DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

M E M O R A N D U M

TO: Sara Avila, Catherine Ferrara Iannitto

FROM: Stephanie Shellooe

DATE: October 31, 2025

RE: **TYPE II**

CEQR No.	25DCP090R
Land Use Application No.	250318ZMR; N250320ZRR
Project Name	37-59 Hamilton Avenue Rezoning

We have reviewed the above referenced application and determined that, pursuant to 6 NYCRR 617.5, it is a Type II action and not subject to SEQRA/CEQR:

- ☐ **617.5(9)** Construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or use variance, and consistent with local land use controls, but not radio communication or microwave transmission facilities.

- ☐ **617.5(11)** construction or expansion of a single-family, a two-family or a three-family residence on an approved lot.

- ☐ **617.5(12)** Construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density.

- **617.5(25)** Official acts of a ministerial nature involving no exercise of discretion:

  ☐ Special Permits pursuant to Zoning Resolution Section 74-78 (Conversions of Non-Residential Floor Area), for modifications to the requirements relating to the location of loft dwellings or joint living-work quarters for artists and use restrictions.

  ☐ Authorizations pursuant to Zoning Resolution Sections 105-421 (Modification of topographic features on Tier I sites), 105-422 (Authorization of a development, enlargement or site alteration on a Tier II zoning lot or portion of a zoning lot having a steep slope or steep slope buffer), 105-423 (Relocation of erratic boulders), 105-424 (Alteration of rock outcrops), 105-425 (Modification of botanic environment and tree preservation and planting requirements), 105-426 (Alteration of aquatic features), 105-91 (Special District Designation on Public Parks), 107-64 (Future Subdivision of Certain Plan Review Site), 107-65 (Authorization for Modifications of Natural Features), 119-311 (Authorization of a development, enlargement or site alteration on a steep slope or steep slope buffer), 119-313 (Modification of landscaping, tree preservation and tree planting requirements), and 119-319 (Authorization to allow site alterations, the construction of new park-related facilities and improvements to existing park-related facilities within public parks).

☐ Other Authorizations*

☐ City Planning Commission and Chair Certifications.

☐ Actions pursuant to Zoning Resolution Sections 93-65, 95-04 and 95-05 relating to transit easements.

- **617.5(32)** License, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities:

  ☐ Renewal of Special Permit or Authorization.

- **617.5(b)** Residential Development Type II Actions (Green Fast Track) adopted as Section 5-05(e) and (f) of Chapter 5 of Title 62 of the Rules of the City of New York:

  ☑ Green Fast Track for Housing eligible.

- ☐ **Other*** _____

*As determined by DCP's Environmental Assessment and Review Division and Counsel's Office

cc:

City Planning Commissioners

City Environmental Quality Review

GREEN FAST TRACK FOR HOUSING TYPE II: ELIGIBILITY CHECKLIST

FOR GREEN FAST TRACK TYPE II ACTIONS ONLY

Part I: Project Summary

Project Summary	Hamilton Property Holdings LLC (the "Applicant") seeks several land use actions (the "Proposed Actions") for its property located at 37-59 Hamilton Avenue and 199-205 St. Marks Place (Staten Island Block 13, Lots 1, 6, p/o 116, p/o 119, 121, 123, 124 and 127) (the "Project Area") in the St. George neighborhood of Staten Island Community District 1. The Proposed Actions include a zoning map amendment to rezone the Project Area from an R6 to an R7-3 zoning district; to extend an existing C2-4 overlay 60 feet to the west to cover the eastern portion of the Project Area; to remove the Project Area from the Special Hillsides Preservation District (the "SHPD"); and place the Project Area within the Upland Subdistrict of the Special St. George District (the "SSGD"); and zoning text amendments to Appendix F of the Zoning Resolution of the City of New York to establish a Mandatory Inclusionary Housing ("MIH") area coincident with the Project Area; and to Appendix maps 1 through 5 of Article XII, Chapter 8 (Special St. George District) to include the Project Area within the Upland Subdistrict of the SSGD and to establish base heights for the Project Area. The Proposed Actions would allow the Applicant to redevelop the Project Area and the remaining portions of tax lots 116 and 119 (collectively, the "Development Site"), with an 18-story, 377,884 gross square foot ("gsf") mixed-use residential, commercial, and community facility building with approximately 369 dwelling units, of which approximately 111 would be permanently affordable (under MIH Option 2), 7,000 gsf of community facility and 1,250 gsf of commercial uses (the "Development"). The proposed building would have 146 parking spaces located on the first, second, and third levels of the building primarily below grade, due to the sloping nature of the Development Site. Aside from the Development Site, there are no other developable sites.
Development Site Blocks and Lots *"Development site" means the zoning lot all or part of which the applicant proposes to develop through the action.*	Block 13, Lots 1, 6, 116, 119, 121, 123, 124, and 127
Developable Site Blocks and Lots *"Developable site" means a zoning lot, including the development site, within the area that is the subject of the action that the lead agency determines is likely to be developed as a result of the action.*	N/A

Part II: Package Requirements

II.1 Agency Sign-offs	Required Agency Sign-offs and their determinations ***attached.*** List of required agencies include: Landmarks Preservation Commission; Department of Environmental Protection.	✔
II.2 Restrictive Declarations & E-Designations	Required Restrictive Declarations & E-Designations ***attached.***	✔
II.3 Development Increment Table	Development Increment Table ***attached.***	✔
II.4 Project Area Map	Project Area Map (with development sites) ***attached.***	✔

Part III: Eligibility Checklist

§ 3. Section 5-05 of Chapter 5 of Title 62 of the Rules of the City of New York: Subdivisions (e) and (f)

		Eligible?
(e)	**Residential Development Type II Actions. The following actions are not subject to review under City Environmental Quality Review, the State Environmental Quality Review Act (Environmental Conservation Law, Article 8) or the SEQRA Regulations, subject to subdivision (f) of this section:**	
(e) (1)	Actions that enable incremental development of at least 1 and no more than 250 new dwelling units or new income-restricted dwelling units, and no more than 35,000 gross square feet of space for non-residential uses, which includes no more than 25,000 gross square feet of space for commercial uses and no more than 25,000 gross square feet of community facility space, and which at the time of the environmental determination are:	☑
(i)	Located wholly within an existing R5 through R10 Residence zoning district, provided that such action does not include the creation or enlargement of a Special Mixed Use zoning district or a stand-alone Commercial zoning district; or	☑
(ii)	Located in an existing stand-alone Commercial zoning or Manufacturing zoning district and are being developed pursuant to a regulatory agreement or lease with a government agency to develop housing or a decision by the Board of Standards and Appeals authorizing residential development; or	☐
(e) (2)	Actions that enable incremental development of at least 1 and no more than 175 new dwelling units or new income restricted dwelling units, and no more than 20,000 gross square feet of space for non-residential uses, which includes no more than 10,000 gross square feet of space for commercial uses, and no more than 10,000 gross square feet of community facility space, and which at the time of the environmental determination, are located at least partially within an existing R1 through R4 Residence zoning district, provided that such action shall not include actions that include the creation or enlargement of a Special Mixed Use zoning district or a stand-alone Commercial zoning district.	☐
(f)	**Type II Residential Development Prerequisites. An action listed in subdivision (e) of this section must also comply with all of the following to be a Type II action, at or before the time environmental review is required to be completed:**	**Eligible?**
(f) (1)	Any new building or any enlargement of an existing building on the development site shall not burn fossil fuels to supply heat or hot water;	☑
(f) (2)	The applicant or development site owner shall have complied with the following site-specific requirements:	☑
(i)	For developable sites that include one or more tax lots that do not have an (E) designation for hazardous materials pursuant to section 11-15 of the New York City Zoning Resolution at the time of the environmental determination, completed a Phase I Environmental Site Assessment for the development site and either:	☑
(A)	Obtained a written signoff from the lead agency that no further environmental investigation is required or that a plan to address any hazardous materials is acceptable; or	☐
(B)	Consented to the establishment of an (E) designation for hazardous materials pursuant to section 11-15 of the New York City Zoning Resolution and 15 RCNY Chapter 24 on the developable sites, provided that where an (E) designation is not available and the development site will be developed pursuant to a regulatory agreement with a government agency, such government agency shall include protections and development oversight requirements equivalent to an (E) designation found in 15 RCNY Chapter 24 in such regulatory agreement; and	☑
(ii)	Obtained a determination from the New York City Landmarks Preservation Commission (LPC) stating whether any developable site is within an archaeologically sensitive area, is designated, calendared for consideration or eligible for designation as a New York City Landmark or Historic District, is listed on, or formally determined to be eligible for inclusion on, the National Register of Historic Places or the New York State Register of Historic Places, or is substantially contiguous to a sunlight sensitive architectural resource, and	☑
(A)	If LPC determines a developable site is within an archaeologically sensitive area, completed an archaeological document study for the development site and obtained a writing from LPC that the development of such development site does not raise archaeological concerns; and	☐
(B)	If LPC determines a developable site is designated, calendared for consideration or eligible for designation as a New York City Landmark or Historic District or is listed on, or formally determined to be eligible for inclusion on, the National Register of Historic Places or the New York State Register of Historic Places, obtained a writing from LPC that the development of such development site does not raise historic preservation concerns;	☐
(iii)	Agreed to prepare and implement a Construction Protection Plan consistent with the requirements of the New York City Department of Buildings Technical Policy and Procedure #10/88 for a development site located at least partially within 90 feet of a building or site formally determined to be eligible for listing on the National Register of Historic Places or the New York State Register of Historic Places or of a building or site that is eligible for designation as a New York City Landmark or Historic District;	☐
(iv)	For developable sites within 1000 feet of an air emissions source that operates under a permit issued pursuant to subpart 201-5 of title 6 of the New York Codes, Rules and Regulations (New York State facility permits) or subpart 201-6 of such title (Clean Air Act Title V permits) or either within 400 feet of any existing air emission source with an active or expired industrial permit issued by the New York City Department of Environmental Protection or within 400 feet of any unpermitted industrial source, confirmed to the lead agency based on the emission limits in the permit(s) or, for any unpermitted source, the estimated emission limits from similar source permit(s) provided by the lead agency, that concentrations of any pollutant regulated by the permit(s) or identified by the lead agency for any unpermitted source will not exceed the corresponding National Ambient Air Quality Standards (including background concentrations) and Annual Guideline Concentration (AGC) and Short-term Guideline Concentration (SGC) in the New York State Department of Environmental Conservation Division of Air Resources Guidelines for Evaluation and Control of Ambient Air Contaminants (DAR-1) at such developable site, as determined in accordance with the industrial source screen in Appendix B of Chapter 5 of Title 62 of the rules of the city of New York (Industrial Air Quality Checklist).	☐
(v)	With respect to calculation of noise levels, either:	☐
(A)	Provided to the lead agency representative peak hour outdoor noise sampling showing less than 70 A-weighted decibels (dBA) L10 ambient noise levels at all developable sites, and provided outdoor noise sampling for all developable site buildings within the line of sight of any railway or elevated subway showing less than 65 dBA Ldn ambient noise levels and confirmed that all developable sites are outside the 65 Day Night Average Sound Level contours established in the Noise Exposure Map (NEM) Report for John F. Kennedy Airport and LaGuardia Airport, or	☑
(B)	Agreed to establishment of an (E) designation for noise pursuant to section 11-15 of the NYC Zoning Resolution on any developable sites that cannot meet the requirements of item (A) above, provided that where the development site will be developed pursuant to a regulatory agreement with a government agency, such government agency shall include protections equivalent to those imposed by an (E) designation for noise attenuation in such regulatory agreement.	☐
(f) (3)	The projected duration of construction at each development site shall not be greater than 24 months and no consecutive projected construction period for all substantially contiguous developable sites shall be greater than 24 months.	☑
(f) (4)	No portion of any developable site shall:	☑
(i)	Be located adjacent to an arterial highway listed in Appendix H to the New York City Zoning Resolution or a vent structure for a tunnel	☑
(ii)	Be located within in a Special Coastal Risk District mapped pursuant to Article XIII, Chapter 7 of the New York City Zoning Resolution; or	☑
(iii)	Contain a natural resource. *("Natural Resource" means surface water bodies; wetland resources; upland resources, such as beaches, shrublands, meadows, and forests; or other significant or sensitive resources.)*	☑
(f) (5)	The action shall not enable construction of a new building or other structure or enlargement of an existing building or structure with a maximum allowable height greater than 250 feet, including all rooftop bulkheads, mechanical equipment, parapets, and any other parts of the building, or with a maximum possible height greater than 50 feet if substantially contiguous to a public open space other than a street or sidewalk, natural resource or an architectural sunlight sensitive resource identified by LPC under subparagraph (ii) of paragraph (2) of this subdivision above, unless such open space, natural resource or sunlight sensitive resource is entirely within the area between -108° degrees from true north and +108 degrees from true north of the building or other structure or is an architectural resource that is located on a facade that faces directly away from a developable site.	☑

37-59 Hamilton Avenue Rezoning
Green Fast Track Eligibility Memo

1. Location and Density

a. Proposed Actions:

The Proposed Actions are as follows:

1. A zoning map amendment to:
    a. rezone an approximately 48,121 square foot (sf) portion of Staten Island Block 13, including Lots 1, 6, p/o 116, p/o 119, 121, 123, 124, and 127 (i.e., the "Rezoning Area") in the St. George neighborhood of Staten island Community District (CD) 1.[1] These properties would be amended from the existing R6 zoning district to an R7-3 zoning district;
    b. extend an existing C2-4 overlay 60 feet to the west at a depth of 145 feet along a portion of the north side of Hamilton Avenue to a distance of 245 feet from Stuyvesant Place affecting a portion of Block 13 including Lots 116 [p/o], 119 [p/o], and 121 [p/o];
    c. remove the Rezoning Area from the Special Hillsides Preservation District (the "SHPD"); and
    d. place the Project Area within the Upland Subdistrict of the Special St. George District (the "SSGD").
2. Zoning text amendments:
    a. to *Appendix F* of the Zoning Resolution of the City of New York (the "ZR" or the "Zoning Resolution") to establish a Mandatory Inclusionary Housing ("MIH") area coincident with the Rezoning Area; and
    b. to Appendix maps 1 through 5 of Article XII, Chapter 8 (Special St. George District) to include the Rezoning Area within the Upland Subdistrict of the SSGD and to establish base heights for the Project Area.

b. Affected Area:

The Affected Area, or Rezoning Area, comprises 48,121 sf and includes the southeastern portion of Block 13, including Lots 1, 6, p/o 116, p/o 119[2], 121, 123, 124, and 127, which include areas to be rezoned and removed from the SHPD, as well as included within the Upland Subdistrict of the

[1] The remaining portions of Lots 116 and 119 on Block 13 are already in R7-2/C2-4 zoning district in the Upland Subdistrict of the Special St. George District (SSGD).
[2] Approximately 51 sf (2.42 feet of frontage) of Lot 119 is within the R7-3/C2-4 zoning district and Special SG District and Upland Subdistrict.

SSGD and added to Appendix F of the ZR. These properties are in the St. George neighborhood of Staten Island CD 1.

The Rezoning Area is located within the block bounded by Nicholas Street to the north, Richmond Terrace and Stuyvesant Place to the east, Hamilton Avenue to the south, and St. Marks Place to the west. The Rezoning Area contains 145.54 feet of frontage along St. Marks Place and 302.58 feet of frontage along Hamilton Avenue.

Both Hamilton Avenue and St. Marks Place are classified as "narrow" streets with street widths of 50 feet and 60 feet, respectively. Hamilton Avenue has one westbound moving lane with parking on both sides and St. Marks Place has one northbound moving lane with parking on both sides. There is a significant drop in elevation along Hamilton from St. Marks Place to Richmond Terrace with St. Marks Place at the top of the hill and Richmond Terrace at the bottom.

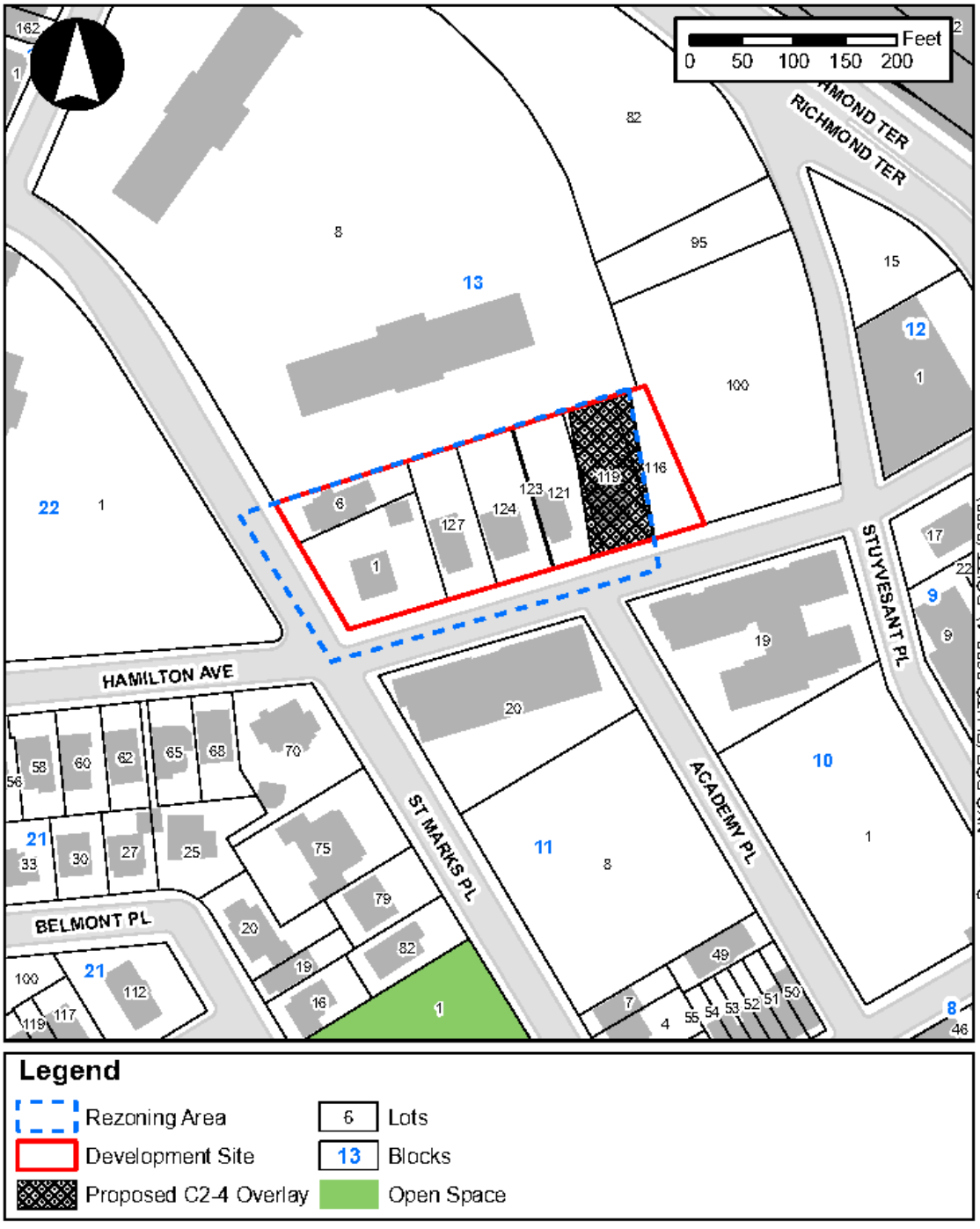
The Development Site consists of Block 13, Lots 1, 6, 116, 119, 121, 123, 124 and 127, which would be merged into a single zoning lot with an area of 52,039 sf. The Development Site has 145.54 feet of frontage along St. Marks Place and 357 feet of frontage along Hamilton Avenue (52.42 feet more than the Rezoning Area).

The Rezoning Area and Development Site are shown in **Figure 1, Site Location** below.

c. Proposed Development

The Development Site is comprised of eight lots totaling 52,870 sf with approximately 357 feet of frontage on the north side of Hamilton Avenue and 145.54 feet of frontage on the east side of St. Marks Place. As noted above, the Development Site is comprised of Lots 1, 6, 116, 119, 121, 123, 124, and 127, which are all under the Applicant's ownership. Six of the lots are occupied by six one- and two-family detached residential buildings and a single garage serving one of the houses, and two of the lots (Lots 116 and 123) are unimproved. The existing residential buildings range in size from approximately 2,120 gross square feet (gsf) to approximately 3,384 gsf. The total built area of these buildings is approximately 16,862 gsf. The Floor Area Ratio (FAR) of the existing buildings ranges from approximately 0.28 to 0.63, and all are substantially underbuilt pursuant to the existing R6 and R7-3 (C2-4) zoning. Except for Lot 6, all lots have frontage along Hamilton Avenue, for a total of 357 feet of frontage. Lots 1 and 6 also have a total of 145.54 feet of frontage along St. Marks Place. All existing buildings have a driveway with a parking area. Lot 1 has a parking garage, as well.

37-59 Hamilton Avenue Rezoning **Figure 1**
Project Area Map



The Proposed Actions would facilitate the development of an 18-story (185-feet-tall; 205-feet-tall including bulkhead), approximately 377,884-gsf (315,567-zoning-square-feet [zsf]) mixed-use residential, commercial, and community facility building, consisting of approximately 324,034-gsf (307,317 zsf) of residential uses, which would total 369 dwelling units (of which, 30 percent – approximately 111 DUs – would be made permanently affordable under the Applicant's preferred MIH Option 2), approximately 7,000 gsf of community facility space, approximately 1,250 gsf of local retail space, and an approximately 146-space accessory parking garage located on the cellar, ground, second, and third levels of the building (the "Proposed Development"). The Applicant intends to provide approximately 3,880 SF of open space available to residents and members of the public. The community facility use would be provided along St. Marks Place while the commercial use would be provided on Hamilton Avenue in the eastern portion of the building and be accessible from the public open space. The building would have a total of 6.0 FAR.

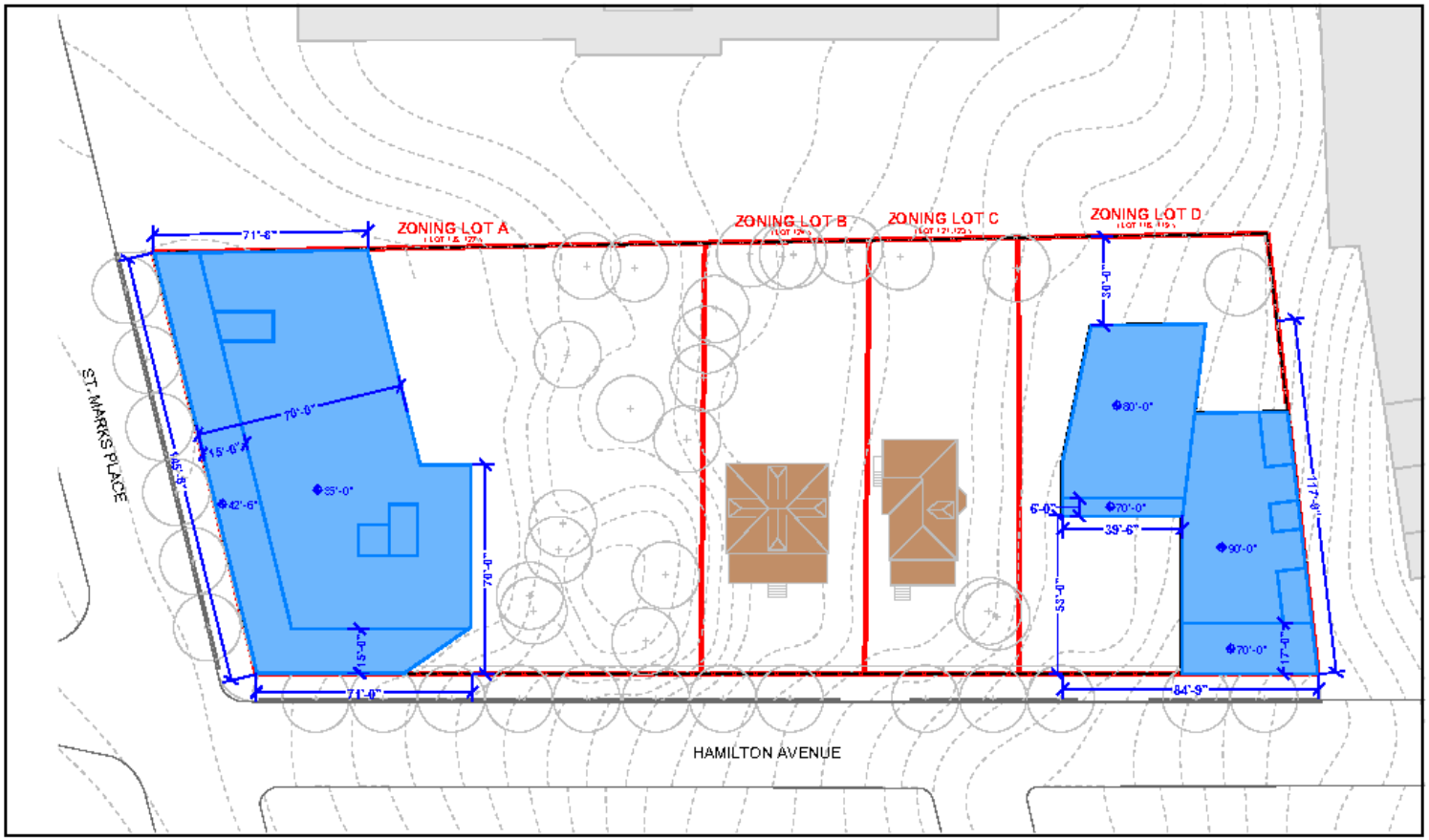
The proposed building would comply with the bulk regulations in effect for R7-3 zoning districts within the SSGD. Although it is a single building, it would be designed to appear as a grouping of separate buildings, varying in height from approximately 38 feet to 185 feet in height above base plane, with the taller components of the building at the bottom of the slope. The required rear yard (20 feet deep below a building height of 75 feet and 30 feet above such height) would be provided beyond 100 feet of St. Marks Place.

The 7,000 sf of community facility would be located at the base of the building along St. Marks Place at the top of the hill. The main residential lobby and entrance would be located towards the top of the hill along Hamilton Avenue, just off the intersection with St. Marks Place.

The garage entrance would be located further downhill, towards the middle of the Development site's Hamilton Avenue frontage. The proposed building would have 146 parking spaces located on the first, second, and third levels of the building primarily below grade, due to the sloping nature of the Development Site. Beyond the garage entrance, along the most eastern frontage along Hamilton Avenue, at the bottom of the hill, the Applicant intends to provide approximately 3,880 sf of open space with seating available for use by residents and members of the public and accessible via stairs and a ramp from the sidewalk. Both the residential portion of the building and the 1,250-sf commercial space would be accessible from the open space.

d. Future No-Action Scenario

Absent the Proposed Actions, the Applicant would develop portions of the Development Site (Lots 1, 6, 116, 119, 121, 123, 124, and 127) pursuant to the existing R6 and R7-3 (C2- 4) zoning district. The Applicant would retain two existing one-family residences on Lots 121 and 124 (47 Hamilton Avenue and 53 Hamilton Avenue) and construct two new multiunit residential buildings within the Development Site. As such, the eight lots would be combined into four zoning lots (as discussed below) and four of the existing residential buildings on the site, except for the residences on Lots 121 and 124, would be demolished. For identification purposes, they are identified as No-Action Development Sites A, B, C, and D. Refer to **Figure 2** for the No-Action Scenario conceptual site plan provided by the architect.



ksqdesign

37-59 Hamilton Avenue Rezoning

Figure 2
No-Action Scenario Illustrative Site Plan

No-Action Development Site A (Block 13, Lots 1, 6, and 127) would be developed as a five-story (55-foot tall), approximately 62,385-gsf (47,350-zsf; 2.0 FAR) residential building, comprised of approximately 52,085-gsf (47,350-zsf) of residential space (58 market-rate DUs) and approximately 10,300-gsf accessory parking garage with 29 spaces located in the cellar of the building. No-Action Development Site A would include market-rate housing units only, as no affordable units would be required under the existing zoning.

No-Action Development Site B (Block 13, Lot 124) would remain as a 2.5- story (41-foot-tall), 2,912-gsf/zsf (0.4 FAR) one-family building at 53 Hamilton Avenue consistent with existing conditions. There is a driveway at the front of the house for a singular parking spot.

No-Action Development Site C (Block 13, Lots 121 and 123) would combine the vacant 269-sf Lot 123 with Lot 121. No-Action Development Site C would remain as a 2.5-story (35-foot tall), 2,120-gsf/zsf (0.3 FAR) one-family building at 47 Hamilton Avenue consistent with existing conditions. There is a driveway at the front of the house for a singular parking spot.

No-Action Development Site D (Block 13, Lots 116 and 119) would be developed as a nine-story (90-foot tall), approximately 64,170-gsf (50,425-zsf; 3.7 FAR) residential building, comprised of approximately 55,468-gsf (50,425-zsf) of residential space (59 DUs, of which 11 would be affordable) and approximately 8,702-gsf accessory parking garage with 29 spaces located in the cellar of the building. No-Action Development Site D would be a Height Factor building built pursuant to the R6 and R7-3/C2- 4 split zoning. Given the split zoning, No-Action Development Site D would include 11 affordable units pursuant to MIH, which is mapped under the existing R7-3 zoning.

Absent the Proposed Actions, an estimated 303 residents and six workers, including five residential workers and one parking employee, are anticipated to be introduced in the No-Action Scenario.

No-Action Development Sites A and D would also comply with the requirements of the Special HP District. With an average slope of 4.24 percent and 7.03 percent, the No-Action Development Sites A and D, respectively, are considered “Tier I” sites which are defined as a zoning lot with an average slope of less than 10 percent. Tier I requirements that would be complied with include: 1) tree preservation; 2) street tree planting requirement; and 3) controls during construction, such as construction fencing and a tree protection plan.

e. Future With-Action Scenario

In the future with the Proposed Actions, the entire Development Site would be redeveloped as a single zoning lot. The With-Action Scenario assumes a development with the same uses as the proposed project that would maximize the site's development potential under the proposed R7-3/C2-4 zoning.

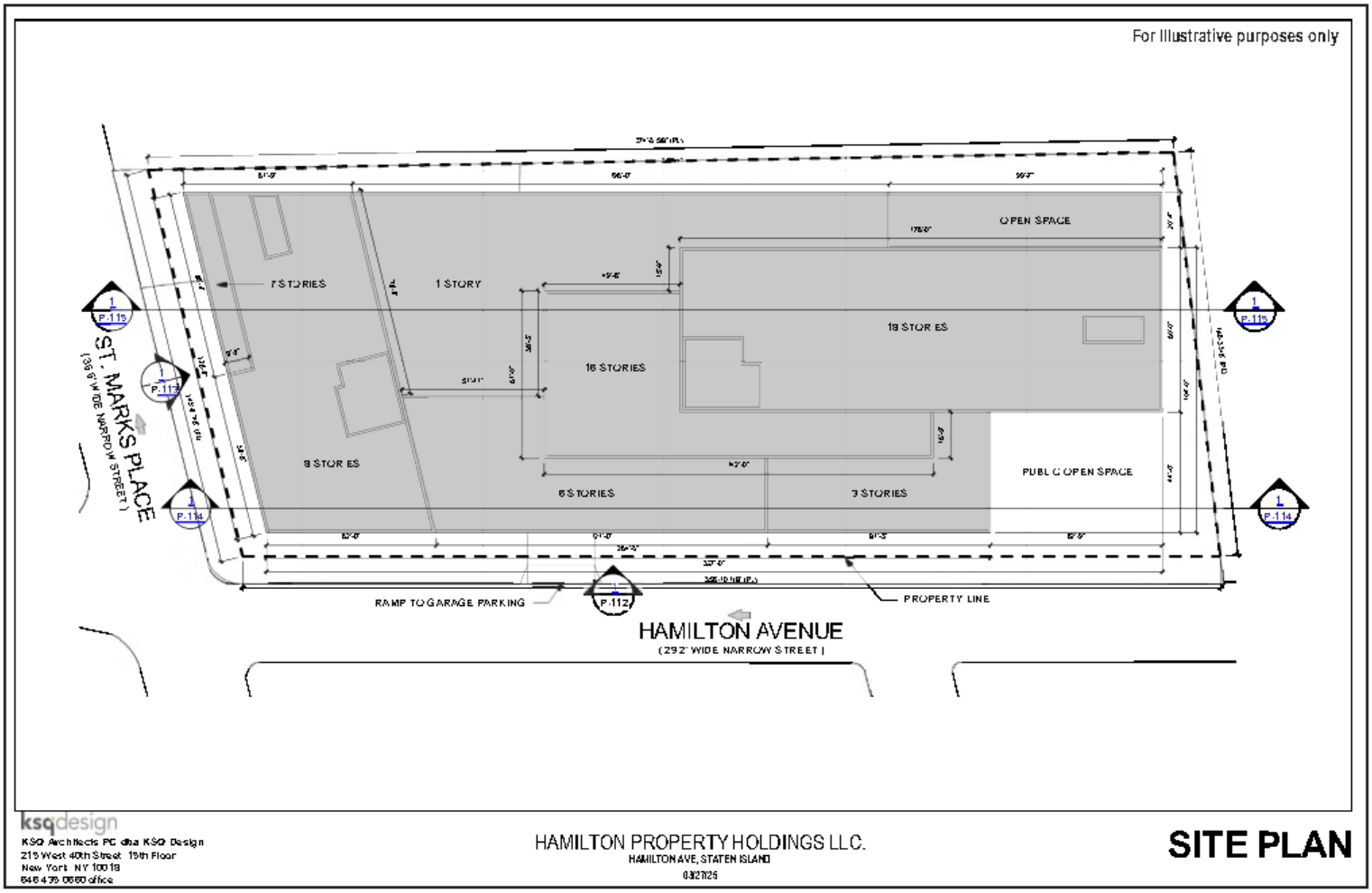
The Proposed Actions would facilitate the development of the Development Site with a 377,885-gsf (315,567 zsf) 18-story building. Refer to **Figure 3** for the With-Action Scenario conceptual site plan provided by the architect. The proposed building would rise to a height of 185 feet, with a maximum height of 205 feet including the bulkhead. The With-Action Scenario development would have a total FAR of 6.0. The Development Site would contain approximately 324,034 gsf of residential space, 1,250 gsf of local retail and approximately 7,000-gsf of community facility (preliminarily proposed to be medical office) space. The residential component is assumed to comprise a total of 369 DUs, of which approximately 111 DUs would be made permanently affordable under MIH Option 2. The Proposed Development would also include 146 parking spaces located on the subcellar, cellar, first, and second levels of the building (45,500 gsf of garage). In addition, the Applicant intends to provide approximately 3,880 sf (0.09- acre) of open space available to residents and members of the public located at the southeastern portion of the Development Site.

An estimated 941 residents and 37 workers (15 residential workers, four local retail workers, and 23 community facility workers) are expected to be introduced in the With-Action Scenario, which would result in a net increment of 638 residents, 10 residential workers, four local retail workers, and 23 community facility workers, as compared to the No-Action Scenario.

Construction would be considered short-term and is expected to take less than 24 months to complete.

f. Development Increment

Under the With-Action Scenario, the Proposed Actions would result in a net increase of 250 dwelling units (211,449 gsf of residential floor area), and 8,250 gsf of non-residential floor area, including 1,250 gsf of local retail and 7,000 gsf of medical office space. In addition, the With-Action scenario would include a net increase of 26,598 gsf of accessory garage space (86 parking spaces). This is shown in **Table 1** below. The Applicant intends to provide approximately 3,880 sf (0.09-acre) of open space available to residents and members of the public located at the southeastern portion of the Development Site.



37-59 Hamilton Avenue Rezoning

Figure 3
With Action Preliminary Site Plan

TABLE 1: Development Increment Table

Site	Use	No-Action Scenario	With-Action Scenario	Development Increment
Development Site	Residential (GSF)	112,585	324,034	+211,449
	Units (DUs)	119	369	+250
	Non-Residential (GSF)	0	8,250	+8,250
	Commercial (GSF)	0	1,250	+1,250
	Community Facility (GSF)	0	7,000	+7,000
	Accessory Parking (GSF)	19,002	45,600	+26,598
	Total (GSF)	131,587	377,884	246,297
Total for Developable Sites	**Residential (GSF)**	**112,585**	**324,034**	**+211,449**
	Units (DUs)	**119**	**369**	**+250**
	Non-Residential (GSF)	**0**	**8,250**	**+8,250**
	Commercial (GSF)	**0**	**1,250**	**+1,250**
	Community Facility (GSF)	**0**	**7,000**	**+7,000**
	Accessory Parking (GSF)	**19,002**	**45,600**	**+26,598**
	Total (GSF)	**131,587**	**377,884**	**246,297**

2. Air Quality

a. Fuel Source

The development would not burn fossil fuels for heating, cooling, or hot water. To ensure that this is the case, an (E) designation (E-856) for air quality would be placed on the Development Site. The text of the (E) designation would be as follows:

b. (E) designation text

Staten Island Block 13, Lots 1, 6, 116, 119, 121, 123, 124, and 127

Any new residential, commercial, and/or community facility development on the above referenced property must ensure the heating, ventilating, and air conditioning (HVAC) system and hot water equipment are powered by electricity only with no venting or stacks, to avoid any potential significant adverse air quality impacts.

c. Industrial Source Screening

There are no large or major emissions sources with either a New York State Air Facility permit or a Clean Air Act Title V permit within 1,000 feet of the Development Site. Moreover, there are no air emission sources located within 400 feet of the Development Site. A land use survey was conducted to determine if there are any existing industrial uses within 400 feet of the Development Site containing exhaust stacks, vents or other emissions sources that may have the potential to adversely affect the uses introduced by the project. As shown in **Figure 4** there are

no industrial or other processing facilities within 400 feet of the Development Site. Therefore, the project meets the Green Fast Track criteria for industrial source screening.

3. Noise

The site is not located within an airport noise exposure zone. Although the Staten Island Railway (SIR) is located approximately 1,500 feet from the Development Site, there is limited visibility to the railway due to the portion of the railway being located below-grade and surrounding area's topography, block and street grid patterns and intervening buildings.

Noise sampling was conducted in accordance with *CEQR Technical Manual* guidance. A total of two receptor locations adjacent to the Development Site were selected for evaluation of noise attenuation requirements. At each receptor site, the existing noise levels were measured for 20-minute periods during the three weekday peak periods—AM (7:00 AM to 9:00 AM), midday (MD) (12:00 PM to 2:00 PM), and PM (4:30 PM to 6:30 PM). Measurements were conducted on February 26, 2025.

Measurements were performed using one Brüel & Kjær Sound Level Meter (SLM) Type 2250, one Brüel & Kjær 1/2-inch microphone Type 4189, and one Brüel & Kjær Sound Level Calibrator Type 4231. The SLM has a valid laboratory calibration within 1 year, as is standard practice. The Brüel & Kjær SLM is a Class 1 instrument according to ANSI Standard S1.4-1983 (R2006). The microphone was mounted on a tripod at a height of approximately 5 feet above the ground and was mounted at least approximately 5 feet away from any large reflecting surfaces. The SLM was calibrated before and after readings with a Brüel & Kjær Type 4231 Sound Level Calibrator using the appropriate adaptor. Measurements were made on the A-scale (dBA). The data was digitally recorded by the sound level meters and displayed at the end of the measurement period in units of dBA. Measured quantities included L_{eq}, L_1, L_{10}, L_{50}, L_{90}, and 1/3 octave band levels. A windscreen was used during all sound measurements except for calibration. All measurement procedures were based on the guidelines outlined in ANSI Standard S1.13-2005 and *CEQR Technical Manual* guidance.

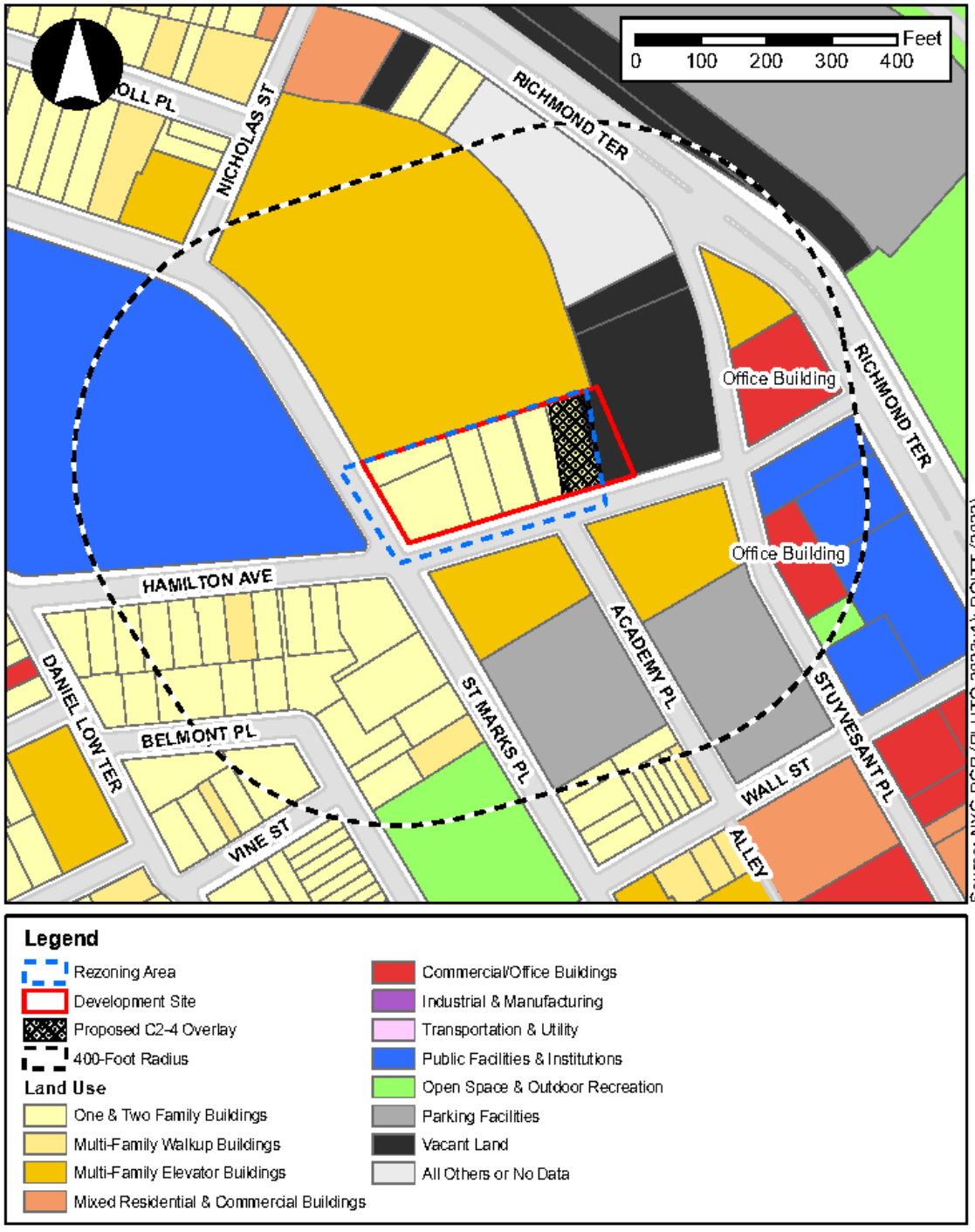
The results of the existing noise level measurements are summarized in **Table 2** below.

TABLE 2
Existing Noise Levels at Receptor Sites (in dBA)

Receptor Site	Measurement Location	Time	L_{eq}	L_1	L_{10}	L_{50}	L_{90}
1	Saint Marks Place between Hamilton Avenue and Nicholos Street	AM	66.9	79.3	65.9	58.5	53.2
		MD	58.8	68.5	63.2	53.4	49.0
		PM	61.9	71.5	65.2	58.0	51.9
2	Hamilton Avenue between Saint Marks Place and Academy Place	AM	57.9	68.7	61.6	52.1	49.3
		MD	57.2	70.3	58.3	49.3	47.0
		PM	58.8	70.9	62.3	50.0	46.6

Note:
[1] Measurements were performed by AKRF, Inc. on February 26, 2025

37-59 Hamilton Avenue Rezoning **Figure 4**
Land Use



The Development Site is located approximately 500 feet from the Richmond County Bank Ballpark, although it is not along any roadways that would be used by Ballpark traffic. Since noise measurements were conducted on a non-game-day, the noise exposure associated with Ballpark use at Location A from the Liberty Towers FEIS (20DCP140R), which is at the intersection of Hamilton Avenue and Stuyvesant Place immediately east of the Rezoning Area. The maximum noise level at this location, including Ballpark noise exposure was the With-Action MD L_{10} of 65.1 dB(A). At each receptor site, vehicular traffic on the adjacent roadway was the dominant noise source. Peak hour outdoor L_{10} noise levels, including the maximum expected noise exposure due to Ballpark use on a game day, were less than 70 dB(A) at all locations. In terms of the CEQR criteria, the noise levels at each receptor site are in the "marginally acceptable" category. Based on the results of the noise monitoring that are below 70 dB(A), the proposed project meets Green Fast Track criteria for Noise.

It is assumed that the building mechanical systems (i.e., HVAC systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code, the New York City Department of Buildings Code) and to avoid producing levels that would result in any significant increase in ambient noise levels. Therefore, the Proposed Actions would not result in any significant adverse noise impacts related to building mechanical equipment.

4. Hazardous Materials

ALC Environmental (ALC) performed a Phase I Environmental Site Assessment (ESA) of the Development Site and issued a report dated November 29, 2023, included in Attachment A. The Phase I ESA did not identify any recognized environmental conditions (RECs), historic recognized environmental conditions (HRECs), or controlled recognized environmental conditions (CRECs) associated with the subject property. The historic sources reviewed as part of the Phase I ESA determined that the buildings at the site were built between 1898 and 1917 and prior to the construction of the current improvements the Development Site consisted of undeveloped land. Except for Lot 119 (41 Hamilton Avenue), which was used as a storefront and dwelling in at least 1950, the buildings at the site have been used for residential purposes. The Phase I ESA also noted that the site is not listed in regulatory databases searched by Environmental Data Resources, Inc. (EDR).

In addition, the Phase I ESA noted the following *de minimis* conditions: suspect asbestos-containing materials in the form of roofing materials, linoleum floor tiles, drop tile ceiling, textured ceiling, plaster celling & wall systems, ceiling and wall sheetrock, joint compounds, and pipe insulation were observed to be present at the subject buildings; painted surfaces throughout the Development Site were in overall good condition; however, flaking paint was observed in the living room and bedrooms at 47 Hamilton Avenue; water intrusion and microbial growth was observed in multiple buildings at the Development Site; and no VECs that could not be ruled out were identified for the Development Site or surrounding sites within the distances specified by ASTM E2600-22.

In a letter dated May 6, 2024, the Department of Environmental Protection (DEP) reviewed the Phase I ESA and based on prior on-site and/or surrounding area land uses, which could result in environmental contamination, DEP recommended an (E) designation (E-856) for hazardous materials be placed on the Development Site pursuant to ZR Section 11-15. The (E) Designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance occurs, as well as

ensure the maintenance and oversight of any required engineering controls through oversight by the Mayor's Office of Environmental Remediation (OER). Further hazardous materials assessments will be coordinated through OER.

Building permits would not be issued for the development by the New York City Department of Buildings (DOB) without prior OER approval of the investigation and/or remediation pursuant to the provisions of ZR Section 11-15 (Environmental Requirements). The DOB will typically issue the foundation permits when OER approves the remedial action work plan – the actual remediation is usually done concurrently with the construction. Engineering controls may also be incorporated into the development to eliminate exposure risks for future occupants.

As such, the (E) Designation (E-856) for Applicant-owned Development Site would be as follows:

Staten Island Block 13, Lots 1, 6, 116, 119, 121, 123, 124, and 127 (Development Site):

Task 1-Sampling Protocol

The Applicant submits to OER, for review and approval, a Phase I and Phase II of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum-based contamination and non-petroleum-based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after the review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The Applicant must complete such remediation as determined necessary by OER. The Applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater, and/or soil vapor. This plan would be submitted to OER prior to implementation.

With the requirements of the (E) designation to be met before any new development could occur on the Development Site, there would be no impact from the potential presence of contaminated materials. The

implementation of the preventative and remedial measures outlined in the (E) designation (E-856) will preclude the potential for significant adverse hazardous materials impacts from Proposed Actions. Therefore, the project meets the Green Fast Track criteria for hazardous materials.

5. Natural Resources

The Development Site does not contain a wetland, priority waterbody, significant natural community, forever wild area, recognized ecological complex, special natural waterfront area, or beach and is not located within a wetland check zone. No unmapped natural resources have been identified on or near the site. Therefore, the project meets the Green Fast Track criteria for natural resources.

6. Historic Resources

The Fast Tracker Report flagged that a portion of the Development Site, including Lots 1 and 6 on Block 13, is substantially contiguous to Curtis High School. Curtis High School, at 105 Hamilton Avenue (Block 22, Lot 1), is designated a New York City Landmark (NYCL) and is located across St. Marks Place from the Development Site. As noted in the LPC designation report (LP-1214), the landmark site is located on Staten Island Block 22, Lot 1 in part, "consisting of the land on which the school buildings are situated." Curtis High School is distinguished as Staten Island's first public secondary school and among the first of the City's schools to be designed in Collegiate Gothic style. Curtis High School was completed in 1925 according to the designs of architect C.B.J. Synder. It consists of seven buildings constructed of buff-colored brick with contrasting Indiana limestone trim, with closely set windows divided by narrow buttresses and rich ornamentation. In particular, the north wing auditorium/gymnasium addition modelled after English Perpendicular Gothic chapels, is one of the most unique school auditoriums constructed in New York City. The closest edge of the High School building is located more than 250 feet from the Development Site.

In correspondence dated March 7, 2025, LPC provided Historic Clearance for the project. LPC confirmed that the Development Site does not contain any architecturally or archaeologically significant resources. The letter also notes that the S/NR- eligible Fort Hill Historic District is located south of Hamilton Avenue and west of St. Mark's Place and does not include the six buildings included in the Development Site. LPC letter does not identify any sunlight sensitive architectural resources that are substantially contiguous to the Development Site. Given that the Curtis High School buildings are located more than 250 feet from the Development Site, the Development Site is not located within 90 feet of any architecture resources and would not warrant preparation of a Construction Protection Plan (CPP). Therefore, the project meets the Green Fast Track criteria for historic resources.

7. Shadows

Under the Green Fast Track criteria, a project between 50 feet and 250 feet in height can be eligible if it is not substantially contiguous to a sunlight-sensitive open space, historic, or natural resource. The With-Action Scenario building would rise to a height of 185 feet, with a maximum height of 205 feet including the bulkhead. The Green Fast Tracker report identified that the Development Site is substantially contiguous to a historic resource but was not substantially contiguous to an open space resource nor a natural resource. In correspondence dated March 7, 2025, LPC provided Historic Clearance for the project. Therefore, the project qualifies for Green Fast Track criteria for shadows.

Environmental Protection

Rohit T. Aggarwala
Commissioner

Angela Licata
Deputy Commissioner
Sustainability

59-17 Junction Blvd.
Flushing, NY 11373

Tel. (718) 595-4398
alicata@dep.nyc.gov

May 6, 2025

Andrew Martini
Senior Project Manager
Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: 37-59 Hamilton Avenue
Block 13, Lots 1, 6, 116, 119, 121, 123, 124, and 127
CEQR # 78DCP014R

Dear Mr. Martini:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the March 2025 Green Fast Track Eligibility Memo and the November 2023 Phase I Environmental Site Assessment (Phase I) prepared by ALC Environmental on behalf of Hamilton Property Holdings LLC (applicant) for the above referenced project. It is our understanding that the applicant is seeking a zoning map amendment to: a. rezone an approximately 48,121 square foot (sf) portion of Block 13, Lots 1, 6, p/o 116, p/o 119, 121, 123, 124, and 127 (Rezoning Area) in the St. George neighborhood of Staten Island Community District 1. These properties would be amended from the existing R6 zoning district to an R7-3 zoning district; b. extend an existing C2-4 overlay 60 feet to the west at a depth of 145 feet along a portion of the north side of Hamilton Avenue to a distance of 245 feet from Stuyvesant Place affecting a portion of Block 13, Lots p/o 116, p/o 119, and p/o 121; c. remove the Rezoning Area from the Special Hillsides Preservation District (SHPD); and d. place the Project Area within the Upland Subdistrict of the Special St. George District (SSGD). 2. Zoning text amendments: a. to Appendix F of the Zoning Resolution of the City of New York (ZR) to establish a Mandatory Inclusionary Housing area coincident with the Rezoning Area; and b. to Appendix maps 1 through 5 of Article XII, Chapter 8 (Special St. George District) to include the Rezoning Area within the Upland Subdistrict of the SSGD and to establish base heights for the Project Area. The Affected Area, or Rezoning Area, comprises 48,121 sf and includes the southeastern portion of Block 13, Lots 1, 6, p/o 116, p/o 1192, 121, 123, 124, and 127, which include areas to be rezoned and removed from the SHPD, as well as included within the Upland Subdistrict of the SSGD and added to Appendix F of the ZR. The Development Site consists of Block 13, Lots 1, 6, 116, 119, 121, 123, 124 and 127, which would be merged into a single zoning lot with an area of 52,039 sf. The Proposed Actions would facilitate the development of the Development Site with a 377,885-gross square feet (gsf) 18-story building. The Development Site would contain approximately 324,034 gsf of residential space, 1,250 gsf of local retail and approximately 7,000-gsf of community facility (preliminarily

proposed to be medical office) space. The Proposed Development would also include 146 parking spaces located on the subcellar, cellar, first, and second levels of the building (45,500 gsf of garage). In addition, the Proposed Development would include approximately 3,880 sf of open space available to residents and members of the public located at the southeastern portion of the Development Site.

The November 2023 Phase I report revealed that historical on-site and surrounding area land uses consisted of a variety of residential and commercial uses including residential buildings, a central heating plant, a filling station, a storefront, a school, a garage, a children's court, a hotel, etc. Regulatory databases identified 13 spills and 2 historical cleaner sites within 1/8 mile; 16 underground storage tank sites and 18 aboveground storage tank sites within 1/4 mile; 27 leaking storage tank sites and 1 voluntary cleanup program site within 1/2 mile of the subject property.

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

- Based on prior on-site and/or surrounding area land uses which could result in environmental contamination, an (E) Designation for hazardous materials should be placed on the Development Site pursuant to Section 11-15 of the New York City Zoning Resolution. The (E) Designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance occurs, as well as to ensure the maintenance and oversight of any required engineering controls through oversight by the Mayor's Office of Environmental Remediation (OER). Further hazardous materials assessments should be coordinated through OER.

Future correspondence and submittals related to this project should include the following CEQR # **78DCP014R**. If DCP has any questions, you may contact me at weiy@dep.nyc.gov.

Sincerely,

Wei Yu
Deputy Director, Hazardous Materials

c: R. Weissbard
T. Estesen
M. Wimbish
S. Shellooe – DCP
E. Ulker-Kacar – DCP
M. Bertini – OER

Landmarks Preservation Commission

1 Centre Street
9th Floor North
New York, NY 10007

Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / LA-CEQR-R
Project: HAMILTON AVENUE REZONING
Date Received: 3/7/2025

REVISED OF THIS DATE.

Properties with no Architectural or Archaeological significance:

1) 205 ST MARKS PLACE, BBL: 5000130001
2) 199 ST MARKS PLACE, BBL: 5000130006
3) HAMILTON AVENUE, BBL: 5000130116 (vacant lot)
4) 41 HAMILTON AVENUE, BBL: 5000130119
5) 47 HAMILTON AVENUE, BBL: 5000130121
6) HAMILTON AVENUE, BBL: 5000130123 (vacant lot)
7) 53 HAMILTON AVENUE, BBL: 5000130124
8) 59 HAMILTON AVENUE, BBL: 5000130127

Comments:

Based on new information, the project site does not contain historic resources. LPC has determined that the S/NR-eligible Fort Hill Historic District is located south of Hamilton Avenue and west of St. Mark's Place. This eligible district does not include the six buildings listed above, which comprise the project site. The project site consists of eight lots, including vacant lots 116 and 123.

Gina Santucci

3/7/2025

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 1_37554_FSO_TF_MAS_final_03072025.docx

R:\2313 - 37-59 Hamilton Avenue Rezoning_INCOMING\From LPC\2025-03-07 - Updated LPC Letter\1_37554_FSO_GS_03072025_TF_MAS_final.docx