



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK
OFFICE OF THE DIRECTOR

November 1, 2011

The Honorable Daniel R. Garodnick
New York City Council, 4th District
211 East 43rd Street, Suite 1205
New York, NY 10017

Dear Councilmember Garodnick,

Thank you for your letter regarding zoning rules governing Stuyvesant Town. As you point out, the majority of Stuyvesant Town and Peter Cooper Village is located in an R7-2 residential zone, with some commercial districts mapped along portions of 1st Avenue, 14th and 20th streets to a depth of 100 feet. Within the R7-2 residential district, commercial uses are not permitted; however, uses considered "accessory" to residential uses and community facilities are permitted. Accessory use is defined in the Zoning Resolution 12-10 as

(a) is a #use# conducted on the same #zoning lot# as the principal #use# to which it is related (whether located within the same or an #accessory building or other structure#, or as an #accessory use# of land), except that, where specifically provided in the applicable district regulations or elsewhere in this Resolution, #accessory# docks, off-street parking or off-street loading need not be located on the same #zoning lot#; and

(b) is a #use# which is clearly incidental to, and customarily found in connection with, such principal #use#; and

(c) is either in the same ownership as such principal #use#, or is operated and maintained on the same #zoning lot# substantially for the benefit or convenience of the owners, occupants, employees, customers, or visitors of the principal #use#.

City Planning has taken Section (c) to prohibit businesses which are not primarily restricted to use by residents. Uses like gyms, newspaper stands, concierge, or swimming pools when primarily restricted to residents and their guests are considered accessory uses permitted in a residential district.

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**Stuyvesant Town and Peter Cooper Village
Council Member Garodnick**

To answer your specific questions:

- Food trucks are a commercial use, and would only be permitted on commercially zoned portions of the Stuyvesant Town property.
- Green Markets that operate as an open commercial use would similarly be prohibited on residentially zoned portions of the site. CSA's or other types of accessory agricultural providers would not be prohibited.
- The perimeter sidewalks of Stuyvesant Town and Peter Cooper are not part of the private zoning lot and are not subject to zoning constraints. These sidewalks are public property and are under the purview of the Department of Transportation (DOT).
- Storage units would typically be considered an accessory use, provided the storage is provided primarily for residents. Fee for use would not violate the understanding of the use as accessory.
- An ice rink provided primarily as an amenity for the use of residents would not violate the understanding of accessory as we see it. Charging for admission without distinction of residential occupancy suggests that the operation would not be accessory. However, ice rinks are permitted in Residential districts as an open community facility use, as are tennis courts (UG 4B open uses). As a community facility use, it would be considered another primary use; however, given the unusualness of this circumstance the specifics of this project would likely need the review of the Department of Buildings.

As you know, the Department of Buildings is the agency responsible for enforcement of the Zoning Resolution, and I would encourage you to direct specific questions regarding potential violations to Commissioner LiMandri as well.

Sincerely,



Amanda M. Burden

C: Carolyn Grossman

DANIEL R. GARODNICK
COUNCIL MEMBER, 4TH DISTRICT

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October 28, 2011

Amanda Burden
Chair
New York City Department of City Planning
22 Reade Street
New York, NY 10007-1216

OFFICE OF THE
CHAIRPERSON

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Dear Chair Burden:

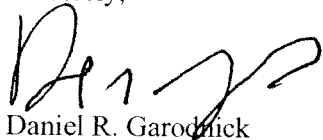
In recent months, Stuyvesant Town residents have seen an increase in the amount of commercial activity taking place within the Stuyvesant Town Oval, which is in an R7-2 zone. The Stuyvesant Town/Peter Cooper Village Tenants Association leadership has asked me to investigate whether any of these new activities are in violation of the area's residential zoning.

With that in mind, I ask that you answer the following questions:

- Does zoning allow for food trucks to be positioned within the Stuyvesant Town Oval? Would zoning allow for food trucks elsewhere on the property, such as one of the four loop roads that cut through the property?
- Similarly, is there anywhere on the property that is appropriately zoned for a green market? Would anything in the zoning regulations prohibit a green market on any of the sidewalks on the perimeter of the property?
- Management is offering residents an opportunity to rent out a storage unit in their own building. Would such a transaction violate the zoning regulations?
- Management recently announced that they would be installing and opening an ice rink in a Stuyvesant Town playground. Does the present zoning allow for an ice rink on the property? And if so, would charging for admission or equipment change that?

Thank you for your attention to this matter, and I appreciate your prompt reply.

Sincerely,


Daniel R. Garodnick