Project Description (LR Item 3)
Project ID: 2024R0332

**5801 Amboy Road**

**July 2026**

## 1. Introduction

5801-14 Amboys LLC (the "Applicant"), the owner of 5801 Amboy Road (Block 6896, Lots 50 and 53) in the Prince's Bay neighborhood of Staten Island Community District 3 (the "Development Site"), seeks a zoning map amendment from an R3X zoning district to an R3X/C2-2 zoning district.

The zoning map amendment from R3X (SRD) to R3X/C2-2 (SRD) would bring the existing commercial retail establishment (Use Group VI) with a drive-through into conformance (Block 6896, Lot 53) and would allow the integration of adjacent Lot 50 in order to provide greater on-site queuing for the existing drive-through facility.

In addition, a zoning special permit from the Board of Standards and Appeals (BSA) pursuant to Zoning Resolution (ZR) Section 73-311 (*Drive-Through Facilities*) would be required (hereafter, the "Proposed Actions").

The Proposed Actions would legalize a longstanding commercial use on the Development Site and merge lot area with an adjacent tax lot. A key change that would result from the Proposed Actions is the addition of lot area for an improved drive-through area from Foster Road, to reduce congestion and automotive conflicts. This would result in 20,722 square-feet (sf) of lot area and 2,148 zoning square feet (zsf) with an FAR of 0.10. The drive-through would be made accessible from Foster Road in a relocated 40-foot curb cut. Fourteen existing parking spaces would remain where the C2-2 overlay would require approximately 11 spaces (one space per 200 square feet of floor area is required). An existing curb cut on Amboy Road would be maintained.

## 2. Background

The existing commercial retail establishment on a portion of the Development Site (a Starbucks) was established pursuant to a variance granted by the BSA 2017 (BSA Cal. No. 2016-4165-BZ), permitting the operation of an eating and drinking establishment with an accessory drive-through, and records of the BSA indicate prior variances dating back to the 1940s which permitted use of the

site as a gasoline service station with repairs. The service station was demolished in 2015 and approval for an eating and drinking establishment obtained thereafter, in 2017.

The Development Site and surrounding blocks were originally mapped as part of a large R3-2 zoning districts under the 1964 Zoning Resolution.

In 1972, a C1-1 overlap was mapped on the block immediately to the east, across Foster Road, to coincide with the development of a commercial use on that blockfront (A-1082). In 1975, the Development Site and remaining area was added to the Special South Richmond District (SRD). The SRD was approved by the City Planning Commission ("CPC") on July 23, 1975 (CP-22972) and was subsequently approved by the Board of Estimate on September 11, 1975. The SRD aims to coordinate development and services, protect and maintain natural features such as trees and topography, avoid destruction of natural and recreational resources, and ensure that new development is compatible with existing communities.

The Development Site and surrounding area were rezoned in 2002 as part of the Pleasant Plains Rezoning (C 970453 ZMR). The Pleasant Plains Rezoning implemented a broad contextual downzoning, replacing portions of existing R3-1, R3-2, and limited commercial zoning with R3X and R1-1 districts. The rezoning covered approximately 130 blocks across the Pleasant Plains, Princes Bay, and Richmond Valley neighborhoods and was intended to bring zoning regulations into closer alignment with prevailing development patterns .The background to the action lies in the historic development of this part of Staten Island. Much of the area was built out after 1950 under septic system regulations that effectively limited construction to detached one- and two-family homes on large lots. As a result, by the time the application was filed, roughly 97 percent of residential properties were already detached houses, even though the underlying R3-1 and R3-2 zoning technically allowed semi-detached and attached housing types. Community residents and civic groups raised concerns that the existing zoning permitted forms and densities of development that were out of character with the established neighborhood fabric and could lead to future development inconsistent with local conditions. In response, the Pleasant Plains, Princes Bay, and Richmond Valley Civic Association submitted the rezoning application in 1997 to formally recognize and preserve the area's low-density character. The proposed R3X zoning restricted future residential development to detached homes on wider lots, while R1-1 zoning was mapped over parkland areas such as Mount Loretto State Park to reinforce very low-intensity use.

In December 2023, the South Richmond Zoning Relief initiative (N 230112 ZRR) updated the SRD regulations to streamline reviews for small sites while enhancing oversight for large and environmentally sensitive areas. New criteria designate zoning lots of one acre or more as Plan Review Sites, requiring CPC review for significant changes, with some exemptions for minor developments. Regulations now emphasize natural feature preservation, introducing restrictions like an eight-foot buffer around trees and limiting topographic alterations. Existing rules for residential bulk modifications, parking facilities, and developments near Designated Open Space (DOS) or

NYSDEC wetlands were refined, shifting focus to Plan Review Sites. Enlargements on sites with existing buildings are allowed under specific thresholds, while new developments require CPC authorization.

The *City of Yes Zoning for Economic Opportunity* (ZEO) zoning text amendments were adopted in 2024. ZEO reforms were designed to expand where businesses can operate, allow for the co-location of diverse uses, and remove outdated or overly restrictive zoning provisions that hindered growth in emerging industries. One significant change under ZEO relates to drive-through facilities, which were previously permitted as-of-right in certain commercial and manufacturing districts. As of the amendment's adoption, all new drive-throughs—whether for restaurants, banks, pharmacies, or other uses—now require a special permit from the BSA.

Most recently, the City of Yes for Housing Opportunity (CHO*)* text amendments were approved in December of 2024 (N 240290 ZRY). The text changes aim to facilitate the development of more housing across the city by creating floor area incentives and removing development barriers. As a result of this text amendment, the Development Site was added to a new Outer Transit Zone (OTZ), which is part of a larger Greater Transit Zone. The OTZ reduces parking requirements in proximity to transit and waives parking requirements for qualifying affordable units. In addition, certain properties in the OTZ are now considered Qualifying Residential Sites (QRS), which permit increased floor area, with the underlying R3X district permitting 1.0 FAR under QRS, where standard lots permit 0.75 FAR.

There are no other relevant proposals or approved land use actions within the last ten years within 1,000 feet of the proposed Rezoning Area.

## 3. Description of the Surrounding Area

The Project Area is located within the Prince's Bay area of Staten Island District 3. The 600-foot radius around the Project Area (the "Surrounding Area") is generally bound by Valdemar Avenue in the north, Parkwood Avenue in the west, the Staten Island Railway (SIR) in the south and Haynes Street in the east.

Amboy Road is a regional arterial in Staten Island and is 80 feet wide, while Foster Road is a north-south neighborhood arterial for this area and is 65 feet wide. The remaining roadways in this area are mainly neighborhood roads with widths ranging between 60 and 65 feet. It should be noted that Foster Road terminates at Amboy Road and continues as Seguine Avenue (80 feet wide) traveling south. It should be noted, this segment of Amboy Road is a noted arterial in the SRD, as defined under Article X, Chapter 7 of the ZR.

The immediate area is mixed in use, with commercial uses dominating the intersection of Amboy Road and Foster Road/Seguine Avenue. This pattern continues south to the SIR at Waterbury

Avenue. Beyond 200 feet of the commercial uses oriented around these intersections, the area is generally residential, with two-floor detached homes present. To the west of the Development Site are two segments of Freshwater Wetlands. To the east is a single-story bank with a drive-through, as well as a recently constructed retail building at 112 Wheeling Avenue. To the south of Amboy Road at Seguine Avenue is an urgent care facility, an additional bank and other lower-rise retail buildings with accessory surface parking. A few blocks southeast, outside the Surrounding Area, is Wolfe's Pond Park, which contains over 300 acres of parkland.

In terms of built form, within the Surrounding Area, buildings are generally low-rise with one-story commercial establishments and two-story detached homes. As noted above, most commercial retail establishments contain accessory surface parking lots.

As noted above, the Development Site is zoned R3X and there are R3X/C1-1 districts lining Amboy Road, Seguine Avenue and portions of Foster Road to the east. The entire Surrounding Area is located in the SRD.

The R3X district permits one- and two-family detached houses on lots with a minimum width of 35 feet and a minimum lot area of 2,850 square feet. R3X requires 15-foot aggregate side yards for the detached homes, 30-foot rear yards, one on-site parking space per unit and an FAR of 0.75 FAR. Under Qualifying Residential Site (QRS) criteria, which requires 5,000 square feet in lot area and location along a wide roadway (75 feet or wider) or the short side of a block, up to 1.0 FAR can be permitted.

R3X/C1-1 districts permit 1.0 FAR for commercial use. Qualifying Residential Sites in R3X/C1-1 districts can potentially qualify for additional floor area and density under R5 equivalent density.

The Surrounding Area is well-served by public transit and is located in the Outer Transit Zone. The Prince's Bay Station of the SIR is located immediately to the south of the Development Site at Seguine Avenue at Waterbury Avenue, or a 3 minute walk. In addition, the S55 and S56 bus line travels along Amboy Road and Foster Road/Seguine Avenue, providing service to other points in Staten Island.

## 4. Description of the Proposed Project Area

The Proposed Project Area and Development Site are coterminous. The Development Site is discussed in greater detail below.

## 5. Description of the Proposed Development Site

The Development Site comprises Block 6896, Lots 50 & 53. Combined, the Development Site is an approximately 20,722-sf (as measured in a survey) corner site located at the intersection of Amboy Road, Foster Road and Seguine Avenue. Amboy Road and Seguine Avenue are considered wide streets (mapped at 80 feet wide), while Foster Road is a narrow street (mapped at 65 feet wide).

Block 6896, Lot 50 is Applicant-owned and consists of an approximately 4,400-square-foot lot (lot area taken from tax lot information[1]) improved with a mixed-use, two-story-with-attic, two-family dwelling (with a home occupation), originally built in 1945 and altered in 2004. The building contains approximately 3,496 zoning square feet (zsf) and 3,600 gross square feet (gsf) of floor area, for an overall FAR of 0.79. This includes 2,331 zsf (2,400 gsf; 0.53 FAR) of residential use and 1,165 zsf (1,200 gsf; 0.26 FAR) of non-residential use. The lot includes two accessory parking spaces and has 40 feet of frontage along Foster Road.

Block 6896, Lot 53 is an Applicant-owned corner lot measuring approximately 17,655 square feet (also taken from tax lot area measurements) improved with a one-story commercial building (Use Group VI – eating and drinking establishment[1]) with accessory drive-through service. Built in 2020, the building contains approximately 2,148 zsf (2,200 gsf; 0.12 FAR) of commercial use and includes 14 accessory parking spaces totaling approximately 4,900 square feet. The lot has approximately 110 feet of frontage along Foster Road and 145 feet of frontage along Amboy Road. The building and drive-through are currently operating as a Starbucks. The building currently has two curb cuts: one on Amboy Road and one on Foster Road.

## 6. Description of the Proposed Development

The Proposed Actions would resolve the (legal) nonconforming status of the existing commercial use on Lot 53 and allow the integration of Lot 50 to increase the lot area and improve the operations of the facility, which includes a drive-through. The Proposed Development would demolish the existing building on Lot 50 and utilize that lot area as part of the Proposed Development. The Proposed Development would then be located on Lots 50 and 53 and would include a total lot area of 20,722 square feet improved with 2,148 zsf (2,200 gsf; FAR of 0.10). The drive-through would be made accessible from Foster Road in a relocated 40-foot curb cut. Fourteen existing parking spaces would remain where the C2-2 overlay would require approximately 11 spaces (one space per 200 square feet of floor area is required). The main change that would result with the inclusion of Lot 50 is the addition of lot area for an improved drive-through area from Foster Road. The Proposed Development would maintain the mandatory arterial setback of 20 feet resulting from the SRD along

[1] The combined Development Site's lot area is taken from survey. However, individual lot areas are estimates from tax lot information. Therefore, the individual lot areas will differ from survey information, which is taken from deed.

Amboy Road, as outlined in Appendix A of the Article X, Chapter 7 of the ZR. The existing curb cut along Amboy Road would be preserved.

## 7. Actions Necessary to Facilitate the Project

The Proposed Actions include a zoning map amendment and zoning special permit. The proposed zoning map amendment from R3X to R3X/C2-2 would extend 130 feet along Foster Road, at a depth of 105 feet. This would include the Applicant-owned Development Site and no additional properties.

The Proposed Actions would not only bring the Starbucks' site into conformance, but it would allow integration of adjacent Lot 50 to provide greater on-site queuing for the drive-through facility. The commercial zoning is appropriate in view of the history of commercial uses on Lot 53, the commercial zoning of the corners opposite the Proposed Development Site, the proximity of the Site to the Prince's Bay station of the SIR and confluence of several major roads (Seguine Avenue to the south, along with Amboy Road and Foster Road). The mapping of a commercial overlay in this location would more accurately reflect longstanding land use patterns. In addition, the intersection surrounding the Development Site is mapped with C1-1 overlays and the C2-2 overlay would complement those overlays.

Under the R3X/C2-2 district, a zoning special permit from the Board of Standards and Appeals (BSA) is required, pursuant to ZR 73-311 (*Drive-Through Facilities*). A zoning special permit for drive-through facilities can be granted provided certain criteria are met, including adequate queuing space, no undue impact to surface traffic or pedestrians, or nearby residential uses. The zoning special permit would allow the continued operation of an existing Use Group VI eating and drinking establishment's accessory drive-through in a C2-2 zoning district where a drive-through facility is not currently permitted as-of-right.

As noted above, previously in a C2-2 commercial overlay zoning district, drive-through facilities were permitted as-of-right. However, under the *City of Yes Zoning for Economic Opportunity* (ZEO) zoning text amendment adopted in 2024, drive-through facilities in a C2-2 commercial overlay are no longer permitted as-of-right. As of the amendment's adoption, all new drive-throughs—whether for restaurants, banks, pharmacies, or other uses—now require a special permit from the Board of Standards and Appeals (BSA). It should be noted a pre-existing drive-through is present across the street on Foster Road, currently associated with a bank at 5775 Amboy Road. Therefore, the proposed drive-through would not be the only such facility in the Surrounding Area and follows existing commercial development patterns.

## 8. Conclusion

The Proposed Actions would bring the Development Site into full zoning compliance while reinforcing established land use patterns at the Amboy Road and Foster Road/Seguine Avenue intersection. By mapping an R3X/C2-2 overlay and seeking the required BSA special permit, the Applicant would legalize a longstanding commercial drive-through use, increase lot area through the incorporation of an adjacent tax lot, and improve on-site circulation and queuing for the existing drive-through facility.

The Proposed Development does not introduce new density or expand the commercial floor area, but instead addresses operational deficiencies, due to small lot area present for maneuverability, that currently contribute to internal site congestion and potential automotive conflicts. Taken together, the zoning map amendment and special permit would formally recognize long-standing commercial conditions, improve site functionality and safety, and align the Development Site with nearby commercial uses, including an existing drive-through across the street, while remaining compatible with the surrounding low-density residential context and regulations of the SRD.