



## CITY PLANNING COMMISSION

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April 24, 2013/Calendar No. 7

M 840631(B) ZMK

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**IN THE MATTER OF** an application submitted by Metro Storage NY, LLC for modification to Restrictive Declaration D-100 pursuant to Section 7.01 of the Restrictive Declaration, to cancel said Restrictive Declaration to facilitate the construction of an as-of-right 4-story self-storage facility (UG 16 use) with accessory parking, on property located at 2713-2735 Knapp Street (Block 8839, Lots 11, 14 & 53; Block 8840, Lots 70, 84 & p/o Lot 77; Block 8841, Lot 8900; and a portion of demapped Plumb 1<sup>st</sup> Street), Borough of Brooklyn, Community District 15

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**WHEREAS**, on December 20, 2012, Metro Storage NY, LLC submitted an application (M 840631(B) ZMK) for modification to Restrictive Declaration D-100 pursuant to Section 7.01 of the Restrictive Declaration, to cancel said Restrictive Declaration to facilitate the construction of an as-of-right four-story self-storage facility (Use Group 16) with accessory parking in the Borough of Brooklyn, Community District 15; and

**WHEREAS**, Restrictive Declaration D-100 was entered into in connection with a zoning map amendment (C 840631 ZMK) approved by the City Planning Commission on November 5, 1984 (Cal. No.4) and by the Board of Estimate on December 4, 1984 to change a C3 District to a C8-1 District to facilitate the development of “Faemart”, a 65,000 square feet of retail store with accessory parking; and

**WHEREAS**, the Restrictive Declaration to be modified and cancelled applies to Block 8839, Lots 11, 14, 53 and p/o Lot 20; Block 8840, Lots 70, 77, 84 and p/o 90; and Block 8841, Lots 450, 535 and p/o 525; and

**WHEREAS**, the City Planning Commission approved a related application (C 840632 MMK)

on November 5, 1984 (Cal. No. 5) to modify the City map, that was subsequently approved by the Board of Estimate on December 6, 1984. The approval included the demapping of portions of two streets, Plumb 1<sup>st</sup> and Plumb 2<sup>nd</sup> to facilitate the proposed development: and

**WHEREAS**, the Block and Lots listed in the Restrictive Declaration were never merged into a single zoning lot or developed for the proposed “Faemart” retail project and included both upland lots and portions of lots that were and continue to be underwater; and

**WHEREAS**, while the 1984 retail development failed to be constructed, the Restrictive Declaration continues to restrict the project site to a specific site plan, permitted uses and bulk, signage, maintenance of a marina that no longer exists, and public access; and

**WHEREAS**, in 1996, an application to modify the Declaration (M 804631(A) ZMK) was filed to allow the construction of a two-story building and a smaller one-story building, but was subsequently withdrawn on December 22, 1999; and

**WHEREAS**, in 2005, applications to develop the site for residential use were filed at the Department of City Planning and subsequently withdrawn. They included the following:

C 060068 ZMK – Zoning Map Amendment (C8-1 to R5)

C 060069 ZSK – Special Permit for Bulk Modifications on Waterfront Blocks

N 060070 ZCK – Certifications relating to visual corridors and public access

N 060071 ZAK – Authorization relating to private roads requirements

During the City Environmental Quality Review (CEQR) process associated with these applications, the Department of Environmental Protection (DEP) objected to the development of residences in close proximity to the Coney Island Waterfront Pollution Control Plant. The DEP facility includes 30 acres of wastewater treatment and is immediately adjacent to the project site. DEP was concerned with the impact of odors on future residents of the site and with no feasible means of mitigating odors, the applications did not move forward and were formally withdrawn on December 12, 2012; and

**WHEREAS**, the cancellation of the Restrictive Declaration (D-100) would facilitate the as-of-right development of a self-storage facility (Use Group 16) in conformance and compliance with underlying C8-1 district regulations. The facility would be developed up to 1.0 FAR, or 99,670 square feet of floor area, within a complying four-story building. The building will have 58 accessory surface parking spaces and two loading berths, and will have landscaping at the perimeter of the site. There are two entrance/exits, one on Knapp Street and the other on Voorhies Avenue, each with a 30 foot curb cut; and

**WHEREAS**, this application (M 050272 ZMK) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the 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 12DCP160K. The lead is the City Planning Commission. After a study of the potential environmental impacts of the proposed action, a negative declaration was issued on January 22, 2013; and

**WHEREAS**, to avoid any potential impacts associated with hazardous materials an (E) designation (E-297) would be imposed against the following blocks and lots: Block 8839, Lots 11, 14, 53 and the westerly one-half of demapped Plumb 1st Street adjoining said block; Block 8840, Lots 70, 84, p/o 77 and the easterly one-half of demapped Plumb 1st Street adjoining said block; and Block 8841, Lot 8900 (formerly a portion of demapped Plumb 2nd Street).

The text for the hazardous materials (E) designation is as follows:

#### **Task 1**

**The fee owner(s) of the lot(s) restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to the NYC Office of Environmental Remediation (OER) for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.**

**No sampling program may begin until written approval of a work plan and sampling protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by OER upon request.**

#### **Task 2**

**A written report with findings and a summary of the data must be presented to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.**

**If remediation is necessary according to test results, a proposed remediation plan must be submitted to OER for review and approval. The fee owner(s) of the lot(s) restricted by this (E) designation must perform such remediation as determined necessary by OER. After completing the remediation, the fee owner(s) of the lot restricted by this (E) designation should provide proof that the work has been satisfactorily completed.**

**An OER-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to OER for review and approval prior to implementation**

**WHEREAS**, on January 22, 2013, the application was referred by the Department of City Planning to Community Board 15; and

**WHEREAS**, Community Board 15, at a meeting on January 29, 2013, by a vote of 33 to 1, and 0 abstentions, adopted a resolution approving the proposed modification and cancellation of Restrictive Declaration D-100; and

**WHEREAS**, on March 12, 2013, the Brooklyn Borough President submitted a letter of disapproval identifying concerns that the as-of-right proliferation of self-storage facilities in Brooklyn fails to generate sufficient jobs and a large retail food store or restaurant is appropriate for this site; that the Department of City Planning's draft Waterfront Revitalization Program (WRP) revisions include a map indicating that the project site is within a Priority Maritime Activity Zone (PMAZ); and that the proposed 1984 development required waterfront public access which is still appropriate for this site; and

**WHEREAS**, the Department of City Planning's Waterfront and Open Space Division has reviewed and approved a Waterfront Revitalization Program (WRP) Consistency Assessment, WRP No. 12-107, for this site and the proposed self-storage development, finding the proposal consistent with current WRP policies; and

**WHEREAS**, pursuant to Zoning Resolution (“ZR”) Section 62-51 (Applicability of Visual Corridor Requirements) and ZR Section 62-52, (Applicability of Waterfront Access Requirements), the facilitated self-storage use is exempt from waterfront public access and visual corridor requirements as a semi-industrial (Use Group 16) use in a C8-1 district. However, the proposed action does not preclude future waterfront public access and visual corridors, if a non-exempt use were to be developed on this site; and

**WHEREAS**, the Waterfront Revitalization Program revisions identified by the Borough President are proposed draft changes under review that have not been adopted by the Commission, the City Council, the State or the Federal Government; and

**WHEREAS**, the PMAZ’s as currently proposed, do not mandate, but support the repair and replacement of existing waterfront infrastructure (bulkhead, piers, slips) for key nodes in the transportation network, and, the current development site is totally devoid of any existing waterfront infrastructure that could be repaired or replaced; and

**WHEREAS**, the Commission recognizes that the development site is adjacent to the 30 acre Coney Island Water Pollution Control Plant, which is a documented source of odors by the city’s Department of Environmental Pretention and that a self-storage facility, a semi-industrial use, is more consistent with the industrial character of the area; and

**WHEREAS**, the self storage facility is an as-of-right use in the current C8-1 district and the

Commission believes that it is a viable use for this site and will provide local storage facilities for both area residents and businesses; and

**WHEREAS**, the Commission recognizes that despite numerous attempts to develop the site, it has remained undeveloped for close to three decades, largely due to the restrictions placed on the site through the existing declaration; and that development of a self-storage facility would permit current investment, economic activity and job creation for this long undeveloped site; and

**WHEREAS**, the Commission has determined that the application for the cancellation of the Restrictive Declaration warrants approval.

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

**RESOLVED**, by the City Planning Commission that the application submitted by Metro Storage NY, LLC for modification to Restrictive Declaration D-100 pursuant to Section 7.01 of the Restrictive Declaration, to cancel said Restrictive Declaration to facilitate the construction of an as-of-right 4-story self-storage facility (UG 16 use) with accessory parking, on property located at 2713-2735 Knapp Street (Block 8839, Lots 11, 14 & 53; Block 8840, Lots 70, 84 & p/o Lot 77; Block 8841, Lot 8900; and a portion of demapped Plumb 1<sup>st</sup> Street), Borough of Brooklyn, Community District 15 is approved.

The above resolution, duly adopted by the City Planning Commission of April 24, 2013 (Calendar No. 7), is hereby filed with the Office of the Speaker, City Council, pursuant to Paragraph 3 of the Restrictive Declaration.

**AMANDA M. BURDEN, FAICP, Chair**  
**KENNETH J. KNUCKLES, Esq., Vice Chair**  
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**ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE DE LA UZ,**  
**MARIA M. DEL TORO, RICHARD W. EADDY, ANNA HAYES LEVIN,**  
**ORLANDO MARÍN, Commissioners**





The City of New York  
**Brooklyn Community Board 15**



**MARTY MARKOWITZ**  
BOROUGH PRESIDENT

**MICHAEL R. BLOOMBERG**  
MAYOR

February 11<sup>th</sup>, 2013

**THERESA SCAVO**  
CHAIRPERSON

**PEARL BURG**  
DISTRICT MANAGER

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SECRETARY

Re: M 84063 (B) ZMK – Modification of Restrictive (D-100)  
Metro Storage  
2713-2735 Knapp Street  
East side of Knapp Street between Voorhies and Harkness Avenues  
C8-1 District Borough of Brooklyn  
Community Board 15

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To Whom it May Concern,

At the General Board Meeting of Community Board 15, on January 29<sup>th</sup>, 2013, the Board voted in favor of the above mentioned application to remove restrictive declaration to allow the construction of a 4 story self storage facility with a vote of 33 yes and 1 no.

If you have any questions please call (718) 332-3008. Thank you.

Sincerely,

  
Theresa Scavo



C: Richard J  
Steven L.  
Winston

OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

March 12, 2013

DEPARTMENT OF  
CITY PLANNING

MAR 15 2013

BROOKLYN OFFICE

Amanda M. Burden, Chair  
City Planning Commission  
22 Reade Street  
New York, New York 10007

Dear Commissioner Burden:

I am writing in regard to the application by Metro Self Storage to cancel Restrictive Declaration D-100 for the property located at 2713-2735 Knapp Street.

Brooklyn's waterfront is a treasured asset. When the City Planning Commission (CPC) approved this site for more than boating and related uses to facilitate "Faemart," it did so by precluding certain uses that were not complementary to community shopping needs as well as requiring a community amenity – the provision of a waterfront esplanade along Shell Bank Creek.

Now there is a request to lift this restriction to develop yet another storage facility. Knapp Street is already home to two such facilities where there was once a bowling alley and a kids indoor play complex. With all the excitement happening elsewhere in Brooklyn, we should be able to do better across from Gerritsen Beach and this southern Brooklyn Gateway from the Belt Parkway.

I had expressed to you my feelings about storage facilities in visually prominent places in my August, 2012 letter regarding the growing trend of self-storage facilities in Brooklyn. Such facilities do not result in a suitable number of jobs relative to the size of the facility. Far too often such storage establishments have become a visual blight on highly traveled routes. Given the lack of jobs that such facilities offer, I find it hard to justify as-of-right status in every location where such businesses want to open. My concerns stated in 2012 certainly apply to this highly visible facility.

Under your visionary leadership the City has made waterfront public access one of the hallmarks of the Bloomberg Administration. This site is indicated in the Department of City Planning's Waterfront Revitalization draft document as a Priority Maritime Activity Zone (PMAZ) as indicated in the enclosed map. I have supported this position in my July 2012, recommendation to CPC and the City Council. Retaining a requirement for publicly-accessible waterfront access for this site is consistent with the proposed PMAZ status.

Amanda M. Burden, Chair

March 12, 2013

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I believe that waterfront sites should be cherished. It is not the time to check off this site as developed to merely have a box with blank walls with some coloring applied and perimeter plantings. I believe we should remain bold in our collective vision for this waterfront site. The community would be much better served by a supermarket or specialty food market such as Fairway or Trader Joe's and/or a destination restaurant that could activate a publicly-accessible waterfront esplanade while providing views across Shell Bank Basin toward Gerritsen Beach.

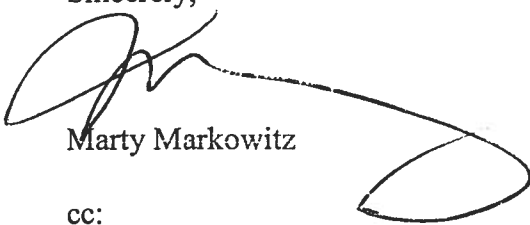
With the opening across Knapp Street of the Amity School, which celebrates Turkish culture while providing a quality education, and the eventual relocation of the DSNY District 15 garage from Knapp Street, I believe the best days are ahead for this section of Knapp Street. It is not the time to stifle the potential of this waterfront corridor but rather to embrace visionary development.

Therefore, I do not believe it is in the City's interest to remove such use restriction and having to forfeit the waterfront access, while also enabling an additional 35,000 square feet of development to facilitate a use that provides such little benefit. I recommend that CPC continue to support a waterfront public access requirement for this site and preclude automotive and warehousing uses, including self-storage facilities.

If there are questions or need for additional clarification, please contact Mr. Richard Bearak, my director of Land Use, at (718) 802-4057.

Thank you for your consideration of this matter and I look forward to thoughtful deliberation by the CPC.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marty Markowitz', with a large, sweeping flourish extending to the right.

Marty Markowitz

cc:  
enclosure

MM/rb