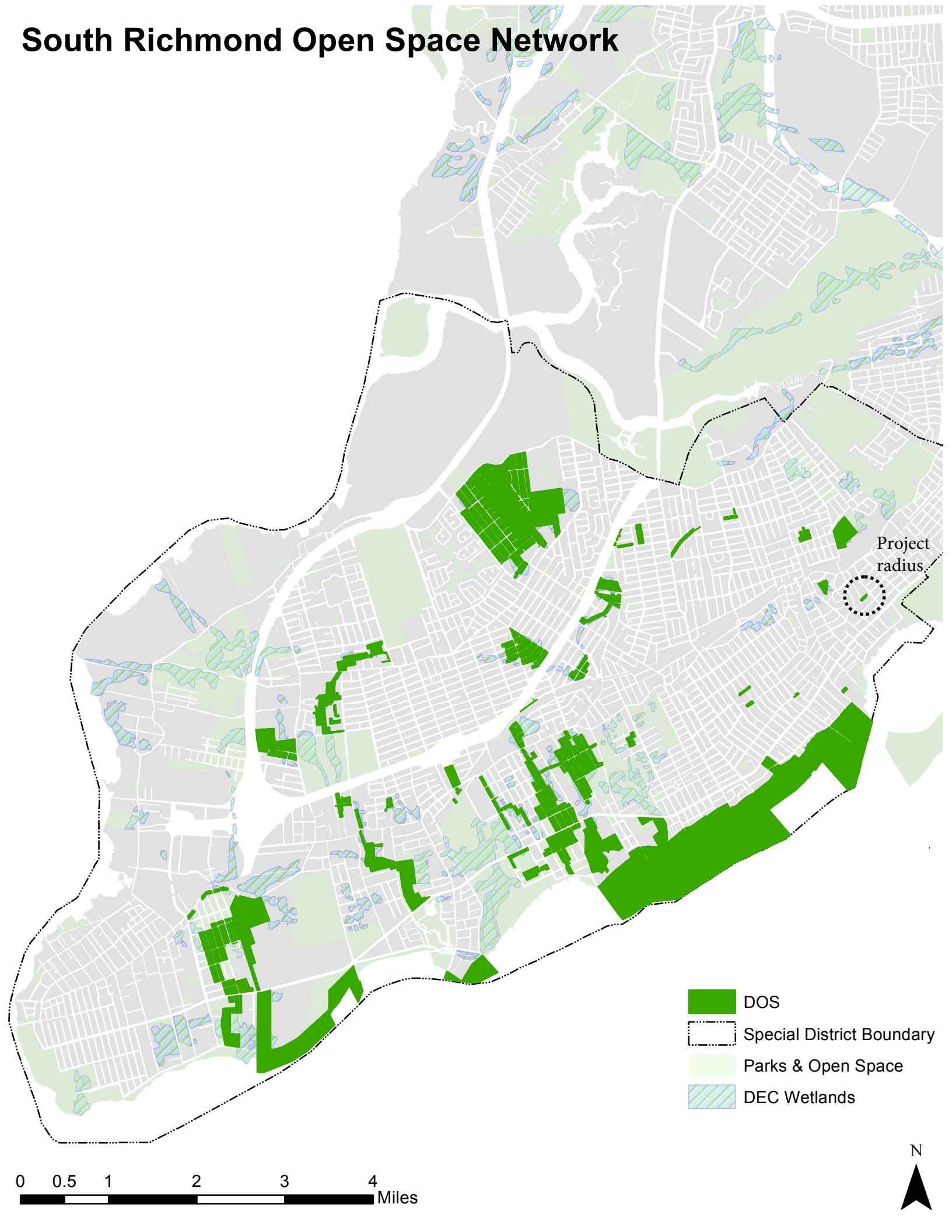
DURANT AVENUE
CORPORATION COUNSEL OPINION 5/16/1995 28.0'-40.0'
RIM(47.6) INV.(38.85)
CL(47.7)

(A.K.A. OCEAN ROAD)
NOT FINAL MAPPED, NOT ADOPTED
NO CORPORATION COUNSEL OPINION
STREET LINE EXCLUDED FROM ADOPTION JUNE 17, 1971



REVISION	DATE	BY	DESCRIPTION
<p>calvanico associates ARCHITECTURAL AND ENGINEERING, P.C. 2535 victory blvd. staten island, n.y. 10314 (718) 494-0444</p>			
<p>PROJECT: 525, 529 DURANT AVENUE MR. B. ANDRADE</p>			
<p>DRAWING TITLE: SITE PLAN</p>			
SEAL & SIGNATURE		DATE: 10/10/13	
		PROJECT NO.: 7170	
		DRAWING BY: AD, LS	
		CHECKED BY:	
		DRAWING NO.: BSA-001.00	
		CAD FILE No: 1 OF 1 F:\Cad\7170\7170CSP	

South Richmond Open Space Network



-  DOS
-  Special District Boundary
-  Parks & Open Space
-  DEC Wetlands

0 0.5 1 2 3 4 Miles



PROJECT DESCRIPTION

Introduction

The applicant, BIRB Realty Inc, seeks a Zoning Text Amendment within the Special South Richmond District of Staten Island Community District 3. The proposed action would facilitate a proposal by the applicant to develop three two-family homes, totaling six dwelling units, 8,382 square feet of residential (and total) floor area, and nine accessory parking spaces on vacant land located at 521-529 Durant Avenue (Block 5120, Lot 62).

The proposed text amendment affects two maps, part of Section 107-06 of the Zoning Resolution ("ZR") (District Plan - Appendix A), and would modify the boundaries of the Designated Open Space ("DOS") area within the Special South Richmond Development District (Map 3 and Map 3.6), thereby eliminating 13,362 square feet of DOS. With the removal of the DOS, the zoning lot could be subdivided from one lot into three lots. The proposed development would not be possible without the modification to the open space boundary.

In addition to the proposed text change, the proposed development requires City Planning Commission (CPC) certifications pursuant to Sections 107-08 ZR for zoning lot subdivision and 107-121 ZR for school seats (N140172RCR & N140173RCR). The CPC certifications are ministerial actions and not subject to CEQR. However, any residential development within the affected area is contingent upon the application for school seats. Without this ministerial action, the proposed development would not be possible.

(See Figure 1 - Site Location, Figure 2 - Tax Map, Figure 3 - Zoning Map, Figure 4 - Land Use Map, Figure 5 - DOS Map, Figure 6 - Site Photographs, Figure 8 - Aerial Map, and Figure 8 - Project Site Plan)

Existing Conditions

The Project Site is located at 521-529 Durant Avenue (Block 5120, Lot 62), which is located at the intersection of Durant Avenue and Fieldway Avenue in the South Richmond neighborhood of Staten Island. The Project Site contains 16,669 square feet of undeveloped land. The lot is irregularly shaped with a 120-foot long front lot line and a depth of 115 feet (tax map) or 108.63 feet (via land survey). On the eastern side of the lot there is 104 feet (tax map) or 105.17 ft. (via land survey) along the rear lot line. The western side contains a lot line that extends 115 feet southward from the rear lot line and then veers slightly southeastward and extends another 66.75 feet.

The Project Site is 16,669 square feet in lot area, plus 10,921 square feet. of non-Site DOS proposed to be demapped, for a total Project Area of 27,590 square feet ("the Project Area"). The on-site DOS, consisting of 2,441 square feet is irregularly mapped along the southerly portion of the Project Site, 11.67 ft. wide at the easterly edge of the Development Site and 37.37 feet wide at the westerly lot line. The DOS outside of the Project Site consists of a 60 ft. wide by 104 ft. long area located to the west of Fieldway Avenue, partially improved with a paved roadway, approximately 24 feet. in width, which veers to the south in front of lot 62, and becomes Ocean Road, a private street, whose lines are located to the

south of the record line of Durant Avenue in front of the Development Site. Ocean Road is a private, dead end street, paved to a width of almost 30 feet, providing access to six dwellings, which are located to the south of the DOS proposed to be demapped. With the exception of the intersection of Durant Avenue and Ocean Road, the remainder of the DOS in front of the Project Site is undeveloped at the present time. There is no record of any prior development of the site. There are 43 existing trees on the site.

The Project Site is located within an R3X zoning district of the Staten Island Lower Density Growth Management Area (LDGMA) within the Special South Richmond District (SRD). The R3X zoning district allows only one and two-family detached houses on lots at least 35 feet wide and permits residential use (Use Groups 1 & 2) as well as community facility uses (Use Groups 3 & 4). The maximum FAR in R3X districts for both housing and community facility uses is 0.50 in the Staten Island LDGMA, and may be increased by an attic allowance of up to 20% for the inclusion of space beneath a pitched roof as well as an exemption of 500 square feet for two parking spaces. The maximum perimeter wall and total building heights are 26 and 35 feet, respectively. Two side yards that total at least 10 feet are required and there must be a minimum distance of eight feet between houses on adjacent lots. The front yard of a new home must be at least 10 feet deep and it must be at least as deep as an adjacent front yard but need not exceed a depth of 20 feet. One and a half off-street parking spaces are required for each unit in the Staten Island LDGMA. No parking is allowed in the front yard.

The Special South Richmond District (SRD) was established in 1975 and encompasses more than 20 square miles of Staten Island. The SRD places additional development regulations in the southern portion of Staten Island to ensure development does not exceed available infrastructure and public services, as well as ensuring the protection of available natural and recreational resources. The district mandates tree preservation and planting requirements, controls changes to topography, and establishes special building height and setback limits, and designated open spaces (DOS) to be left in a natural state as part of an open space network that includes public parks and waterfront esplanades. To ensure that public school needs are addressed, the Chairperson of the City Planning Commission must certify that sufficient school capacity exists to accommodate a new residential development, except in a predominantly build-up area, before a building permit can be issued.

Staten Island contains Lower Density Growth Management Areas (LDGMAs), which place additional development regulations in R3 districts, as well as any developments accessed via private road in lower density zoning districts in Staten Island. Additional regulations affect parking, building bulk and lot size; yards, open space and landscaping; private road development; commercial development; medical offices and community facilities.

Proposed Development

The proposed text amendment and concurrent two certifications (N140172RCR and N140173RCR) would facilitate the subdivision of Block 5120, Lot 62 into three lots and the development of three two-family homes totaling six dwelling units, 8,382 square feet of residential (and total) floor area, and nine accessory parking spaces accessible via curb cuts via Durant Avenue.

The proposed subdivision of the Project Site would create three future zoning lots (Lots 62, 64 and 66). The eastern parcel, Lot 62, 521 Durant Avenue, would be 4,706 square feet in size. It would have 40 feet of frontage along Durant Avenue, a depth of 115 feet on the east, a 42.2-foot-long rear lot line, and a depth of 126 feet on the west. The middle parcel, Lot 64, 525 Durant Avenue, would be 5,577 square feet in size. It would have 40 feet of frontage along the Durant Avenue extension, a depth of 126 feet on the east, a 41-foot-long rear lot line, and a depth of 140.2 feet on the west. The western parcel, Lot 66, 529 Durant Avenue, would be 6,386 square feet in size. It would have 40 feet of frontage along the Durant Avenue extension, a depth of 140.2 feet on the east, a 22-foot-long rear lot line, and, on its western side, a lot line that extends 115 feet southward from the rear lot line and then jogs slightly southeastward and extends another 66.75 feet (**See Figure 5 - DOS Map**).

Each of the three proposed lots would be developed with a two-family, two-story detached home containing 2,794 square feet of residential floor area. The buildings would have perimeter wall heights of 24 feet and building heights of 33 feet. They would set back behind 10-foot-deep front yards. Each would have three parking spaces.

Lots 62, 64, and 66 would have floor area ratios (FARs) of 0.59, 0.50, and 0.44 respectively. They would have side yards of 5 and 10 feet, 5 and 10 feet, and 5 and 12 feet respectively. They would have rear yards that would be 30 feet, 48 feet, and 72 feet deep respectively. (Note, the 0.59 FAR on Lot 62 is permitted pursuant to Section 23-141(b)(2) ZR that permits a bonus of up to 20% of the total floor area, for any floor area located beneath a roof that has slope that is a minimum of 7:12 (vertical/horizontal). The total floor area on Lot 62 is limited to less than the maximum permitted, due to several factors including, topographical issues that would increase the cost of construction and might require additional relief from City Planning, and the irregular width of the lot, which, after subdivision results in portions of the lots not having the required lot width.

As noted above, there are 43 existing trees on the Site, of which 26 are proposed to be removed due to their location in areas to be occupied by buildings, driveways, areas for required accessory parking or within eight feet of the proposed exterior walls. The remaining 17 trees satisfy the requirements of Section 107-322 ZR, (1 tree per each 1,000 sq. ft. of lot area, $16,669 \div 1000 = 16.7$) so that no new planting will be required.

Based on an estimated 8-month approval process and an 8-month construction period, the analysis year is 2018. Absent the proposed actions, the project site would remain undeveloped.

Purpose and Need

The proposed actions would facilitate three new two-family homes, totaling six dwelling units, 8,382 square feet of residential (and total) floor area, and nine accessory parking spaces on a vacant property. The Project Site is currently undeveloped and contains Designated Open Space (DOS) Within the Special South Richmond District (SRD), the removal of DOS is not permitted as-of-right. The proposed Zoning Text Amendment pursuant to ZR 107-06 would allow the elimination of 13,362 square feet of DOS for residential development within the SRD. The Certification pursuant to ZR 107-08 would allow the proposed site plan, which includes the subdivision of the Project Site (Block 5120, Lot 62) into three lots (Lots 62, 64 and 66). Furthermore, new residential development is also not permitted as-of-right in the SRD without a Certification to ensure available school seats. The Certification pursuant to ZR Section ZR 107-121 would ensure school seats are available with the Department of Education (DOE) before a building permit can be issued by the Department of Buildings (DOB).

Required Approvals

The proposed development requires the approval of a zoning text amendment to ZR 107-06, to allow the elimination of DOS within the SRD. The proposed development also requires two certifications pursuant to ZR 107-08 and 107-121, which would subdivide the Project Site and the ensure available school seats exist in the SRD before a building permit can be issued for residential development. With the approval of the proposed text amendment, non-residential development could potentially occur without approval of the proposed certifications on a single zoning lot.

The granting of the zoning text amendment is a discretionary action that is subject to both the Uniform Land Use Review Procedure (ULURP) as well as the City Environmental Quality Review (CEQR). The proposed certifications are ministerial actions that are subject to ULURP but not CEQR. However, without the approval of the proposed certifications for subdivision and school seats, residential development on the affected area would not be possible. ULURP is a process that allows public review of the proposed action at four levels: the Community Board; the Borough President; the City Planning Commission; and, if applicable, the City Council. CEQR is a process by which agencies review discretionary actions for the purpose of identifying the effects those actions may have on the environment.

Additionally, the section of Durant Avenue in front of the westerly portion of the Site is not a final mapped street, so approval from the Board of Standards and Appeals was required pursuant to Article 3-Section 36 of the General City Law for the two proposed buildings on the proposed new lots 64 and 66. These applications were approved by the BSA on February 11, 2014, under Cal. Nos. 287-13-A and 288-13-A, with access to the proposed dwellings to be provided by an extension of Durant Avenue, which will dead-end at the westerly lot line of the development site and which will not provide pedestrian or vehicular access to any other properties or development.

Restrictive Declaration

To avoid any potential significant adverse impacts related to historic and cultural resources, the applicant has entered into a Restrictive Declaration for archaeology for their property at Block 5120, Lot 62. As detailed in the Historic and Cultural Resources discussion and in **Attachment B**.

REASONABLE WORST CASE DEVELOPMENT SCENARIO

Future No-Action Scenario

In the future without the proposed action, it is assumed that the Project Site (Block 5120, Lot 62), which contains 16,669 square feet of lot area and is currently undeveloped, would remain. Without the proposed text amendment and certifications, as-of-right residential development and the proposed site plan would not be permitted. The Reasonable Worst Case Development Scenario (RWCDs) would therefore be the same as the existing condition.

Future With-Action Scenario

The proposed text amendment and two certifications would facilitate the subdivision of Block 5120, Lot 62 into three lots (Lots 62, 64 and 66) and allow the development of three two-family homes, totaling six dwelling units, 8,382 square feet of residential (and total) floor area, and nine accessory parking spaces. Each of the three proposed lots would be developed with a two-family, two-story detached home containing 2,794 square feet of residential floor area. Lots 62, 64, and 66 would have floor area ratios (FARs) of 0.59, 0.50, and 0.44 respectively. The buildings would have perimeter wall heights of 24 feet and building heights of 33 feet. They would set back behind 10-foot-deep front yards. Each building would have three parking spaces. The Future With-Action scenario would therefore consist of the proposed site plan.

Analysis Framework

For the purpose of the environmental analysis, the increment between the No-Action and the Future With-Action scenarios consists of 8,382 square feet of residential (and total) floor area and 9 parking spaces. The proposed development would add 18 new residents.

Table 1
Existing Condition

Zoning Lot Size (SF)	GSF Above Grade	GSF Below Grade	Total GSF	Comm'l GSF	Comm Facility GSF	Resid GSF	Manuf GSF	# of DUs	#Access Pkg Spaces	Access Pkg GSF	Bldg Ht (feet)
16,669	0	0	0	0	0	0	0	0	0	0	N/A

Table 2
No-Action Scenario

Zoning Lot Size (SF)	GSF Above Grade	GSF Below Grade	Total GSF	Comm'l GSF	Comm Facility GSF	Resid GSF	Manuf GSF	# of DUs	#Access Pkg Spaces	Access Pkg GSF	Bldg Ht (feet)
16,669	0	0	0	0	0	0	0	0	0	0	N/A

Table 3
With-Action Scenario

Zoning Lot Size (SF)	GSF Above Grade	GSF Below Grade	Total GSF	Comm'l GSF	Comm Facility GSF	Resid GSF	Manuf GSF	# of DUs	#Access Pkg Spaces	Access Pkg GSF	Bldg Ht (feet)
16,669	8,382	0	8,382	0	0	8,382	0	6	9	0	33'

Table 4
Maximum SF per Use Allowed Under the No-Action Scenario

Max GSF for Commercial	Max GSF for Comm Facility	Max GSF for Residential	Max GSF for Manufacturing
0	0	0	0

Table 5
Maximum SF per Use Allowed Under the With-Action Scenario

Max GSF for Commercial	Max GSF for Comm Facility	Max GSF for Residential	Max GSF for Manufacturing
0	0	8,382	0

521-529 DURANT AVENUE

ENVIRONMENTAL ASSESSMENT STATEMENT (EAS)

INTRODUCTION

Based on the analysis and the screens contained in the Environmental Assessment Statement Short Form, the analysis areas that require further explanation include land use, zoning, and public policy (including the Waterfront Revitalization Program); historic and cultural resources; urban design and visual resources; natural resources; air quality; and noise as further detailed below.

1 . LAND USE, ZONING AND PUBLIC POLICY

I. INTRODUCTION

The analysis of land use, zoning and public policy characterizes the existing conditions of the project site and the surrounding study area; anticipates and evaluates those changes in land use, zoning and public policy that are expected to occur independently of the proposed project; and identifies and addresses any potential impacts related to land use, zoning and public policy resulting from the project.

In order to assess the potential for project related impacts, the land use study area has been defined as the area located within a 400-foot radius of the site, which is an area within which the proposed project has the potential to affect land use or land use trends. The 400-foot radius study area is bounded by an area with Trent Street to the north; Highland Road to the west; Maybury Avenue to the south; and Keegan's Lane to the east (**See Figure 4 - Land Use Map**). Various sources have been used to prepare a comprehensive analysis of land use, zoning and public policy characteristics of the area, including field surveys, studies of the neighborhood, census data, and land use and zoning maps.

Land Use

Site Description

The proposed development is located in the Great Kills section of Staten Island Community District 3. It includes a single development (the "Project Site") located at the intersection of Durant Avenue and Fieldway Avenue (Block 5120, Lot 62). The proposed development, which contains 16,669 square feet in lot area, is currently undeveloped. The Project Site

contains approximately 120 feet of frontage along Durant Avenue and is irregularly shaped, with a depth ranging from 115 feet to 140 feet.

Land Use Study Area

The proposed rezoning area is located in the Great Kills area of Staten Island, which is the South Shore of Staten Island's northernmost neighborhood. The neighborhood is bound by the Richmond Creek to the north, Oakwood to the east, Eltingville to the west, and the Great Kills Harbor to the south. The 400-foot radius study area is primarily residential and is characterized by one- and two-family detached houses (See **Figure 4**).

Future No-Action Scenario

In the future and absent the proposed action, the Site is remain vacant. To facilitate residential development, a text amendment and two certifications are required by the CPC to permit the reduction in Designated Open Space (DOS), ensure school seats are available and allow the proposed subdivision. Absent these actions, new residential development is not permitted.

The Future No-Action Scenario would therefore be the same as the existing condition.

The surrounding land uses within the immediate study area are expected to remain largely unchanged by the Projected analysis year of 2018. No new development is anticipated to occur within the 400-foot study area by 2018.

Future With-Action Scenario

In the future with the proposed action, the proposed actions would facilitate the subdivision of Block 5120, Lot 62 into three lots and the development of three two-family homes totaling six dwelling units, 8,382 square feet of residential (and total) floor area, and nine accessory parking spaces.

Conclusion

The proposed actions are necessary to facilitate the proposed site plan. The proposed would be an appropriate residential use inside an existing residential zoning district and would be similar and compatible with the residential community that surrounds the site.

No potentially significant adverse impacts related to land use are expected to occur as a result of the proposed action. Therefore, further analysis of land use is not warranted.

Zoning

Existing Conditions

The proposed development is located within an R3X residential zoning district within the Special South Richmond District (SRD) and also within the Lower Density Growth Management Area (LDGMA), which covers a large portion of Staten Island. The surrounding 400 feet are within the SRD and LDGMA but also contains portions of R1-2, R3-1 and R3A residential districts.

The R1-2 zoning district is the lowest density residential district. It permits suburban-style detached houses on large lots. The maximum permitted FAR for R1-2 districts is 0.50 and the sky-exposure plane governs the maximum height, which begins 25 feet from the front yard lot line. R1-2 districts require a larger lot size, with at least 60 feet of frontage and a minimum lot size of 5,700 square feet. Houses in R1-2 districts must contain a 20 foot front yard along with two side yards, each of which must be at least 8 feet wide.

R3-1 is the lowest density residential district that allows for semi-detached and detached houses commonly found in Staten Island. The maximum FAR for R3-1 is 0.5, however most houses utilize an attic allowance of up to 20% for the inclusion of space beneath a pitched roof with a maximum building height of 35 feet. In R3-1 districts, the minimum lot width for detached houses is 40 feet; semi-detached buildings must be on zoning lots that are at least 18 feet wide. For both detached and semi-detached houses, the maximum lot coverage is 35%. All parking must be located in the side or rear yard or in the garage. An enclosed garage is permitted in a semi-detached house, or in a detached house if the lot is 40 feet or wider. One off-street parking space is required for each dwelling unit.

The R3A zoning district allows detached one- and two-family dwellings and community facility uses. It is the lowest density district to allow zero lot line buildings, and is mapped in many older neighborhoods in the city. The height bulk requirements are similar to other R3 districts. The 0.5 maximum FAR may be increased by an attic allowance of up to 20% and the maximum building height is 35 feet. In the LDGMA the minimum lot area is 2,375 square feet and the minimum lot width is 25 feet. In addition, two parking spaces are required for each single-family dwelling and three parking spaces are required for two-family dwelling units located in the LDGMA.

The R3X zoning district allows only one and two-family detached houses on lots at least 35 feet wide. The maximum FAR in R3X districts for both housing and community facility uses is 0.50 in the Staten Island LDGMA, and may be increased by an attic allowance of up to 20% for the inclusion of space beneath a pitched roof as well as an exemption of 500 square feet for two parking spaces. The maximum perimeter wall and total building heights are 26 and 35 feet, respectively. Two side yards that total at least 10 feet are required and there must be a minimum distance of eight feet between houses on adjacent lots. The front yard of a new home must be at least 10 feet deep and it must be at least as deep as an adjacent front yard but need not exceed a depth of 20 feet. One and a half off-street parking spaces are required for each unit in the Staten Island LDGMA.

The Special South Richmond District (SRD) was established in 1975 and according to ZR 107-00 was:

“Designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others. Also to promote balanced land use and development of future land uses and housing in the Special District area, including private and public improvements such as schools, transportation, water, sewers, drainage, utilities, open space and recreational facilities, on a schedule consistent with the City's Capital Improvement Plan and thereby provide public services and facilities in the most efficient and economic manner, and to ensure the availability of essential public services and facilities for new development within the area”

The SRD places additional development regulations in the southern portion of Staten Island to ensure development does not exceed available infrastructure and public services, as well as ensuring the protection of available natural and recreational resources. The district mandates tree preservation and planting requirements, controls changes to topography, and establishes special building height and setback limits, and designated open spaces (DOS) to be left in a natural state as part of an open space network that includes public parks and waterfront esplanades. To ensure that public school needs are addressed, the Chairperson of the CPC must certify that sufficient school capacity exists to accommodate a new residential development, except in a predominantly build-up area, before a building permit can be issued.

Staten Island and portions of the Bronx contain Lower Density Growth Management Areas (LDGMAs), which place additional development regulations in R1, R2, R3, R4-1, R4A or C3A districts, as well as any developments accessed via private road in lower density zoning districts in Staten Island. Additional regulations affect parking, building bulk and lot size; yards, open space and landscaping; private road development; commercial development; medical offices and community facilities.

For the proposed development, the LDGMA requires additional parking (1.5 spaces per dwelling unit) as well as increases the maximum perimeter wall height to accommodate a parking garage, and provides a floor area exemption of up to 500 square feet for a parking garage. Furthermore, for an irregular shaped lot, the LDGMA requires a rear yard of least 30 feet.

Future No-Action Scenario

In the future without the proposed action, the provisions of the existing R3X zoning district would continue to apply and no further actions would be sought from the CPC. Surrounding land uses within the immediate study area are expected to remain largely unchanged by the project analysis of 2018. The 400-foot area surrounding the project site is developed with a stable residential community. No significant new development or redevelopment in the area is expected.

Future With-Action Scenario

In the future with the proposed action, the existing R3X zoning district would remain, as would the surrounding R1-2, R3-1 and R3A residential zoning districts. The proposed actions would facilitate the subdivision of Block 5120, Lot 62 into three lots and the development of three two-family residential buildings totaling six dwelling units, 8,382 square feet of residential (and total) floor area, and nine accessory parking spaces.

The proposed development would comply with the underlying zoning district, the Special South Richmond District regulations, and the Lower Growth Density Management Area regulations. The proposed development would not result in any non-conforming uses or non-complying developments, as the proposed development complies with the existing zoning.

Therefore, the proposed rezoning action and the resulting proposed development are not expected to result in any significant adverse impacts or conflicts with the zoning in the study area.

Conclusion

No significant impacts to zoning patterns in the area would be expected. The proposed project would be appropriate for the site and would be similar and compatible with the other R1-2, R3-1 and R3A district residential developments in the surrounding area. It would comply with all applicable provisions of the R3X zoning district, the Special South Richmond District and the Lower Density Growth Management provisions of the Zoning Resolution. The proposed action would therefore not have a significant impact on the extent of conformity with the current zoning in the surrounding area, and it would not adversely affect the viability of conforming uses on nearby properties.

No significant adverse impacts related to zoning are expected to occur as a result of the proposed action, and a further assessment of zoning is not warranted.

Public Policy

Existing Conditions

The Great Kills neighborhood of Staten Island, which is located in Staten Island Community District 3, is primarily a residential neighborhood developed with one- and two-family residences and some multi-family uses. According to the 2010 U.S. Census, the population of the neighborhood decreased by 2.3% between 2000 and 2010 from 41,680 people to 40,720 people.

The proposed development is located within the coastal zone and therefore affects the City's Waterfront Revitalization Program (See attached WRP Consistency Form and

Attachment A). The rezoning area is not controlled by or located in any designated Empire Zones or industrial business zones (IBZs). Additionally, the rezoning area is not governed by a 197a Plan, nor does the proposed action involve the siting of any public facilities (Fair Share). The proposed action is also not subject to the New Housing Marketplace Plan. Finally, the project site is not located within a critical environmental area, a significant coastal fish and wildlife habitat, a wildlife refuge, or a special natural waterfront area.

Future No-Action Scenario

In the future without the proposed action, any new development on the project site would continue to be governed by the provisions of the underlying R3X zoning district and Special South Richmond District/LDGMA. The proposed project site would also still adhere to the goals of the Waterfront Revitalization Program (WRP). No other public policy initiatives would pertain to the project site or to the 400-foot study area around the property by the project analysis year of 2018. In addition, no changes are anticipated to the zoning districts and zoning regulations or to any public policy documents related to the project site or the surrounding study area by the project build year.

Future With-Action Scenario

No impact to public policies would occur as a result of the proposed action. The proposed action would be in accordance with the R3X zoning provisions applicable to the property. The project would also meet the intent and purposes of the Waterfront Revitalization Program (WRP) and the Special South Richmond District, and would meet the conditions of the requested text amendment and two certifications.

The proposed actions would not alter conditions on any adjoining or nearby properties. The proposed development would be compatible with existing uses in the vicinity of the project site.

Conclusion

In accordance with the stated public policies within the study area, the action would be an appropriate development on the project site and would be a positive addition to the surrounding neighborhood, as it would make use of an undeveloped and underutilized piece of land.

No potential significant adverse impacts related to public policy are anticipated to occur as a result of the proposed action and further assessment of public policy is not warranted.

No significant adverse impacts related to land use, zoning and public policy are anticipated to occur as a result of the proposed action. The action is not expected to result in any of the conditions that would warrant the need for further assessment of land use, zoning, or public policy.

2. OPEN SPACE

The proposed development involves a zoning text amendment, which would modify the boundaries of the Designated Open Space (“DOS”) area within the Special South Richmond Development District (**Map 3** and **Map 3.6**, see **Attachment C**), thereby eliminating 13,362 square feet of DOS. With the removal of the DOS, the zoning lot could be subdivided from one lot into three lots (see **Figure 5 – DOS Map**).

While undeveloped land would be redeveloped as part of the proposed action, Designated Open Space is private land and is not publically accessible. As such, the proposed development would not result in the loss of publicly accessible open space. Furthermore, there are 43 existing trees on the Site, of which 26 are proposed to be removed due to their location in areas to be occupied by buildings, driveways, areas for required accessory parking or within eight feet of the proposed exterior walls. The remaining 17 trees satisfy the requirements of ZR Section 107-322 (1 tree per each 1,000 sq. ft. of lot area, $16,669 \div 1000 = 16.7$) so that no new planting will be required.

The action is not expected to result in any of the conditions that would warrant the need for further assessment of open space. Therefore, no significant adverse impacts related to open space are anticipated to occur as a result of the proposed action.

3. HISTORIC AND CULTURAL RESOURCES

The proposed development is within 16,669 square feet of undeveloped, wooded land. The site contains numerous mature trees, and vines and other low-lying vegetation covering the ground throughout the site. There were no paved areas, building foundations or other indications of past on-site development observed at the site. There were not any visible indications of on-site storage, use or disposal of hazardous materials or petroleum products observed, such as chemical/oil stained surfaces, discarded drums or chemical containers, dead or dying vegetations, debris piles, etc.

Research into the history of the property reveals that the site has been an undeveloped, wooded lot from at least 1917 to the present time. No indications of past on-site development were identified at the project site.

In the letter dated May 21, 2015 (see **Attachment B**), The NYC Landmarks Preservation Commission (LPC) determined that the site (Block 5120, Lot 62) may be archeologically significant and that further testing would be required in order to determine if the site contains Native American remains from 19th Century occupation of the project site. As such, the applicant has entered into a Restrictive Declaration, which requires that prescribed archaeological work be conducted in accordance with CEQR Technical Manual and LPC Guidelines for Archaeological Work in New York City. Subsequently a Restrictive Declaration was submitted and approved by LPC on July 16, 2015 (see **Attachment B**)

The Restrictive Declaration is binding upon the property's successors and assigns. The declaration serves as a mechanism to assure the archaeological testing be conducted and that any necessary mitigation measures be undertaken prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction). The Restrictive Declaration was prepared in a form acceptable to the LPC and Restrictive Declaration was executed on June 8, 2015 and it is expected to be submitted for future recordation with the Borough of Staten Island, City Clerk's office.

With the Restrictive Declaration in place, no significant adverse impacts related to historic and cultural resources would occur.

4 . NATURAL RESOURCES

The attached photographs (see **Figure 6 - Site Photographs**) illustrate the existing conditions on the Project Site. Vegetation in this area is comprised of relatively small caliper trees (43 in total) and weedy undergrowth, which would not be considered to be a significant natural resource. The lots surrounding the project site are all developed with single-family residential houses within a developed residential area with no contiguous open space.

Relative to the requirements of the Natural Resources chapter of the *CEQR Technical Manual*, the site of the project is substantially devoid of significant natural resources. Although the project site is vacant and a portion of the property is Designated Open Space (DOS), the demapping of this area and subsequent development would not affect significant natural resources. The project site contains no built resource that may have been used as a habitat by a protected species.

Finally, the project site contains no subsurface conditions, the disruption of which might affect the function or value of an adjacent or nearby natural resource. Therefore, the proposed actions are not anticipated to create a significant adverse impact on natural resources and no further analysis is warranted.

5. URBAN DESIGN AND VISUAL RESOURCES

Introduction

An assessment of urban design is needed when a project may have effects on any of the elements that contribute to the pedestrian experience of public space. A preliminary assessment is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. An assessment would be appropriate for the following:

1. Projects that permit the modification of yard, height, and setback requirements; and
2. Projects that result in an increase in built floor area beyond what would be allowed 'as-of-right'.

The proposed action would facilitate the construction of three two-family houses within an R3X zoning district. The homes would adhere to the underlying floor area, yard, height, and setback regulations of the underlying R3X zoning district and would not create a physical alteration beyond what is allowed by the existing zoning.

Based on the above, a preliminary urban design assessment is not warranted and no urban design or visual resources impacts would occur.

6. AIR QUALITY

Introduction

Under *CEQR*, two potential types of air quality impacts are examined. These are mobile and stationary source impacts. Potential mobile source impacts are those that could result from an increase in traffic in the area, resulting in greater congestion and higher levels of carbon monoxide. Potential stationary source impacts are those that could occur from stationary sources of air pollution, such as major industrial processes or heat and hot water boilers of major buildings in close proximity to the proposed project. Both the potential impacts of buildings surrounding the proposed project and potential impacts of the proposed project on surrounding buildings are considered in this assessment.

Mobile Source

Under guidelines contained in the *CEQR Technical Manual*, and in this area of New York City, projects generating fewer than 170 additional vehicle trips in any given hour are considered as unlikely to result in significant mobile source impacts, and do not warrant detailed mobile source air quality studies. Therefore, no detailed air quality mobile source analysis would be required per the *CEQR Technical Manual*, and no significant mobile source air quality impacts would be generated by the proposed action.

Stationary Source

Heat and Hot Water Systems (HVAC)

A screening analysis using the methodology described in the *CEQR Technical Manual* was performed to determine if the heat and hot water systems for the proposed residences would result in potential air quality impacts to any other existing buildings in the vicinity, as well as to each other (Project-on-Project impacts). Potential stationary source impacts from existing surrounding development on the proposed project were also analyzed. This methodology determines the threshold of development size below which existing and proposed development would not have a significant impact. The impacts from the boiler emissions associated with a development are a function of the square footage of the building, fuel type, stack heights and the minimum distance from the source to the nearest building of concern.

Impact of Existing Development in Surrounding Area on Proposed Project

Relative to potential stationary source impacts upon the proposed project from the surrounding uses, the project site is not located near any medical, chemical, or research laboratories, and no active manufacturing facilities are located within 400 feet of the site. There are no large emissions sources within the vicinity of the project site. Therefore, the proposed project would not be adversely affected by stationary source emissions from existing development in the surrounding area.

Impact of the Proposed Project on Existing Development in the Surrounding Area

The closest building of similar or lesser height to the proposed residences would be the existing two-story residence homes located to the west at 111-115 Highland Road (Block 5120, Lot 6 and 7). The existing residence would be located at least 50 feet from the stack of the closest proposed residential building at 529 Durant Avenue (Block 5120, Lot 66). This distance calculation is based on the sum of the 5-foot wide side yard for the proposed residence and the existing 35-foot rear yard of the existing residence, as shown on the Project Site Plan (**See Figure 7 - Project Site Plan**), plus the location of the new stack in the center of the roof of the proposed 25 foot wide detached residential structure, or a distance of approximately 12.5 feet from the center of the proposed building.

Based on Figure 17-5 of the *CEQR Technical Manual*, the heating and hot water ventilation system for the proposed 2,794 square foot detached residential structure would not result in any air quality impacts to the existing residence. Based on Figure 17-3, emissions from the proposed residential building would fall below the applicable curve and the new detached residential structure would therefore not result in any adverse air quality impacts on the nearby residence. The proposed structure would need to contain more than 20,000 square feet of space to be of concern (**See attached Figure 17-a, Impact of Nearest Proposed Residence on Existing Development**). Therefore, the proposed project would not generate stationary source impacts on any existing surrounding uses.

The three proposed residences are of similar height and are located on the same block. Therefore, the following cumulative analysis of all three residential homes with a total development size of 8,382 square feet was performed, assuming a stack in the middle of the total development. The existing two-story homes at 111-115 Highland Road (Block 5120, Lot 6 and 7), which would be located approximately 92.5 feet from the assumed stack location in the middle of the proposed development. This distance calculation, as shown on the Project Site Pan, is based on the sum of the following (proceeding from west to east):

- The existing 35-foot wide rear yard of the existing residence;
- The 5 foot wide side yard of the closest proposed residence;
- The 25 foot width of the closest proposed residence;
- The 10 foot wide side (east side) yard of the closest proposed residence;
- The 5 foot wide (west side) side yard of the middle proposed residence; and
- The centrally located stack distance of 12.5 feet in the center of the proposed middle residence

Based on Figure 17-5, cumulative emissions from the proposed development would fall below the applicable curve and the proposed project would therefore not result in any adverse air quality impacts to the nearby residence (**See attached Figure 17-b, Cumulative Impact of the Proposed Project on Existing Development**).

Figure 17-3a - Impact of Nearest Proposed Residence on Existing Development

Figure 17-3:
Stationary Source Screen

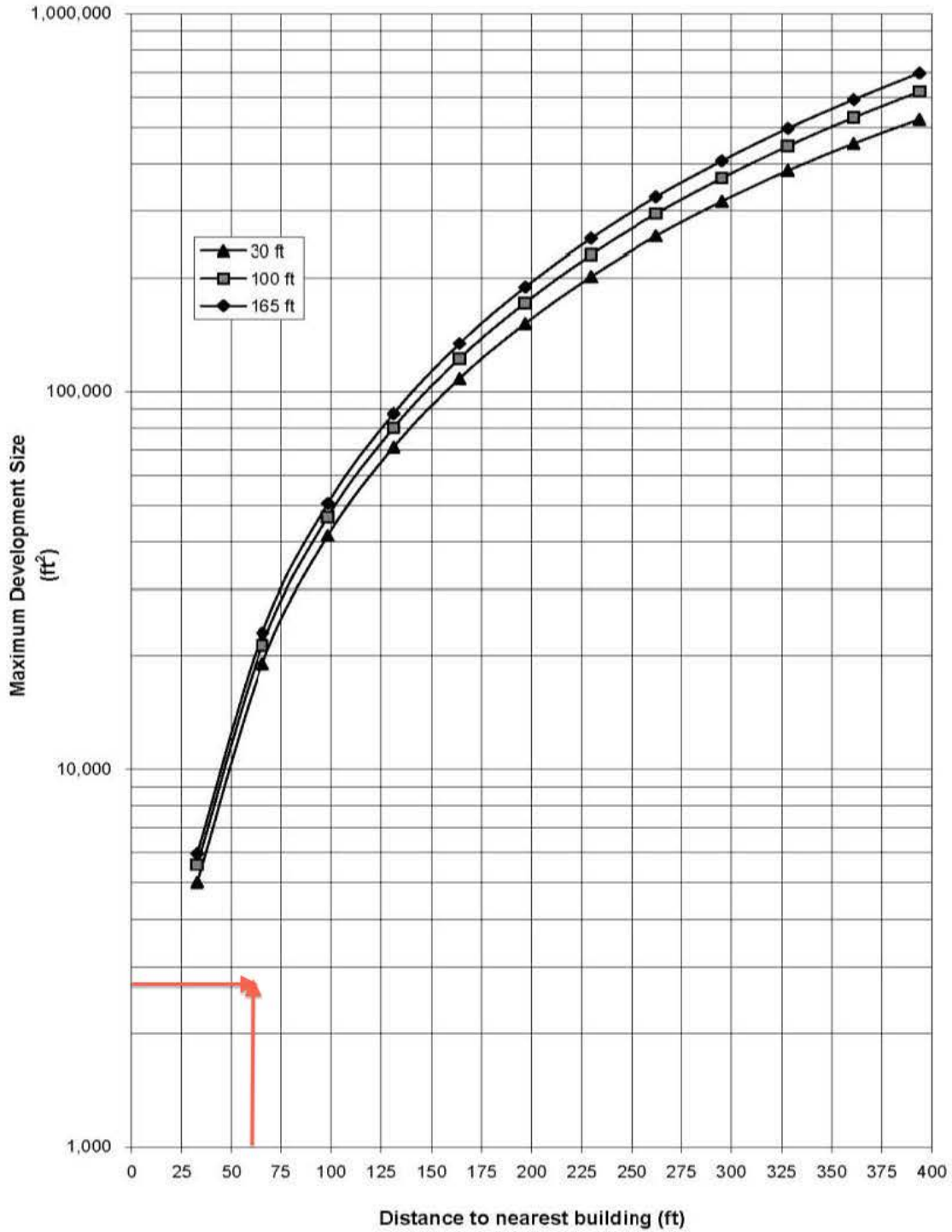
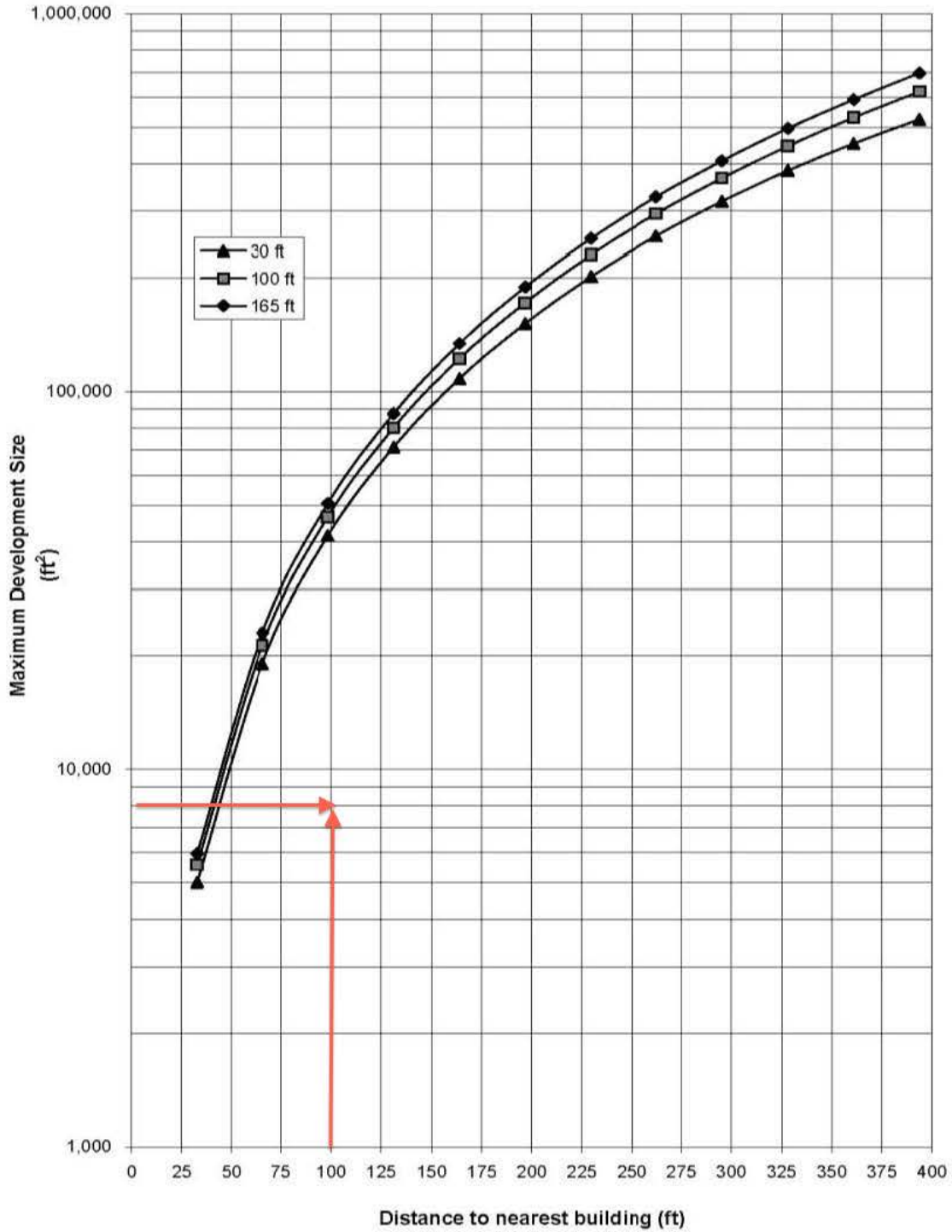


Figure 17-3b - Cumulative Impact of the Proposed Project on Existing Development

Figure 17-3:
Stationary Source Screen



Project-on-Project Impacts

According to Figure 17-3 of the *CEQR Technical Manual*, if a proposed development places a sensitive receptor/operable window within 30-feet of a new stationary emission source (HVAC system), an additional analysis is warranted to determine if a potential project-on-project impact could occur for stationary source air quality.

The proposed action would facilitate three two-family, 2,794 square foot detached homes separated by a distance of 15 feet. This includes three 5-foot side yards (see attached illustrative Site Plan) where 8-foot side yards are required in the R3-X zoning district for buildings on adjacent zoning lots.

The stacks for the proposed new building's HVAC stacks would be located on the top of each new structure, with at least 12.5 feet from the center of the proposed buildings.

A detailed air quality analysis was prepared for this project utilizing AERSCREEN and assuming the HVAC system would utilize Fuel Oil #2. The HVAC stacks were assumed to be 15 feet from the nearest operable window, consistent with the distance separating the three detached homes. The AERSCREEN analysis indicated that the concentrations of PM_{2.5} and Sulphur Dioxide at the nearest sensitive receptor would be below those of the threshold criteria. As a result, no project-on-project stationary source air quality impacts would be anticipated to occur as a result of the proposed action and no additional analysis is needed.

Air Toxics

There are no manufacturing/industrial uses, including dry cleaners or auto-body repair shops, within 400 feet of the project site that generate industrial source emissions. There are no large-scale emissions sources within 1,000 feet of the project site.

Conclusion

There would be no significant air quality impacts from the proposed project's heat and hot water systems on surrounding uses, and the proposed development would not be adversely affected by emissions from other developments located in proximity to the site. There would also be no adverse project-on-project impacts. Therefore, no stationary source impacts would occur as a result of the project.

7. NOISE

INTRODUCTION

Two types of potential noise impacts are considered under CEQR. These are potential mobile source and stationary source noise impacts. Mobile source impacts are those that could result from a proposed project adding a substantial amount of traffic to an area. Potential stationary source noise impacts are considered when a proposed action would cause a stationary noise source to be operating within 1,500 feet of a receptor, with a direct line of sight to that receptor, or if the project would include unenclosed mechanical equipment for building ventilation purposes.

Mobile Source

Relative to mobile source impacts, a noise analysis would be required if a proposed project would at least double existing passenger car equivalent (PCE) traffic volumes along a street on which a sensitive noise receptor (such as a residence, a park, a school, etc.) is located. The surrounding area is principally developed with residential uses. The proposed development is residential

Pursuant to CEQR methodology, no mobile source noise impacts would be anticipated since traffic volumes would not double due to the proposed project. Therefore, the proposed project would not result in a mobile source noise impact.

Stationary Source

The project would not locate a receptor within 1,500 feet of a substantial stationary source noise generator, and there is not a substantial stationary source noise generator close to the project site that is also a sensitive receptor. Additionally, the proposed project would not include any unenclosed heating or ventilation equipment that could adversely impact other sensitive uses in the surrounding area. Therefore, the project would not have any potentially adverse stationary source noise impacts.

Conclusion

A detailed noise analysis is not required for the proposed action, as the action would not result in the introduction of new sensitive receptors near a substantial stationary source noise generator. In addition, the proposed development would not introduce significant mobile or stationary source noise into the surrounding area.

ATTACHMENT A:

WATERFRONT REVITALIZATION PROGRAM (WRP)

WATERFRONT REVITALIZATION PROGRAM (WRP)

Policy 1: Support and facilitate commercial and residential redevelopment in areas well-suited to such development. Where traditional industrial uses have declined or relocated, many coastal areas offer opportunities for commercial and residential development that would revitalize the waterfront. Benefits of redevelopment include providing new housing opportunities, fostering economic growth, and reestablishing the public's connection to the waterfront. This redevelopment should be encouraged on appropriately located vacant and underused land not needed for other purposes, such as industrial activity or natural resources protection. New activities generated by redevelopment of the coastal area should comply with applicable state and national air quality standards and should be carried out in accordance with zoning regulations for the waterfront.

1.1 Encourage commercial and residential redevelopment in appropriate coastal zone areas.

A. Criteria to determine areas appropriate for reuse through public and private actions include: the lack of importance of the location to the continued functioning of the designated Special Natural Waterfront Areas or Significant Maritime and Industrial Areas; the absence of unique or significant natural features or, if present, the potential for compatible development; the presence of substantial vacant or underused land; proximity to residential or commercial uses; the potential for strengthening upland residential or commercial areas and for opening up the waterfront to the public; and the number of jobs potentially displaced balanced against the new opportunities created by redevelopment.

The proposed action would develop a vacant site in an existing R3X zoning district within the Special South Richmond District (SRD) of Staten Island Community District 3. The proposed development would consist of three residential homes totaling six dwelling units, 8,382 square feet of residential (and total) floor area, and nine accessory parking spaces.

The proposed development is not within an important area for the continued functioning of a designated Special Natural Waterfront Area or Significant Maritime and Industrial Area. The proposed development contains vacant and underutilized land and offers the potential for compatible residential development that exists within a pre-existing residential area. As such, the proposed residential is appropriately located and is not needed for other purposes as prescribed by the policy above and would strengthen a pre-existing residential area within the SRD. The proposed development would adhere to the underlying zoning regulations of the R3X district and the SRD and otherwise adhere to Policy 1, as outlined above.

B. Public actions, such as property disposition, Urban Renewal Plans, and infrastructure provision, should facilitate redevelopment of underused property to promote housing and economic development and enhance the City's tax base.

The proposed action would facilitate the development of an underused piece of property and would promote economic development through the creation of jobs and enhancement of the City's tax base.

For Internal Use Only:

WRP no. _____

Date Received: _____

DOS no. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the New York City Waterfront Revitalization Program (WRP). The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

A. APPLICANT

1. Name: BIRB Realty Inc. C/O Rothkrug, Rothkrug & Spector, LLP
2. Address: 55 Watermill Lane, Suite 200 - Great Neck, NY 11021
3. Telephone: 5164872439 Fax: 5164872439 E-mail: adam@rrslawllp.com
4. Project site owner: Bill Andrade

B. PROPOSED ACTIVITY

1. Brief description of activity:
The applicant is seeking a Zoning Text Amendment pursuant to Zoning Resolution (ZR) Section 107-06 to modify the boundaries of the Designated Open Space by eliminating 13,362 square feet of open space. The applicant also seeks a Certifications pursuant to ZR 107-121 regarding school seats and a Certification pursuant to ZR 107-08 to allow subdivision of the project site into three separate lots.
2. Purpose of activity:
The proposed actions would facilitate the development of three residential buildings, six dwelling units, 8,382 square feet of residential (and total) floor area, and nine accessory parking spaces.
3. Location of activity: (street address/borough or site description):
521-529 Durant Avenue in Staten Island Community District 3 (Block 5120, Lot 62)

Proposed Activity Cont'd

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

N/A

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).

N/A

6. Will the proposed project require the preparation of an environmental impact statement?

Yes _____ No If yes, identify Lead Agency:

7. Identify **city** discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.

A Zoning Text Amendment pursuant to Zoning Resolution (ZR) Section 107-06; a Certification pursuant to ZR 107-121; and a Certification pursuant to ZR 107-08.

C. COASTAL ASSESSMENT

Location Questions:

Yes No

- | | | |
|---|-------|---|
| 1. Is the project site on the waterfront or at the water's edge? | _____ | ✓ |
| 2. Does the proposed project require a waterfront site? | _____ | ✓ |
| 3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters? | _____ | ✓ |

Policy Questions

Yes No

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

- | | | |
|---|-------|-------|
| 4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1) | _____ | ✓ |
| 5. Is the project site appropriate for residential or commercial redevelopment? (1.1) | ✓ | _____ |
| 6. Will the action result in a change in scale or character of a neighborhood? (1.2) | _____ | ✓ |

Policy Questions cont'd

Yes No

7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)		✓
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)		✓
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)		✓
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)		✓
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)		✓
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)		✓
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)		✓
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)		✓
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)		✓
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)		✓
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)		✓
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)		✓
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)		✓
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1and 9.2)		✓
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)		✓
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)		✓
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)		✓
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)		✓
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)		✓
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)		✓
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)		✓
28. Would the action cause violations of the National or State air quality standards? (5.2)		✓

Policy Questions cont'd

Yes No

29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
33. Would the action result in any construction activities that would lead to erosion? (6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
37. Would the proposed project affect a non-renewable source of sand ? (6.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
39. Would the action affect any sites that have been used as landfills? (7.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
44. Would the action result in the provision of open space without provision for its maintenance? (8.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Policy Questions cont'd

Yes No

51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)

52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)

D. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: Justin Jarboe

Address: 55 Water Mill Road - Great Neck, NY 11021

Telephone 718-343-0026

Applicant/Agent Signature: Justin Jarboe Date: 3/16/15

ATTACHMENT B:

LPC CORRESPONDENCE & RESTRICTIVE DECLARATION

DECLARATION

This DECLARATION made as of the 8 day of June, 2015 by Birb Realty Inc., having an address at 92 Tompkins Street, Staten Island, NY 10305 (hereinafter referred to collectively as "Declarant");

WITNESSETH

WHEREAS, Declarant is the fee owner of certain real property located in Richmond County, City and State of New York, designated for real property tax purposes as Lot 62 of Tax Block 5120 (the "Project Site") on the Tax Map of the City of New York and is more particularly described in Exhibit A, annexed hereto and made part hereof; and

WHEREAS, Liberty 13, Inc. ("Title Company"), has issued a Certification of Parties In Interest, annexed hereto as Exhibit B and made a part hereof, that as of July 9th, 2015, Declarant, and Michael Adler, Norman Adler and Elaine Adler, as mortgagee are the only Parties-in-Interest (as defined in subdivision (c) of the definition of "zoning lot" set forth in Section 12-10 of the New York City Zoning Resolution) in the Project Site (the "Certification"); and

WHEREAS, all Parties-in-Interest to the Project Site have either executed this Declaration or waived their rights to execute this Declaration by written instruments annexed hereto as Exhibits C and made a part hereof, which instrument is intended to be recorded simultaneously with this Declaration; and

WHEREAS, Declarant filed the applications designated N140172 RCR, N140173 RCR and N 150340 ZRR ("the Applications") with the Department of City Planning ("DCP"), for approval by City Planning Commission ("CPC"), pursuant to Section 197-c of the New York City Charter (the Uniform Land Use Review Procedure or "ULURP") seeking: school seat certification, subdivision and a zoning text amendment; and

WHEREAS, the Applications would facilitate the development of the Project Site; and

WHEREAS, an environmental assessment statement concerning the Project Site prepared pursuant to the City Environmental Quality Review (the "CEQR") is under review in connection with the Application (CEQR 14DCP071R) and, pursuant to CEQR, the Landmarks Preservation Commission (the "LPC"), among others, has reviewed the environmental assessment, including the historic land use of the Project Site; and

WHEREAS, the results of such review, as documented in LPC's May 21, 2015 notice, attached hereto as Exhibit D and made a part hereof, indicate the potential presence of significant archaeological resources on the Project Site; and

WHEREAS, Declarant desires to identify the existence of any potential archaeological resources and mitigate any potential damage to any such archaeological resources found in connection with the development or redevelopment of the Project Site and has agreed to follow and adhere to all requirements for archaeological identification, investigation and mitigation set forth in the CEQR Technical Manual and LPC's Guidelines for Archaeological Work in NYC, including without limitation, the completion of an archaeological documentary study, archaeological field testing, excavation, mitigation and curation of archaeological resources as required by the LPC (collectively, the "Archaeological Work"); and

WHEREAS, Declarant agrees to restrict the manner in which the Project Site may be developed or redeveloped by having implementation of the Archaeological Work, performed to the satisfaction of the LPC, as evidenced by writings described and set forth herein, be a condition precedent to any soil disturbance for any such development or redevelopment (other than soil disturbance necessitated by Declarant's performance of the Archaeological Work); and

WHEREAS, Declarant intends this Declaration to be binding upon all successors and assigns; and

WHEREAS, the Declarant intends this Declaration to benefit all the City of New York ("the City") and consents to the enforcement of this Declaration by the City.

NOW, THEREFORE, Declarant does hereby declare and agree that the Project Site shall be held, sold, transferred, and conveyed, subject to the restrictions and obligations which are for the purpose of protecting the value and desirability of the Project Site and which shall run with the land, binding the successors and assigns of Declarant so long as they have any right, title or interest in the Project Site or any part thereof:

1. Declarant covenants and agrees that no application for grading, excavation, foundation, alteration building or other permit respecting the Project Site which permits soil disturbance shall be submitted to or accepted from the Department of Buildings (the "DOB") by the Declarant until LPC has issued to DOB, as applicable, either a Notice of No Objection, as set forth in Paragraphs 2(a) and 2(c), a Notice to Proceed, as set forth in Paragraph 2(b), a Notice of Satisfaction, as set forth in Paragraph 2(d), or a Final Notice of Satisfaction, as set forth in Paragraph 2(e). Declarant shall submit a copy of the Notice of No Objection, Notice to Proceed, Notice of Satisfaction or Final Notice of Satisfaction, as the case may be, to the DOB at the time of filing of any application set forth in this Paragraph 1.

2. (a) Notice of No Objection – LPC shall issue a Notice of No Objection after the Declarant has completed the work set forth in the LPC-approved Archaeological Documentary Study and LPC has determined that the results of such assessment demonstrate that the site does not contain potentially significant archaeological resources.

(b) Notice to Proceed with LPC-Approved Field Testing and/or Mitigation – LPC shall issue a Notice to Proceed after it approves a Field Testing Plan and, if necessary, a Mitigation Plan. Issuance of a Notice to Proceed shall enable the Declarant to obtain a building permit solely to perform excavation or other work necessary to implement the Field Testing and/or Mitigation Plan. The LPC shall review and approve the scope of work in all permits prior to field testing or mitigation work commencing on the Project Site.

(c) Notice of No Objection After Field Work – LPC shall issue a Notice of No Objection After Field Work if Declarant has performed required LPC-approved field testing and, as a result of such testing, the LPC determines that the Project Site does not contain potentially significant archaeological resources. The notices described in subparagraphs (a) and (c) of this paragraph shall each hereafter be referred to as a “Notice of No Objection.” Issuance of a Notice of No Objection shall be sufficient to enable Declarant to obtain a full building permit for the performance of excavation or construction on the Project Site.

(d) Notice of Satisfaction – LPC shall issue a Notice of Satisfaction after the Mitigation Plan has been prepared and accepted by LPC and LPC has determined in writing that all significant identified and archaeological resources have been documented and removed from the Project Site. Issuance of a Notice of Satisfaction shall enable Declarant to obtain a building permit for excavation and construction on the Project Site.

(e) Final Notice of Satisfaction – LPC shall issue a Final Notice of Satisfaction after the mitigation has been completed and the LPC has set forth in writing that the Mitigation Plan, including but not limited to the Final Archaeological Report and a curation plan for any archaeological resources found on the Project Site, has been completed to the satisfaction of LPC.

3. No temporary certificate of occupancy (“TCO”) or permanent certificate of occupancy (“PCO”) shall be granted by the Buildings Department or accepted by Declarant until the Chairperson of the LPC shall have issued a Final Notice of Satisfaction or a Notice of No Objection.

4. The Director of Archaeology of the LPC shall issue all notices required to be issued hereunder reasonably promptly after Declarant has made written request to the LPC and has provided documentation to support each such request, and the Director of Archaeology of the LPC shall in all events endeavor to issue such written notice to the DOB, or inform Declarant in writing of the reason for not issuing said notice, within thirty (30) calendar days after Declarant has requested such written notice.

5. Declarant represents and warrants with respect to the Project Site that no restrictions of record, nor any present or presently existing estate or interest in the Project Site nor any lien, encumbrance, obligation, covenant of any kind preclude, presently or potentially, the imposition of the obligations and agreements of this Declaration.

6. Declarant acknowledges that the City is an interest party to this Declaration and consents to the enforcement of this Declaration solely by the City, administratively or at law or at equity, of the obligations, restrictions and agreements pursuant to this Declaration.

7. The provisions of this Declaration shall inure to the benefit of and be binding upon the respective successors and assigns of the Declarant, and references to the Declarant shall be deemed to include such successors and assigns as well as successors to their interest in the Project Site. References in this Declaration to agencies or instrumentalities of the City shall be deemed to include agencies or instrumentalities succeeding to the jurisdiction thereof.

8. Declarant shall be liable in the performance of any term, provision, or covenant in this Declaration, except that the City and any other party relying on this Declaration will look solely to the fee estate interest of the Declarant in the Project Site for the collection of any money judgment recovered against Declarant, and no other property of the Declarant shall be subject to levy, execution, or other enforcement procedure for the satisfaction of the remedies of the City or any other person or entity with respect to this Declaration. The Declarant shall have no personal liability under this Declaration.

9. The obligations, restrictions and agreements herein shall be binding on the Declarant or other parties in interest only for the period during which the Declarant and any such Party-in-Interest holds and interest in the Project Site; provided; however, that the obligations, restrictions and agreements contained in this Declaration may not be enforced against the holder of any mortgage unless and until such holder succeeds to the fee interest of the Declarant by way of foreclosure or deed in lieu of foreclosure.

10. Declarant shall indemnify the City, its respective officers, employees and agents from all claims, actions or judgments for loss, damage or injury, including death or property damage of whatsoever kind or nature, arising from Declarant's performance of its obligations under this Declaration, including without limitation, the negligence or carelessness of the Declarant, its agents, servants or employees in undertaking such performance; provided, however, that should such a claim be made or action brought, Declarant shall have the right to defend such claim or action with attorneys reasonably acceptable to the City and no such claim or action against the City shall be settled without the written consent of the City.

11. If Declarant is found by a court of competent jurisdiction to have been in default in the performance of its obligations under this Declaration, and such finding is upheld on a final appeal by a court of competent jurisdiction or by other proceeding or the time for further review of such finding or appeal has lapsed, Declarant shall indemnify and hold harmless the City from and against all reasonable legal and administrative expenses arising out of or in connection with the enforcement of Declarant's obligations under this Declaration as well as any reasonable legal and administrative expenses arising out of or in connection with the enforcement of any judgment obtained against the Declarant, including but not limited to the cost of undertaking the Mitigation Plan, if any.

12. Declarant shall cause every individual or entity that between the date hereof and the date of recordation of this Declaration, becomes a Party-in-Interest (as defined in subdivision (c) of the definition of "zoning lot" set forth in Section 12-10 of the Zoning Resolution of the City of New York) to all or a portion of the Project Site to waive its right to execute this Declaration and subordinate its interest in the Project Site to this Declaration,. Any mortgage or other lien encumbering the Project Site in effect after the recording date of this Declaration shall be subject and subordinate hereto as provided herein. Such waivers and subordination shall be attached to this Declaration as Exhibits and recorded in the Office of the County or City Register.

13. This Declaration and the provisions hereof shall become effective as of the date of this Declaration. Declarant shall record or shall cause this Declaration to be recorded in the Office of the County or City Register, indexing it against the Project Site within five (5) business days of the date hereof and shall promptly deliver to the LPC and the CPC proof of recording in the form of an affidavit of recording attaching a copy of the filing receipt and a copy of the Declaration as submitted for recording. Declarant shall also provide a certified copy of this Declaration as recorded to LPC and CPC as soon as a certified copy is available.

14. This Declaration may be amended or modified by Declarant only with the approval of LPC or the agency succeeding to its jurisdiction and no other approval or consent shall be required from any other public body, private person or legal entity of any kind. A statement signed by the Chair of the LPC, or such person as authorized by the Chair, certifying approval of an amendment or modification of this Declaration shall be annexed to any instrument embodying such amendment or modification.

15. Any submittals necessary under this Declaration from Declarant to LPC shall be addressed to the Director of Archaeology of LPC, or such other person as may from time to time be authorized by the Chair of the LPC to receive such submittals. As of the date of this Declaration, LPC's address is:

Landmarks Preservation Commission
1 Centre Street, 9N
New York, New York 10007

Any notices sent to Declarant shall be sent to the address hereinabove first set forth, to the attention of Waterfront Realty II LLC and Certified Lumber Corporation, c/o Isack Rosenberg, and shall be sent by personal delivery, delivery by reputable overnight carrier or by certified mail.

16. Declarant expressly acknowledges that this Declaration is an essential element of the environmental review conducted in connection with the Application and, as such, the filing and recordation of this Declaration may be a precondition to the determination of significance pursuant to CEQR, which implements the State Environmental Quality Review Act ("SEQRA") and the SEQRA Regulations, Title 6 New York Code of Rules and Regulations ("NYCRR") Part 617.7 within the City of New York.

17. Declarant acknowledges that the satisfaction of the obligations set forth in this Declaration does not relieve Declarant of any additional requirements imposed by Federal, State or Locals laws.

18. This Declaration shall be governed by and construed in accordance with the laws of the State of New York.

19. Wherever in this Declaration, the certification, consent, approval, notice or other action of Declarants, LPC or the City is required or permitted, such certification, consent, approval, notice or other action shall not be unreasonably withheld or delayed.


20. In the event that any provision of this Declaration is deemed, decreed, adjudged or determined to be invalid or unlawful by a court of competent jurisdiction, such provision shall be severable and the remainder of this Declaration shall continue to be in full force and effect.

21. This Declaration and its obligations and agreements are in contemplation of Declarant receiving approvals or modified approvals of the Application. In the event that the Declarant withdraws the Application before a final determination or the Application is not approved, the obligations and agreements pursuant to this Declaration shall have no force and effect and Declarant may request that LPC issue a Notice of Cancellation upon the occurrence of the following events: (i) Declarant has withdrawn the Application in writing before a final determination on the Application; or (ii) the Application was not approved by the CPC, and/or the City Council, as the case may be in accordance with Charter Section 197-c (ULURP); or (iii) LPC has issued a Notice of No

Objection or Final Notice of Satisfaction. Upon such request, LPC shall issue a Notice of Cancellation after it has determined, to LPC's reasonable satisfaction, that one of the above has occurred. Upon receipt of a Notice of Cancellation from LPC, Declarant shall cause such Notice to be recorded in the same manner as the Declaration herein, thus rendering this Restrictive Declaration null and void. Declarant shall promptly deliver to LPC and the CPC a certified copy of such Notice of Cancellation as recorded.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the day and year first above written.


Birb Realty Inc.

By:  PRES
Name, title

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF NEW YORK)
COUNTY OF Richmond) .ss.:

On the 8 day of June in the year 2015 before me, the undersigned, personally appeared William Andrade, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


Notary Public

MICHAEL ADLER
Notary Public, State of New York
No. 02AD1095032
Qualified in Richmond County
Commission Expires January 20, 2019

EXHIBIT A

July 8, 2015

DESCRIPTION

DURANT AVENUE (A.K.A. OCEAN ROAD)
EXISTING TAX LOT 62 BLOCK No. 5120
BOROUGH OF STATEN ISLAND, CITY OF NEW YORK

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Staten Island, County of Richmond, City and State of New York, and bounded and described by the following;

BEGINNING at a point on the westerly line of Durant Avenue (also known as Ocean Road), 35.00' Wide Record Width, said point being located a distance of 104.13 feet southerly from the point formed by the intersection of the said westerly record line of Durant Avenue and the southerly record line of Fieldway Avenue and running thence from said point the following courses;

1. Along said westerly line of Durant Avenue South $40^{\circ} 10' 38''$ East a distance of 11.67 feet to a point of curvature;
2. THENCE still along said westerly line of Durant Avenue along a curve bearing to the left having a radius of 284.35 feet, a central angle of $24^{\circ} 10' 48''$ for an arc length of 120.00 feet to a point;
3. THENCE North $55^{\circ} 08' 30''$ West a distance of 66.75 feet to a point;
4. THENCE North $24^{\circ} 02' 04''$ West a distance of 115.00 feet to a point;
5. THENCE North $68^{\circ} 19' 24''$ East a distance of 105.17 feet to a point;
6. THENCE South $40^{\circ} 10' 38''$ East a distance of 108.63 feet to a point on the said westerly record line of Durant Avenue and the point or place of BEGINNING.

The above described parcel contains an area of 16,669 square feet.

EXHIBIT B

CERTIFICATION PURSUANT TO ZONING LOT
SUBDIVISION C OF SECTION 12-10
OF THE ZONING RESOLUTION OF DECEMBER 15, 1961
OF THE CITY OF NEW YORK – AS AMENDED
EFFECTIVE AUGUST 18, 1977

Landmark 13, Inc., a title insurance agency licensed to do business in the State of New York and having its principle office at 2116 Lindgren Street, Merrick, NY 11566, hereby certifies that as to the land hereafter described being a tract of land, either unsubdivided or consisting of two or more lots of record, contiguous for a minimum of ten linear feet, located within a single block in the single ownership of **Birb Realty, Inc.** That all the parties in interest on consisting of a "party in interest" as defined in Section 12-10, subdivision (c) of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, are the following

<u>Name</u>	<u>Address</u>	<u>Nature of Interest</u>
Birb Realty, Inc.	92 Tompkins Street Staten Island, NY 10305	Owner
Michael Adler, Norman Adler And Elaine Adler	4060 Amboy Road Staten Island, NY 10308	Mortgagee, Lots 62

The subject tract of land with respect to which the foregoing parties are the parties in interest as aforesaid, is known as Tax Lot Number **62** in Block **5120** on the Tax Map of the City of New York, Richmond County and more particularly described as follows:

SEE ATTACHED DESCRIPTION

CERTIFIED: this 9th Day of July, 2015 to **Birb Realty, Inc.** the applicant for the certification.

NOTE: A Zoning Lot may or may not coincide with a lot as shown on the Official Tax Map of the City of New York, or on any recorded sub-division plot or deed. A Zoning Lot may be subdivided into two or more zoning lots provided all the resulting zoning lots and all the buildings thereon shall comply with the applicable provisions of the zoning lot resolution

THIS CERTIFICATE IS MADE FOR AND ACCEPTED BY THE APPLICANT UPON THE EXPRESS UNDERSTANDING THAT LIABILITY HEREUNDER IS LIMITED TO ONE THOUSAND (\$1,000.00) DOLLARS.

Liberty 13, Inc.

By: [Signature]
Name, title
Brian W. Smyth - President

State of New York, County of Nassau .ss:

On the 9th day of July, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared Brian W. Smyth, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individuals or the persons upon behalf of which in the individuals acted, executed the instrument.

[Signature]
Notary public

MELISSA LIBARDI
Notary Public, State of New York
Registration #01LI6215060
Qualified In Nassau County
Commission Expires December 21, 2017

July 8, 2015

DESCRIPTION

DURANT AVENUE (A.K.A. OCEAN ROAD)
EXISTING TAX LOT 62 BLOCK No. 5120
BOROUGH OF STATEN ISLAND, CITY OF NEW YORK

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Staten Island, County of Richmond, City and State of New York, and bounded and described by the following;

BEGINNING at a point on the westerly line of Durant Avenue (also known as Ocean Road), 35.00' Wide Record Width, said point being located a distance of 104.13 feet southerly from the point formed by the intersection of the said westerly record line of Durant Avenue and the southerly record line of Fieldway Avenue and running thence from said point the following courses;

1. Along said westerly line of Durant Avenue South $40^{\circ} 10' 38''$ East a distance of 11.67 feet to a point of curvature;
2. THENCE still along said westerly line of Durant Avenue along a curve bearing to the left having a radius of 284.35 feet, a central angle of $24^{\circ} 10' 48''$ for an arc length of 120.00 feet to a point;
3. THENCE North $55^{\circ} 08' 30''$ West a distance of 66.75 feet to a point;
4. THENCE North $24^{\circ} 02' 04''$ West a distance of 115.00 feet to a point;
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The above described parcel contains an area of 16,669 square feet.

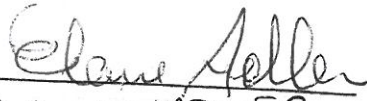
EXHIBIT C

~~MICHAEL ADLER, NORMAN ADLER~~ ^{ELZAINÉ ADLER}, being a "Party in Interest" as defined in Section 12-10 ("Zoning Lot" subdivision (c)) of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, with respect to the land known as Tax Lot 62 in Block 5120 on the Tax Map of the City of New York, Richmond County and more particularly described in Schedule A attached hereto, hereby waives its right to execute a declaration dated June 5, 2015 made by Birb Realty Inc. regarding archaeological testing and remediation on such land.

IN WITNESS WHEREOF, the undersigned has executed this waiver this 5 day of June, 2015.


MICHAEL ADLER


NORMAN ADLER


ELZAINÉ ADLER

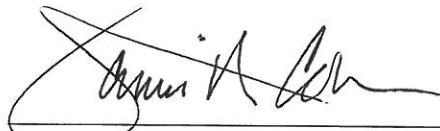
CERTIFICATE OF ACKNOWLEDGMENT

STATE OF New York)

) .ss.:

COUNTY OF Richmond)

On the 4 day of JUNE in the year 2015 before me, the undersigned, personally appeared MICHAEL ADLER, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



Notary Public

JAMES R. COHEN
Notary Public, State of New York
No. 02CO4624955
Qualified in Richmond County
Commission Expires July 31, 2018

SCHEDULE A

July 8, 2015

DESCRIPTION

DURANT AVENUE (A.K.A. OCEAN ROAD)
EXISTING TAX LOT 62 BLOCK No. 5120
BOROUGH OF STATEN ISLAND, CITY OF NEW YORK

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1. Along said westerly line of Durant Avenue South $40^{\circ} 10' 38''$ East a distance of 11.67 feet to a point of curvature;
2. THENCE still along said westerly line of Durant Avenue along a curve bearing to the left having a radius of 284.35 feet, a central angle of $24^{\circ} 10' 48''$ for an arc length of 120.00 feet to a point;
3. THENCE North $55^{\circ} 08' 30''$ West a distance of 66.75 feet to a point;
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6. THENCE South $40^{\circ} 10' 38''$ East a distance of 108.63 feet to a point on the said westerly record line of Durant Avenue and the point or place of BEGINNING.

The above described parcel contains an area of 16,669 square feet.

EXHIBIT D

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 14DCP071R

Project:

Address: OCEAN AVENUE, **BBL:** 5051200062

Date Received: 5/21/2015

No architectural significance

No archaeological significance

Designated New York City Landmark or Within Designated Historic District

Listed on National Register of Historic Places

Appears to be eligible for National Register Listing and/or New York City Landmark Designation

May be archaeologically significant; requesting additional materials

Comments:

LPC review of archaeological sensitivity models and historic maps indicates that there is potential for the recovery of remains Native American occupation on the project site. Accordingly, the Commission recommends that an archaeological documentary study be performed for this site to clarify these initial findings and provide the threshold for the next level of review, if such review is necessary (see CEQR Technical Manual 2014).

Gina Santucci

5/21/2015

SIGNATURE

Gina Santucci, Environmental Review Coordinator

DATE

File Name: 30510_FSO_DNP_05212015.doc

ARCHAEOLOGY

Project number: DEPARTMENT OF CITY PLANNING / 14DCP071R

Project:

Address: OCEAN AVENUE, **BBL:** 5051200062

Date Received: 7/10/2015

This document only contains Archaeological review findings. If your request also requires Architecture review, the findings from that review will come in a separate document.

No archaeological significance

Designated New York City Landmark or Within Designated Historic District

Listed on National Register of Historic Places

Appears to be eligible for National Register Listing and/or New York City Landmark Designation

May be archaeologically significant; requesting additional materials

Comments: The LPC is in receipt of the executed restrictive declaration. The text is appropriate.



7/16/2015

SIGNATURE

Amanda Sutphin, Director of Archaeology

DATE

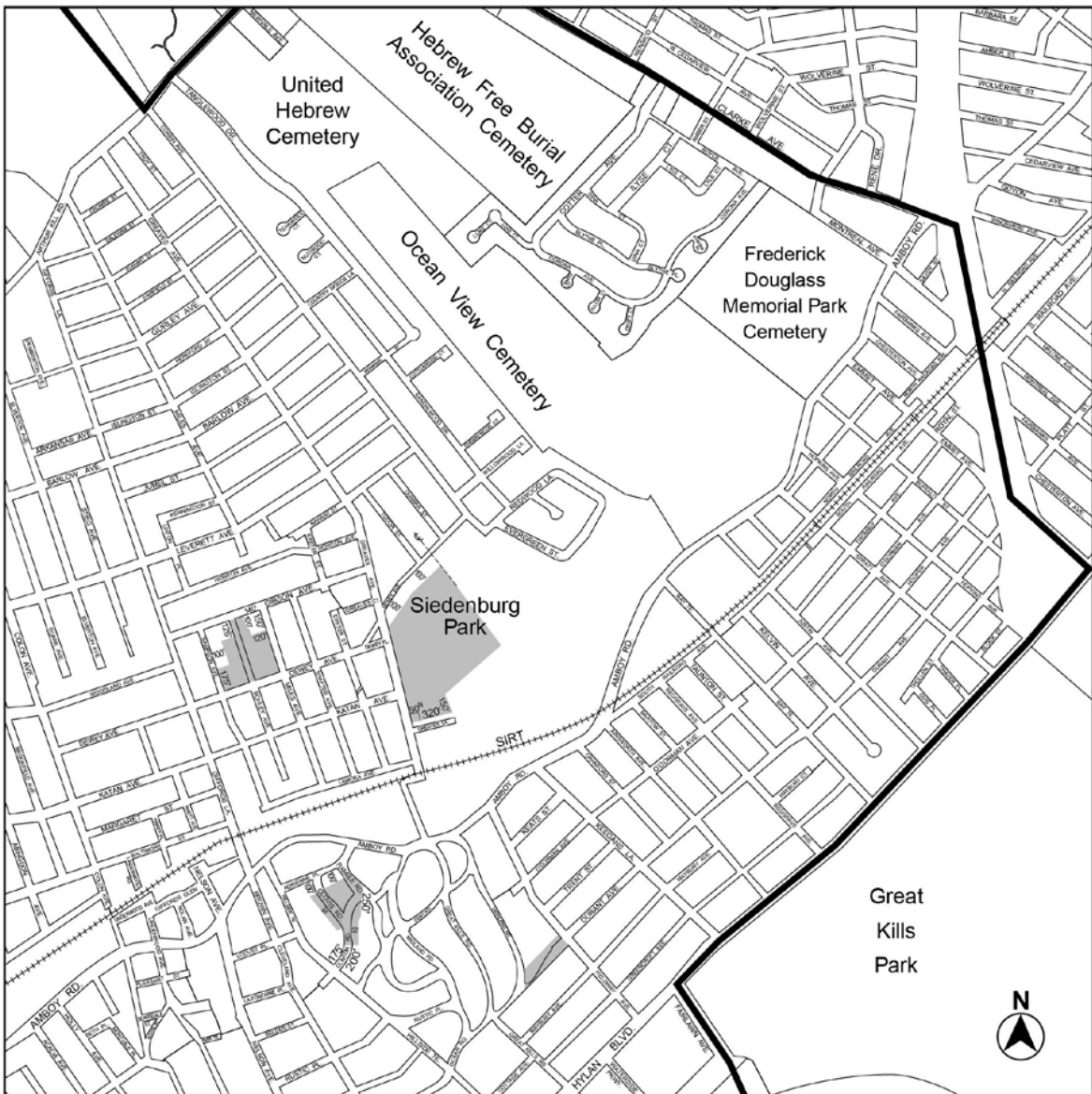
File Name: 30510_FSO_ALS_07162015.doc

ATTACHMENT C:

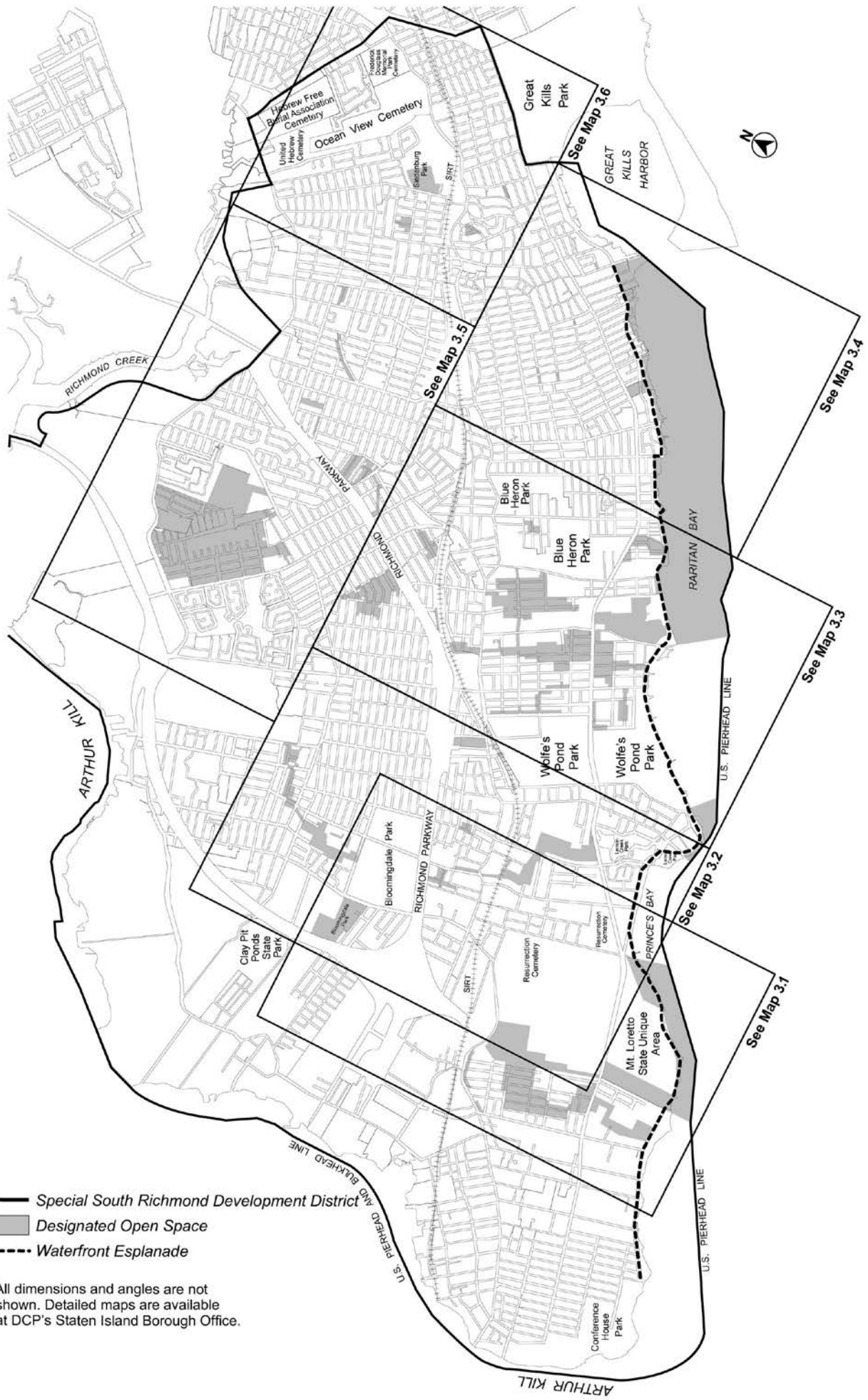
DOS MAPS

Map 3.6 - Open Space Network

- Special South Richmond Development District
- Designated Open Space



Map 3 - Open Space Network (1/26/10)



- Special South Richmond Development District
- Designated Open Space
- - - Waterfront Esplanade

*All dimensions and angles are not shown. Detailed maps are available at DCP's Staten Island Borough Office.