



CITY PLANNING COMMISSION

June 6, 2007/Calendar No. 6

C 060545 ZMK

IN THE MATTER OF an application submitted by Erma Realty, LLC and the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17a:

1. eliminating from within an existing R6 District a C2-3 District bounded by the southerly boundary line of the Long Island Rail Road Right-of-Way, a line 150 feet easterly of Saratoga Avenue, Pacific Street, a line 100 feet easterly of Saratoga Avenue, a line 50 feet northerly of Pacific Street, and Saratoga Avenue; and
2. changing from an R6 District to an M1-1 District property bounded by the southerly boundary line of the Long Island Rail Road Right-of-Way, a line 100 feet easterly of Saratoga Avenue, a line 50 feet northerly of Pacific Street, and Saratoga Avenue;

Borough of Brooklyn, Community District 16, as shown on a diagram (for illustrative purposes only) dated February 5, 2007.

The application for an amendment of the Zoning Map was filed by Erma Realty, LLC and the Economic Development Corporation on June 13, 2006, to facilitate the development of a one-story vehicle maintenance facility for AM&G Waterproofing on Saratoga Avenue between Atlantic Avenue and Pacific Street, located in Community District 16, Ocean Hill, Brooklyn.

BACKGROUND

Erma Realty, LLC seeks a zoning change from R6/C2-3 to M1-1 and R6 on Saratoga Avenue between Atlantic Avenue and Pacific Street to facilitate the development of a one-story vehicle maintenance facility for AM&G Waterproofing, located in Community District 16, Ocean Hill, Brooklyn. The proposed new facility would serve the company's recently completed hardware store and warehouse which are both located across Saratoga Avenue from the rezoning area.

Located in the western central edge of the community district, the 25,000 square foot rezoning area, covers a portion of the eastern frontage of Saratoga Avenue between Atlantic Avenue and Pacific Street. The rezoning area consists of a lot with a one-story, vacant automobile auto repair shop owned by the applicant; two vacant city-owned lots and five, two- and three-story residential buildings. The two city-owned lots, Block 1433, Lots 3 and 5 were approved for disposition by the City Planning Commission on November 20, 1985 and adopted by the Board of Estimate on December 19, 1985 (C 860053 PPK).

To the east of the rezoning area, the block of the subject rezoning contains a mix of three- and four-story residential buildings with some commercial uses on Atlantic Avenue, a vacant lot and a community garden. The surrounding area consists of industrial and commercial uses, predominately on Atlantic Avenue and residential uses on the midblocks south of Atlantic Avenue. Atlantic Avenue is a six-lane regional street as well as a truck route. Saratoga Avenue is a four-lane street.

An M1-1 district is immediately west of the rezoning area, covering block fronts along the southern side of Atlantic Avenue from east of Kingston Avenue to Saratoga Avenue. AM&G Waterproofing recently constructed a warehouse and hardware retail building in this area based on a zoning map change from R6/C2-3 to M1-1, approved by the City Planning Commission (C 040124 ZMK) on May 12, 2004, and adopted by the City Council on June 21, 2004.

The rezoning area is currently zoned R6/C2-3. R6 is a medium density residential district which allows Use Groups 1-4, which includes residential buildings and community facilities. R6

districts have a maximum floor area ratio of 2.43 for residential uses and 4.8 for community facility uses. The existing C2-3 overlay district allows Use Groups 1-9, which include retail and service uses.

The applicants seek to rezone three lots, one owned by the private applicant and two city-owned vacant lots to M1-1. M1-1 is a light manufacturing district that allows for Use Groups 4-14, 16, and 17, which includes certain community facilities, and a wide range of commercial and light industrial uses. The maximum FAR in M1-1 districts is 1.0 for commercial and light industrial uses and 2.4 for community facility uses. The private applicant intends to purchase the two city-owned lots through EDC and the rezoning would allow AM&G Waterproofing to construct a one-story building with a mezzanine and partial basement. The building would include a vehicle maintenance shop, vehicle laundry, and accessory office and storage space.

The applicant also seeks to eliminate the C2-3 District from the R6 District covering the five, two- and three-story residential buildings. The removal of the commercial district from the residential homes on Atlantic Avenue and Pacific Street would reflect their residential character and preclude the development of commercial uses.

ENVIRONMENTAL REVIEW

This application (C 060545 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the Mayor's Office of Economic Development and Rebuilding. The designated CEQR number is 06DME017K.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on December 14, 2006.

UNIFORM LAND USE REVIEW

This application (C 060545 ZMK) was certified as complete by the Department of City Planning on February 5, 2007, and was duly referred to Brooklyn Community Board 16 and the Brooklyn Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 16 held a public hearing on this application on March 27, 2007, and on that date, by a vote of 25 to 0 with 2 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Brooklyn Borough President who issued a recommendation approving the application on April 30, 2007.

City Planning Commission Public Hearing

On April 25, 2007 (Calendar No. 1), the City Planning Commission scheduled May 9, 2007 for a public hearing on this application (C 060545 ZMK). The hearing was duly held on May 9, 2007 (Calendar No. 27).

There were two speakers in favor of the application, and none in opposition. The private applicant's attorney described the proposed rezoning and the new facility that it would permit. A second representative of the private applicant also appeared in favor.

There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes the application for a Zoning Map amendment eliminating a C2-3 district within an existing R6 District and changing an R6 District to M1-1 District on portions of Atlantic and Saratoga Avenues is appropriate. Extending the existing M1-1 district to the rezoning area would facilitate the development of a new vehicle maintenance facility for AM & G Waterproofing, which recently consolidated its retail and warehousing operations and built a state-of-the-art building across Saratoga Avenue from the proposed rezoning. The proposed new facility would allow AM&G to service and store its vehicles in close proximity to its new building, improving its efficiency and generating new jobs.

The development of this facility would be compatible with adjacent land uses, and would complement the existing industrial uses across the street. Atlantic and Saratoga Avenues are also wide streets. Atlantic Avenue is a regional thoroughfare and truck route. It is lined with commercial and industrial uses, including the main AM&G facility. In addition, the proposed rezoning would preclude commercial uses on the properties occupied by residences.

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 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 17a:

1. eliminating from within an existing R6 District a C2-3 District bounded by the southerly boundary line of the Long Island Rail Road Right-of-Way, a line 150 feet easterly of Saratoga Avenue, Pacific Street, a line 100 feet easterly of Saratoga Avenue, a line 50 feet northerly of Pacific Street, and Saratoga Avenue;

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Borough of Brooklyn, Community District 16, as shown on a diagram (for illustrative purposes only) dated February 5, 2007.

The above resolution (C 060545 ZMK), duly adopted by the City Planning Commission on June 6, 2007 (Calendar No. 6), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

AMANDA M. BURDEN, AICP, Chair

KENNETH J. KNUCKLES, ESQ., Vice Chair

**IRWIN CANTOR, P.E., ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III,
BETTY CHEN, RICHARD W. EADDY, LISA A. GOMEZ, NATHAN LEVENTHAL,
KAREN A. PHILIPS, DOLLY WILLIAMS, Commissioners**