

COMMUNITY BOARD #3

655 Rossville Avenue
Staten Island, N. Y. 10309

LAND USE COMMITTEE MINUTES

January 11, 2012

COMMITTEE MEMBERS PRESENT:

Frank Morano, *Chairman of the Board*
Thomas Barlotta, *Chairman Land Use Committee*
Edward Canlon
Charles Cappucci
Phyllis Catania
Philip Centineo
Frank Contrera
Albert Esposito
James Gallagher
Helen Napoli
Alice Ruch
Danny Venuto

LAND USE MEMBERS ABSENT:

Marie Bodnar
Patrick Donahue

STAFF:

Charlene Wagner, District Manager
Patricia Piccochi, Community Coordinator
Stacey Wertheim, Community Associate

GUESTS:

Anthony Reinhart – representing Senator Lanza
Frank Rapacciuolo, representing Councilman Vincent Ignizio
Robert Englert, Borough Hall Land Use Director
John LaFemina, Oakwood Civic Association
Dee Vandenburg, Staten Island Taxpayers Inc.
Ann Parascondola
Ida Mazzola
Mark Stein, Staten Island ADVANCE
Jakov Saric, Architect for 2977 Hylan Boulevard
Eric Palatnik, Esq. representing the applicant for 29 77 Hylan Boulevard
Ira Rassmussen, Urban Planner for 2977 Hylan Boulevard
Stanley Krebushevski, Architect for 5316 Arthur Kill Road
Alex Veksler, Steps to Success II Day Care
Beata Kozlowsky, Steps to Success II Day Care
Mr. and Mrs. Kim Zangrillo, resident of Pendale Street

Thomas Barlotta commenced the Land Use Committee Meeting at 7:30 p.m. starting with the Pledge of Allegiance and followed by introduction of the Committee Members and other attendees.

PUBLIC CONTACT SESSION:

No speakers

192-11BZ, 2977 Hylan Boulevard – Block 4301 Lots 36 & 39 – Alex Veksler, Owner of Record, has filed an application pursuant to Section 72-21 of the Zoning Resolution of the City of New York (“ZR”) and requests a variance of ZR 23-35 (Minimum Lot Width / Area), ZR 25-31 (Required Parking), and ZR 25-62/ZR 35-68 (Parking Lot Maneuverability), to allow for the development of a Use Group 3 child care center in an R2 (LDGMA) district.

Attorney Eric Palatnik made the presentation on behalf of the applicant, Alex Veksler, for a variance request at 2977 Hylan Boulevard in order to establish a Day Care Center for 50 children and 10 staff members. Mr. Palatnik explained that Mr. Veksler purchased the property, which is adjacent to their leased - existing day care center “Steps to Success II.” Currently they service 80 children with 16 staff members. Unaware of the new Text Amendment, he applied for a building permit and was denied. The proposed lot is 50’ wide, with a lot area of 5,000 sq. ft. The new zoning text requires a 60’ lot width and 10,000 sq. ft. Mr. Palatnik described the proposed usage as “not out of character with the neighborhood” as it has mixed land uses with other doctors’ offices in close proximity. Regarding the proposed controversial additional curb cuts, which would provide a drive-thru, Mr. Veksler stated that 25% of the children attending the facility are not driven, they are within walking distance, and many of his clients carpool.

Board Members and area residents stated the following objections:

1. Helen Napoli asked how this variance, if granted, would affect the zoning requirements of the property should it be sold in the future.
2. Charlene Wagner stated that historically, Community Board 3 does not support applications that require new and/or additional curb cuts, or drive-thru operations on an arterial. Additionally, the forthcoming Bus Rapid Transit (meant to improve traffic flow) would be constantly burdened with motorists stopping to enter and exit these curb cuts. She also questioned why the applicant did not attempt design modifications and request a Special Permit from City Planning instead of asking for a BSA variance.
3. Thomas Barlotta stated that the proposed stack parking, which although is workable for staff parking, is unsafe because the designated driveway and parking lot lack the proper space for manipulating a vehicle and cars will be forced to back out of the side driveway onto the front drive-thru. Another concern is that the width of the proposed curb cuts would require 90 degree turns entering and exiting the drive-thru, forcing motorists to project into two lanes of traffic on Hylan Boulevard. Mr. Barlotta also asserts that he has often observed clients dropping off and picking up in the restricted No Standing Zone, 4-7 p.m. on Hylan Boulevard. He feels that two separate adjacent buildings, operating as a day care facility, will further aggravate the parking and double-parking scenario on Hylan Boulevard.
4. Frank Morano asked for a redesign of the metal fire escape on the exterior of the building. Though this may conform to Fire Department regulations, it is unsightly to the neighboring residents.
5. James Gallagher believes the height of the stairway rise is not favorable for children. In an emergency requiring immediate evacuation, 50 small children cannot be carried out or properly assisted by 16 staff members. Navigating a staircase is challenging for small children, add the urgency and adult size stairs and it produces an unsafe condition.
6. John LaFemina agreed with the Board Member’s concerns, and added that the rooftop playground would not efficiently reduce the noise of 50 youngsters playing outdoors.
7. The lift for handicap egress is accessible only up to one story.

MOTION: by Frank Morano “that Community Board 3 DENY the application for a variance for 2977 Hylan Boulevard based on the aforementioned objections by Board Members and residents.”

SECOND: Danny Venuto

VOTE: 12-0-0

Motion passed

N110206ZAR – 5316 Arthur Kill Road, Block 8024 Lot 49 (Tentative Lots 49 & 50) – Arthur Lee, LLC requests an authorization by the City Planning Commission pursuant to Section 22-43 of the Zoning Resolution to waive the requirements of Section 22-43, to allow the construction of a detached two-family residence with less than 75 percent of the floor area of one dwelling unit located above or below the other. This application is not subject to the Uniform Land Use Review Procedure (ULURP)

Architect Stanley Krebushevski made the presentation for the application. He stated the interior of the proposed structure meets the criteria permitted by City Planning because, it does not give the appearance of a semi-detached building; the façade treatment of the shed and hipped roofs, second and first floor setbacks, and asymmetrical open and covered front porches gives the appearance of a single detached home. He asserts the proposed exterior structure is compatible with the scale and character of the surrounding area in terms of height, bulk and design features. Mr. Krebushevski stated these homes would have of two separate tax lots, to be sold as two separate homes; it will not be a two-family home with one owner.

Discussion:

Frank Morano stated the area was downzoned principally to maintain the neighborhood character, and to prevent future construction of semi-detached homes. This proposal for two individual tax lots on one zoning lot, with individual certificates of occupancies that will be sold as semi-detached homes, clearly circumvents the intent of the zoning law. The code reads that in a R3A, R3X, or R4A District, a detached two-family residence shall be designed so that... The zoning text does not define a two-family residence as being separated into to individual tax lots, to be sold as two separate homes. It is our belief now, and at the time of the downzoning, that the text assumes one owner, one tax lot. Simply because a larger financial return can be realized by selling a two-family residence as individual side-by-side parcels, the intent of the code should not be manipulated.

The proposal does not protect the character of the neighborhood, it does not give the appearance of a two-family home where one apartment is situated either above or below one another.

In response to Mr. Krebushevski highlighting this board’s approval of a prior application for Johnson Street, in hindsight we regret the approval, as it can now used as a precedent for future applications.

MOTION: by Danny Venuto “to DENY the application as presented as it does not fit the character of the neighborhood and:

- *The double garage with one driveway gives the appearance of semi-detached residences.*
- *The intent to be sold separately as two tax lots on one zoning lot portrays (side-by-side) semi-detached, because it is not customary to sell a two-family as individual tax lots when the two-family units are above or below one another.*
- *It is agreed that this committee's future recommendation will be to deny similar applications based on our opinion that proposals for two individual tax lots on one zoning lot, with individual certificates of occupancies that will be sold as semi-detached homes, clearly circumvents the intent of the zoning law.*

SECOND : Alice Ruch

VOTE: 10 – 2 (Cappucci, Catania) – 0

Motion Passed

NEW BUSINESS:

With the intent to prevent future applications that request an authorization by the City Planning Commission pursuant to Section 22-43 of the Zoning Resolution to waive the requirements of Section 22-43, to allow the construction of a detached two-family residence with less than 75 percent of the floor area of one dwelling unit located above or below the other a motion was made:

MOTION: by Frank Morano *“to send a letter to City Planning (with copies to our elected officials asking for their support) requesting a review and amendment of Section 22-43 of the Zoning Resolution which permits a waiver of the requirements, as we believe a loop-hole exists that is being exploited to permit semi-detached residences contrary to zoning law.”*

SECOND: Thomas Barlotta

VOTE: 12-0-0

Motion Passed

Meeting adjourned 9:30 p.m.

Respectfully submitted,



Thomas Barlotta