



CITY PLANNING COMMISSION

September 24, 2003/Calendar No. 22

C 030313 PPK

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for **the disposition** to the Economic Development Corporation **of one (1) city-owned property**, located in a portion of the former bed of Scholes Street at English Kills, (Block 2962, Lot 999), pursuant to zoning.

The application for the disposition of a city-owned property was filed by the Department of Citywide Administrative Services (DCAS), Division of Real Estate Services (DRES) on February 7, 2003.

BACKGROUND

The Department of Citywide Administrative Services proposes to dispose of a 3,000 square foot portion of the former bed of Scholes Street (Lot 999) at English Kills, to the Economic Development Corporation (EDC). Upon approval of this disposition, EDC will dispose of the subject property to the former owner to provide truck access between his business on two adjacent lots.

In 1988, Scholes Street was demapped between Varick Avenue and English Kills, in conjunction with applications for site selection and acquisition of properties (Block 2962, Lots 1, 5 and 37 and Block 2968, Lots 1 and 20) located on both sides of Scholes Street, to facilitate the construction of a sanitation garage and salt storage facility (870833 MMK, 870403 PSK, March 2, 1988). Following the condemnation, litigation ensued between the City and the former owner who operated a construction debris transfer station at the site and on adjacent properties.

The litigation was settled with a Memorandum of Understanding (MOU), in which the City agreed to provide the former owner truck access between his two sites separated by the City's recently acquired property. Pursuant to the MOU, the City agreed to dispose of a 3,000 square foot portion (Lot 999) of the former bed of Scholes Street to the adjacent business owner. Upon approval of this disposition, the City would also return two parcels of land which were taken in condemnation, to the former owner by modifying the condemnation map. One of the parcels is south of subject Lot 999 and consists of 38,500 square feet of land, the second parcel is north of Lot 999 and consists of 11,730 square feet of land. The disposition of the 3,000 square feet of the former bed of Scholes Street, which is the subject of this application, combined with the return of two adjacent parcels to the former owner, would provide truck access between his two sites as stipulated by the MOU.

The site and the surrounding area is zoned M3-1 for heavy manufacturing uses, and is predominantly developed with waste transfer stations, warehouses and other industrial and commercial uses.

ENVIRONMENTAL REVIEW

This application (C 030313 PPK) 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the Department of Citywide Administrative Services.

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

UNIFORM LAND USE REVIEW

This application (C 030313 PPK) was certified as complete by the Department of City Planning on May 5, 2003, and was duly referred to Community Board 1 and the 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 June 10, 2003 and on July 22, 2003, the Executive Committee voted on behalf of the Community Board 1 to approve this application.

However, the Community Board's recommendation was made without a quorum, and after the 60-day Community Board review period had expired. Therefore, the Community Board's vote was non-complying.

BOROUGH PRESIDENT RECOMMENDATION

This application was considered by the Borough President, who issued a recommendation approving the application on August 13, 2003.

CITY PLANNING COMMISSION PUBLIC HEARING

On August 13, 2003 (Calendar No. 3), the City Planning Commission scheduled August 27, 2003, for a public hearing on this application (C 030313 PPK). The hearing was duly held on August, 27, 2003, (Calendar No. 8). There was one speaker in favor and none in opposition to

the application. A representative from DCAS/DRES was present to answer questions from the Commission. There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the disposition of one (1) city-owned property to the Economic Development Corporation, located in a portion of the former bed of Scholes Street at English Kills, is appropriate.

The subject property, approximately 3,000 square feet in area, is proposed to be disposed to the Economic Development Corporation, which, upon approval of this disposition would dispose it to the former owner. The City would then return two more parcels of land north and south of the subject property to the former owner to allow truck access between the two sites now separated by the City's recently acquired property for a sanitation garage. This access would support the continued successful operation of the private waste transfer station.

The Commission therefore believes that the disposition of this property pursuant to zoning is appropriate.

RESOLUTION

RESOLVED, by the City Planning Commission pursuant to Section 197-c of the New York City Charter, that the disposition to the Economic Development Corporation of one (1) city-owned property located in a portion of the former bed of Scholes Street at English Kills, (Block 2962, Lot 999), pursuant to zoning in the Borough of Brooklyn, Community District 1, proposed in an

application by the Department of Citywide Administrative Services, dated February 7, 2003, is approved.

The above resolution (C 030313 PPK), duly adopted by the City Planning Commission on September 24, 2003 (Calendar No. 22), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice-Chairman
ANGELA M. BATTAGLIA, ANGELA R. CAVALUZZI, R.A., RICHARD W. EADDY,
JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS,
JOSEPH B. ROSE, DOLLY WILLIAMS, Commissioners