# City Environmental Quality Review
# ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) SHORT FORM

FOR UNLISTED ACTIONS ONLY • *Please fill out and submit to the appropriate agency* (see instructions)

## Part I: GENERAL INFORMATION

**1. *Does the Action Exceed Any Type I Threshold in 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)?*** ☐ YES ☒ NO

If "yes," **STOP** and **complete the FULL EAS FORM**.

**2. *Project Name*** 5801 Amboy Road

**3. *Reference Numbers***

| CEQR REFERENCE NUMBER (to be assigned by lead agency) | BSA REFERENCE NUMBER (if applicable) |
|---|---|
| TBD | TBD |
| ULURP REFERENCE NUMBER (if applicable) | OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA) |
| TBD | |

| **4a. *Lead Agency Information*** | | | **4b. *Applicant Information*** | | |
|---|---|---|---|---|---|
| NAME OF LEAD AGENCY | | | NAME OF APPLICANT | | |
| NYC Department of City Planning | | | Shore to Shore Foster LLC | | |
| NAME OF LEAD AGENCY CONTACT PERSON | | | NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON | | |
| Stephanie Shellooe, AICP, Director, Environmental Assessment and Review Division | | | Justin Jarboe - Rothkrug, Rothkrug & Spector LLP | | |
| ADDRESS 120 Broadway, 31st Floor | | | ADDRESS 55 Watermill Lane #200 | | |
| CITY New York | STATE NY | ZIP 10271 | CITY Great Neck | STATE NY | ZIP 11021 |
| TELEPHONE 212-720-3328 | EMAIL sshellooe@planning.nyc.gov | | TELEPHONE 718-564-4286 | EMAIL justin@rrslawllp.com | |

**5. *Project Description***

The Applicant (Shore to Shore Foster LLC) and owner of 5801 Amboy Road (Block 6896, Lots 50 and 53) in the Prince's Bay neighborhood of Staten Island Community District 3 (the "Site 1"), seeks a Zoning Map amendment from an R3X zoning district to an R3X/C2-2 zoning district and a Special Permit from the Board of Standards and Appeals (BSA) pursuant to Zoning Resolution (ZR) Section 73-311 (Drive-Through Facilities), the "Proposed Action." The Proposed Actions would not only bring the existing commercial use (Starbucks) into conformance (Lot 53), but it would allow the integration of adjacent Lot 50 in order to provide an additional 4,400 sf for on-site queuing for the existing drive-through facility. The addition of Lot 50 to the Development Site would enable greater area for ingress into the drive-through - and allow a larger areafor customers who wish to park and visit the inside of the facility. This improved ingress area and overall largerparking area would reduce queueing into the facility and overall improve the flow of traffic at the larger intersection of Amboy Road, Foster Road and Seguine Avenue. No new development is proposed for the Projected Development Site (Lot 53).

***Project Location***

| BOROUGH Staten Island | COMMUNITY DISTRICT(S) 3 | STREET ADDRESS 5801 Amboy Road |
|---|---|---|
| TAX BLOCK(S) AND LOT(S) Block 6896, Lot 50 and 53 | | ZIP CODE 10309 |

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Amboy Rd and Foster Rd

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R3X | ZONING SECTIONAL MAP NUMBER 33b

**6. *Required Actions or Approvals*** (check all that apply)

***City Planning Commission*:** ☒ YES ☐ NO ☒ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

| | | |
|---|---|---|
| ☐ CITY MAP AMENDMENT | ☐ ZONING CERTIFICATION | ☐ CONCESSION |
| ☒ ZONING MAP AMENDMENT | ☐ ZONING AUTHORIZATION | ☐ UDAAP |
| ☐ ZONING TEXT AMENDMENT | ☐ ACQUISITION—REAL PROPERTY | ☐ REVOCABLE CONSENT |
| ☐ SITE SELECTION—PUBLIC FACILITY | ☐ DISPOSITION—REAL PROPERTY | ☐ FRANCHISE |
| ☐ HOUSING PLAN & PROJECT | ☐ OTHER, explain: | |

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Board of Standards and Appeals*:** ☒ YES ☐ NO

☐ VARIANCE (use)

☐ VARIANCE (bulk)

☒ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION §73-311

***Department of Environmental Protection*:** ☐ YES ☒ NO ☐ Cogeneration Facility ☐ Title V Permit

***Other City Approvals Subject to CEQR*** (check all that apply)

☐ LEGISLATION
☐ RULEMAKING
☐ CONSTRUCTION OF PUBLIC FACILITIES
☐ 384(b)(4) APPROVAL
☐ OTHER, explain:

☐ FUNDING OF CONSTRUCTION, specify:
☐ POLICY OR PLAN, specify:
☐ FUNDING OF PROGRAMS, specify:
☒ PERMITS, specify: Freshwater Wetlands

***Other City Approvals Not Subject to CEQR*** (check all that apply)

☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)
☐ LANDMARKS PRESERVATION COMMISSION APPROVAL
☐ OTHER, explain:

***State or Federal Actions/Approvals/Funding*:** ☐ YES ☒ NO If "yes," specify:

**7. *Site Description:*** *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*

***Graphics*:** *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

☒ SITE LOCATION MAP ☒ ZONING MAP ☒ SANBORN OR OTHER LAND USE MAP
☒ TAX MAP ☐ FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)
☒ PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

***Physical Setting*** (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 22,055
Roads, buildings, and other paved surfaces (sq. ft.): 22,055
Waterbody area (sq. ft) and type:
Other, describe (sq. ft.):

**8. *Physical Dimensions and Scale of Project*** (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 2,200
existing
NUMBER OF BUILDINGS: 1
GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 2,200 existing
HEIGHT OF EACH BUILDING (ft.): 23
NUMBER OF STORIES OF EACH BUILDING: 1

Does the proposed project involve changes in zoning on one or more sites? ☒ YES ☐ NO
If "yes," specify: The total square feet owned or controlled by the applicant: 22,055
The total square feet not owned or controlled by the applicant: 0

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? ☐ YES ☒ NO
If "yes," indicate the estimated area and volume dimensions of subsurface permanent and temporary disturbance (if known):
AREA OF TEMPORARY DISTURBANCE: n/a sq. ft. (width x length)
VOLUME OF DISTURBANCE: n/a cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: n/a sq. ft. (width x length)

***Description of Proposed Uses*** (please complete the following information as appropriate)

| | ***Residential*** | ***Commercial*** | ***Community Facility*** | ***Industrial/Manufacturing*** |
|---|---|---|---|---|
| ***Size*** (in gross sq. ft.) | | 2,200 existing | | |
| ***Type*** (*e.g.,* retail, office, school) | units | eating and drinkins establishment | | |

Does the proposed project increase the population of residents and/or on-site workers? ☐ YES ☒ NO
If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: NUMBER OF ADDITIONAL WORKERS:
Provide a brief explanation of how these numbers were determined:

Does the proposed project create new open space? ☐ YES ☒ NO If "yes," specify size of project-created open space: sq. ft.

Has a No-Action scenario been defined for this project that differs from the existing condition? ☐ YES ☒ NO
If "yes," see Chapter 2, "Establishing the Analysis Framework" and describe briefly:

| **9. *Analysis Year*** CEQR Technical Manual Chapter 2 | | |
|---|---|---|
| ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2027 | | |
| ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 4 | | |
| WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☒ YES ☐ NO | | IF MULTIPLE PHASES, HOW MANY? |
| BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: | | |
| **10. *Predominant Land Use in the Vicinity of the Project*** (check all that apply)<br>☒ RESIDENTIAL ☐ MANUFACTURING ☒ COMMERCIAL ☒ PARK/FOREST/OPEN SPACE ☐ OTHER, specify: | | |

## Part II: TECHNICAL ANALYSIS

**INSTRUCTIONS**: For each of the analysis categories listed in this section, assess the proposed project's impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the "no" box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the "yes" box.
- For each "yes" response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a "yes" answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Short EAS Form. For example, if a question is answered "no," an agency may request a short explanation for this response.

| | YES | NO |
|---|---|---|
| **1. *LAND USE, ZONING, AND PUBLIC POLICY***: CEQR Technical Manual Chapter 4 | | |
| **(a)** Would the proposed project result in a change in land use different from surrounding land uses? | ☐ | ☒ |
| **(b)** Would the proposed project result in a change in zoning different from surrounding zoning? | ☒ | ☐ |
| **(c)** Is there the potential to affect an applicable public policy? | ☐ | ☒ |
| **(d)** If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach. | | |
| **(e)** Is the project a large, publicly sponsored project? | ☐ | ☒ |
| ○ If "yes," complete a PlaNYC assessment and attach. | | |
| **(f)** Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries? | ☐ | ☒ |
| ○ If "yes," complete the Consistency Assessment Form. | | |
| **2. *SOCIOECONOMIC CONDITIONS***: CEQR Technical Manual Chapter 5 | | |
| (a) Would the proposed project: | | |
| ○ Generate a net increase of 200 or more residential units? | ☐ | ☒ |
| ○ Generate a net increase of 200,000 or more square feet of commercial space? | ☐ | ☒ |
| ○ Directly displace more than 500 residents? | ☐ | ☒ |
| ○ Directly displace more than 100 employees? | ☐ | ☒ |
| ○ Affect conditions in a specific industry? | ☐ | ☒ |
| **3. *COMMUNITY FACILITIES***: CEQR Technical Manual Chapter 6 | | |
| **(a) Direct Effects** | | |
| ○ Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations? | ☐ | ☒ |
| **(b) Indirect Effects** | | |
| ○ **Early Childhood Programs:** Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6) | ☐ | ☒ |
| ○ **Public Schools:** Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6) | ☐ | ☒ |
| ○ **Libraries:** Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6) | ☐ | ☒ |
| ○ **Health Care Facilities and Fire/Police Protection:** Would the project result in the introduction of a sizeable new neighborhood? | ☐ | ☒ |
| **4. *OPEN SPACE***: CEQR Technical Manual Chapter 7 | | |
| **(a)** Would the project change or eliminate existing open space? | ☐ | ☒ |
| **(b)** Would the project generate more than 200 additional residents or 500 additional employees? | ☐ | ☒ |
| **5. *SHADOWS***: CEQR Technical Manual Chapter 8 | | |
| **(a)** Would the proposed project result in a net height increase of any structure of 50 feet or more? | ☐ | ☒ |
| **(b)** Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource? | ☐ | ☒ |
| **6. *HISTORIC AND CULTURAL RESOURCES***: CEQR Technical Manual Chapter 9 | | |

| | YES | NO |
|---|---|---|
| **(a)** Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm) | ☐ | ☒ |
| **(b)** Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated? | ☐ | ☒ |
| **(c)** If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. | | |
| **7. *URBAN DESIGN AND VISUAL RESOURCES***: CEQR Technical Manual Chapter 10 | | |
| **(a)** Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning? | ☐ | ☒ |
| **(b)** Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning? | ☐ | ☒ |
| **8. *NATURAL RESOURCES***: CEQR Technical Manual Chapter 11 | | |
| **(a)** Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11? | ☒ | ☐ |
| ○ If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources. | | |
| **(b)** Is any part of the directly affected area within the Jamaica Bay Watershed? | ☐ | ☒ |
| ○ If "yes," complete the Jamaica Bay Watershed Protection Plan Project Tracking Form, and submit according to its instructions. | | |
| **9. *HAZARDOUS MATERIALS***: CEQR Technical Manual Chapter 12 | | |
| **(a)** Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials? | ☐ | ☒ |
| **(b)** Would the proposed project introduce new activities or processes using hazardous materials and increase the risk of human or environmental exposure? | ☐ | ☒ |
| **(c)** Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts? | ☐ | ☒ |
| **(d)** Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in the Hazardous Materials Appendix (including nonconforming uses)? | ☐ | ☒ |
| **(e)** Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin? | ☐ | ☒ |
| **(f)** Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)? | ☐ | ☒ |
| **(g)** Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint? | ☐ | ☒ |
| **(h)** Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators? | ☐ | ☒ |
| **(i)** Has a Phase I Environmental Site Assessment been performed for the site? | ☐ | ☒ |
| ○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: | ☐ | ☒ |
| **(j)** Based on the Phase I Assessment, is a Phase II Investigation needed? | ☐ | ☒ |
| **10. *WATER AND SEWER INFRASTRUCTURE***: CEQR Technical Manual Chapter 13 | | |
| **(a)** Would the project result in water demand of more than one million gallons per day? | ☐ | ☒ |
| **(b)** If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens? | ☐ | ☒ |
| **(c)** If the proposed project located in a separately sewered area, would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13? | ☐ | ☒ |
| **(d)** Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase? | ☐ | ☒ |
| **(e)** If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase? | ☐ | ☒ |
| **(f)** Would the proposed project be located in an area that is partially sewered or currently unsewered? | ☐ | ☒ |
| **(g)** Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system? | ☐ | ☒ |

| | YES | NO |
|---|---|---|
| **(h)** Would the project involve construction of a new stormwater outfall that requires federal and/or state permits? | ☐ | ☒ |
| **11. *SOLID WASTE AND SANITATION SERVICES***: CEQR Technical Manual Chapter 14 | | |
| **(a)** Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week): 0 | | |
| ○ Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week? | ☐ | ☒ |
| **(b)** Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City? | ☐ | ☒ |
| **12. *ENERGY***: CEQR Technical Manual Chapter 15 | | |
| **(a)** Using energy modeling or Table 15-1 in Chapter 15, the project's projected energy use is estimated to be (annual BTUs): 0 | | |
| **(b)** Would the proposed project affect the transmission or generation of energy? | ☐ | ☒ |
| **13. *TRANSPORTATION***: CEQR Technical Manual Chapter 16 | | |
| **(a)** Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16? | ☐ | ☒ |
| **(b)** If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions: | | |
| ○ Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour? | ☐ | ☐ |
| If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.* | ☐ | ☐ |
| ○ Would the proposed project result in more than 200 subway/rail, bus trips, or 50 Citywide Ferry Service ferry trips per project peak hour? | ☐ | ☐ |
| If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction), 200 subway/rail trips per station or line, or 25 or more Citywide Ferry Service ferry trips on a single route (in one direction), or 50 or more passengers at a Citywide Ferry Service landing? | ☐ | ☐ |
| ○ Would the proposed project result in more than 200 pedestrian trips per project peak hour? | ☐ | ☐ |
| If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop, or Citywide Ferry Service landing? | ☐ | ☐ |
| **14. *AIR QUALITY***: CEQR Technical Manual Chapter 17 | | |
| **(a)** *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17? | ☐ | ☒ |
| **(b)** *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17? | ☐ | ☒ |
| ○ If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed) | ☐ | ☒ |
| **(c)** Does the proposed project involve multiple buildings on the project site? | ☐ | ☒ |
| **(d)** Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements? | ☐ | ☒ |
| **(e)** Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts? | ☐ | ☒ |
| **15. *GREENHOUSE GAS EMISSIONS***: CEQR Technical Manual Chapter 18 | | |
| **(a)** Is the proposed project a city capital project or a power generation plant? | ☐ | ☒ |
| **(b)** Would the proposed project fundamentally change the City's solid waste management system? | ☐ | ☒ |
| **(c)** If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18? | ☐ | ☒ |
| **16. *NOISE***: CEQR Technical Manual Chapter 19 | | |
| **(a)** Would the proposed project generate or reroute vehicular traffic? | ☐ | ☒ |
| **(b)** Would the proposed project introduce new or additional receptors (see Section 114 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line? | ☐ | ☒ |
| **(c)** Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise? | ☐ | ☒ |
| **(d)** Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts? | ☐ | ☒ |
| **17. *PUBLIC HEALTH***: CEQR Technical Manual Chapter 20 | | |
| **(a)** Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise? | ☐ | ☒ |
| **(b)** If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a | | |

| | YES | NO |
|---|---|---|
| preliminary analysis, if necessary. | | |
| **18. *NEIGHBORHOOD CHARACTER***: CEQR Technical Manual Chapter 21 | | |
| **(a)** Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise? | ☐ | ☒ |
| **(b)** If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary. | | |
| **19. *CONSTRUCTION***: CEQR Technical Manual Chapter 22 | | |
| **(a)** Would the project's construction activities involve: | | |
| ○ Construction activities lasting longer than two years? | ☐ | ☒ |
| ○ Construction activities within a Central Business District or along an arterial highway or major thoroughfare? | ☐ | ☒ |
| ○ Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)? | ☐ | ☒ |
| ○ Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out? | ☐ | ☒ |
| ○ The operation of several pieces of diesel equipment in a single location at peak construction? | ☐ | ☒ |
| ○ Closure of a community facility or disruption in its services? | ☐ | ☒ |
| ○ Activities within 400 feet of a historic or cultural resource? | ☐ | ☒ |
| ○ Disturbance of a site containing or adjacent to a site containing natural resources? | ☐ | ☒ |
| ○ Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall? | ☐ | ☒ |
| **(b)** If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination. | | |

## 20. *APPLICANT'S CERTIFICATION*

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

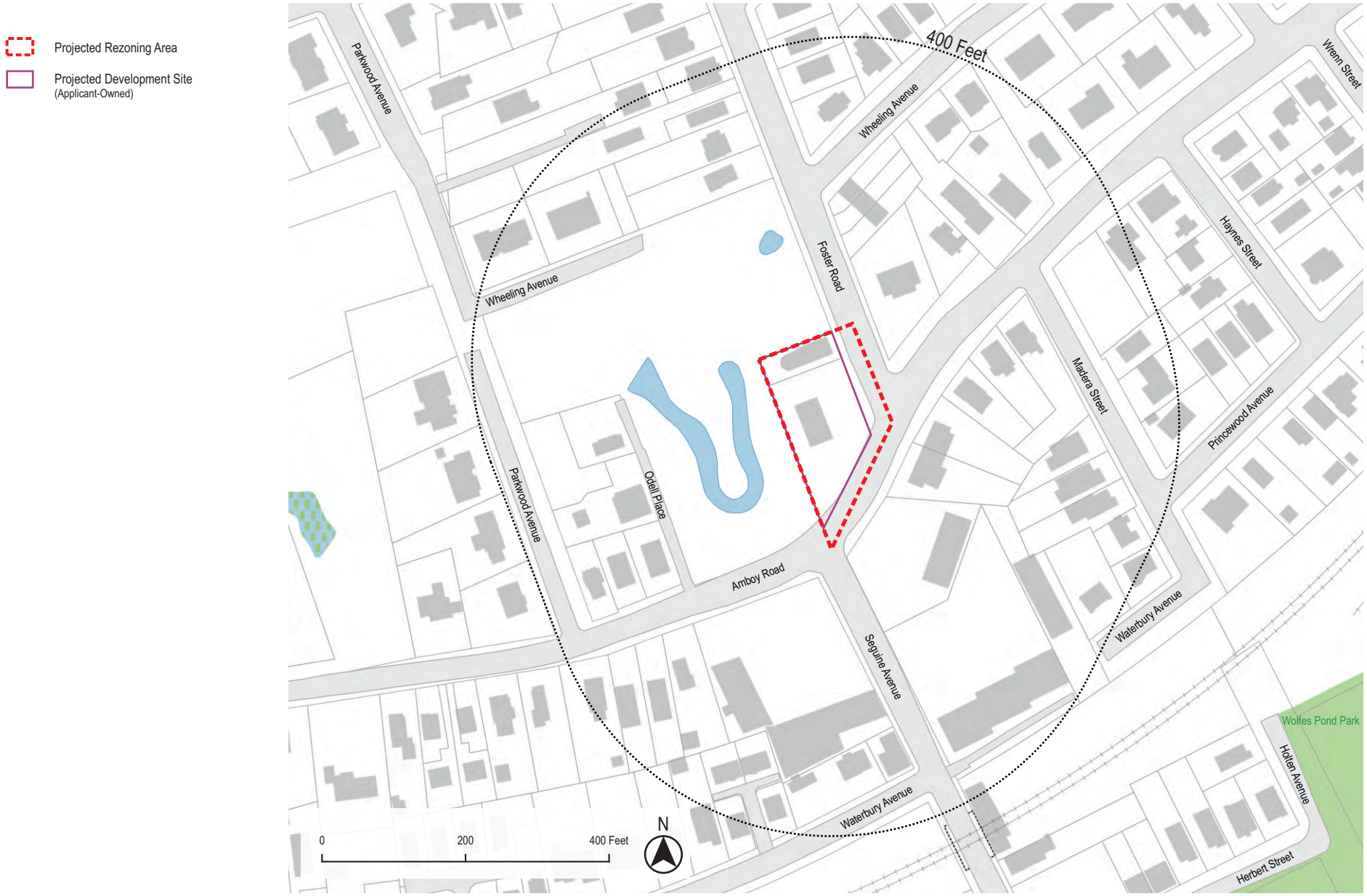
| APPLICANT/REPRESENTATIVE NAME | DATE |
|---|---|
| Justin Jarboe | 11/25/25 |

SIGNATURE Justin Jarboe

***PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.***

# 5801 Amboy Road, Staten Island

Figure 1: Site Location

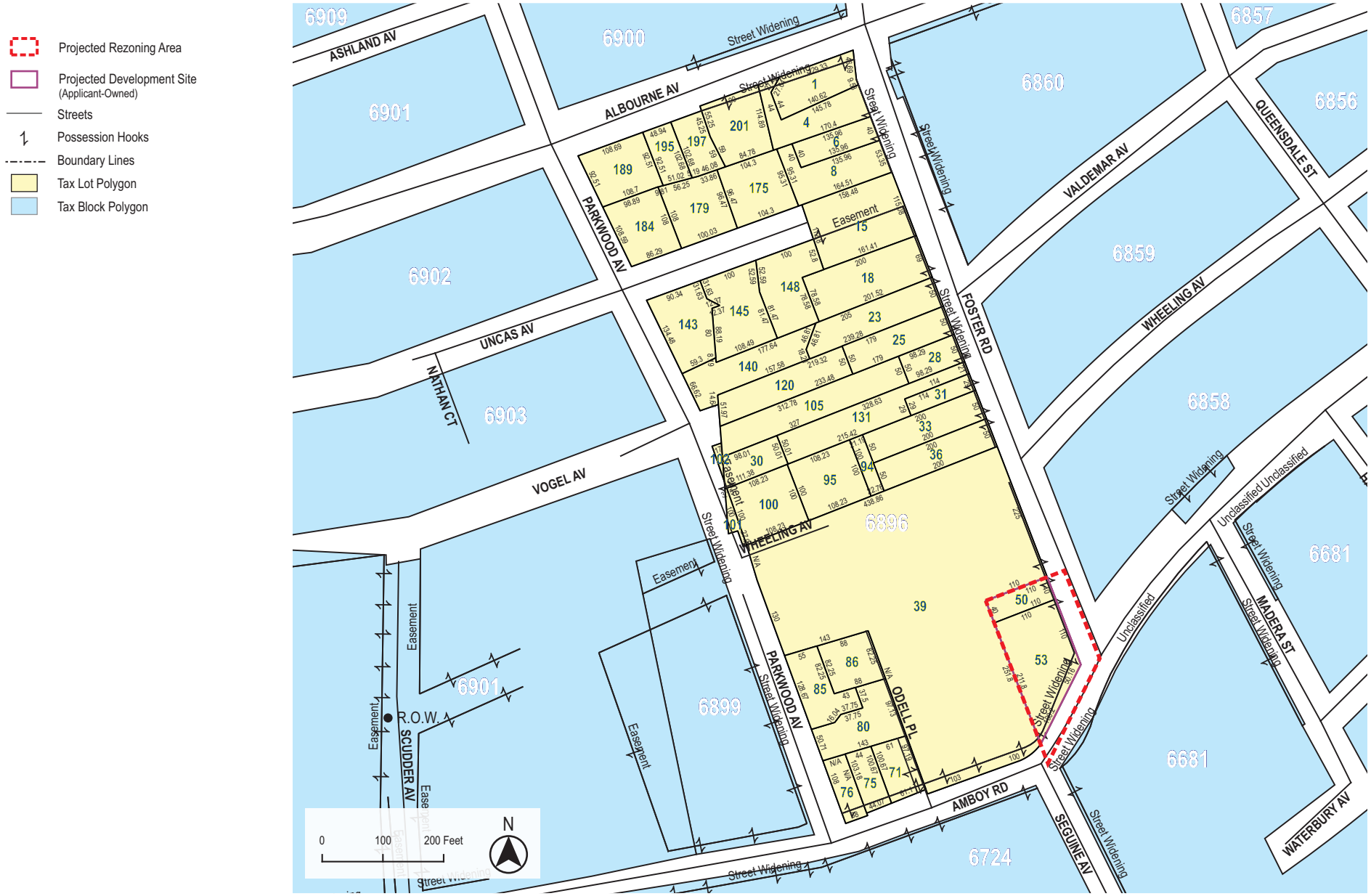



Data Source: MapPLUTO 2024v3.1

Urban Cartographics

# 5801 Amboy Road, Staten Island

Figure 2: Tax Map

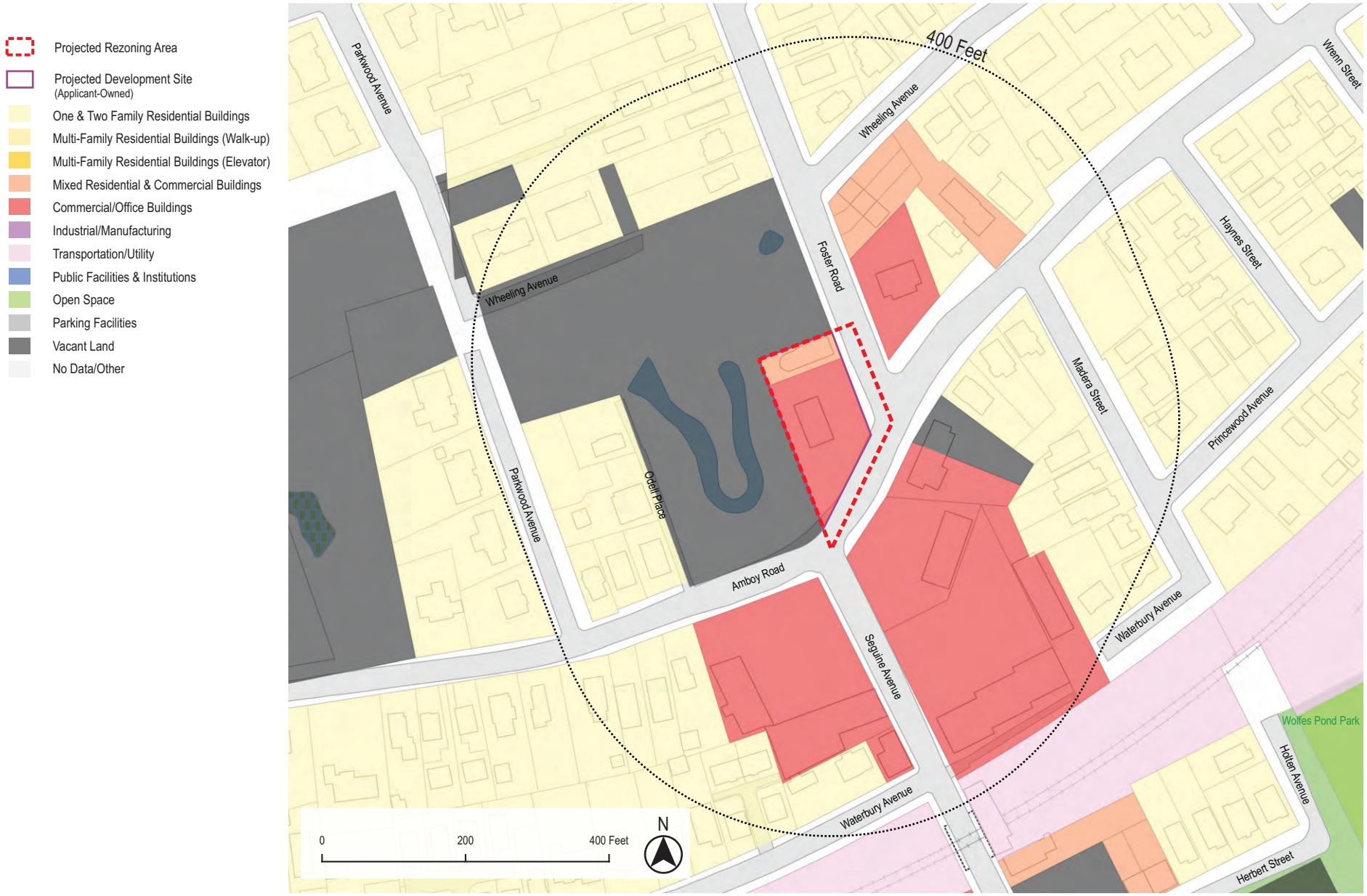



Data Source: MapPLUTO 2024v3.1, NYC DOF Digital Tax Map 4/11/24

Urban Cartographics

# 5801 Amboy Road, Staten Island

Figure 3: Land Use Map

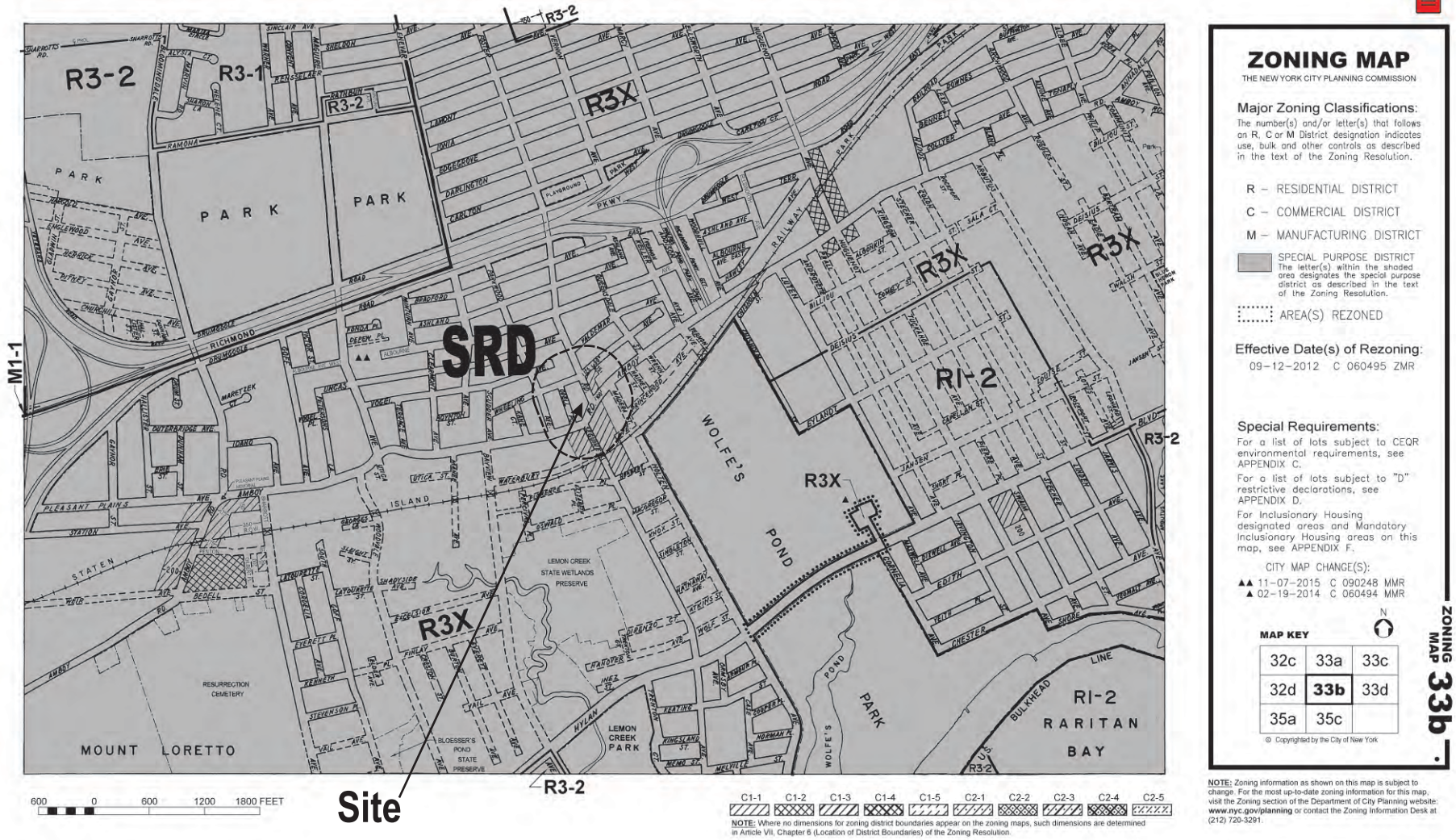



Data Source: MapPLUTO 2024v3.1, NYC DOF Digital Tax Map 4/11/24

Urban Cartographics

## 5801 Amboy Road, Staten Island

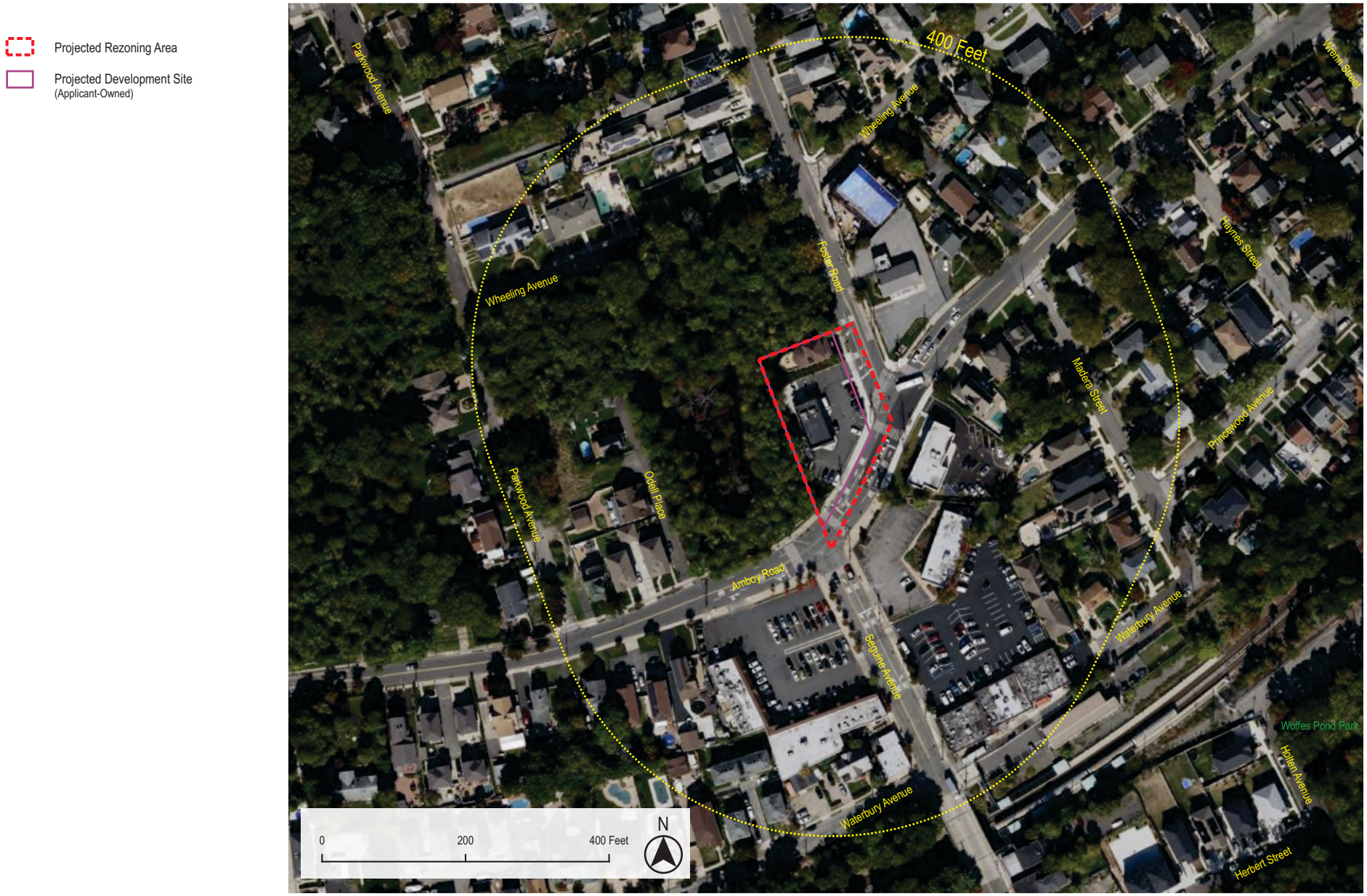
Figure 4: Zoning Map




Urban Cartographics

# 5801 Amboy Road, Staten Island

Figure 5: Aerial Map




Imagery Source: 2024 Bing, Microsoft Corporation

Urban Cartographics



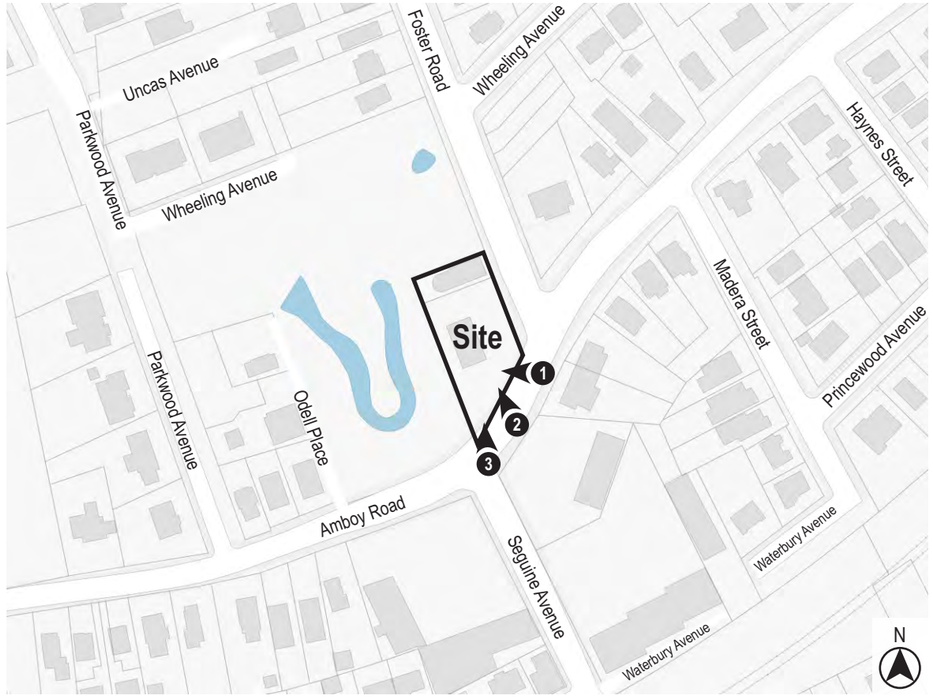

1. View of the Site facing west from Amboy Road.




2. View of the Site facing northwest from Amboy Road.




3. View of the Site facing north from Amboy Road.






4. View of Amboy Road facing northeast from Seguine Avenue (Site at left).



5. View of the sidewalk along the northwest side of Amboy Road facing northeast (Site at left).



6. View of the intersection of Amboy Road and Seguine Avenue facing south from the Site.





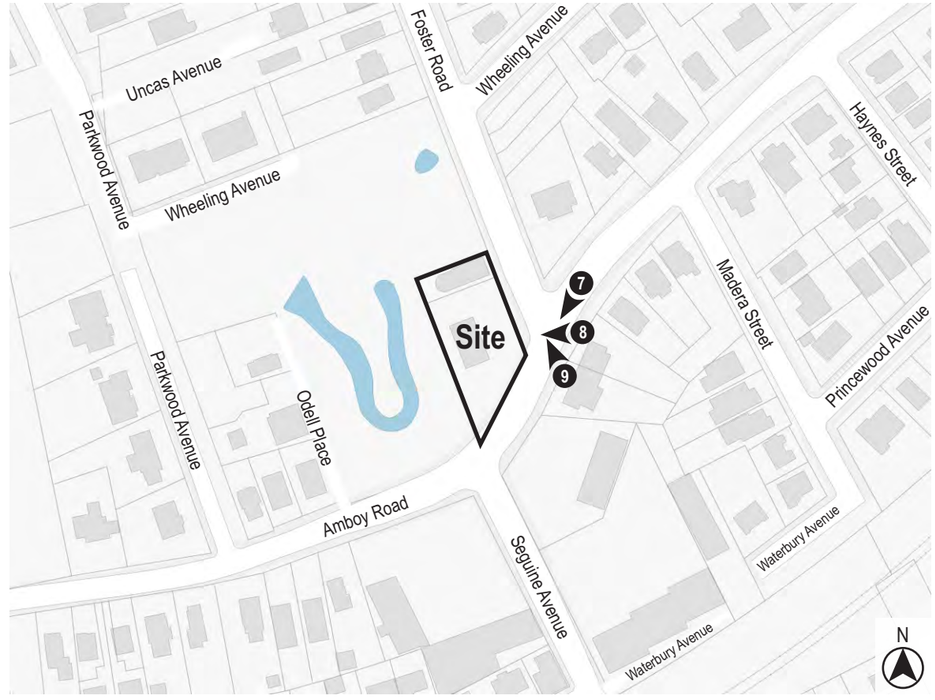
7. View of Amboy Road facing southwest from Foster Road (Site at right).



8. View of the Site facing west from the intersection of Amboy Road and Foster Road.



9. View of Foster Road facing northwest from Amboy Road (Site at left).





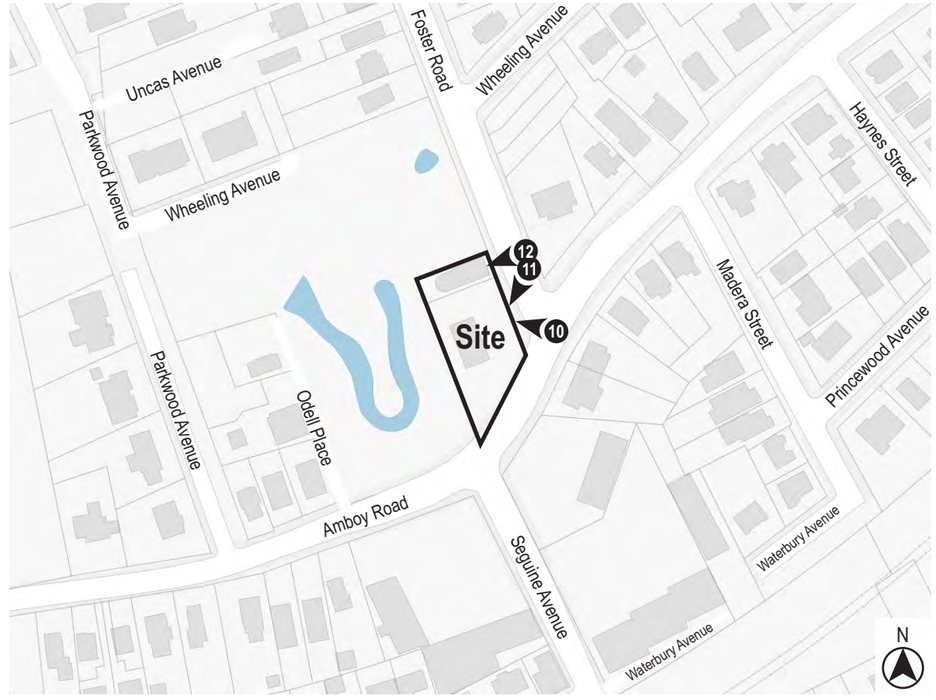
10. View of the Site facing northwest from the intersection of Amboy Road and Foster Road.



11. View of the Site facing southwest from Foster Road.



12. View of the Site facing southwest from Foster Road.





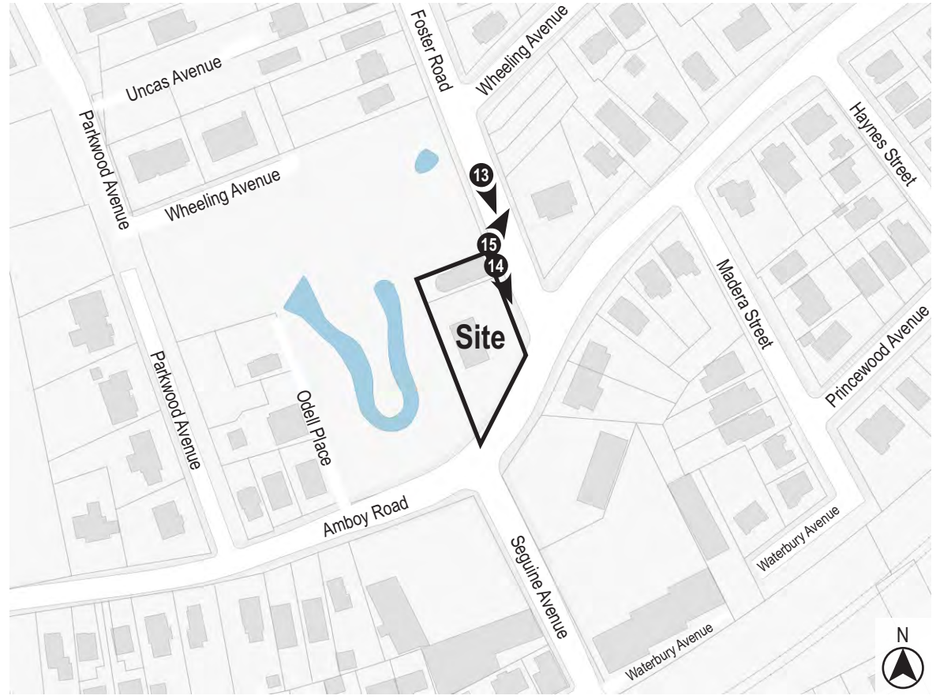

13. View of Foster Road facing southeast (Site at right).



14. View of the sidewalk along the west side of Foster Road facing southeast (Site at right).



15. View of the east side of Foster Road facing northeast from the Site.





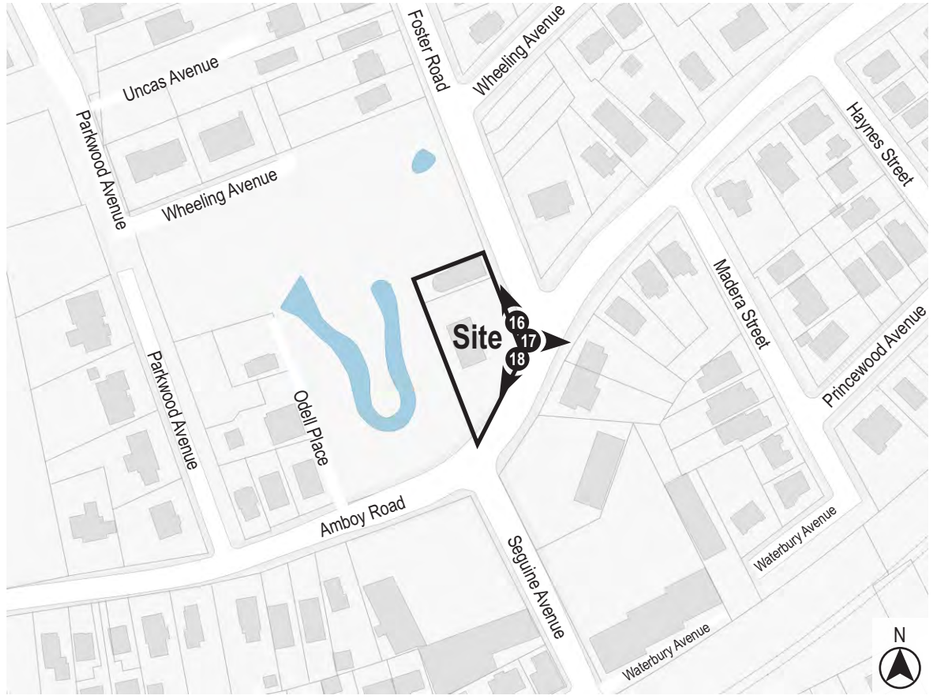
16. View of the sidewalk along the west side of Foster Road facing northwest from Amboy Road (Site at left).



17. View of the southeast side of Amboy Road facing east from the Site.




18. View of the sidewalk along the northwest side of Amboy Road facing southwest from Foster Road (Site at right).



# PROJECT DESCRIPTION

### *Introduction*

Shore to Shore Foster 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 "Site 1"), seeks a Zoning Map amendment from an R3X zoning district to an R3X/C2-2 zoning district and a Special Permit from the Board of Standards and Appeals (BSA) pursuant to Zoning Resolution (ZR) Section 73-311 (Drive-Through Facilities).

The Proposed Zoning Map amendment would include Block 6896, Lots 50 and 53 (Map 33b). The rezoning from R3X to R3X/C2-2 would not only bring the existing commercial use (Starbucks) into conformance, but it would allow the integration of adjacent Lot 50 in order to provide greater on-site queuing for the existing drive-through facility.

The Special Permit would allow the continued operation of an existing Use Group VI eating and drinking establishment's accessory drive-through in an R3X/C2-2 zoning district where a drive-through facility is not permitted as-of-right.

The C2-2 commercial overlay and Special Permit are the "Proposed Actions".

### *Description of the Project Area*

The Projected Development Site 1 (Block 6896, Lots 50 and 53) is an approximately 22,055 sf corner site located at the intersection of Amboy Road, Foster Road and Seguine Avenue in the Prince's Bay neighborhood of Staten Island Community District 3. 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). The two lots that comprise Projected Development Site 1 are currently improved as follows:

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

Block 6896, Lot 53 is Applicant owned corner lot. It is approximately 17,655 square feet and improved with a one-story commercial building (Use Group VI -Eating and Drinking establishment) with accessory drive-through service. Built in 2020, it includes 2,200 gsf (2,148 zsf with 0.12 FAR) of commercial use and 14 accessory parking spaces (approximately 4,900 sf). It 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.

**See Figure 1 – Radius and Location Map; Figure 2 – Tax Map; Figure 3 – Land Use Map; Figure 4 – Zoning Map; Figure 5 – Aerial Map and attached photographs.**

***Description of the Surrounding Study Area***

The area within 400 feet of the Project Area (the "Study Area") is generally bounded by Uncas Avenue to the north, Wrenn Street to the east, Florence Place to the south and Scudder Avenue to the west.

The Study Area is primarily zoned R3X, with a C1-1 commercial overlay along Amboy Road and Foster Road. The entire Study Area, including the Projected Development Site 1, is located within the Special South Richmond Development District (SRD) which was established to guide the development of the southern part of Staten Island. At a time of rapid development, strict rules were adopted to manage growth in this area of more than 20 square miles and to ensure that the provision of public infrastructure kept pace with new development.

The Prince's Bay station of the Staten Island Railroad is located a block to the south, along Seguine Avenue. The Projected Development Site 1 located in an R3X Zoning District within the Special South Richmond Development District (SRD).

The general neighborhood is dominated by one- and two-family residential uses. However, the immediate vicinity of the Projected Development Site 1 is improved with numerous single-story commercial uses stretching south past the Prince's Bay Staten Island Railroad station. Such uses are concentrated along Amboy Road and Seguine Avenue, and include a bank, several restaurants, a drugstore, a hair salon, and an urgent care. These uses coincide with several C1-1 overlays. A few blocks southeast of the Development Site is Wolfe's Pond Park, which contains over 300 acres of parkland.

***Description of the Proposed Development***

The Proposed Actions would resolve the (legal) nonconforming status of the existing commercial

use in a residential district 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 Site 1. The Proposed Development 1 would then be located on Lots 50 and 53 and would include a total lot area of 20,055 square feet with 2,200 gsf (2,148 zsf with an FAR of 0.10). The drive-through would be made accessible from Foster Road in a new 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. Currently, cars primarily access the existing drive-through via Foster Road in a shared parking lot/drive-through area. The addition of Lot 50 to the Development Site would enable greater area for ingress into the drive-through - and allow a larger area for customers who wish to park and visit the inside of the facility. This improved ingress area and overall larger parking area would reduce queueing into the facility and overall improve the flow of traffic at the larger

intersection of Amboy Road, Foster Road and Seguine Avenue. The Proposed Development Site 1 would maintain the mandatory arterial setback of 20 feet resulting from the SRD along Amboy Road. See Plan Set in **Appendix A**.

***Actions Necessary to Facilitate the Proposed Development***

The proposed C2-2 overlay would bring the existing non-conforming commercial retail use (Starbucks) in a residential zoning district into conformance, and it would allow integration of adjacent Lot 50 to provide an additional 4,400 sf for on-site queuing for the Starbucks shown on the Plan Set in Appendix A.

The continued operation of the drive-through facility requires a Special Permit from the BSA pursuant to ZR Section 73-311 (Drive Through-Facilities).

***Purpose and Need for the Proposed Action***

The Proposed Zoning Map Amendment from R3X to R3X/C2-2 would not only bring the Starbucks' site into conformance, but it would allow integration of adjacent Lot 50 to provide an additional 4,400 sf for 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 1, the proximity of the Site to the Princess Bay station of the Staten Island Railroad 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 be appropriate and reflect longstanding land use patterns. In addition, the intersection surrounding the Proposed Development Site 1 is mapped with C1-1 overlays and the C2-2 overlay would complement those overlays.

In a C2-2 overlay, a Special Permit from the Board of Standards and Appeals (BSA) pursuant to Zoning Resolution (ZR) Section 73-311 (Drive-Through Facilities) is required. A Special Permit 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 Special Permit would allow the continued operation of an existing Use Group VI eating and drinking establishment's accessory drive-through in an C2-2 zoning district where a drive-through facility is not permitted as-of-right.

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. The ZEO text amendment requires New York City to modernize its commercial and industrial zoning regulations to support a more flexible and inclusive economy. 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 Board of Standards and Appeals (BSA).

***Analysis Framework***

Standard methodologies have been applied following the *CEQR Technical Manual* guidelines and precedent environmental reviews, employing reasonable assumptions to identify the amount and location of future development within the Project Area. Factors considered include soft site criteria; lot size and ownership; existing land use; and land use and development trends in the area.

The Proposed Actions would not affect future development potential on the Projected Development Site 1. It is currently improved with an existing eating and drinking establishment with accessory drive-through facilities.

In the future and absent the Proposed Actions, the Projected Development Site 1 would remain in the Existing Condition as an eating and drinking establishment (Starbucks) and the drive-through facility would continue to operate and be legally non-conforming (No-Action).

In the future with the Proposed Actions, the (legal) nonconforming status of the existing commercial use on Lot 53, would be resolved. The integration of Lot 50 would increase the lot area and improve the operations of the drive-through facility (With-Action).

As such, the Proposed Actions are not anticipated to result in significant impacts.

Analysis year

Based on the request for the Zoning Map amendment, the Special Permit and approximately four months of construction, an analysis year of 2027 is anticipated.

Existing Conditions

As noted above, the Projected Development Site 1 (Block 6896, Lots 50 and 53) is a corner site located at the intersection of Amboy Road, Foster Road and Seguine Avenue.

The total Projected Development Site 1 is 22,055 sf and is improved upon as follows:

Block 6896, Lot 50 is Applicant owned and is an approximately 4,400 square foot lot improved with a mixed-use two-story and attic two-family dwelling (with home occupation) originally built in 1945 and altered in 2004. It contains a total of approximately 3,600 gsf (3,496 zsf with 0.79 FAR). This includes 2,400 gsf (2,331 zsf with 0.53 FAR) of residential use and 1,200 gsf (1,165 zsf with 0.26 FAR). It also includes two accessory parking spaces and has 40 feet of frontage along Foster Road.

Block 6896, Lot 53 is an Applicant owned corner lot. It is approximately 17,655 square feet and improved with a one-story commercial building (Use Group VI eating and drinking establishment) with accessory drive-through service. Built in 2020, it includes 2,200 gsf (2,148 zsf with 0.12 FAR)

of commercial use and 14 accessory parking spaces (approximately 4,900 sf). It 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.

Future No-Action Scenario

Absent the Proposed Actions, Block 6896, Lot 53 would remain in the Existing Condition as an eating and drinking establishment (Starbucks) and the drive-through facility would continue to operate and be legally non-conforming. This includes a 2,200 gsf single -story commercial building with 14 accessory parking Spaces.

Absent the Proposed Actions the adjacent Block 6896, Lot 50 would remain in the Existing Condition with a mixed-use two-story and attic two-family dwelling (with home occupation) and two accessory parking spaces.

Future With-Action Scenario

In the future, the Proposed Actions would resolve the (legal) nonconforming status of the existing commercial use on Lot 53, which is currently operating a Starbucks and allow integration of Lot 50 to increase lot area and improve the operations of the facility, which includes a drive-through. The drive-through would be made accessible from Foster Road by a new 40-foot curb cut. The existing 14 parking spaces would remain. The addition of 4,400 sf of lot area from Lot 50 would improve drive-through operation coming from Foster Road. The Proposed Development would maintain the mandatory arterial setback of 20 feet resulting from the SRD along Amboy Road.

See **Table 1: Existing, No-Action and With-Action Comparison**

**Table 1: Existing, No-Action and With-Action Comparison**

| Existing Conditions | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Applicant-Owned Projected Development** | *Address* | *Block* | *Lot* | *Lot Size* | *Zoning District* | *Residential gsf* | *Commercial gsf* | *FAR* |
| **Lot 53** | **5801 Amboy Rd** | **6896** | **53** | **17,655** | **R3X** | **0** | **2,200** | **0.12** |
| **Lot 50** | **14 Foster Rd** | **6896** | **50** | **4,400** | **R3X** | **2,400** | **1,200** | **0.79** |
| **No-Action Condition** | | | | | | | | |
| | *Address* | *Block* | *Lot* | *Lot Size* | *Zoning District* | *Residential gsf* | *Commercial GSF* | *FAR* |
| **Lot 53** | **5801 Amboy Rd** | **6896** | **53** | **17,655** | **R3X** | **0** | **2,200** | **0.12** |
| **Lot 50** | **14 Foster Rd** | | **50** | **4,400** | **R3X** | **2,400** | **1,200** | **0.79** |
| **With-Action Condition** | | | | | | | | |
| | *Address* | *Block* | *Lot* | *Lot Size* | *Zoning District* | *Residential gsf* | *Commercial GSF* | *FAR* |
| **Site 1** | **5801 Amboy Rd** | **6896** | **50+53** | **22,055** | **R3X/C2-2** | **0** | **2,200** | **0.10** |
| **Increment (Analysis Framework)** | | | | | | | | |
| | *Address* | *Block* | *Lot* | *Lot Size* | *Zoning District* | *Residential gsf* | *Commercial GSF* | *FAR* |
| **Site 1** | **5801 Amboy Rd** | **6896** | **50+53** | **22,055** | **R3X/C2-2** | **-2,400** | **-1,200** | **-0.81** |

# LAND USE, ZONING AND PUBLIC POLICY

## A. Introduction

Under 2021 *City Environmental Quality Review (CEQR) Technical Manual* guidelines, a detailed analysis of land use and zoning and public policy evaluates the uses and development trends in the area that may be affected by a Proposed Action and determines whether the Proposed Action is compatible with those conditions or may affect them. An assessment of zoning is performed in conjunction with a land use analysis when the project would change the zoning on a site or result in the loss of a particular use.

As described in Chapter A, "Project Description," the Proposed Actions consists of a Zoning Map amendment that would include Block 6896, Lots 50 and 53 ("Projected Development Site 1). This proposed rezoning from an R3X zoning district to an R3X/C2-2 zoning district would bring the existing (legal) nonconforming Use Group VI eating and drinking establishment into conformance, and it would allow the integration of adjacent Lot 50 to provide greater on-site queuing for the existing drive-through facility.

The Special Permit would allow the continued operation of an existing Use Group VI eating and drinking establishment's accessory drive-through in an R3X/C2-2 zoning district, where a drive-through facility is not permitted as-of-right.

As the Proposed Actions include a Zoning Map amendment and a Special Permit affecting land use, a detailed analysis of Land Use, Zoning, and Public Policy is warranted and provided below.

## B. METHODOLOGY

The purpose of this chapter is to examine the effects of the Proposed Actions on land use, zoning, and public policy and determine whether they would result in any significant adverse impacts. As described in Chapter A, "Project Description," to assess the possible effects of the Proposed Actions, a reasonable worst-case development scenario (RWCDS) was established for both the existing zoning without the Special Permit (No-Action) and the Zoning Map amendment with the Special Permit (With-Action) conditions for the 2027 analysis year.

The incremental difference between the No-Action and With-Action conditions on Projected Development Site 1 forms the basis of the impact category analyses in this chapter. Under 2021 *CEQR* guidelines, a preliminary assessment, which includes a basic description of existing and future land uses and zoning, should be provided for all projects that would affect land use or would change the zoning on a site, regardless of the project's anticipated effects.

In accordance with the 2021 *CEQR Technical Manual*, the analysis describes existing and anticipated future (i.e., No-Action) conditions to a level necessary to understand the relationship

of the Proposed Action to such conditions. The analysis assesses any changes to these conditions that could be created by the Proposed Action in the 2027 analysis year. Existing land uses were identified through review of the City's Primary Land Use Tax Lot Output (PLUTO) data files, online Geographic Information Systems (GIS) databases such as the New York City Open Accessible Space Information System (OASIS, http://www.oasisnyc.net), and ZOLA (http://zola.planning.nyc.gov). New York City Zoning Maps and the Zoning Resolution of the City of New York (ZR) were consulted to describe existing zoning districts in the study areas and provided the basis for the zoning evaluation of the future No-Action and With-Action conditions. Applicable public policies were identified, and a public policy analysis was prepared to determine the potential for the Proposed Actions to alter or conflict with applicable public policies.

### Secondary Study Area

According to the *2021 CEQR Technical Manual*, the appropriate study area for land use zoning and public policy is related to the type and size of the project being proposed and the location and neighborhood context of the area that could be affected by the project. In accordance with the *2021 CEQR Technical Manual* guidelines, land use, zoning, and public policy are addressed and analyzed for two geographical areas: (1) the primary study area, which is coterminous with the Projected Development Site; and (2) a secondary 400-foot study area (the "Study Area") which encompasses areas that have the potential to experience indirect impacts as a result of the Proposed Actions. The Study Area is generally bounded by Uncas Avenue to the north, Wrenn Street to the east, Florence Place to the south and Scudder Avenue to the west.

# C. ASSESSMENT

## Existing Conditions

### Land Use

*Projected Development Site 1*
The Projected Development Site 1 is in the Prince's Bay neighborhood of Staten island Community District 3. It comprises Block 6896, Lots 50 and 53, and is located at the intersection of Amboy Road, Foster Road and Seguine Avenue.

The total of the two lot areas is 22,055 sf. Block 6896 Lot 50 is Applicant owned and is an approximately 4,400 square foot lot improved with a mixed-use two-story and attic two-family dwelling (with home occupation).

Block 6896, Lot 53 is also an Applicant-owned lot. It is approximately 17,655 square feet and improved with a one-story commercial building (Use Group VI eating and drinking establishment

- Starbucks) with an accessory drive-through facility. The Starbucks was established pursuant to a variance granted by the Board of Standards and Appeals in 2017 (BSA Cal. No. 2016-4165-BZ), permitting the operation of an eating and drinking establishment with an accessory drive-through. 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.

*Study Area*

Land uses in the Study Area are primarily one- and two-family residential uses. However, the immediate vicinity of the Projected Development Site 1 is improved with numerous single-story commercial uses stretching south past the Prince's Bay Staten Island Railroad station. Such uses are concentrated along Amboy Road and Seguine Avenue, and include a bank, several restaurants, a drugstore, a hair salon, and an urgent care. A few blocks southeast of the Development Site is Wolfe's Pond Park, which contains over 300 acres of parkland.

The Metropolitan Transit Authority (MTA) Bus lines in the area include the S55 which runs along Amboy Road and Seguine Avenue, the S56 which runs along Foster Road and Seguine Avenue and the SIM25 which provides service into Manhattan. The nearby Prince's Bay station of the Staten Island Railway provides service to the Staten Island Ferry Terminal.

**Zoning**

*Projected Development Site 1*

Both Lots were originally zoned R3-2 when the 1961 Zoning Resolution was established. In 1975 both Lots were included in the Special South Richmond Development District (SRD). In 2000 both Lots were rezoned to R3X.

The Starbucks on Block 6896, Lot 53 was established pursuant to a variance granted by the Board of Standards and Appeals in 2017 (BSA Cal. No. 2016-4165-BZ), permitting the operation of an eating and drinking establishment with an accessory drive-through facility.

As shown in **Figure 4**, the Projected Development Site 1 is in a R3X zoning district. R3X contextual districts, mapped extensively in lower-density neighborhoods, such as Prince's Bay in Staten Island, permit only one- and two-family detached homes on lots that must be at least 35 feet wide. The maximum residential FAR is 0.6 (with attic allowance) and the maximum community facility FAR is 1.0. There is a maximum building height of 35 feet. One off-street parking space is required for each dwelling unit.

The Projected Development Site 1 is located within the SRD which was established in 1975 to guide the development of the southern part of Staten Island. At a time of rapid development, strict rules were adopted to manage growth in this area of more than 20 square miles and to

ensure that the provision of public infrastructure kept pace with new development.

To avoid destruction of the natural and recreational resources that define the community, the district mandates tree preservation and planting requirements, controls change to topography, and establishes special building height and setback limits, and designated open spaces (DOS) to be left in a natural state as part of an open space network that includes public parks and waterfront esplanades. To ensure that public school needs are addressed, the Chairperson of the City Planning Commission must certify that sufficient school capacity exists to accommodate a new residential development, except in a predominantly built-up area, before a building permit can be issued. The Projected Development Site 1 Site contains no Designated Open Space. The SRD places a 20-foot setback requirement along the designated arterial of Amboy Road.

Commercial use and drive-through facilities are not permitted as-of-right in an R3X zoning district, therefore some of the existing uses on the Projected Development Site 1 are legally non-conforming.

*Study Area*
The Study Area also includes an R3X/C1-1 zoning districts.

R3X/C1-1 zoning districts are mapped along the southside of Amboy Road and the east side of Foster Road.

C1-1 districts are commercial overlays mapped within residential districts, usually mapped along streets that serve local retail needs. Unless otherwise specified on the zoning maps, the depth of a C1-1 overlay is 200 feet measured from the nearest street. The maximum commercial FAR is 2.0. Since these districts are usually mapped in areas well served by mass transit, off-street parking is generally not required.

The entirety of the Study Area is also within the Special South Richmond Development District.

## Public Policy

*Projected Development Site 1*
Public policies applicable to the Projected Development Site 1 are discussed below. The Proposed Action's consistency with policies is assessed in the "The Future with the Proposed Actions (With-Action Condition)" section of this chapter.

The Projected Development Site 1 is not part of, or subject to, an Urban Renewal Plan (URP), adopted community 197-a Plan, Solid Waste Management Plan, Business Improvement District (BID), Industrial Business Zone (IBZ), or the New York City Landmarks Law.

The Projected Development Site 1 is not located within the boundaries of a New York City Department of Housing Preservation and Development Urban Renewal Zone or Area, an

Economic Development Corporation Industrial Business Zone, or former In-Place Industrial Park. It is not located within Jamaica Bay Watershed Protection Plan. Nor is the Affected Area subject to an adopted community-based 197-a Plan or within a Fresh Zone.

The Projected Development Site 1 is located within a Lower Density Management Area, the Coastal Zone Boundary and a Greater Transit Zone.

Lower Density Management Area

In Lower Density Growth Management Areas (LDGMA), special zoning controls aim to match future development to the capacity of supporting services and infrastructure in parts of the city experiencing rapid growth. Community Districts 3 in Staten Island is a designated Lower Density Growth Management Areas.

Within an LDGMA, special regulations apply to any development in an R1, R2, R3, R4-1, R4A or C3A district, any development accessed by a private road in a R1, R2, R3, R4, R5 or C3A district, and C1, C2 and C4 districts in the borough of Staten Island.

Coastal Zone Boundary

The Projected Development Site 1 is located within the New York City's Coastal Zone Boundary and is therefore subject to the provisions of the New York City Waterfront Revitalization Program. (**Appendix B: Waterfront Revitalization Program Consistency Assessment Form**).

Greater Transit Zone

The Projected Development Site 1 is located within a Transit Zone boundary which are mapped to encompass neighborhoods that are dense, proximate to public transportation options, and where car ownership rates are lowest. In a Transit Zone, no off-street parking spaces are required to be built for Income Restricted Housing Units (also referred to as IRHU) and Affordable Independent Residences for Seniors (also referred to as AIRS), and discretionary actions allow for the removal of parking spaces that were previously required, or the reduction of spaces that would normally need to be built for certain other housing types.

*Study Area*

The policies discussed above are applicable to both the Projected Development Site 1 and Study Area.

## The Future without the Proposed Action (No-Action Condition)

### Land Use

*Projected Development Site 1*

In the future, absent the Proposed Actions, the Projected Development Site 1 would remain in the Existing Condition. Block 6896, Lot 53 would remain as a Use Group VI eating and drinking establishment (Starbucks) with a drive-through facility that would continue to operate and be

legally non-conforming. Block 6896, Lot 50 would remain a mixed-use commercial/residential building.

*Study Area*
In the future, absent the Proposed Actions, the existing land uses in the surrounding Study Area, which contain a mix of residential, commercial and open space, would remain the same.

**Zoning**

*Projected Development Site 1*
In the future, absent the Proposed Actions, the Projected Development Site 1 one would continue to be subject to the underlying R3X zoning district. Block 6896, Lot 53 would remain as an eating and drinking establishment (Starbucks) with a drive-through facility that would continue to operate and be legally non-conforming.

*Study Area*
In the future, absent the Proposed Action, the existing zoning in the surrounding Study Area would remain the same.

## Public Policy

*Projected Development Site 1*
In the future, absent the Proposed Actions (No-Action Condition) the Projected Development Site 1 would remain in its Existing Condition and the public policies applicable to the Projected Development Site 1 are discussed below. The Proposed Actions' consistency with policies is assessed in the "The Future with the Proposed Actions (With-Action Condition)" section of this chapter.

The Projected Development Site 1 is not part of, or subject to, an Urban Renewal Plan (URP), adopted community 197-a Plan, Solid Waste Management Plan, Business Improvement District (BID), Industrial Business Zone (IBZ), or the New York City Landmarks Law.

The Projected Development Site 1 is not located within the boundaries of a New York City Department of Housing Preservation and Development Urban Renewal Zone or Area, an Economic Development Corporation Industrial Business Zone, or former In-Place Industrial Park. It is not located within the Jamaica Bay Watershed Protection Plan. Nor is the Affected Area subject to an adopted community-based 197-a Plan or within a Fresh Zone.

The Projected Development Site 1 is located within the New York City's Coastal Zone Boundary and is therefore subject to the provisions of the New York City Waterfront Revitalization Program.

The Proposed Development Site 1 is located within an LDGMA, special regulations apply to any development in an R1, R2, R3, R4-1, R4A or C3A district, any development accessed by a private

road in a R1, R2, R3, R4, R5 or C3A district, and C1, C2 and C4 districts in the borough of Staten Island. The Projected Development Site 1 has an existing zoning of R3X, therefore this does not apply to the Proposed Project.

As discussed above, The Projected Development Site 1 is located within a Transit Zone boundary, specifically within an Outer Transit Zone where there are fewer residential parking requirements are less required. This policy does not apply to the existing commercial eating and drinking establishment. The adjacent mixed-use residential/commercial building meets the parking requirements. Therefore, this policy does not apply to the Proposed Project.

*Study Area*
The policies discussed above are applicable to both the Projected Development Site 1 and Study Area.

No changes to public policies are anticipated in the future without the Proposed Actions. As such, the Future No-Action Condition would be the same in terms of public policies in the Projected Development Site 1 and Study Area.

## The Future with the Proposed Actions (With-Action Condition)

As described in detail in Chapter A, "Project Description," the Proposed Actions would facilitate the integration of adjacent Lot 50 to provide greater on-site queuing for the existing Starbucks and resolve the (legal) non-conforming status of Lot 53 resulting in the drive-through facility continuing to operate as-of-right. The existing Applicant-owned mixed-use building on Lot 50 would be demolished and Lots 50 and 53 would be combined.

This section describes the land use and zoning conditions that would result from the Proposed Action by 2027 and evaluates the potential for the Proposed Action to result in significant adverse impacts related to land use and zoning, and their consistency with the applicable public policies described earlier in this chapter.

### Land Use

*Projected Development Site 1*
The existing Use Group VI eating and drinking establishment (Starbucks) with 14 parking spaces would remain. The adjacent mixed-use residential/commercial building would be demolished and the additional 4,400 sf of lot area from this lot would enable the redesign of the parking lot and drive-through facility. The existing 14 parking spaces would remain. The reconfigured drive-through would be made accessible from Foster Road with a new 40-foot curb cut and the mandatory SRD arterial setback of 20-feet would be maintained along Amboy Road. As noted above, this is a commercial retail use and is anticipated to remain so in the future with the Proposed Action.

*Study Area*
The Proposed Action would not affect land uses in the surrounding Study Area, which contain a mix of residential use, commercial use and open space. The consistency of the Proposed Actions with Study Area's land uses is discussed in the "Assessment" section, below.

## Zoning

*Projected Development Site 1*
In the future with the Proposed Actions, the Projected Development Site 1 would be rezoned from R3X to an R3X/C2-2 zoning district and the Special Permit would allow the continued operation of an accessory drive-through facility. The existing one-story 2,200 gsf Use Group VI eating and drinking establishment (Starbucks) with 14 parking spaces would remain. The additional 4,400 sf of lot area from Lot 50 would enable the redesign of the parking lot and drive-through facility. The Projected Development Site 1 would continue to be a one-story 2,200 gsf (2,148 zsf) building but the FAR would now be 0.10. The existing 14 parking spaces would remain. The reconfigured drive-through would be made accessible from Foster Road with a new 40-foot curb cut and the mandatory SRD arterial setback of 20-feet would be maintained along Amboy Road. The Special Permit would allow the continued operation of the existing drive-through facility in an R3X/C2-2 zoning district, where they are not permitted as-of-right.

*Study Area*
The Proposed Action would not alter zoning designations within the approximate 400-foot Study Area. The consistency of the Proposed Actions with zoning in the Study Area is discussed in the "Assessment" section, below.

## Public Policy

*Projected Development Site 1*
Both the LMDC and the Transit Zone do not apply to commercial eating and drinking establishments.

As noted in **Appendix A: Waterfront Revitalization Program Consistency Assessment Form**, the Proposed Actions would promote the public policy for supporting redevelopment projects in appropriate Coastal Zone areas:

<u>Policy 1: Support and facilitate commercial and residential development in areas well-suited for such development.</u>
The proposed rezoning on the project site would allow for the continued operation of a commercial retail use. It is located within a well-developed area with substantial commercial and residential development nearby. The proposed action would therefore be consistent with Policy 1.

Policy 1.1: Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.
The proposed rezoning on the project site would allow for continued operation of a commercial retail use.

No changes to the Projected Development Site 1's applicable public policies are proposed as part of the Proposed Action.

*Study Area*
No changes to appliable Study Area's public policies are anticipated as part of the Proposed Action. The consistency of the Proposed Action on the applicable Study Area public policies are discussed in the "Assessment" section, below.

## ASSESSMENT

## LAND USE

### *Projected Development Site 1*
According to the criteria set forth in Section 410 in Chapter 4 of the *CEQR Technical Manual*, the Proposed Action would not result in significant adverse impacts on land use. The Proposed Action would allow the continued operation of an existing Use Group VI eating and drinking establishment with accessory drive-through facility which would ensure the existing use can remain. The additional land acquired by the demolition of the adjacent mixed-use residential/commercial building would allow for a safer operation of the accessory drive through facility.

### *Study Area*
No land use changes would be made to the remainder of the Study Area, and no new development would occur. As such, the Proposed Actions would have no substantive effect on land use in in the study area.

*Conclusion*
The Proposed Actions would not result in new land uses inconsistent with the character of the surrounding area. Rather, the Proposed Actions are intended to preserve existing land uses on the Projected Development Site 1, which is a commercial eating and drinking establishment that serves the surrounding residential areas of Prince's Bay, consistent with nearby commercial retail uses. Therefore, no adverse impacts related to land use are anticipated because of the Proposed Action.

## Zoning

*Proposed Development Site 1*
According to the criteria set forth in Section 410 in Chapter 4 of the 2021 *CEQR Technical Manual*, the Proposed Action would not result in significant adverse impacts on zoning. The Proposed Development Site would maintain the existing underlying R3X zoning district, but a C2-2 commercial overlay would be added, and the adjacent lot would be acquired increasing the total lot area.

When mapped in an R3X zoning district, a C2-2 commercial overlay permits a maximum commercial FAR of 1.0. The Projected Development Site 1 would continue to be a one-story 2,200 gsf (2,148 zsf) building but the FAR would now be 0.10 and would conform to the proposed R3X/C2-2 zoning district. The existing 14 parking spaces would remain.

When mapped in an R3X zoning district, a C2-2 commercial overlay the required parking is one space per 200 sf of retail. Eleven spaces are required; therefore, the existing 14 spaces are compliant. The Special Permit would allow for the operation of a larger and reconfigured drive-through facility that would provide additional safety to the operation.

*Study Area*
No zoning changes would be made to the remainder of the Study Area, and no new development is anticipated with the zoning in the Study Area to remain under R3X and R3X/C2-2 zoning districts. As such, the Proposed Actions would have no substantive effect on zoning in in the Study Area.

*Conclusion*
The Proposed Actions would result in the existing Use Group VI eating and drinking establishment with accessory drive-through facilities conforming to the R3X/C2-2 zoning district. Additionally, the reconfigured parking and drive-through facility would improve the circulation on the Projected Development Site 1 and the operation of the adjacent intersection. Therefore, no adverse impacts related to zoning are anticipated because of the Proposed Actions.

## Public Policy

*Projected Development Site 1*
Both the LMDC and the Transit Zone do not apply to commercial eating and drinking establishments. The Proposed Actions would promote the public policy for supporting redevelopment projects in appropriate Coastal Zone areas.

*Study Area*
The policies discussed above are applicable to both the Projected Development Site 1 and Study Area.

*Conclusion*

The Proposed Action would ensure the continued use of this area for the Applicant as commercial retail and no potentially significant adverse impacts related to public policy are anticipated to occur as a result of the Proposed Actions, therefore further assessment of public policy is not warranted.

## NATURAL RESOURCES

According to the *2021 CEQRA Technical Manual*, a natural resource is defined as (1) the City's biodiversity (plants, wildlife, and other organisms); (2) any aquatic or terrestrial areas capable of providing suitable habitat to sustain the life processes of plants, wildlife, and other organisms; and (3) any areas capable of functioning in support of the ecological systems that maintain the City's environmental stability. Under CEQR, a natural resources assessment considers species in the context of the surrounding environment, habitat, or ecosystem and examines a project's potential to impact those resources.

Two possibilities determine whether an adverse impact on a natural resource might occur, and therefore, whether an assessment may be appropriate: (1) the presence of a natural resource on or near the site of the project; and (2) disturbance of that resource caused by the project.

While most of the Projected Development Site 1 is developed, it is identified by New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper as being adjacent to Freshwater Wetlands.

The Projected Development Site 1 is in the Prince's Bay neighborhood of Staten island Community District 3. It comprises Block 6896, Lots 50 and 53, and is located at the intersection of Amboy Road, Foster Road and Seguine Avenue. The total of the two lot areas is 22,055 sf. Block 6896 Lot 50 is improved with a mixed-use two-story and attic two-family dwelling (with home occupation) and Block 6896, Lot 53 is improved with a one-story commercial building (Use Group VI eating and drinking establishment - Starbucks) with an accessory drive-through facility.

The Proposed Actions would allow the continued operation of an existing Use Group VI eating and drinking establishment's accessory drive-through in an R3X/C2-2 zoning district where a drive-through facility is not permitted as-of-right as well as the integration of adjacent Lot 50 to provide greater on-site queuing for the existing drive-through facility.

Relative to the requirements of the Natural Resources chapter of the 2021 CEQR Technical Manual, the Proposed Development Site is currently improved with a Starbucks's and is within the urbanized area of Prince's Bay. The Projected Development Site 1 is located adjacent to Freshwater Wetlands (AR-37). As such, a Freshwater Permit has been requested (Application ID 2-6405-00046/00006) from the NYSDEC and is currently under review. (Previously, both Lots 50 and 53 have received permits for their current uses.) Once DEC has approved the Freshwater permit, there would be no impact on natural resources and further analysis is not warranted.

## TRANSPORTATION

Pursuant to the guidance of the *2021 City Environmental Quality Review (CEQR) Technical Manual*, this chapter examines the potential effects of the Proposed Action on the Project Area's transportation systems. Specifically, it compares conditions in the future with the Proposed Action (the With-Action condition) against conditions in the future without the Proposed Action (the No-Action Condition). Based on the proposed commercial eating and drinking development increment trip generation (Level 1) and trip assignment (Level 2) screening analysis results, it was determined that the Proposed Action would not result in significant adverse impacts on transportation as summarized below.

The subject property is designated as Block 6896, Lots 50 and 53 as depicted on the New York City Tax Map. The existing Lot 53 is currently occupied by a one (1)-story Starbucks' restaurant with drive-through service with existing access provided via a full-movement driveway along Foster Road and right-turn only exit only along Amboy road The Proposed Action would allow the existing drive-through facility to continue to operate and would not add any additional floor area. The total floor area for residential and commercial use decreases with the demolition and consolidation of Lot 50 (see Chapter A, **Table 1: Existing, No-Action and With-Action Comparison**).

The drive-through facility has operated since 2000 and is a fixture of the neighborhood. The Proposed Actions to allow the existing drive-through facility's use does not present foreseeable "hazards" or "disadvantages" to the community. Because the application does not seek to change the existing use or bulk, there are no additional adverse effects on the privacy, quiet, light, or air in the neighborhood. To the contrary, the reconfigured drive-through facility provides convenient access to customers, reduces traffic congestion and preserves accessible street parking.

The threshold for a quantitative transportation analysis is the addition of 10,000 square feet of new commercial retail space in Zone 4. As presented in Table 16-1 of the *2021 CEQR Technical Manual,* the proposed project would not exceed the threshold for requiring a detailed transportation analysis. Therefore, no detailed transportation analysis would be warranted.

## AIR QUALITY

Ambient air quality, or the quality of the surrounding air, may be affected by air pollutants produced by motor vehicles, referred to as "mobile sources"; by fixed facilities, usually referenced as "stationary sources"; or by a combination of both. Under the *2021 City Environmental Review (CEQR) Technical Manual*, an air quality assessment determines both a proposed project's effects on ambient air quality and the quality of the ambient air at the project.

The Projected Development Site (Block 6896, Lots 50 and 53) is an approximately 22,055 sf corner site located at the intersection of Amboy Road, Foster Road and Seguine Avenue in the Princess Bay neighborhood of Staten Island Community District 3. 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).

The Applicant seeks a Zoning Map Amendment from an R3X to an R3X/C2-2 from the Department of City Planning and a Special Permit from the Board of Standards and Appeals (BSA) pursuant to Zoning Resolution (ZR) Section 73-311 (Drive-Through Facilities).

The Proposed Actions would not result in any additional floor area and resolve the (legal) nonconforming status of the existing commercial use on Lot 53, which is currently a Starbucks. The Proposed Actions would allow integration of Lot 50 to increase the lot area and improve the operations of the drive-through facility.

Per Chapter C – Transportation, the Proposed Action would not result in any additional auto trips, therefore no detailed assessment of mobile sources is required, per Section 210 of Chapter 17 of the 2021 CEQR Technical Manual.

Under the With-Action Condition, the proposed project would be the same as the No-Action condition in use, floor area and building height, and Heating, Ventilation and Air Conditioning (HVAC) systems. As a result, there would be no increment in air quality impacts compared to the No-Action condition. Therefore, the Proposed Action would not result in a significant adverse impact related to air quality, and no further assessment of air quality is warranted.

## NOISE

Two types of potential noise impacts are considered under CEQR. These are potential mobile source and stationary source noise impacts. Mobile source impacts are those which could result from a proposed project adding a substantial amount of traffic to an area. Potential stationary source noise impacts are considered when a proposed action would cause a stationary noise source to be operating within 1,500 feet of a receptor, with a direct line of sight to that receptor, or if the project would include unenclosed mechanical equipment for building ventilation purposes.

The Projected Development Site (Block 6896, Lots 50 and 53) is an approximately 22,055 sf corner site located at the intersection of Amboy Road, Foster Road and Seguine Avenue in the Princess Bay neighborhood of Staten Island Community District 3. 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).

The Applicant seeks a Zoning Map Amendment from an R3X to an R3X/C2-2 from the Department of City Planning and a Special Permit from the Board of Standards and Appeals (BSA) pursuant to Zoning Resolution (ZR) Section 73-311 (Drive-Through Facilities).

The Proposed Actions would not result in any additional floor area and resolve the (legal) nonconforming status of the existing commercial use on Lot 53, which is currently a Starbucks. The Proposed Actions would allow integration of Lot 50 to increase the lot area and improve the operations of the drive-through facility.

### Mobile Source

Relative to mobile source impacts, a noise analysis would be required if a proposed project would at least double existing passenger car equivalent (PCE) traffic volumes along a street on which a sensitive noise receptor (such as a residence, a park, a school, etc.) is located. Vehicles would primarily travel to and from the Project Site along Baisley and Guy R. Brewster Boulevards, which are primarily commercial in nature.

Per Chapter C – Transportation, the Proposed Action would not result in any additional vehicular trips. Pursuant to CEQR methodology, no mobile source noise impacts would be anticipated since traffic volumes would not double along Amboy Road, Foster Road or Seguine Avenue due to the Proposed Actions. Therefore, the proposed project would not result in a mobile source noise impact from the traffic volumes.

### Stationary Source

The project would not locate a receptor within 1,500 feet of a substantial stationary source noise generator, and there is not a substantial stationary source noise generator close to the Project

Site that is also a sensitive receptor. Additionally, the proposed project would not include any unenclosed heating or ventilation equipment that could adversely impact other sensitive uses in the surrounding area. Therefore, the project would not have any potentially adverse stationary source noise impacts.

Conclusion

In the With-Action Condition, the floor area would not change. The Projected Development would not see a change in use or sensitive receptors, compared with the No-Action Condition due to the Proposed Actions. Therefore, further noise analysis is not warranted.

# Disadvantaged Community Assessment

## A. INTRODUCTION

Effective 30 December 2024, Section 8-0109(2)(k) of the New York State Environmental Conservation Law requires that environmental reviews to include a statement of the effects of the Proposed Action on disadvantaged communities, including whether the action may cause or increase a disproportionate pollution burden. The *2021 City Environmental Quality Review (CEQR) Technical Manual* predates these revisions to the Environmental Conservation Law and does not provide guidance regarding the scope of this analysis. On January 29, 2025, the New York State Department of Environmental Conservation (NYSDEC) proposed draft revisions to its State Environmental Quality Review Act (SEQRA) regulations (6 NYCRR Part 617) to implement this new statutory provision.

## B. METHODOLOGY

The Disadvantaged Communities Assessment was conducted following the guidance provided by the NYSDEC and the City of New York's Environmental Justice (EJ) policies. The assessment is conducted pursuant to NYCDEC guidance for Project's requiring a CEQR EAS Short Form, and is structured as follows:

*Identification of Disadvantaged Community Status*

- New York State Disadvantaged Communities Assessment Tool (DACAT): This GIS-based tool identifies census tracts designated as disadvantaged communities (DAC) based on data from the Climate Justice Working Group (CJWG).

- Geospatial Analysis: The project location was mapped and measured for proximity to the nearest designated disadvantaged community, ensuring compliance with the ½-mile buffer analysis specified in the assessment requirements.

*Assessment of Potential Impacts*

If the Project Site is found to be within, or within ½ mile of a disadvantaged community, or if the Proposed Action(s) could affect a disadvantaged community, further assessment is required. If either of these conditions are met, potential direct and indirect impacts to nearby disadvantaged communities are evaluated to determine if the proposed project would create any new sources of pollution or increase pollution from existing sources in the following categories:

- Air Quality Impacts
- Noise Pollution

- Light Pollution
- Wastewater Treatment or Wastewater Discharges
- Stormwater and Flooding Considerations, Solid and Hazardous Waste Management
- Odor Impacts

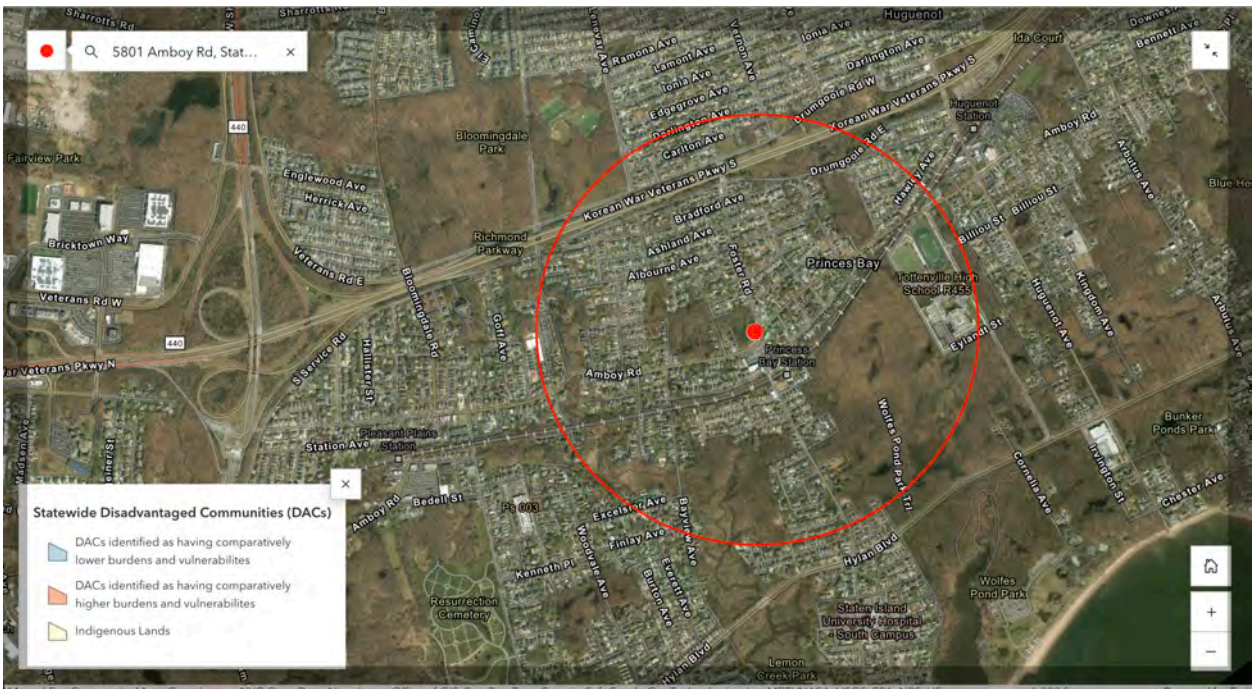
The assessment considers the impacts that have been identified pursuant to the *CEQR Technical Manual* as well as applicable guidance from NYSDEC in determining whether the Proposed Actions would result in disproportionate impacts on disadvantaged communities.

## C. ASSESSMENT

*Preliminary Assessment*

The Applicant and owner of 5801 Amboy Road (Block 6896, Lots 50 and 53) in the Prince's Bay neighborhood of Staten Island Community District 3, s seeks a Zoning Map Amendment from an R3X to an R3X/C2-2 and a Special Permit from the Board of Standards and Appeals (BSA) pursuant to Zoning Resolution (ZR) Section 73-311 (Drive-Through Facilities).

Neither the Projected Development Site nor the Study Area is located within a disadvantaged community, as indicated below:




The Proposed Actions would resolve the (legal) nonconforming status of the existing commercial use on Lot 53, which is currently a Starbucks and allow integration of Lot 50 to improve the operations of the facility, which includes a drive-through for the Use Group VI eating and drinking

establishment in an R3X/C2-2 zoning district where a drive-through facility is not permitted as-of-right.

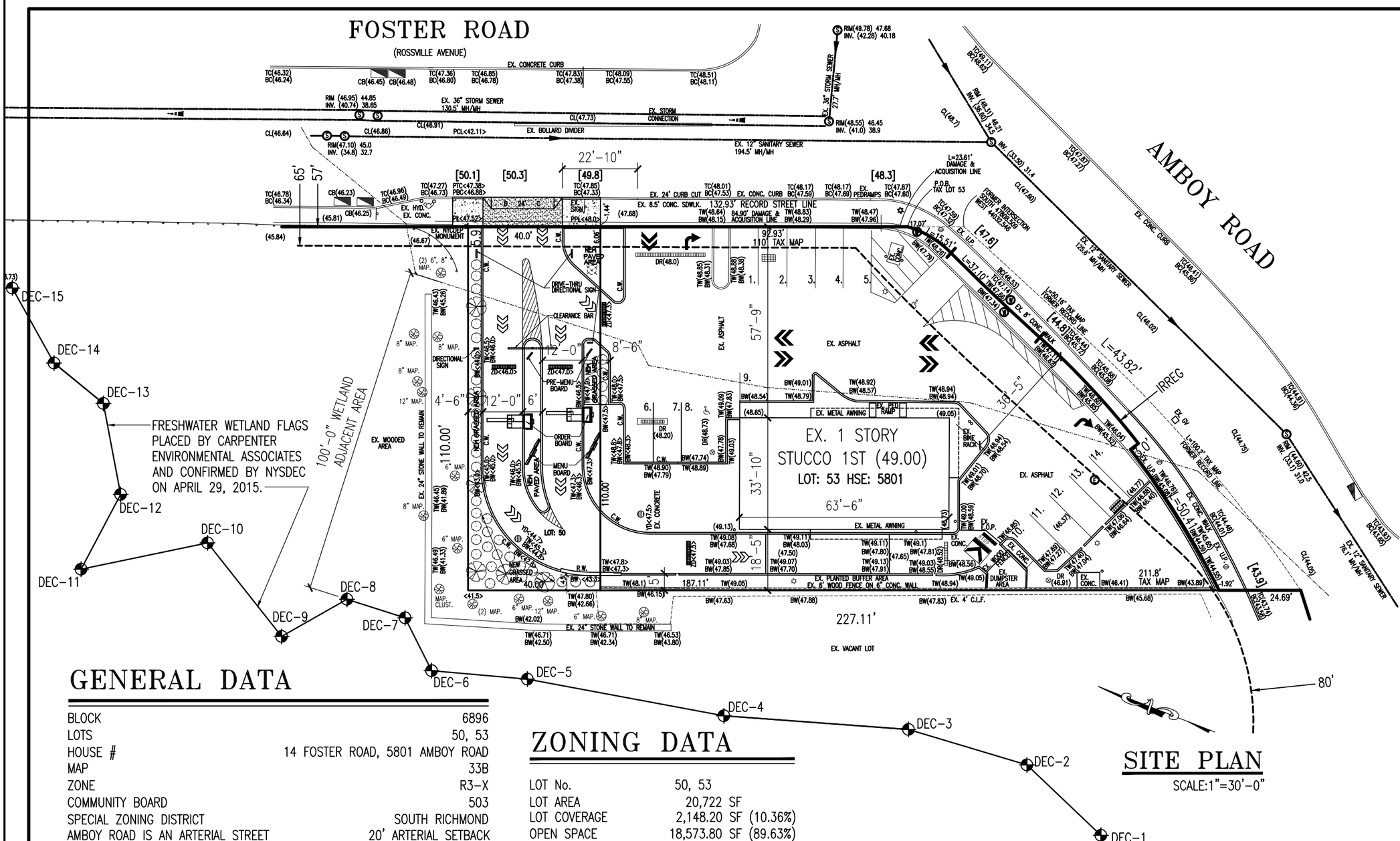
With the Proposed Actions, the floor area of the No-Action commercial and residential use would decrease. (See **Chapter A, Table 1: Existing, No-Action and With-Action Comparison**).

*Conclusion*
The Project Site is not located within a disadvantaged community.

As discussed throughout this document, the Proposed Action would not contribute to any significant environmental impacts and the commercial uses would serve the local population, while maintaining compliance with environmental regulations and best practices.

Accordingly, the Proposed Action would not disproportionately affect disadvantaged communities and would not cause or increase a disproportionate pollution burden on disadvantaged communities.

Appendix A
Plan Set


FOSTER ROAD
(ROSSVILLE AVENUE)
AMBOY ROAD
EX. CONCRETE CURB
EX. 36" STORM SEWER 130.5' MH/MH
EX. STORM CONNECTION
EX. BOLLARD DIVIDER
EX. 12" SANITARY SEWER 194.5' MH/MH
EX. 8.5' CONC. SDWLK.
132.93' RECORD STREET LINE
EX. 24' CURB CUT
EX. CONC. CURB
EX. 8" SANITARY SEWER 125.8' MH/MH
EX. 12" SANITARY SEWER 76.1' MH/MH
110' TAX MAP
211.8' TAX MAP
84.90' DAMAGE & ACQUISITION LINE
L=23.61' DAMAGE & ACQUISITION LINE
P.O.B. TAX LOT 53
FORMER INTERSECTION 47.39'S & 49.39'W 4400 SQ.FT.
L=250.16' TAX MAP FORMER RECORD LINE
L=100.2' TAX MAP FORMER RECORD LINE
L=43.82'
IRREG
L=37.10'
R=15.51'
EX. 1 STORY STUCCO 1ST (49.00)
LOT: 53 HSE: 5801
63'-6"
33'-10"
57'-9"
18'-5"
22'-10"
92.93'
40.0'
59.9'
65'
57'
187.11'
227.11'
EX. VACANT LOT
EX. ASPHALT
EX. METAL AWNING
EX. PLANTED BUFFER AREA
EX. 6' WOOD FENCE ON 6' CONC. WALL
EX. 4" C.L.F.
EX. 24" STONE WALL TO REMAIN
EX. WOODED AREA
NEW PAVED AREA
NEW GRASSED AREA
NEAT PAVED AREA
DRIVE-THRU DIRECTIONAL SIGN
CLEARANCE BAR
DIRECTIONAL SIGN
PRE-MENU BOARD
ORDER BOARD
MENU BOARD
EX. BIKE RACK
EX. DUMPSTER AREA
EX. WOOD FENCE
EX. CONC. WALK
EX. U.P.
EX. H.P.
EX. HYD.
EX. NYCDEP MONUMENT
EX. SIGN
EX. PEDRAMPS
EX. CONC.
EX. 4" C.O.P.
EX. 8" CONC. WALK
EX. 6" CONC. WALK
EX. 24" CURB CUT
EX. 36" STORM SEWER 27.7' MH/MH
EX. 8" CONC. WALK
EX. 4" CONC. WALK
EX. 8" CONC. WALK
EX. 6" CONC. WALK

# Appendix B
# Waterfront Revitalization Program Consistency Assessment Form

| FOR INTERNAL USE ONLY | WRP No. _____ |
|---|---|
| Date Received: _____ | DOS No. _____ |

# NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
## Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)* which has been approved as part of the State's Coastal Management Program.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, the New York City Department of City Planning, or other city or state agencies in their review of the applicant's certification of consistency.

### A. APPLICANT INFORMATION

Name of Applicant: Shore to Shore Foster LLC

Name of Applicant Representative: Justin Jarboe

Address: _____

Telephone: _____ Email: _____

Project site owner (if different than above): _____

### B. PROPOSED ACTIVITY

*If more space is needed, include as an attachment.*

1. Brief description of activity

The Applicant seeks, the owner of 5801 Amboy Road (Block 6896, Lot 53 and 50) in the Prince's Bay neighborhood of Staten Island Community District 3, seeks a Zoning Map Amendment from an R3X to an R3X/C2-2 from the Department of City Planning and a Special Permit from the Board of Standards and Appeals (BSA) pursuant to Zoning Resolution (ZR) Section 73-311 (Drive-Through Facilities).

2. Purpose of activity

The Proposed Zoning Map Amendment from R3X to R3X/C2-2 would not only bring the Starbucks' site into conformance, but it would allow integration of adjacent Lot 50 to provide additional lot area for safer 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 Projected Development Site, the proximity of the Site to the Prince's Bay station of the Staten Island Railroad and confluence of several major roads (Seguine Avenue to the south, along with Amboy Road and Foster Road).

## C. PROJECT LOCATION

Borough: Staten Island Tax Block/Lot(s): Block 6896, Lots 50 and 53

Street Address: 5801 Amboy Road

Name of water body (if located on the waterfront): _____

## D. REQUIRED ACTIONS OR APPROVALS

*Check all that apply.*

### City Actions/Approvals/Funding

***City Planning Commission*** ☑ Yes ☐ No

- ☐ City Map Amendment
- ☑ Zoning Map Amendment
- ☐ Zoning Text Amendment
- ☐ Site Selection – Public Facility
- ☐ Housing Plan & Project
- ☐ Special Permit
  (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____
- ☐ Zoning Certification
- ☐ Zoning Authorizations
- ☐ Acquisition – Real Property
- ☐ Disposition – Real Property
- ☐ Other, explain: _____
- ☐ Concession
- ☐ UDAAP
- ☐ Revocable Consent
- ☐ Franchise

***Board of Standards and Appeals*** ☑ Yes ☐ No

- ☐ Variance (use)
- ☐ Variance (bulk)
- ☑ Special Permit
  (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____

***Other City Approvals***

- ☐ Legislation
- ☐ Rulemaking
- ☐ Construction of Public Facilities
- ☐ 384 (b) (4) Approval
- ☐ Other, explain: _____
- ☐ Funding for Construction, specify: _____
- ☐ Policy or Plan, specify: _____
- ☐ Funding of Program, specify: _____
- ☐ Permits, specify: _____

### State Actions/Approvals/Funding

- ☑ State permit or license, specify Agency: NYSDEC Permit type and number: Freshwater Wetlands
- ☐ Funding for Construction, specify: _____
- ☐ Funding of a Program, specify: _____
- ☐ Other, explain: _____

### Federal Actions/Approvals/Funding

- ☐ Federal permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☐ Funding of a Program, specify: _____
- ☐ Other, explain: _____

Is this being reviewed in conjunction with a Joint Application for Permits? ☐ Yes ☑ No

## E. LOCATION QUESTIONS

1. Does the project require a waterfront site? ☐ Yes ☑ No
2. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters? ☐ Yes ☑ No
3. Is the project located on publicly owned land or receiving public assistance? ☐ Yes ☑ No
4. Is the project located within a FEMA 1% annual chance floodplain? *(6.2)* ☐ Yes ☑ No
5. Is the project located within a FEMA 0.2% annual chance floodplain? *(6.2)* ☐ Yes ☑ No
6. Is the project located adjacent to or within a special area designation? *See Maps – Part III of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).* ☐ Yes ☑ No

   ☐ Significant Maritime and Industrial Area (SMIA) (*2.1*)

   ☐ Special Natural Waterfront Area (SNWA) (*4.1*)

   ☐ Priority Maritime Activity Zone (PMAZ) (*3.5*)

   ☐ Recognized Ecological Complex (REC) (*4.4*)

   ☐ West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (*2.2, 4.2*)

## F. WRP POLICY ASSESSMENT

*Review the project or action for consistency with the WRP policies. For each policy, check* Promote, Hinder *or* Not Applicable (N/A). *For more information about consistency review process and determination, see* ***Part I*** *of the NYC Waterfront Revitalization Program. When assessing each policy, review the full policy language, including all sub-policies, contained within* ***Part II*** *of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).*

*For those policies checked* Promote *or* Hinder, *provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.*

| | | Promote | Hinder | N/A |
|---|---|---|---|---|
| **1** | **Support and facilitate commercial and residential redevelopment in areas well-suited to such development.** | ☑ | ☐ | ☐ |
| 1.1 | Encourage commercial and residential redevelopment in appropriate Coastal Zone areas. | ☑ | ☐ | ☐ |
| 1.2 | Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public. | ☐ | ☐ | ☑ |
| 1.3 | Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed. | ☐ | ☐ | ☑ |
| 1.4 | In areas adjacent to SMIAs, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses. | ☐ | ☐ | ☑ |
| 1.5 | Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2. | ☐ | ☐ | ☑ |

| | | Promote | Hinder | N/A |
|---|---|---|---|---|
| **2** | **Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.** | ☐ | ☐ | ☑ |
| 2.1 | Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas. | ☐ | ☐ | ☑ |
| 2.2 | Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area. | ☐ | ☐ | ☑ |
| 2.3 | Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area. | ☐ | ☐ | ☑ |
| 2.4 | Provide infrastructure improvements necessary to support working waterfront uses. | ☐ | ☐ | ☑ |
| 2.5 | Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2. | ☐ | ☐ | ☑ |
| **3** | **Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.** | ☐ | ☐ | ☑ |
| 3.1. | Support and encourage in-water recreational activities in suitable locations. | ☐ | ☐ | ☑ |
| 3.2 | Support and encourage recreational, educational and commercial boating in New York City's maritime centers. | ☐ | ☐ | ☑ |
| 3.3 | Minimize conflicts between recreational boating and commercial ship operations. | ☐ | ☐ | ☑ |
| 3.4 | Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses. | ☐ | ☐ | ☑ |
| 3.5 | In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses. | ☐ | ☐ | ☑ |
| **4** | **Protect and restore the quality and function of ecological systems within the New York City coastal area.** | ☐ | ☐ | ☑ |
| 4.1 | Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas. | ☐ | ☐ | ☑ |
| 4.2 | Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area. | ☐ | ☐ | ☑ |
| 4.3 | Protect designated Significant Coastal Fish and Wildlife Habitats. | ☐ | ☐ | ☑ |
| 4.4 | Identify, remediate and restore ecological functions within Recognized Ecological Complexes. | ☐ | ☐ | ☑ |
| 4.5 | Protect and restore tidal and freshwater wetlands. | ☐ | ☐ | ☑ |
| 4.6 | In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location. | ☐ | ☐ | ☑ |
| 4.7 | Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community. | ☐ | ☐ | ☑ |
| 4.8 | Maintain and protect living aquatic resources. | ☐ | ☐ | ☑ |

| | | Promote | Hinder | N/A |
|---|---|---|---|---|
| **5** | **Protect and improve water quality in the New York City coastal area.** | ☐ | ☐ | ☑ |
| 5.1 | Manage direct or indirect discharges to waterbodies. | ☐ | ☐ | ☑ |
| 5.2 | Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution. | ☐ | ☐ | ☑ |
| 5.3 | Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands. | ☐ | ☐ | ☑ |
| 5.4 | Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands. | ☐ | ☐ | ☑ |
| 5.5 | Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies. | ☐ | ☐ | ☑ |
| **6** | **Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.** | ☐ | ☐ | ☑ |
| 6.1 | Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area. | ☐ | ☐ | ☑ |
| 6.2 | Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in *New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms*) into the planning and design of projects in the city's Coastal Zone. | ☐ | ☐ | ☑ |
| 6.3 | Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit. | ☐ | ☐ | ☑ |
| 6.4 | Protect and preserve non-renewable sources of sand for beach nourishment. | ☐ | ☐ | ☑ |
| **7** | **Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.** | ☐ | ☐ | ☑ |
| 7.1 | Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems. | ☐ | ☐ | ☑ |
| 7.2 | Prevent and remediate discharge of petroleum products. | ☐ | ☐ | ☑ |
| 7.3 | Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources. | ☐ | ☐ | ☑ |
| **8** | **Provide public access to, from, and along New York City's coastal waters.** | ☐ | ☐ | ☑ |
| 8.1 | Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront. | ☐ | ☐ | ☑ |
| 8.2 | Incorporate public access into new public and private development where compatible with proposed land use and coastal location. | ☐ | ☐ | ☑ |
| 8.3 | Provide visual access to the waterfront where physically practical. | ☐ | ☐ | ☑ |
| 8.4 | Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations. | ☐ | ☐ | ☑ |

| | | Promote | Hinder | N/A |
|---|---|---|---|---|
| 8.5 | Preserve the public interest in and use of lands and waters held in public trust by the State and City. | ☐ | ☐ | ☑ |
| 8.6 | Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship. | ☐ | ☐ | ☑ |
| **9** | **Protect scenic resources that contribute to the visual quality of the New York City coastal area.** | ☐ | ☐ | ☑ |
| 9.1 | Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront. | ☐ | ☐ | ☑ |
| 9.2 | Protect and enhance scenic values associated with natural resources. | ☐ | ☐ | ☑ |
| **10** | **Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.** | ☐ | ☐ | ☑ |
| 10.1 | Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City. | ☐ | ☐ | ☑ |
| 10.2 | Protect and preserve archaeological resources and artifacts. | ☐ | ☐ | ☑ |

## G. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Justin Jarboe

Address: _____

Telephone: _____ Email: _____

Applicant/Agent's Signature: _____

Date: _____

## Submission Requirements

For all actions requiring City Planning Commission approval, materials should be submitted to the Department of City Planning.

For local actions not requiring City Planning Commission review, the applicant or agent shall submit materials to the Lead Agency responsible for environmental review. A copy should also be sent to the Department of City Planning.

For State actions or funding, the Lead Agency responsible for environmental review should transmit its WRP consistency assessment to the Department of City Planning.

For Federal direct actions, funding, or permits applications, including Joint Applicants for Permits, the applicant or agent shall also submit a copy of this completed form along with his/her application to the NYS Department of State Office of Planning and Development and other relevant state and federal agencies. A copy of the application should be provided to the NYC Department of City Planning.

The Department of City Planning is also available for consultation and advisement regarding WRP consistency procedural matters.

**New York City Department of City Planning**
Waterfront and Open Space Division
120 Broadway, 31st Floor
New York, New York 10271
212-720-3696
wrp@planning.nyc.gov
www.nyc.gov/wrp

**New York State Department of State**
Office of Planning and Development
Suite 1010
One Commerce Place, 99 Washington Avenue
Albany, New York 12231-0001
518-474-6000
www.dos.ny.gov/opd/programs/consistency

### Applicant Checklist

- ☐ Copy of original signed NYC Consistency Assessment Form
- ☐ Attachment with consistency assessment statements for all relevant policies
- ☐ For Joint Applications for Permits, one (1) copy of the complete application package
- ☐ Environmental Review documents
- ☐ Drawings (plans, sections, elevations), surveys, photographs, maps, or other information or materials which would support the certification of consistency and are not included in other documents submitted. All drawings should be clearly labeled and at a scale that is legible.
- ☐ Policy 6.2 Flood Elevation worksheet, if applicable. For guidance on applicability, refer to the WRP Policy 6.2 Guidance document available at www.nyc.gov/wrp

**Attachment to Consistency Assessment Form for 5801 Amboy Road**

Policy 1: Support and facilitate commercial and residential development in areas well-suited for such development.

The proposed rezoning on the project site would allow for the continued operation of a commercial retail use. It is located within a well-developed area with substantial commercial and residential development nearby. The proposed action would therefore be consistent with Policy 1.

Policy 1.1: Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.

The proposed rezoning on the project site would allow for continued operation of a commercial retail use.