



CITY PLANNING COMMISSION

July 11, 2007/Calendar No. 12

C 030429 MMK

IN THE MATTER OF an application, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et. seq. of the New York City Administrative Code, by Emil Realty and JP Realty, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of Thomas Street between Stewart Avenue and Gardner Avenue;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real properties related thereto,

Community District 1, Borough of Brooklyn, in accordance with Map No. X-2671 and X-2672 dated October 28, 2005, and signed by the Borough President.

The application (C 030429 MMK) for an amendment to the City Map was filed by Emil Realty and JP Realty, pursuant to Sections 197-c and 199 of the New York City Charter and section 5-430 et. seq. of the New York City Administrative Code on April 9, 2003. It involves: the elimination, discontinuance and closing of a portion of Thomas Street between Stewart Avenue and Gardner Avenue; the adjustment of grades necessitated thereby; and any acquisition or disposition of real property related thereto.

BACKGROUND

The applicants are requesting a change in the City Map involving the elimination, discontinuance and closing of a portion of Thomas Street between Stewart Avenue and Gardner Avenue in order to purchase the street bed from the city and use it for parking.

Currently JP Realty and Emil Realty, pursuant to two separate licensing agreements with the City of New York, use the relevant portion of this street for parking. These companies have been leasing the bed of the street for approximately 12-15 years.

Thomas Street is mapped to a 60 foot width and city owned but is not open for traffic. Gardner Avenue and Stewart Avenue are mapped to a 60 foot width and open for two-way traffic.

The project site is currently zoned M3-1, a heavy manufacturing district. The adjacent zoning districts include M1-1 and R6. The project site is surrounded by manufacturing and commercial establishments. The elevated structure of the Brooklyn-Queens Expressway (Route 278) is one block south east of the proposed site.

An interagency mapping conference was held on May 13, 2003. No city agency had objections to this proposal.

ENVIRONMENTAL REVIEW

This application (C 030429 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 No. is 03DCP055K. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on February 5, 2007.

UNIFORM LAND USE REVIEW

This application (C 030429 MMK), was certified as complete by the Department of City Planning on February 5, 2007 and was duly referred to Community Board 1 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 1 held a public hearing on this application (C 030429 MMK) on March 13, 2007, and on April 11, 2007, by a vote of 13 to 5 with 1 abstention, adopted a resolution recommending approval of the application.

BOROUGH PRESIDENT RECOMMENDATION

This application (C 030429 MMK) was considered by the Borough President, who issued a recommendation approving the application on May 11, 2007.

CITY PLANNING COMMISSION PUBLIC HEARING

On May 23, 2007 (Calendar No. 12), the City Planning Commission scheduled June 6, 2007, for a public hearing on this application (C 030429 MMK). The hearing was duly held on June 6, 2007 (Calendar No. 24).

There were three speakers in favor and one speaker neutral to this application. The applicant and his representative, an attorney, described the proposal and stated that the applicants would like to acquire the bed of the street.

A representative of the New York State Department of Transportation (NYSDOT) stated that the NYSDOT does not oppose or support this proposal at this time. However, he stated that NYSDOT issued a draft environmental impact statement (DEIS) in March 2007 to facilitate reconstruction of the Kosciuszko Bridge within the Brooklyn-Queens Connecting Highway and is still awaiting comments from affected agencies. The DEIS lists five build alternatives and NYSDOT has not determined the best alternative yet. Some of these alternatives propose the opening of Thomas Street between Stewart Avenue and Gardner Avenue to access the industrial area to the east of Gardner Avenue.

A representative of Community District 1 speaking in favor of the application stated that the NYSDOT has five alternatives which are not realistic.

There were no other speakers and the hearing was closed.

CONSIDERATION

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

The portion of Thomas Street proposed to be eliminated, discontinued and closed is mapped to a 60-foot width and city-owned but is not improved. It is not necessary to the integrity and function of the street grid in this area. The applicant has been leasing the bed of the street from the City for approximately fifteen years.

The Commission is aware that NYS DOT has not yet selected alternatives for the reconstruction of the Kosciuszko Bridge within the Brooklyn-Queens Connecting Highway and this decision may affect the appropriateness of this demapping action. The Commission is also aware that the Corporation Counsel may choose to delay the mapping agreement and the certification and filing of the alteration map until the specific alternative for the Kosciuszko Bridge reconstruction is selected.

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City map and any related acquisition or disposition to be appropriate, adopts the following 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 199 of the New York City Charter and Section 5-430 et. seq. of the New York City Administrative Code, that based on the environmental determination and the consideration described in this report, the application (C 030429 MMK) for the amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of Thomas Street between Stewart Avenue and Gardner Avenue;
- the adjustment of grades necessitated thereby; and

- any acquisition or disposition of real properties related thereto,

Community District 1, Borough of Brooklyn, in accordance with Map Nos. X-2671 and X-2672 dated October 28, 2005, and signed by the Borough President, is approved; and be it further

RESOLVED that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

RESOLVED that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts three (3) counterparts of Map No. X-2672 dated October 28, 2005 providing for the discontinuance and closing of a portion of Thomas Street between Stewart Avenue and Gardner Avenue, more particularly described as follows:

DISCONTINUING AND CLOSING A PORTION OF THOMAS STREET BETWEEN STEWART AVENUE AND GARDNER AVENUE

Starting at a **Point of Beginning** located at the intersection of the easterly street line of Stewart Avenue and the former street line of Thomas Street, discontinued and closed, said point being distant 200.17 feet northerly along the easterly street line of Stewart Avenue from its intersection with the northerly street line of Cherry Street, as those streets were hereinbefore laid out in the City Map;

1. Running thence northerly, along the newly established easterly street line of Stewart Avenue, a distance of 60.05 feet to its point of intersection with the former northerly street line of Thomas Street, discontinued and closed;
2. Running thence easterly, along the former northerly street line of Thomas Street, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, a distance of 400.33 feet to its point of intersection with the westerly street line of Gardner Avenue;

3. Running thence southerly, along the newly established westerly street line of Gardner Avenue, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, a distance of 60.05 feet to its point of intersection with the former southerly street line of Thomas Street, discontinued and closed;
4. Running thence westerly, along the former southerly street line of Thomas Street, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, a distance of 400.33 feet to its point of intersection with the easterly street like of Stewart Avenue, the **Point or Place of Beginning**.

RESOLVED that, all such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map Nos. X-2671 and X-2672 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code;
- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition (a) above until the applicant shall have executed a mapping agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission (the mapping agreement). If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission; and
- c. The subject streets to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

The above resolution (C 030429 MMK), duly adopted by the City Planning Commission on July 11, 2007 (Calendar No. 12), 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 Chair

ANGELA BATAGLIA, IRWIN G. CANTOR, P.E.

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DOLLY WILLIAMS, Commissioners