

A map change showing the discontinuing and closing of Canarsie Lane from Foster Avenue to East 87th Street, Borough of Brooklyn, CD No. 18, in accordance with Map No. V-2255, dated April 27, 1977 and signed by the Borough President. The map was referred by the Board of Estimate on May 26, 1977, Cal. No. 182.

The map change relates to a developed medium-density residential area in the Canarsie section of Brooklyn and provides for the discontinuing and closing of a portion of Canarsie Lane running in an east-west direction diagonally between East 87th Street and Foster Avenue. The owner of adjacent parcels on both sides of the Lane has requested the City to sell him the abutting portions of the Lane bed in order to assemble a consolidated site for a proposed residential development.

Canarsie Lane is neither open nor in use as a public throughfare. Most of the bed of the Lane is paved, at its westerly end as are portions of other abutting properties, which together, comprise a parking lot, utilized primarily by Zemco Industries Inc. one of the abutting property owners (Lot 50), on the north side of Canarsie Lane. At the present time, access to Canarsie Lane is only from Foster Avenue, and only during daylight hours, through a gate which is locked at night by Zemco Industries Inc. Access from East 87th Street is blocked by a cyclone fence and dense growth of weeds and bushes.

The easterly portion of Canarsie Lane under consideration is 49.5 feet (15.1 meters) wide. The westerly portion of the Lane forms a "pan handle" with the easterly section; it is only 24.75 feet (7.55 meters) wide, since the southerly half of that portion of the lane was sold to the abutting owners in prior actions.

Canarsie Lane was originally a road of Dutch origin having a width of 2 rods (33 feet or 10.1 meters) and the City has fee title to that width. In 1866, the road was legally widened to three rods (49.5 feet or 15.1 meters) by the addition of a strip of land one-half rod wide on each side of the original road. Inasmuch as the City has only easement rights to these added outer strips, it will be necessary for the City to acquire fee title to these strips before the property can be conveyed to any abutting owner.

A release of the City's interest in the southwesterly 24.75 feet (7.54 meters) half-width of Canarsie Lane from the original centerline to the rear lot line of Lots 41 and 42 in Block 7965 was granted to Ciro DiMaso on July 7, 1947. A similar release covering the southwesterly half-width adjacent to the westernmost 30 feet (9.14 meters) of Lot 33 was granted to Ciro DiMaso on June 10, 1955. A request by Mrs. Irene Faiella, the present owner of Lot 33, Block 7965, for the release of the

City's interest in an additional 90 feet (27.4 meters) in the southwesterly half-width of Canarsie Lane is presently under review by the Department of Real Estate.

Canarsie Lane was not incorporated as part of the street system on the Town Survey Commissioner's Map of Kings County filed in 1874; it was shown only by dashed lines on the map, to indicate an existing road in use but not legally mapped. Therefore, an elimination map will not be required.

The portion of Canarsie Lane under consideration is not needed for traffic, frontage or drainage purposes. The applicants, Karp, Karp, Weiler and Barocas, own two irregularly shaped parcels of land abutting the north and south sides of Canarsie Lane directly west of East 87th Street. Their proposed development plan indicates that they desire to consolidate their properties into a parcel of land 220 feet (67.10 meters) long (fronting on 87th Street) with a minimum depth of 100 feet (30.5 meters) to enable the construction of 10 two-family dwellings in conformance with the present zoning. The applicants are requesting that they be granted possession of the full width of Canarsie Lane lying within the proposed consolidated parcel.

The present owners of Lots 33, 40, 41 and 42, located on the south side of the westerly portion of Canarsie Lane, have indicated in writing that they object to the discontinuing and closing of Canarsie Lane on the ground that said street or lane has been used by them as a means of ingress and egress for more than 20 years and that they thereby have a prescription or easement right over it which cannot be taken away from them or the public. They request that the application be denied, or, if granted, that their rights over Canarsie Lane be preserved.

Zemco Industries, Inc., the owner of Lot 50, located on the north side of the westerly portion of Canarsie Lane has stated that it supports the application for discontinuance and closing of Canarsie Lane and wishes to acquire from the City the remaining portion of Canarsie Lane abutting its property without granting an easement thereover for use by the owners of Lots 40, 41 and 42. The company claims that the said owners have already acquired the land in the bed of Canarsie Lane abutting their properties and further alleges that the said owners of Lots 40, 41 and 42 have no need for such an easement, inasmuch as they have made no use of any access over the land in the bed of Canarsie Lane for many years.

The Commission believes that the position of Zemco Industries concerning easement rights is correct. Zemco Industries should, however, be prepared to grant such easements in the event that the alleged rights of the owners of Lots 33, 40, 41 or 42 are upheld by the court.

The Commission requires that the following elements be incorporated into the mapping agreement between the City of New York, the applicant and any other party obtaining title to any portion of Canarsie Lane:

1. A six (6) foot high fence which is approximately 50% opaque shall be located along the property line separating non-residential from residential uses. This fence is to be erected by the owners of the property which is of non-residential use. This requirement shall be in addition to special regulations along district boundaries as outlined in the Zoning Resolution.
2. Any development occurring on the applicant's property shall be of one and two-family homes not higher than 32' or 3 stories, whichever is less. No auxiliary or supplemental kitchens are to be permitted: one kitchen per dwelling unit is the maximum.

On July 18, 1977, the City Planning Commission certified the application and Brooklyn Community Board No. 18 was notified of the certification. However, the latter failed to take formal action on the proposal.

The Department of City Planning subsequently sent a Notification of Non-Compliance, dated October 12, 1977, to the Community Board with copies to the Board of Estimate and the applicant.

On October 12, 1977 (Cal. No. 19), the City Planning Commission scheduled a PUBLIC HEARING on the matter. The hearing was duly held on October 26, 1977 (Cal. No. 39). No opposition developed and the hearing was closed.

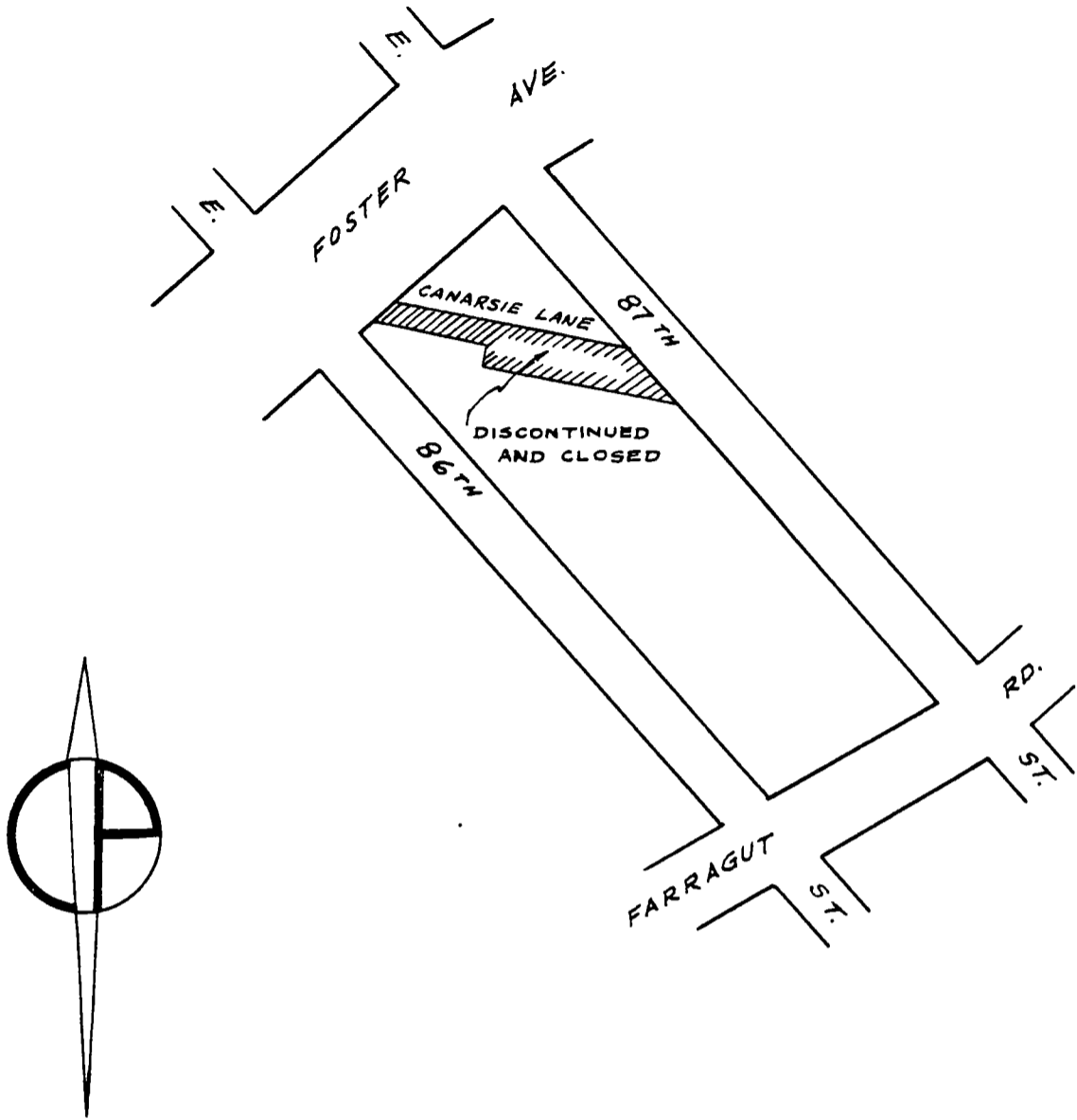
THEREFORE, the City Planning Commission, deeming the proposed map change to be an appropriate modification of the City Map, hereby adopts the following resolution and recommends that the Board of Estimate take final action on this matter within 60 days from the date of this report, in accordance with Section 197-c of the New York City Charter.

RESOLVED by the City Planning Commission pursuant to Section 197-c of the New York City Charter, that the proposed map change showing the discontinuing and closing of Canarsie Lane from Foster Avenue to East 87th Street, Borough of Brooklyn, CD No. 18, in accordance with Map No. V. 2255, dated April 27, 1977 and signed by the Borough President, be and hereby is approved, such approval being subject to the condition that the applicants enter into an agreement with the City, approved as to form and sufficiency by the Corporation Counsel and accepted by the Board of Estimate.

The above resolution duly adopted by the City Planning Commission on
November 9, 1977 Cal. No. 21 is herewith filed with the Secretary of the Board of
Estimate, pursuant to Section 197-c of the New York City Charter.

VICTOR MARRERO, Chairman
MARTIN GALLEN, Vice Chairman
ALEXANDER COOPER, GORDON J. DAVIS, SYLVIA DEUTSCH,
HOWARD B. HORNSTEIN, THEODORE E. TEAH, Commissioners

VPS/ef



CITY PLANNING COMMISSION
 CITY OF NEW YORK
**DIAGRAM SHOWING PROPOSED
 STREET CLOSING
 ON SECTIONAL MAP**

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BOROUGH OF
BROOKLYN

Certification Date
New York, July 18, 1977

George N. Synefakis
 Acting Director of Mapping P.E.

John J. ...
 Chief Engineer



NOTE:

- indicates line of street legally adopted.
- indicates area of street proposed to be discontinued and closed.