



CITY PLANNING COMMISSION

August 25, 2010/Calendar No. 3

C 100258 PQK

IN THE MATTER OF an application submitted by the Department of Sanitation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 525 Johnson Avenue (Block 2987, Lot 16), Borough of Brooklyn, Community District 1, for continued use as a garage.

*197-d(b) 2 eligible

The application (C 100258 PQK) was filed on March 9, 2010 by the Department of Sanitation (DOS) and the Department of Citywide Administrative Services (DCAS) for the acquisition of privately owned property located at 525 Johnson Avenue, Community District 1, Borough of Brooklyn, for continued use as a garage.

BACKGROUND

The Department of Sanitation (DOS) proposes to continue to occupy privately owned property located at 525 Johnson Avenue (Block 2987, Lot 16) as the CD 3 garage. The garage is located in the East Williamsburg section of Community District 1 and serves adjoining Community District 3, providing sanitation services which include collection of garbage and removal of snow.

The site occupies the entire street front of Johnson Avenue, between Stewart and Randolph streets. It is developed with a 35,948 square foot, one-story garage. The garage operates 24-hours a day, seven days a week, providing maintenance and storage for equipment servicing Community District 3 of Brooklyn. The garage is staffed by 127 employees, including

supervisors, workers, clerks and mechanics. Sixty-five vehicles are assigned to the garage, which includes 29 collection trucks, 14 mechanical brooms, 5 spreaders and assorted other vehicles.

The CD 3 Garage in Community District 1 is located in an M3-1 manufacturing district. The subject site is two blocks east of the English Kills in an Industrial Business Zone. The area surrounding the garage contains a mix of industrial, transportation, and private and public waste management facilities. The facility is in close proximity to primary truck routes, including Flushing Avenue, that provide easy access to Community District 3.

The Department of Sanitation has operated the garage at this site since 1954. There were three previous ULURP applications for the continued use of the garage. The first application (C 920558 PQQ) was approved by the City Planning Commission on April 6, 1994 (Cal. No. 23), and was adopted with modifications by the City Council on June 9, 1994 (Resolution No. 423). The City Council modifications set an expiration date of the lease by December 6, 1996. The second application (C 950517 PQQ) was adopted by the City Planning Commission on October 9, 1996 (Cal. No. 21) and was adopted with modifications by the City Council on December 11, 1996 (Resolution No. 2078). The City Council modifications, among other conditions, set a seven month term for the lease of the site. The third application (C 970341 PQQ) was adopted by the City Planning Commission on April 1, 1998 (Cal. No. 13) and was adopted and modifications by the City Council on June 4, 1998 (Resolution No. 320). The City Council Modifications, among other conditions, set a seven year term for the lease of the site. The lease for the CD 3 Garage at 525 Johnson Avenue expired in 2007, and the property has been operating under a license

agreement on a month-to-month basis since that time.

The subject site housed the CD 4 garage until 2008, when that facility moved to a new location at 165 Varick Avenue, two blocks north-west of the subject site in Community District 1. At that time DOS moved CD 3 garage from 306 Rutledge Street, which was in a residential neighborhood, to this location at the behest of the City Planning Commission and Community Board 1.

DOS has since been working on plans to move the CD 3 garage from its present location in Community District 1 to Community District 3. On December 5, 2001, the City Planning Commission approved an application by DOS to acquire property at 56-60 Nostrand Avenue (C 000648 PCK) for the CD3 Garage. The title for the site was vested in 2004 and a preliminary design of the garage were prepared and presented to the Public Design Commission. However, due to cuts in DOS's capital budget, funding for the garage fell through. When capital budget funding for this project is restored, DOS expects to have the new CD 3 garage completed and in operation in approximately six years.

ENVIRONMENTAL REVIEW

This application (C 100258 PQK) 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. This

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

UNIFORM LAND USE REVIEW

This application (C 100258 PQK) was certified as complete by the Department of City Planning on May 10, 2010 and was duly referred to Community Board 1 and the 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 1 held a public hearing on this application on May 25, 2010, and on June 8, 2010, by a vote of 45 to 0 with 0 abstentions, adopted a resolution recommending disapproval of the application with the following recommendations:

That Community Board #1 calls upon the City Council and specifically the Councilmembers from Districts 34 and 35 to fully fund the construction of the Brooklyn Sanitation District 3 garage; and

That Community Board #1 calls upon the City to take all necessary steps to implement its Solid Waste Management Plan in order to fairly and equitably allocate the responsibility for managing and handling the City's waste amongst all communities of the city.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on July

16, 2010, disapproving the application with the following conditions:

Be it resolved that the Borough President of Brooklyn, pursuant to section 197-c of the new York City Charter, recommends that the City Planning Commission and City council disapprove the requested property acquisition on the condition that a commitment is made to prioritize the construction of a permanent District 3 garage.

Be it further resolved that DSNY should brief CB 1 quarterly at the regularly scheduled district service cabinet meetings of the status of developing the new District 3 garage in CD 3.

City Planning Commission Public Hearing

On July 14, 2010 (Calendar No. 2), the City Planning Commission scheduled July 28, 2010 for a public hearing on this application (C 100258 PQK). The hearing was duly held on July 28, 2010 (Calendar No. 19). Two representatives of the Department of Sanitation spoke in favor of the application. There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the application of the Department of Sanitation and the Department of Citywide Administrative Services for acquisition of a privately-owned property located at 525 Johnson Avenue (Block 2987, Lot 16), Community District 1, Borough of Brooklyn, for continued use as a garage is appropriate.

The Commission notes that the lease for this facility expired in 2007, since then the property has been operating under a license agreement on a month to month basis. The Commission notes that, pursuant to a letter from the Department of Sanitation dated August 3, 2010, the application would facilitate a new ten-year lease, that would terminate on June 30, 2019 and that the tenant would have the right to terminate the lease, without penalty or liability, upon 120-day prior written notice. The Commission believes that the proposed lease renewals of the CD 3 Garage would allow DOS to continue to provide services like garbage collection and snow removal to Community District 3 from the present location, on a temporary basis on more favorable commercial terms than the license agreement, until a new CD 3 facility is built in Community District 3.

The Commission notes that CD 3 garage is located in an M3-1 zoning district, a zone that permits the current use and the surrounding area is characterized by a mix of industrial and commercial uses, including other public and private waste management businesses. The Commission notes that the facility is served by truck routes, like Flushing Avenue, which provide access to Community District 3.

The Commission notes that the Department of Sanitation has operated a garage at this location since 1954. Currently, the CD 3 garage located in Community District 1 serves the adjoining Community District 3 and the Commission notes that DOS has been working in good faith, to relocate that facility to a location in Community District 3.

With regard to Community Board 1's recommendation that the City Council fully fund the construction of the CD 3 garage and take necessary steps to implement its Solid Waste Management Plan to fairly and equitably locate these facilities amongst all community boards, the Commission notes the Department of Sanitation's efforts to relocate the facility to Community District 3 and was pleased to receive a letter from the Department of Sanitation, dated August 3, 2010, stating that they would be able to complete construction of the new CB 3 garage on Nostrand Avenue once their capital funding was restored.

The Commission concurs with the Brooklyn Borough President's recommendation that DOS regularly brief Community Board 1 of the status of the development of CD 3 garage at 56-60 Nostrand Avenue.

RESOLUTION

RESOLVED, by the City Planning Commission pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and consideration described in this report, the application (C 100258 PQQ) of the Department of Sanitation and the Department of Citywide Administrative Services for the acquisition of property located at 525 Johnson Avenue (Block 2987, Lot 16), Community District 1, Borough of Brooklyn, for continued use as a garage, is approved.

The above resolution, duly adopted by the City Planning Commission on August 25, 2010 (Calendar No. 3), 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, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,
SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners.



COMMUNITY BOARD No. 1

435 GRAHAM AVENUE - BROOKLYN, N.Y. 11211-2429

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Website: www.cb1brooklyn.org

HON. MARTY MARKOWITZ
BROOKLYN BOROUGH PRESIDENT



HAUGI JOSEPH WEISER
FIRST VICE-CHAIRMAN

WARD S. DENNIS
SECOND VICE-CHAIRMAN

DEL TEAGUE
THIRD VICE-CHAIRPERSON

KAREN LEADER
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ISRAEL ROSARIO
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MEMBER AT LARGE

CHRISTOPHER M. OLECHOWSKI
CHAIRMAN

GERALD A. ESPOSITO
DISTRICT MANAGER

HON. STEPHEN T. LEVY
COUNCILMEMBER, 34th CD

HON. DIANA REYNA
COUNCILMEMBER, 34th CD

COMMITTEE REPORT

To: Chairman Chris Olechowski, Members of Community Board 1
From: Ward Dennis, Land Use Committee
Date: 7 June 2010
Re: Committee Report

A public hearing and public meeting of the Land Use Committee was held on 25 May 2010.

Committee members present: Ward Dennis (Chair), Gina Baroa, Jays Fox, Heather Roslund, Del Teague, Yahuda Turner

Committee members absent: Sophie Chabrowski, Solomon Bordo, Monsignor Calise, Michael Chirichela, Israel Framovitz, Avrom Katz, Jose Leon, Rabbi David Niederman, David Weinstock, Simon Weiser

1. Public Hearing - BK3 Sanitation Facilities

a. Department of City Planning - (Application # 100258 PQK) in the matter of an application submitted by the Department of Sanitation and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for acquisition of property located at 525 Johnson Avenue (Block 2987, Lot 16), Borough of Brooklyn, Community District 1, for continued use as garage (BK3).

b. Department of City Planning - (Application # 100284 PQK) in the matter of an application submitted by the Department of Sanitation and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for acquisition of property located at 145 Randolph Street (Block 2976, Lot 45), Borough of Brooklyn, Community District 1, for continued use as parking lot.

Discussion

The Department of Sanitation is requesting approval from the Board for the renewal of two leases on properties within CB1. The City currently leases two properties in CB1 that are used to house sanitation vehicles that serve the Brooklyn District 3 sanitation district. This facility is temporary, pending the construction of an \$81,000,000 District 3 garage on Nostrand and Park Avenues (in District 3). The City has purchased the site for this garage

and has paid for the development of architectural plans for the facility. Funding for the construction of the garage has been removed from the budget.

CB1 is currently home to sanitation trucks for three sanitation districts: Brooklyn District 1 (our own), Brooklyn District 3 and Brooklyn District 4. Vehicles for Districts 1 and 4 are housed in a new garage on Varick Avenue. Vehicles for District 3 are housed nearby on Randolph Street and Johnson Avenue. Prior to the construction of the Varick Avenue facility, District 3's sanitation vehicles were housed on Rutledge Street.

In addition to housing sanitation vehicles for three sanitation districts, CB1 also serves as the point of disposal for trucks from 6 other sanitation districts. CB1 also contains the highest concentration of commercial waste transfer stations in the city. This translates into a huge volume of truck traffic entering CB1 on a daily basis to dispose of commercial and residential waste for communities in Brooklyn, Manhattan and beyond.

The 2006 Solid Waste Management Plan (SWMP) developed by the City seeks to create a fair and equitable distribution of the City's trash burden. CB1 supports the City's SWMP, and looks forward to its implementation. In the past CB1 has opposed the siting of vehicles for other districts in our community.

Resolution

Whereas Community Board 1 currently houses sanitation vehicles for 3 Sanitation Districts in Brooklyn; and

Whereas Community Board 1 also serves as the tipping location for 9 of Brooklyn's Sanitation Districts; and

Whereas Community Board 1 handles more commercial waste than any other Board; and

Whereas the City's 2006 Solid Waste Management Plan recognizes that "responsibility for the City's waste management system should be allocated equitably throughout the City, in each of the five boroughs"; and

Whereas the City has already acquired property in Sanitation District 3 on which it proposes to construct a garage for District 3' vehicles; and

Whereas locating District 3's vehicles in District 3 will help to reduce the "number of truck trips and truck miles involved in waste export and to address the traffic, air and noise issues" that result from the current system;

Therefore, it is resolved that Community Board #1 disapproves the application to renew the leases at 525 Johnson Avenue and 145 Randolph Street; and

Be it further resolved that Community Board #1 calls upon the City Council and specifically the Councilmembers from Districts 34 and 35 to fully fund the construction of the Brooklyn Sanitation District 3 garage; and

Be it further resolved that Community Board #1 calls up on the City to take all necessary steps to implement its Solid Waste Management Plan in order to fairly and equitably allocate the responsibility for managing and handling the City's waste amongst all communities of the city.

Committee vote: 6 in favor; 0 opposed; 0 abstentions

2. Public Meeting - Car Sharing Text Amendment

NYC Department of City Planning: -- Citywide text amendment: Car-Sharing Vehicles

The proposed zoning text amendment would define car sharing in the Zoning Resolution and establish clear rules allowing car sharing vehicles to park in public parking facilities (garages and lots that serve general-purpose parking), as well as in parking facilities accessory to residential, commercial, and other uses, within appropriate limitations based on use and zoning district.

Discussion

Car sharing has dramatically increased in the City over the past few years. As an alternative to owning or renting a car, members of car sharing organizations (most famously Zip Car) are able to use cars or small trucks on an as-needed basis, typically by the hour. Nationwide, over 275,000 people are members of car sharing organizations, with over a third of those members living in New York City.

The Committee was generally supportive of the amendment, in that it will make it easier for developers and property owners to include car sharing in their garages. This will make car sharing more widely available, which should have the benefit of limiting car ownership, congestion, on-street parking and emissions in our community.

The Committee noted that the text amendment does not *require* any owner or developer to include car sharing, and that it does not provide additional parking space for car sharing. The one area of concern was with the allowance of car sharing in parking lots for commercial or community facility uses. Because off-street parking is often an important requirement of these developments, the Committee felt that it was important that car sharing in these facilities should not reduce the publicly-available spaces below the zoning mandated minimum parking requirement.

Whereas the Department of City Planning proposes a text amendment to the zoning resolution to facilitate the use of car sharing in New York City; and

Whereas Community Board 1 has supported car sharing on an *ad hoc* basis in the past; and

Whereas increased car sharing will help to limit car ownership and reduce congestion, on-street parking and emissions in our community; and

Whereas the text amendment does not *require* car sharing in any development; and

Whereas the text amendment does not provide any additional parking bonus for providing car sharing; and

Whereas CB1 believes that in commercial and community facility uses car sharing should not reduce the publicly-available spaces below the zoning mandated minimum parking requirement.

Therefore, it is resolved that Community Board #1 approves the text amendment on the condition that the Department of City Planning further study the utilization of the program in commercial and community facility uses.

Community/Borough Board Recommendation

CITY PLANNING COMMISSION
 22 Reade Street, New York, NY 10007
 FAX # (212) 720-3356

Application # 100258PQK
 CEQR # _____
 Community District No. 01 Borough: Brooklyn
 Community District No. _____ Borough: _____
 Project Name: **DSNY Bklyn District 3 Garage**

INSTRUCTIONS:
 1. Complete this form and return to the address above.
 2. Complete this form and return to the address above.
 3. Complete this form and return to the address above.

Docket Description:
 In the matter of an application submitted by the Department of Sanitation and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for acquisition of property located at 525 Johnson Avenue (Block 2987, Lot 16), Borough of Brooklyn, Community District 1, for continued use as garage.

Applicant(s):
 DSNY
 51 Chambers Street Room 815
 NY, NY 10007
 DCAS
 1 Centre Street 20th floor
 NY, NY 10007

Applicant's Representative:
 Dan Klein
 212-788-7956
 Randy Fong
 212-669-7150

DEPARTMENT OF CITY PLANNING
 JUN 17 2010

Community Board No. 1 Borough: Brooklyn Borough Board
 CapitalOne Bank
 807 Manhattan Avenue
 Location: Brooklyn, NY 11222

Date of public hearing: 5/25/2010

Was a quorum present? YES NO
 6/8/2010

Vote adopting recommendation taken: _____

A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.
 Swinging 60's Senior Center
 Location: 211 Ainslie Street
 Brooklyn, NY 11211

RECOMMENDATION

Approve
 Disapprove

Approve With Modifications/Conditions
 Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)
 See Attached Report

Voting
 In Favor: 45 Against: 0 Abstaining: 0 Total members appointed to the board: 49

Christopher A. Ciechowski
 Community/Borough Board Officer
 6/09/2010

Chairman
 Title

FAXED
 6/17/10

* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.

2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION #: 100258 POK / 100264 POK

DSNY Brooklyn District 3 Sanitation Garage

In the matter of applications submitted by the Department of Sanitation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City charter, for acquisition of properties located at 525 Johnson Avenue and 145 Randolph Street for continued use as a garage and parking lot, respectively.

COMMUNITY DISTRICT NO. 1

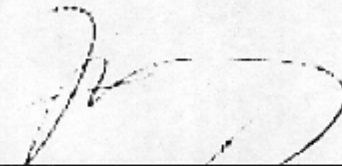
BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

Recommendation report on following page



BOROUGH PRESIDENT

July 16, 2010

DATE

**RECOMMENDATION FOR THE PROPOSED
ACQUISITION OF PROPERTY
100258 POK – 100264 POK**

PUBLIC HEARING

On June 22, 2010 the borough president held a public hearing on these applications.

CONSIDERATION

The borough president believes that Community District 1 (CD 1) is most impacted throughout the borough in terms of solid waste management. Along with the storage of equipment used to service CD 1, the district also houses the equipment that serves Community District 3 and 4. In addition, CD 1 provides tipping services at the Varrick Street yard and a number of commercial carting firms are based within this district. This translates into more sanitation vehicles passing throughout CD 1 than any other district.

The borough president is aware that current financial constraints have hindered DSNY's ability to relocate the District 3 sanitation garage from CD 1. At his June 22 public hearing, DSNY was urged by staff on behalf of the borough president to provide a commitment that the construction of a permanent District 3 garage will be the main priority of the agency once funds can be secured. On July 15, the borough president received a letter from the real estate division of DSNY stating that once the City's budget situation improves, decisions will then be made as to the priority in which replacement garages are constructed. The borough president understands that DSNY has many commitments to fill, however he believes that it is not in the best interest of CD 1 residents to continue to host the interim facility without a stronger commitment.

In addition, DSNY has not adequately briefed community board 1 (CB 1) on the status of developing the proposed District 3 garage. The borough president believes that DSNY should provide quarterly briefings at CB 1 district service cabinet meetings.

RECOMMENDATION

Be it resolved that the Borough President of Brooklyn, pursuant to section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council disapprove the requested property acquisition on the condition that a commitment is made to prioritize the construction of a permanent District 3 garage.

Be it further resolved that DSNY should brief CB 1 quarterly at the regularly scheduled district service cabinet meetings of the status of developing the new District 3 garage in CD 3.