



Legislation Text

File #: Res 1702-2017, Version: *

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1702**

Resolution approving the decision of the City Planning Commission on ULURP No. C 150359 MMR, an amendment to the City Map (L.U. No. 760).

By Council Members Greenfield and Salamanca

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 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the establishment of North Morrow Street (formally Morrow Street) from Forest Avenue to a point 437 feet south; and
- the elimination, discontinuance and closing of a portion of Morrow Street between Amador Street and a point 286 feet north; and
- the elimination of Albany Avenue between Goethals Road North and Amador Street; and
- the elimination of Amador Street between Morrow Street and South Avenue; and
- the elimination of Garrick Street between Goethals Road North and Wemple Street; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 4243 dated December 5, 2016 and signed by the Borough President, (ULURP No. C 150359 MMR), Community District 1, Borough of Staten Island (the "Application");

WHEREAS, the Application is related to application C 160174 ZSR (L.U. No. 759), a Special Permit to permit retail establishments over 10,000 square feet;

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

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 implications and other policy issues relating to the Decision and Application;

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 199 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 150359 MMR, incorporated by reference herein, the Council approves the Decision for an amendment to the City Map involving:

- the establishment of North Morrow Street (formally Morrow Street) from Forest Avenue to a point 437 feet south; and
- the elimination, discontinuance and closing of a portion of Morrow Street between Amador Street and a point 286 feet north; and
- the elimination of Albany Avenue between Goethals Road North and Amador Street; and
- the elimination of Amador Street between Morrow Street and South Avenue; and
- the elimination of Garrick Street between Goethals Road North and Wemple Street; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 1, Borough of Staten Island, in accordance with Map No. 4243 dated December 5, 2016 and signed by the Borough President is approved; and be it further

RESOLVED that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

RESOLVED that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts the legally required number of counterparts of Map No. 4243 dated December 5, 2016 providing for the discontinuance and closing of a portion of Morrow Street between Amador Street and a point 286 feet north more particularly described as follows:

DISCONTINUING AND CLOSING A PORTION OF MORROW STREET BETWEEN AMADOR STREET AND A POINT 286 FEET NORTH

Starting at the point of intersection of the southerly line of Forest Avenue and the westerly line of North Morrow Street, thence southerly for a distance of 458.28 feet along the westerly line of North Morrow Street to the point of place or beginning;

1. THENCE running easterly a distance 20.00 feet along a line that forms a deflection angle to the left of 90 degrees, with the previous course, to a point;
2. THENCE running northerly a distance 21.51 feet along a line that forms a deflection angle to the left of 90 degrees, with the previous course, to a point;
3. THENCE running easterly a distance of 25.52 feet along a line that forms a deflection angle to the right of 90 degrees, with the previous course, to a point of curvature;
4. THENCE running along a curve to the left with a Radius 45.40 feet, a Delta Angle 32-42-47, and an Arc Length 25.92 feet to a point on the easterly record line of Morrow Street;
5. THENCE running southerly along the said easterly record line of the said Morrow Street a distance of 287.35 feet to a point;
6. THENCE running northwesterly a distance of 98.81 feet along a line that forms an interior deflection angle to the right of 45 degrees 6 minutes and 17 seconds, with the previous course to a point on the westerly record line of Morrow Street;
7. THENCE running northerly along the said westerly record line of Morrow Street a distance of 188.71 feet to the point or place of BEGINNING.

The above described parcel has an area 16784.53 square feet or 0.39 acres; and be it further

RESOLVED that, pursuant to subdivision 1a of Section 5-433 of the New York City Administrative Code, public utility facilities within the subsurface of the streets cited herein that are to be discontinued and closed by this action, may be maintained in place or relocated within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or portions of such subsurface, and the requirements of other facilities located therein;

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 4243 dated December 2, 2016 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code; and
- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition "a" above until the applicant shall have executed a mapping agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City

Planning Commission (the “Mapping Agreement”). If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission; and

- c. The subject street to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

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.

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City Clerk, Clerk of The Council