



CITY PLANNING COMMISSION

September 14, 2005/ Calendar No. 8

M 030440 ZMK

IN THE MATTER of an application submitted by Middleland, Inc. for the cancellation of Restrictive Declaration D-15, which was approved as part of a Zoning Map Amendment (CP 23030) to provide offsite accessory parking in connection with the development of a manufacturing facility on an adjacent parcel of land bounded by Walworth Street, DeKalb Avenue and Nostrand Avenue, on property located at 223/225 Spencer Street and 557 De Kalb Avenue (Block 1763, Lots 1, 2 and 62), Borough of Brooklyn, Community District 3

WHEREAS, on January 29, 2003 Middleland, Inc. submitted an application (M 030440 ZMK) to cancel Restrictive Declaration D-15 (CP-23030) as it relates to Tax Lots 1, 2, and 62 of Block 1763 in the Borough of Brooklyn; and

WHEREAS, Restrictive Declaration D-15 was entered into in connection with an approval for a zoning map amendment (CP-23030), submitted by the New York City Housing and Development Administration, the then owner of the subject tax lots, to facilitate the construction of an accessory parking lot; and

WHEREAS, the subject application is a request by Middleland, Inc., to cancel Restrictive Declaration D-15 as it relates to the subject property; and

WHEREAS, in furtherance thereof, Restrictive Declaration D-15 is proposed to be cancelled; and

WHEREAS, this application for the cancellation of a Restrictive Declaration (D-15) is related to an application (C 030276 ZMK) for an amendment of the Zoning Map changing from an M1-5, District to an R6 district which is being considered concurrently with this application; and

WHEREAS, this application (M 030440 ZMK), in conjunction with the application for the related action (C 030276 ZMK) 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 91 of 1977. The designated CEQR number is 03DCP038K. The

lead is the City Planning Commission. A summary of the conditional negative declaration appears in the report on the related application for the zoning map amendment (C 030276 ZMK); and

WHEREAS, this application was referred by the Department of City Planning to Community Board 3 and the Brooklyn Borough President; and

WHEREAS, Community Board 3, on June 27, 2005, approved a resolution disapproving the application:

WHEREAS, the application was considered by the President of the Borough of Brooklyn, who on June 10, 2005, issued a recommendation disapproving the application

WHEREAS, the Commission has determined that the application warrants approval as described in the report on the related rezoning map change (C 030276 ZMK);

THEREFORE, be it RESOLVED, by the City Planning Commission that the application submitted by Middleland, Inc. for the cancellation of Restrictive Declaration D-15, which was previously approved in connection with an application for a Zoning Map Amendment (CP-23030), which provides that the property located at Block 1763, Lots 1,2 and 62, in an M1-5 District shall be used only as an accessory parking lot for the I.B.M. plant, Community District 3, Borough of Brooklyn, is approved.

The above resolution, duly adopted by the City Planning Commission on September 14, 2005 (Calendar No, 8) is hereby filed with the Office of the Speaker, City Council, pursuant to Section 5 of Restrictive Declaration D-15.

AMANDA M. BURDEN, AICP, Chair,
KENNETH J. KNUCKLES, Esq., Vice-Chairman,
ANGELA M. BATTAGLIA, **IRWIN G. CANTOR**, P.E.,
ANGELA R. CAVALUZZI, R.A., **ALFRED C. CERULLO, III**, **JANE D. GOL**,
LISA A. GOMEZ, **CHRISTOPHER KUI**, **JOHN MEROLO**,
DOLLY WILLIAMS, Commissioners.

KAREN A. PHILIPS voting no