

**COMMUNITY BOARD #3**  
**655 Rossville Avenue**  
**Staten Island, N. Y. 10309**

**LAND USE COMMITTEE MINUTES**

**February 13, 2012**

**COMMITTEE MEMBERS PRESENT:**

Frank Morano, *Chairman of the Board*  
Charles Cappucci  
Philip Centineo  
Frank Contrera  
Patrick Donahue  
Jeffrey Geary  
Helen Napoli  
Alice Ruch  
Maribel Sansone  
Daniel Venuto

**COMMITTEE MEMBERS ABSENT:**

Albert Esposito

**STAFF:**

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

**GUESTS:**

Frank J. Rapacciuolo, representing Councilman Vincent Ignizio  
Eric Palatnik, Esq. representing applicants for BSA items 306-12BZ and 15 thru 49-13A  
Ellen Hay, Esq. representing applicant for BSA item 3-13BZ  
William Yaggy, Bronx resident  
Meghan Huppuch, Brooklyn resident  
Ann Parascondola, Wilson Avenue resident  
Ida Mazzola, Wilson Avenue resident

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Frank Morano commenced the meeting at 7:30 pm starting with the Pledge of Allegiance.

**PUBLIC CONTACT SESSION** – No speakers.

**3-13BZ – 3231-3251 RICHMOND AVENUE (aka 806 Arthur Kill Road) - Block 5533 Lots 47, 58, 62, 123, Borough of Staten Island, N.Y. 10312** – An application is filed pursuant under Section 73-36ZR of the Zoning Resolution of the City of New York, as amended to request a Special Permit to allow the operation of a physical culture establishment in a C4-1 District, which is contrary to Section 32-10ZR. (L.A. Fitness).

Attorney Ellen Hay discussed plans for L.A. Fitness, a physical culture establishment, to occupy 33,000 square ft. of space where a King Kullen Supermarket was once located. The Club plans to operate on a 24 hour schedule. They will be reusing the original entrance that was used by the supermarket.

**Discussion:** The Committee members were concerned if there would be any impact from this establishment on the surrounding community and were assured there should not be any more than when the supermarket occupied the same location.

**MOTION:** by Jeffrey Geary “to accept the application to permit L.A. Fitness to operate a physical culture establishment at 806 Arthur Kill Road in a C4-1 District.”

**SECOND:** Charles Cappucci

**VOTE:** 9-0-0

**MOTION PASSED**

**306-12BZ - 2955 VETERANS ROAD WEST (South Shore Commons) – Block 7511 Lot 1, Borough of Staten Island, N.Y. 10309** – An application is filed pursuant under Section 73-36 of the Zoning Resolution of the City of New York, as amended to request a Special Permit to allow the proposed physical culture establishment in an M1-1 Zoning District. (LaVita Spa).

Attorney Eric Palatnik, representing LaVita Spa located in the South Shore Commons Shopping Mall, made the presentation for the physical culture establishment to request a Special Permit legalizing the existing business that has been operating within the 2,400 sq. ft. of space for five months, 7 days a week from 8 a.m. to 9 p.m.

**Discussion:** The Committee members questioned why the franchised spa opened for business prior to the request for a Special Permit. Mr. Palatnik explained that time constraints involved with leasing the property and hiring an attorney prevented the owner from applying for the Special Permit prior to occupying the space. The Committee did not find any reason the Spa could not continue to operate at the location.

**MOTION:** by Frank Morano “to accept the application for a Special Permit to allow LaVita Spa to operate legally at 2955 Veterans Road West in an M1-1 Zoning District”

**SECOND:** Jeffrey Geary

**VOTE:** 9-0-0

**MOTION PASSED**

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**15 thru 49-13A – BERKSHIRE LANE (Veterans Road East) - Block 7094 - Nos. 16, 20, 24, 28, 32, 36, 40, 44, 48, 52, 56, 60, 64, 68, 75, 78, 79, 84, 85, 89, 90, 93, 96, 99, 102, 105, 108, 109, 115, 119. WILTSHIRE LANE Nos. 19, 23, 27, 31, 35. (LOTS 70, 69, 68, 67, 66, 65, 62, 61, 60, 59, 57, 56, 55, 54, 53, 52, 51, 50, 49, 48, 47, 46, 45, 44, 43, 41, 40, 39, 38, 37, 36, 35, 34, 33, 32) Borough of Staten Island, N.Y. 10309** – An appeal to construct thirty-five (35) one and two-family dwellings, within an R3-1 (SRD) zoning district contrary to General City Law 36.

Eric Palatnik made the presentation for this project for the construction of 39 detached and semi-detached homes (16 one-family and 19 two-family homes). Of the 39 homes there are 35 homes that do not face onto a mapped street (Veterans Road East) and thus require the approval under the General City Law #36 because they face onto privately owned streets (Berkshire Lane and Wiltshire Lane). Since the developer intends to deed the privately owned streets to the City for the residents to receive city services he intends to build the streets to compliance with city zoning specifications. A homeowners association will be created for this development upon completion of the project.

**Discussion:** The Committee had several concerns and requested clarification on these concerns prior to voting on this proposal. Mr. Patatnik assured the Committee he will have answers to the following concerns prior to the General Board Meeting:

- ✓ The proposed curb cut on Wiltshire Lane needs to be defined better on the plans.
- ✓ Has the developer acquired of permits from the City/State Department of Transportation for opening Veterans Road and will it be built out to the mapped width?
- ✓ Street widths from curb to curb need to be reaffirmed within the development and along Veterans Road.
- ✓ Check with the Fire Department if the “No Parking Anytime” restrictions recommended by them for directly in front of the residences can be moved to across the street only.

- ✓ What are the dimensions for sidewalks and tree plantings/landscaping?
- ✓ How will residents access the development from adjoining streets (Wirt Street, Veterans Road (unopened at this time), Bloomingdale Road)?
- ✓ Are there storm or sanitary sewer plans?

**THE BIGGERT-WATERS FLOOD INSURANCE REFORM ACT** - Committee member Jeffrey Geary gave a presentation on ways property owners can reduce their risk to reduce or avoid future flood losses. The Biggert-Waters Flood Insurance Reform Act was signed into law on July 6, 2012 by President Obama. The law revises flood plain maps of the country and now includes properties that have a history of flood occurrences or flash flooding, not previously identified under the 1994 National Flood Insurance Reform Act. If property owners don't purchase flood insurance before April 16, they could face annual insurance rate increases of 25 percent per year for five years (the bailout ends in 2017). He described how property owners will need to raise their property above the Base Flood Elevation (BFE) in order to reduce flood insurance premiums. There are three FEMA programs that may directly or indirectly result in flood insurance discounts to policyholders: FEMA provides hazard mitigation grants to states for activities such as structure elevation, property acquisition, and flood-proofing. When completed, these activities can reduce or eliminate risk, which may result in lower flood insurance rates. The Community Rating System (CRS) offers insurance premium discounts (up to 45 percent) for individuals in communities implementing floodplain management practices that exceed the minimum requirements of the National Flood Insurance Program (NFIP). By implementing CRS floodplain management best practices, flood losses are reduced, public safety is enhanced, and the cost of flood insurance is decreased. To learn more about CRS visit <http://www.fema.gov/national-flood-insurance-program/community-rating-system>.

Meeting adjourned 9:15 p.m.

Respectfully submitted,



Frank Morano, Chairman of the Board