



## **CITY PLANNING COMMISSION**

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November 5, 2003/Calendar No. 11

C 030011 MMK

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**IN THE MATTER OF** an application, submitted by Victoria Packing Corporation, pursuant to Sections 197-c and 199 of the New York City Charter and section 5-430 *et. seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of portions of East 100<sup>th</sup> Street between Foster Street and Avenue D;
- any modification of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto;

Community District 18, Borough of Brooklyn, in accordance with map Nos. Y-2654, X-2655 and X-2656 dated May 1, 2003 and signed by the Borough President.

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The application ( C 030011 MMK ) for an amendment to the City Map was filed by Victoria Packing Corporation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, on July 3, 2002. It involves: the elimination, discontinuance and closing of portions of East 100<sup>th</sup> Street between Foster Avenue and Avenue D.

### **BACKGROUND**

The applicant proposes the elimination, discontinuance and closing of East 100<sup>th</sup> Street between Foster Avenue and Avenue D.

Victoria Packing Corporation, a manufacturer and distributor of food products, requests an amendment to the City Map involving the elimination, discontinuance and closing of East 100<sup>th</sup> Street from 140 feet north of Foster Avenue to Avenue D, to facilitate the consolidation, modernization and expansion of its operations by acquiring the abutting portion of the street to allow the company to operate more efficiently.

Victoria Packing Corporation abuts both sides of East 100<sup>th</sup> Street and occupies portions of tax blocks 8132 and 8133. Currently, Victoria Packing Corporation uses a 240 foot long segment of the

bed of East 100<sup>th</sup> Street, from 140 feet to approximately 380 feet north of Foster Avenue, for its daily operations.

East 100<sup>th</sup> Street, from Foster Avenue to Avenue D, is 700 feet long and mapped to a width of 60 feet. The portion from Foster Avenue to a point approximately 380 feet north is city-owned. The remainder of the street is privately-owned, except for a small triangular portion at the intersection of East 100<sup>th</sup> Street and Avenue D, which is city-owned. East 100<sup>th</sup> Street is partially open from Foster Avenue to a point approximately 140 feet north of Foster Avenue. The portion of the street to be eliminated, discontinued and closed is neither open nor improved.

The area under consideration is zoned M1-1. The adjacent zoning districts include R4, R5, M3-1 and C8-1. Victoria Packing Corporation is surrounded by other manufacturing establishments including Pepsi Cola, a mirror and glass company, refrigeration companies, plumbing and heating companies and Jetro Wholesale grocery.

An interagency conference was held on July 30, 2002. No city agency has expressed objections to the map change proposal.

## **ENVIRONMENTAL REVIEW**

This application ( C 030011 MMK ) 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 designated CEQR number is 03DCP001K. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a negative

declaration was issued on June 16, 2003.

### **UNIFORM LAND USE REVIEW**

This application ( C 030011 MMK ) was certified as complete by the Department of City Planning on June 16, 2003 and was duly referred to Community Board 18 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 18 held a public hearing on this application ( C 030011 MMK ) on August 20, 2003 and on that date, by a vote of 28 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

However, the community board's vote was received after the Community Board's 60-day review period expired and was therefore noncomplying.

### **Borough President's Recommendation**

This application ( C 030011 MMK ) was considered by the Borough President, who issued a recommendation approving the application on September 24, 2003.

### **City Planning Commission Public Hearing**

On September 24, 2003 (Calendar No. 2) the City Planning Commission scheduled October 8, 2003 for a hearing on this application ( C 030011 MMK ). The hearing was duly held on October 8, 2003 (Calendar No. 16). There were no speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this amendment to the City Map is appropriate.

The street proposed to be eliminated, discontinued and closed is partially city-owned and partially privately-owned, and has never been improved. This portion of the street is not necessary to the integrity and function of the street grid in this area. Peripheral streets can adequately, safely and conveniently carry the anticipated volume of vehicular and pedestrian traffic, at an acceptable level of service, both now and in the future.

The elimination of East 100<sup>th</sup> Street from the City Map will facilitate the consolidation, expansion and modernization of the applicant's establishment which will enhance the efficiency and operation of the company.

## **RESOLUTION**

Therefore, the City Planning Commission, deeming the proposed amendment to the City map and any related acquisition or disposition to be appropriate, adopts the following resolution:

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code, that based on the environmental determination and the consideration described in this report, the application ( C 030011 MMK ) for an amendment to the City Map involving the elimination, discontinuance and closing of portions of East 100<sup>th</sup> Street between Foster Avenue and Avenue D, modification of grades necessitated thereby and any acquisition or disposition of property related

thereto, in Community District 18, Borough of Brooklyn, in accordance with Map Nos. Y-2654, X-2655 and X-2656 dated May 1, 2003 and signed by the Borough President, are approved; and be it further

**RESOLVED** that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City; and be it further

**RESOLVED** that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts three (3) counterparts of Map Nos. X-2655 and X-2656 dated May 1, 2003, providing for the discontinuance and closing of portions of East 100<sup>th</sup> Street between Foster Avenue and Avenue D, more particularly described as follows:

- A. **BEGINNING** at a point located at the intersection of the northeasterly street line of East 100<sup>th</sup> Street and the new northwesterly street terminus line of East 100<sup>th</sup> Street, said point being 140.00 feet northwesterly, along the northeasterly street line of East 100<sup>th</sup> Street, from its intersection with the northwesterly street line of Foster Avenue, as those streets were hereinbefore laid out on the City Map; thence
  - 1. **Running** 60.00 feet southwesterly, along the new northwesterly street terminus line of East 100<sup>th</sup> Street and parallel with the northwesterly line of Foster Avenue, to a point on the southwesterly street line of East 100<sup>th</sup> Street, said point being distant 140.00 feet northwesterly along the southwesterly street line of East 100<sup>th</sup> Street from its intersection with the northwesterly street line of Foster Avenue; thence

2. **Running** 243.18 feet northwesterly, along the former southwesterly street line of East 100<sup>th</sup> Street, said course forming a deflection angle to the right with the previous course of 90 degrees 00 minutes 00 seconds, to a point; thence
3. **Running** 62.36 feet northeasterly, along a course forming a deflection angle to the right with the previous course of 105 degrees 47 minutes 37 seconds, to a point on the former northeasterly street line of East 100<sup>th</sup> Street; thence
4. **Running** 226.21 feet southeasterly, along the former northeasterly street line of East 100<sup>th</sup> Street, said course forming a deflection angle to the right with the previous course of 74 degrees 12 minutes 23 seconds, to a point on the northeasterly street line of East 100<sup>th</sup> Street, said point being the point or place of **beginning**.

**B. BEGINNING** at a point located on the southeasterly street line of Avenue D, said point being distant 200.00 feet southwesterly along the southeasterly street line of Avenue D from its intersection with the southwesterly street line of East 101<sup>st</sup> Street, as those streets were hereinbefore laid out on the City Map; thence

1. **Running** 100.00 feet southeasterly, along the former northeasterly street line of East 100<sup>th</sup> Street, said course forming a deflection angle to the left with the previous course of 90 degrees 00 minutes 00 seconds to a point; thence
2. **Running** 101.33 feet northwesterly, along a course forming a deflection angle to the right with the previous course of 170 degrees 42 minutes 48 seconds, to a point on the new southeasterly street line of Avenue D; thence

3. **Running** 16.35 feet northeasterly, along the new southeasterly street line of Avenue D, said course forming a deflection angle to the right with the previous course of 99 degrees 17 minutes 12 seconds, to a point on the southeasterly street line of Avenue D, said point being the point or place of **beginning**.

all such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map Nos. Y-2654, X-2655 and X-2656 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code;
- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition (a) above until the applicant shall have executed an agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission provided that, if such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission; and
- c. The subject streets to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by the law.

The above resolution, duly adopted by the City Planning Commission on November 5, 2003

(Calendar No. 11), 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 Chair**

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,**  
**ANGELA R. CAVALUZZI, R.A., RICHARD W. EADDY,**  
**ALEXANDER GARVIN, JANE D. GOL,**  
**JOHN MEROLO, DOLLY WILLIAMS, Commissioners**