



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

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**Land Use Committee
Public Hearing Report**

DATE: January 10, 2024

TIME: 7:00PM

IN PERSON: Yes

VIRTUAL: No

SPEAKER: Yes

Committee Members Present

Frank Morano, *Chairman of the Board*

Thomas Barlotta, *Chair*

Patrick Donahue

Gary Fleming

Jeff Geary

Owen Reiter

Danny Venuto

Committee Members Absent

Celia Iervasi

Andrew V. Poznanski

David Santoro

Board Members Present

Robert DiGennaro

John Felicetti

Staff Present

Stacey Wertheim, *Community Coordinator*

Susan LaForgia, *Community Coordinator*

Guests

Frank Rapacciuolo, Rep., Council Member Joseph Borelli

Catie Ferrara Iannitto, Director, SI Borough Office, Department of City Planning (DCP)

Vincent Giordano, CB3 Liaison, DCP

Elyse Foladare, Eric Palatnik's Office

Susan Conlon, Richmondtown-Clarke Ave Civic Association

Area Resident

Public Contact

- If anyone received a red-light camera ticket at Arthur Kill Road and Richmond Avenue recently, please contact Cm. Borelli's office. The light was defective, and the signal went from green to red, causing the camera to generate a violation. His office is helping with rectifying this mistake.

- An area resident is opposed to the South Shore pathway project in Tottenville. He feels this is an intrusion and dangerous for the homes facing the pathway. He opposes removing the wetlands where endangered species live to put an asphalt pathway in. He feels the pathway should be on the beach, not right behind homes.

Agenda

BSA Cal. Nos. 2017-5-A thru 7-A - 620A, 620B, and 620C Sharrotts Road - Block 7400, Lot 40, Staten Island, New York. Elyse Foladare for Eric Palatnik presented. This application seeks an amendment to the Board's September 10, 2019, resolution (filed February 12, 2020) to eliminate the time to obtain certificates of occupancy or alternatively to extend the time for an additional four (4) years of the appeals granted by the Board, which permitted a modification of decisions by the Department of Buildings under the powers vested in the Board by Section 36 of the General City Law.

Discussion

The Committee is not in favor of granting an extension of more than 4 years. This would be the second extension of time granted for this project and they feel the site shouldn't sit vacant indefinitely.

Whereas, the Community Board 3 Land Use Committee, after consideration of the application, does not support eliminating the time to obtain certificates of occupancy but agrees to extend the time an additional 4 years,

Now Therefore Be It Resolved, a Motion was put forth to extend the time for an additional 4 years and passed unanimously.

Vote: In Favor 9; Opposed 0; Abstentions 0

Morano Y; Barlotta Y; Donahue Y; Fleming Y; Geary Y; Reiter Y; Venuto Y; DiGennaro Y; Felicetti Y

City of Yes – Economic Opportunity “COYEO” Citywide Text Amendment- N240010ZRY, N240011ZRY

Review of Community Board 3's recommendations to City Planning.

Whereas the Community Board 3 Land Use Committee thoroughly reviewed and discussed the City of Yes – Economic Opportunity and provided comprehensive feedback via the Worksheet* provided by City Planning.

Now, Therefore Be It Resolved, a Motion was put forth to **deny** the application as presented for reasons detailed in the DCP Worksheet.

Vote: In Favor 9; Opposed 0; Abstentions 0

Morano Y; Barlotta Y; Donahue Y; Fleming Y; Geary Y; Reiter Y; Venuto Y; DiGennaro Y; Felicetti Y

*Worksheet can be found at the end of this Report

City of Yes – Economic Opportunity – (M) Districts –N240011ZRY

The NYC Department of City Planning proposes a citywide zoning text amendment to add new Manufacturing (M) district options to the City’s Zoning Resolution. These new zoning tools remove impediments to business location and growth within M Districts by providing a wider range of available densities than the current M districts allow, updated bulk regulations enabling more loft-like physical typologies, and right-sizing parking/loading regulations.

Whereas, the Community Board 3 Land Use Committee thoroughly reviewed and discussed the City of Yes – Economic Opportunity – M Districts,

Whereas, the Land Use Committee does not feel this text amendment is necessary.

Now, Therefore Be It Resolved, a Motion was put forth to **deny** this text amendment and passed unanimously.

Vote: In Favor 9; Opposed 0; Abstentions 0

Morano Y; Barlotta Y; Donahue Y; Fleming Y; Geary Y; Reiter Y; Venuto Y; DiGennaro Y; Felicetti Y

Gaming Facility Text Amendment Non-ULURP – Project ID 2024Y0197 The City is proposing a citywide zoning text amendment to allow gaming facilities as a permitted use in certain commercial districts (Section 32-10) and manufacturing districts (Section 42-10) in the Zoning Resolution. This modification would allow a gaming facility licensed by the State and developed through a new State-defined site process to be developed without regard to any potential conflict with the Zoning Resolution.

Whereas the Community Board 3 Land Use Committee thoroughly reviewed and discussed the Gaming Facility Text Amendment,

Whereas, the Land Use Committee disagrees that there should be a permitted use for gaming facilities in the five boroughs.

Now, Therefore, Be It Resolved, a Motion was made to **deny** this text amendment as presented.

Vote: In Favor 8; Opposed 1 (DiGennaro); Abstentions 0

Morano Y; Barlotta Y; Donahue Y; Fleming Y; Geary Y; Reiter Y; Venuto Y; DiGennaro N; Felicetti Y


Old Business:

None

New Business:

None

Respectfully submitted,



Thomas Barlotta, Chairman

PROPOSAL	SUPPORT	DO NOT SUPPORT	REQUESTED MODIFICATION
#1 Reactivate Storefronts		X	We will support providing only for existing grandfathered businesses and will conform to current existing use groups, not newly proposed use groups.
#2 Simplify District Types		X	Must exclude C1 and C2, specifically overlays within mixed use. Do not support Entertainment, Places of Assembly, or transient accommodations in C1 C2 overlays within a mixed-use or C1 and above with or without mixed-use.
#3 Small Scale Production		X	Must exclude C1 and C2 specifically overlays in mixed-use. This will create a loophole for property owners to subdivide a plot to create multiple spaces that are 5k sq. ft.
#4 Loading Docks	X		
#5 Upper Floor Commercial		X	Must exclude C1 and C2 specifically overlays in mixed-use. 15' physical separation must be an amenity space that does not generate noise, i.e., lobby, waiting area, etc. Must have regulated sound attenuation.
#6 Use Terms	X		
#7 Urban Agriculture		X	Commercial Districts only and must exclude C1 and C2 specifically overlays in mixed-use. Ground floor only, no sidewalk use.
#8 Life Sciences		X	We do not support life science companies in commercial districts for the purpose of locating near research centers. The term research centers is ambiguous and undefined. Many categories of commercial laboratories belong in an M district due to the potentially hazardous environment. A special permit is a discretionary action by the City Planning Commission and only sometimes coincides with the community's wants and needs.

<p>#9 Nightlife</p>		<p>X</p>	<p>We do not support regulating nightlife based on capacity rather than type of entertainment. DOB, FDNY, and SLA each have enforcement powers. However, each considers regulations distinctive to their respective agencies. We vehemently oppose nightlife in residential districts and C1 and C2 overlays in mixed-use. We propose a maximum capacity of 75 people to align with assembly permits. Additionally, we propose a buffer to protect any residential dwelling from the noise produced by amplified sound systems. The many undesirable effects include sleep disturbances, reduced quality of life, negative impact on the local economy affecting property values, and strained relationships between residents and business owners.</p>
<p>#10 Amusement</p>		<p>X</p>	<p>Commercial only, and must exclude C1, C2 specifically overlays in mixed-use, and never in residential districts. There should be a minimum allowable square foot requirement to prevent small arcades, gaming rooms, etc, from popping up and saturating districts.</p>

#11 Home Occupations		X	<p>We do not support expanding the size allowance to 49% of the home, allowing up to 3 employees for a home-based business, for the following reasons:</p> <ol style="list-style-type: none"> 1.The pandemic was a short-term situation, and certain businesses no longer need to operate from their home. 2.Homes are expected to be living spaces in residential districts. 3.Theoretically, if every home in a residential district contained a business with up to 49% of the home and employed three people, the district would become a commercial strip within a residential district. 4.Some buildings are two or multiple homes within one building. Consequently, the number of home businesses would escalate to unacceptable proportions. 5.As a common practice, we all know that home businesses are “cash” enterprises. They do not generate tax or income revenue for the government. 6.Homes businesses cause parking complications for residents. 7.Home-based businesses create noise and environmental issues not wanted by other homeowners. 8.Home-based businesses with up to 3 employees and numerous clients overburden a home's occupancy and stress sanitary sewerage systems incompatible with commercial use. 9.Home-based businesses create a challenge for trash disposal. Does DSNY service home businesses, or must they use commercial carting? 10.Home-based businesses spoil neighborhood characters with signs, nameplates, etc. 11.Home-based businesses do not foster economic growth for small businesses. Like big box stores use impulse buying at checkouts, going to a brick-and-mortar store increases the likelihood that consumers will patronize other businesses in the area.
#12 Streetscape	X		

#13 Auto Repair		X	It is our understanding that the NYS DMV does not issue separate light and heavy-duty licenses for motor vehicle repair. How will DCP rationalize light and heavy-duty repair? If the DCP concern is that some businesses conduct heavy servicing and vehicle storage on neighborhood sidewalks and retail streets, that is solely an enforcement matter to be taken up with NYPD or NYS DMV. How will DCP define "light auto servicing" in C1 through C7? Casting the interpretation of "light auto servicing" to the BSA for a Special Permit is incomprehensible. Unless grandfathered, no motor vehicle repair facility should be located in anything other than C6 or manufacturing. BSA is not an enforcement agency, they can only place stipulations which are commonly ignored once the Special Permit is granted.
#14 Micro-distribution		X	This proposal needs further investigation and regulated restrictions. There will be unanticipated collateral negative impacts on local traffic, parking obstructions, and congestion.
#15 Campus		X	We do not support community facility campuses that exist or will be built in a residential district. Staten Island has Wagner College and St. John's University, surrounded by residential districts. Any laboratory belongs in M districts only due to the potentially hazardous environment. A special permit is a discretionary action by the City Planning Commission and only sometimes coincides with the community's wants and needs.
#16 Corner Stores		X	We ardently oppose any new small-scale store in a residential zone. The collective negatives this would impose on any residential community will be indisputably destructive. Your proposal states "Community Board approval," but we all know we are an advisory agency unless the project is subject to the ULURP process. Additionally, there is no mention of Council Members' approval. In theory, a small business could be located on every corner within a community of residential homes, thereby altering the true character of residential neighborhoods. This proposal is biased against homeowners and displays DCP's partisanship toward commercial districts.

#17 Better Waiver	X		Will support on in M districts.
#18 New Loft-style		X	