



CITY PLANNING COMMISSION

April 28, 2004/Calendar No. 16

C 990135 MMK

IN THE MATTER OF an application submitted by the Department of Transportation (DOT), pursuant to Sections 197-c and 199 of the New York City Charter **for an amendment to the City Map involving the adjustment of grades in 4th Avenue between 37th and 39th Streets**, Community District 7, Borough of Brooklyn, in accordance with Map No. X-2621, dated August 15, 2003 and signed by the Borough President.

The application for an amendment to the City Map was filed by the Department of Transportation (DOT), pursuant to Sections 197-c and 199 of the New York City Charter on October 7, 1998. It involves the change of grades in 4th Avenue between 37th and 39th Streets in the Borough of Brooklyn.

BACKGROUND

The Department of Transportation (DOT) proposes a change of grades in 4th Avenue in connection with the reconstruction of the 4th Avenue bridge and its approaches over the Transit Authority Subway (M and W lines) right-of-way. The grade change was requested so that the new bridge would reflect the existing grades more closely and thereby minimize the impact on abutting development. The reconstruction of the bridge was started in November, 1998 and completed on July 21, 2001.

The section of 4th Avenue to be reconstructed, including the bridge, is mapped at a width of 120 feet. The intersecting streets are mapped at 60 feet. 4th Avenue, 37th Street and 39th Street are improved and open to traffic. 38th Street west of 4th Avenue is improved, and east of 4th Avenue is partially improved. The 4th Avenue Bridge spans the M and W subway lines, providing grade separation. Although the streets are mapped across the railroad right-of-way, the underlying land is owned by the MTA. The railroad clearance will remain the same. The maximum change of grades is approximately 15.6 inches.

The subject portion of street lies in an M1-2 zoning district. The immediate area to the north is zoned M1-2D and R6, and the area to the south is zoned R6. The surrounding area is predominantly developed with manufacturing, commercial and residential uses.

Instead of an interagency conference, agencies were polled. No city agency has expressed objections to the map change proposal.

ENVIRONMENTAL REVIEW

This application (C 990135 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 99DOT004K. The lead agency is the New York City Department of Transportation.

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

UNIFORM LAND USE REVIEW

This application (C 990135 MMK) was certified as complete by the Department of City Planning on December 1, 2003, and was duly referred to Community Board 7 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 7 did not hold a public hearing on this application (C 990135 MMK), nor did it issue a recommendation.

Borough President Recommendation

This application (C 990135 MMK) was considered by the Borough President of Brooklyn who issued a recommendation on March 9, 2004 approving the application.

City Planning Commission Public Hearing

On March 10, 2004 (Calendar No. 1), the City Planning Commission scheduled March 24, 2004 for a public hearing on this application (C 990135 MMK). The hearing was duly held on March 24, 2004 (Calendar No. 10). There were no speakers, and the hearing was closed.

CONSIDERATION

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

Due to the required reconstruction of the 4th Avenue Bridge and its approaches over the NYC Transit right-of-way, grade modifications are

required in this area. DOT proposes the grade changes so that the City Map will reflect the existing grades more closely, thereby ensuring that the reconstruction of the bridge will have minimal impact on abutting properties.

The maximum grade change of the roadway is approximately 15.6 inches in order to maintain the vertical clearance between the top of the rail and the bottom of the bridge. The proposed grades will improve design, facilitating vehicular movement on the roadway and providing safer riding conditions.

RESOLUTION

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter that, based on the environmental determination and the consideration described in this report, the application (C 990135 MMK) by the Department of Transportation for an amendment to the City Map involving the adjustment of grades in 4th Avenue between 37th and 39th Streets, Borough of Brooklyn, Community District 7, in accordance with Map No. X-2621, dated August 15, 2003 and signed by the Borough President is approved subject to the condition that the amendment to the City Map shall take effect on the day following the date on which certified counterparts of Map No. X-2621 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.

The above resolution (C 990135 MMK), duly adopted by the City Planning Commission on April 28, 2004 (Calendar No. 16), 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, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,

RICHARD W. EADDY, JANE D. GOL, JOHN MEROLO, KAREN A. PHILIPS,

DOLLY WILLIAMS, Commissioners.