



CITY PLANNING COMMISSION

August 8, 2005/Calendar No. 1

C 050027 PQQ

IN THE MATTER OF an application submitted by the Department of Sanitation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 306 Rutledge Street (Block 2228, lot 11), for continued use as a sanitation garage, Borough of Brooklyn, Community District 1.

This application (C 050027 PQQ) was filed on July 16, 2004, by the Department of Sanitation (DOS), and the Department of Citywide Administrative Services (DCAS) for acquisition of privately owned property located at 306 Rutledge Street, Community District 1, Borough of Brooklyn, for continued use as a garage.

BACKGROUND

The Department of Sanitation (DOS) proposes to continue to use privately owned property located at 306 Rutledge Street (Block 2228, Lot 11) as its Brooklyn District 3 garage. The garage serves Community District 3 and part of Community District 1. However, it is located in Community District 1, six blocks north of Flushing Avenue, which forms the boundary between Community Districts 1 and 3.

The 18,600-square-foot site is located in a C8-2 zoning district in the Williamsburg section of Brooklyn, Community District 1, and is developed with a one-story building. The site is an L-shaped through lot with frontages on Rutledge and Heyward streets, located between Harrison Avenue and Broadway. This garage operates in conjunction with two other small storage facilities that are not the subject of this application: the District 3A Broom Depot, which abuts the site at 314 Rutledge Street, and a city-owned open lot across from the garage at 307 Rutledge Street. The BK 3 garage operates Monday through Saturday, 24 hours a day, providing storage

for sanitation equipment, locker rooms, and offices. As many as 66 vehicles have been assigned to this facility.

A six-story residential building abuts the west side of the garage and the blocks to the west of the site are predominantly developed with residential uses. The blocks to the north and south of the site are developed with a mix of industrial, commercial and residential uses, and also contain several undeveloped lots. Broadway just east of the site is developed with commercial uses. The elevated J, M and Z subway lines run above Broadway and stop at the Hewes Street station, two blocks west of the site.

The BK 3 garage has been at this location since June 1, 1945, and the present lease expires on September 30, 2005. There were three prior ULURP applications for the continued use of this property as a district garage. The first application (C 930317 PQQ) was approved by the City Planning Commission on January 9, 1995 (Cal. No. 7). On March 7, 1995 (Reso # 893), the City Council approved the application with two modifications:

1. The acquisition shall be by lease, subject to a term that expires on December 6, 1996.
2. Department of Sanitation vehicles shall not be parked on the streets surrounding the Site.

The City Planning Commission approved the second application (C 950519 PQQ) on October 9, 1996 (Cal. No. 24).

The most recent application (C 970340 PQQ) was approved by the City Planning Commission on April, 1998 (Cal. No. 12), and was modified by the City Council (Resolution No. 319) on

June 4, 1998. The City Council limited the lease to a term of not more than seven (7) years, and required DOS to submit reports to City Council every six (6) months on the status of the site selection and acquisition of the relocation of this garage to Community District 3. In addition, in response to community complaints, the City Council stipulated that the DOS vehicles and equipment shall not be parked on the streets or sidewalks surrounding the site and DOS shall maintain adequate supervision of the site to ensure that the operation of the garage does not adversely affect the surrounding community.

On December 5, 2001 (Cal. No. 25), the City Planning Commission approved an application (C 000648 PCK) for site selection and acquisition of property on Nostrand Avenue and Sandford Street in Brooklyn Community District 3, that would be developed with a new garage for Sanitation District 3. Although the city has acquired the property, continuing litigation has delayed construction of the new garage.

ENVIRONMENTAL REVIEW

This application (C 050027 PQK) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the Department of Sanitation.

This application was determined to be a Type II action, which requires no further environmental review.

UNIFORM LAND USE REVIEW

This application (C 050027 PQQ) was certified as complete by the Department of City Planning on March 14, 2005, and was duly referred to Community Board 1 and the Brooklyn Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 1 held a public hearing on this application on April 12, 2005, and on June 10, 2005, by a vote of 36 to 0 with no abstentions, adopted a resolution recommending disapproval of this application with the following comments:

- Subject property has been in use as a Sanitation Garage for the last 45 years.
- Sanitation trucks housed in the garage do not serve CB1.
- The area immediately surrounding the garage is residential and it is agreed by all, including Sanitation, that the garage does not belong in this location.
- Plans exist to build a new Garage in an appropriate location; however, the new location has been involved in protracted legal battles, the conclusion of which Sanitation is unable to predict. Sanitation proposes to move the Rutledge Street facility to new temporary quarters in a Garage currently being constructed in a more appropriate location within CB1 in two years.
- The ULURP committee held a public hearing in which residents made the following complaints about the facility:

- Loud radio played at all hours of the day, 7 days a week, from inside the garage.
- Movement of DOS trucks and DOS vehicles all night (noise from heavy trucks, beeping back up alarms).
- Noise generated by the arrival and departure of trucks all night long, 7 days a week. Residents unable to sleep.
- Trucks and employee cars parked on sidewalks.
- DOS supervisor vehicles parked on sidewalks.
- DOS vehicles parked in front of fire hydrants (every one of 7 in the immediate area).
- DOS trucks blocking the operations of the school (inhibiting safe bus drop-offs and pick-ups of children, inhibiting the delivery of food/lunches).
- DOS sanitation trucks parked on streets while employee cars are parked in the designated lot for the trucks.
- Water being used to wash employee's personal vehicles, washing of vehicles taking place on the sidewalks.
- Horrendous smells from DOS trucks preventing residents from opening their windows year round.
- Spillage from DOS trucks and DOS sweepers is not cleaned up.
- Rats and mice attracted to the DOS facility and not effectively controlled.
- DOS vehicles queue up every morning and are left idling for hours at a time.
- DOS sweeper bins are washed out on the sidewalk leading to ever present dirty water ponds in the street.
- The contiguous caravan of parked DOS vehicles creates a white wall of steel,

giving an extremely limited view of the corridor, preventing safe pedestrian crossing and darkening the sidewalk area.

- DOS oversized tow truck parked on the street daily.
- Bollards obstructing sidewalk on Heyward Street of the DOS garage.

Borough President Recommendation

The application was considered by the Borough President, who issued a recommendation on June 17, 2005, approving the application with the following conditions:

1. That the improvements undertaken by the DOS be implemented on a permanent basis, and that conditions at the garage be consistently monitored by managerial staff at DOS on behalf of the Commissioner.
2. Because of concerns that parking spaces be available to DOS trucks in the preferred locations, the DOS should request Department of Transportation to install signage in front of the Armory on Heyward Street to ensure that the parking spaces are reserved DOS trucks.

City Planning Commission Hearing

On June 8, 2005 (Calendar No. 2), the Commission scheduled June 22, 2005 for a public hearing on this application (C 050027 PQQ). The hearing was duly held on June 22, 2005 (Calendar No.20). There was one speaker in favor of the application and two speakers in opposition to the application.

The Director of the Office of Real Estate for the Department of Sanitation spoke in favor of the

application, addressing some of the concerns raised at the Community Board public hearing. He stated that the supervisory staff at the garage has been told that DOS vehicles cannot be parked or washed on the sidewalks. He also stated that DOS has relocated 10 sanitation trucks from 306 Rutledge Street to a DOS garage at 535 Johnson Avenue in CD 1, thus reducing the congestion and curbside parking of the trucks assigned to the Rutledge Street facility. In addition, half of the fourteen mechanical brooms assigned to this facility are now washed at the BK 8 facility at 1760 Atlantic Avenue.

The District Manager of Community Board 1 spoke in opposition to the application and restated the numerous complaints received by the Community Board, which included noise generated by the sanitation trucks moving in and out of the garage, DOS trucks and employee vehicles parked and washed on the sidewalks, and the smells emanating from the trucks and the facility. The District Manager reiterated his demand that this facility should be closed or relocated to a non-residential area. A Brooklyn resident also testified in opposition.

There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that the application for acquisition of privately owned property located at 306 Rutledge Street (Block 2228, Lot 11), for continued use as a Sanitation Garage for Brooklyn District 3 is appropriate for a term of two years.

The District 3 Sanitation Garage has been operating at its current location since 1945 and is located in a C8-2 zoning district in Community District 1, six blocks north of Flushing Avenue, the boundary between Districts 1 and 3. This facility serves parts of Community District 1 and all of Community District 3. Although the site's zoning permits the garage, the area to the west of the garage is zoned R6 and is predominantly developed with residential and community facility uses.

The garage is not located within the district it primarily serves and is too small to adequately accommodate all of the vehicles assigned to it. Three previous applications for continued use of this facility have elicited similar concerns from the community board, borough president and the Commission relating to the garage's operation.

The Commission notes that in December of 2001 it approved an application for a new garage on Nostrand Avenue in Community District 3. Litigation on the site has delayed construction. DOS's director of Real Estate has stated in a letter dated June 22, 2005 that city title to the Nostrand Avenue site was vested in December of 2004, and that a design contract has been awarded and construction could begin in late 2006. Until construction is completed, the Commission remains concerned about the conditions that have continued to exist at Rutledge Street for over 10 years.

In response to these concerns, DOS has taken several actions. In the previously mentioned, June 22, 2005 letter and in a subsequent letter dated July 20, 2005 from the DOS Commissioner, DOS stated that all sanitation vehicles at Rutledge Street will be washed indoors or at other sanitation

facilities. The parking and washing of private vehicles on sidewalks will be prohibited.

DOS has further noted that it has switched part of its refuse collection in Community District 3 to nights, and has relocated 10 sanitation trucks from this facility to the BK 4 Garage at 535 Johnson Avenue. Now, 47 vehicles (of which 22 are collection trucks and 14 are broom vehicles) are assigned to the Rutledge Street facility, down from as many as 66 vehicles, thereby eliminating the need to park vehicles on-street overnight. No more than five trucks should be parked in the open lot across the street, except during winter snow emergencies. In addition, phone numbers have been posted on the building for area residents to contact regarding any complaints about the operation of the garage.

The letters also indicates that DOS expects its new Varick Avenue facility to be completed within 24 months. At that time, DOS will move the District 4 garage from 535 Johnson Avenue to the newly built facility, and relocate District 3 equipment to the vacated space at 535 Johnson Avenue, thereby allowing the closing of the Rutledge Street site. District 3 will remain at 535 Johnson Avenue in Community District 1 until the new Nostrand Avenue garage for BK 3 is completed in 2009 in Community District 3.

The Commission recognizes the efforts made by DOS to improve the operation of the garage, and the need to continue at the Rutledge Street location until the Varick Avenue garage is completed. Consequently, the Commission approves the acquisition of a private property at 306 Rutledge Street for continued use as a garage for a term not exceeding two years.

RESOLUTION

RESOLVED, by the City Planning Commission, pursuant to Section 197-c of New York City Charter, that based on the environmental determination and consideration described in this report, the application (C 050027 PQK) of the Department of Sanitation and the Department of Citywide Administrative Services for acquisition of property located at 306 Rutledge Street (Block 2228, Lot 11), Community District 1, Borough of Brooklyn, is approved for a term not exceeding two years.

The above resolution, duly adopted by the City Planning Commission on August 8, 2005 (Calendar No. 1), is filed with the office of the Speaker, City Council, and the Borough President of Brooklyn in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair
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