



## Legislation Text

File #: Res 1701-2017, Version: \*

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1701

**Resolution approving the decision of the City Planning Commission on ULURP No. C 160174 ZSR (L.U. No. 759), for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution of the City of New York to allow large retail establishments (Use Group 6 and/or 10A uses) greater than 10,000 square feet on property located at 534 South Avenue (Block 1707, Lots 1 and 5), in an M1-1 District, Community District 1, Borough of Staten Island.**

**By Council Members Greenfield and Richards**

WHEREAS, the City Planning Commission filed with the Council on September 12, 2017 its decision dated September 6, 2017 (the "Decision"), on the application submitted by Josif A LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution of the City of New York to allow large retail establishments (Use Group 6 and/or 10A uses) greater than 10,000 square feet on a 28.3 acre site located in the Mariner's Harbor section of Staten Island. This action, in conjunction with the related action, would facilitate a new 219,377 square foot retail development on property located at 534 South Avenue (Block 1707, Lots 1 and 5), in an M1-1 District, (ULURP No. C 160174 ZSR), Community District 1, Borough of Staten Island (the "Application");

WHEREAS, the Application is related to application C 150359 MMR (L.U. No. 760), an amendment to the City Map involving the establishment of North Morrow Street; the elimination, discontinuance and closing of a portion of Morrow Street; and the elimination of Albany Avenue, Amador Street and Garrick Street;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-922 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 10, 2017;

WHEREAS, the Council has considered the land use and environmental implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 25, 2017 (CEQR No. 17DCP030R), which identified significant adverse impacts with respect to historic and cultural resources - archaeological resources, transportation (traffic, buses, subways, and pedestrians) and construction activities related to noise;

RESOLVED:

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those mitigation measures that were identified as practicable.

The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 160174 ZSR, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 160174 ZSR) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Rampulla Associates Architects, LLP. filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
CPC-002.00	Zoning Analysis Sheet	4/26/17
CPC-003.00	Proposed Site Plan	5/25/17
CPC-003A.00	Proposed Partial Site Plan	4/26/17
CPC-003B.00	Proposed Partial Site Plan	4/26/17
CPC-003C.00	Proposed Partial Site Plan	4/26/17
CPC-003D.00	Proposed Partial Site Plan	4/26/17
CPC-004.00	Site Sections	5/25/17

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall

give actual notice of this special permit to the lessee, sublessee or occupant.

5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on October 31, 2017, on file in this office.

City Clerk, Clerk of The Council