



CITY PLANNING COMMISSION

February 17, 2009 / Calendar No. 8

C 080089 MMK

IN THE MATTER OF an application, submitted by Gateway Center Properties Phase II, LLC, the Department of Housing, Preservation and Development, the Department of Parks and Recreation, and the Nehemiah Housing Development Fund Corporation, Inc., 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, for an amendment to the City Map involving:

- the establishment of streets;
- the elimination, discontinuance and closing of streets;
- the establishment of Parklands;
- the elimination of Parklands;
- the extinguishment and modification of easements;
- the modifications of grades necessitated thereby; and
- the acquisition and disposition of real property related thereto, all within an area generally bounded by Gateway Drive, Flatlands Avenue, Fountain Avenue, and Shore Parkway,

Community District 5, Borough of Brooklyn, in accordance with Map Nos. Y-2705 and X-2706, dated September 4, 2008, and signed by the Borough President.

The applicants filed the proposed amendment to the City Map on September 18, 2007, in order to facilitate the development of the Gateway Estates Project, Phase II, a mixed-use development in the Spring Creek neighborhood of Brooklyn.

RELATED ACTIONS

In addition to the proposed amendment to the City Map, which is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

1. C 090078 HUK: Amendment to the Fresh Creek Urban Renewal Plan to change the designated land uses of various sites; modify density restrictions; update the timetable for plan implementation; extend the expiration date; and modify urban design controls.

2. C 090079 ZMK: Zoning Map Amendment from R6 to R7A, C2-4 and C4-2.

3. C 090081 ZSK: Special Permit for General Large Scale Development to modify certain sign regulations pursuant to Section 74-744 of the New York City Zoning Resolution.

4. C 090082 HAK: Designation of an Urban Development Action Area and Project and disposition of City-owned property.

BACKGROUND

The applicants propose various changes to the City Map to facilitate a mixed-use development, known as Gateway Estates II. The general area of the project site is located within the 227-acre Fresh Creek Urban Renewal Area that is bounded by Flatlands Avenue to the north, Fountain Avenue and Spring Creek to the east, the Belt Parkway to the south and Hendrix Creek to the west. The proposed changes to the City Map, as detailed below, include the establishment of new streets, the elimination of unimproved mapped streets, and the relocation of parklands.

PROPOSED MAPPING ACTION

The City Map Change would eliminate, establish, realign and extend certain streets. It would also relocate two interior parks to accommodate the extension of the project's proposed retail center. The purpose of these proposed changes is to improve traffic circulation and to allow for higher residential densities. None of the streets to be changed, or the parks to be relocated are currently built.

The application proposes the following:

Changing the names of the following streets:

- Old Vandalia Street will become Egan Street;
- Berriman Place will become Berriman Street;
- Flatlands Place will become Locke Street;
- Lower Ashford Street will become Ashford Street;
- Cleveland Place will become Cleveland Street; and
- Ashford Place and Erskine Place will become Schroeders Avenue;

The elimination, discontinuance and closing of the following streets, which are all 50 feet in width, City-owned, and unimproved:

- Montauk Place, Milford Place, Logan Place, and Fountain Place between Vandalia Avenue and Egan Street (formerly Old Vandalia Street);
- Walker Street between Vandalia Avenue and Fountain Street (to be eliminated);
- Lower Ashford Street between Fountain Street (to be eliminated) and Schroeders Avenue (formerly Ashford Place);
- Essex Street and Berriman Place between Fountain Street (to be eliminated) and Schroeders Avenue (formerly Erskine Place);
- Shepherd Place between Schroeders Avenue (formerly Erskine Place) and Elton Place (to be eliminated);
- Elton Place between Erskine Street and Elton Street (to be eliminated);

The elimination, discontinuance and closing of the following City-owned streets:

- A portion of Elton Street (80-feet wide and unimproved) between Fountain Street (to be eliminated) and Schroeders Avenue (formerly Erskine Place);
- Fountain Street (66 feet wide and unimproved) between Erskine Street and Gateway Drive; and
- Westerly portion of Erskine Street (irregular width and partially improved though not in use or open to traffic) between Schroeders Avenue (formerly Erskine Place) and Elton Place (to be eliminated);

The establishment of the following public streets, all at a width of 50 feet:

- Locke Street between Gateway Drive and Ashford Street (formerly Lower Ashford Street);
- Jerome Street between Vandalia Avenue [sheet 2] and Schroeders Avenue (formerly Ashford Place);
- Walker Street between Vandalia Avenue and Schroeders Avenue (formerly Ashford Place);
- Milford Street between Vandalia Avenue and Egan Street (formerly Old Vandalia Street);

The establishment of Egan Street at a width of 60 feet:

- between Vandalia Avenue and Ashford Street (formerly Lower Ashford Street);

The elimination of parkland totaling 2.30 acres in area:

- between Walker Place, Walker Street, Lower Ashford Street (all eliminated), and Schroeders Avenue (formerly Ashford Place); and
- between Essex Street, Elton Place, Shepherd Place (all eliminated), and Schroeders Avenue (formerly Erskine Place);

The establishment of parkland totaling 2.31 acres in area:

- between Vandalia Avenue, Erskine Street, Berriman Street (formerly Berriman Place) and Schroeders Avenue (formerly Erskine Place); and
- between Vandalia Avenue, Walker Street, Schroeders Avenue (formerly Ashford Place), and Ashford Street (formerly Lower Ashford Street).

The applicants also propose the extinguishment of several public access easements and permanent sewer easements previously shown for informational purposes on the City Map.

A more detailed description of the site, the surrounding area and the proposed project is included in the report on the related application for an amendment to the Fresh Creek Urban Renewal Plan (C 090078 HUK).

ENVIRONMENTAL REVIEW

This application (C 080089 MMK), in conjunction with the applications for the related actions (C 090078 HUK, C 090079 ZMK, C 090081 ZSK, C 090082 HAK), 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 07HPD021K. The lead agency is the Department of Housing Preservation and Development.

A summary of the environmental review appears in the report on the related application for the amendment to the Fresh Creek Urban Renewal Plan (C 090078 HUK).

UNIFORM LAND USE REVIEW

This application (C 080089 MMK), in conjunction with the applications for the related actions (C 090078 HUK, C 090079 ZMK, C 090081 ZSK, C 090082 HAK), was certified as complete by the Department of City Planning on September 8, 2008 and was duly referred to Community Board 5 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 5 held a public hearing on the related applications (C 090078 HUK, C 090079 ZMK, C 090081 ZSK, C 090082 HAK), on November 17, 2008, and, on that date, by a vote of 22 to 0 with 2 abstentions, adopted a resolution recommending approval of the related applications.

Borough President Recommendation

This application (C 080089 MMK), in conjunction with the applications for the related actions (C 090078 HUK, C 090079 ZMK, C 090081 ZSK, C 090082 HAK), was considered by the Brooklyn Borough President, who issued a conditional recommendation approving the application on December 18, 2008. The Borough President's recommendation and conditions appear in the report on the related application for an amendment to the Fresh Creek Urban Renewal Plan (C 090078 HUK).

City Planning Commission Public Hearing

On December 17, 2008 (Calendar No. 6), the City Planning Commission scheduled January 7, 2009 for a public hearing on this application (C 080089 MMK). The hearing was duly held on January 7, 2009 (Calendar No. 35), in conjunction with the hearing on the applications for the related actions (C 090078 HUK, C 090079 ZMK, C 090081 ZSK, C 090082 HAK).

There were a number of appearances, as described in the report on the related application for an amendment to the Fresh Creek Urban Renewal Plan (C 090078 HUK), and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 080089 MMK), in conjunction with the applications for the related actions (C 090078 HUK, C 090079 ZMK, C 090081 ZSK, C 090082 HAK), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 22, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 08-001.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the proposed Amendment to the City Map is appropriate. The elimination, realignment and establishment of mapped, but un-built streets and the relocation of two un-built interior parks would allow for the extension of the existing shopping center, and improvement of vehicular, pedestrian and bicycle circulation in the project area.

A full discussion of the Commission's consideration appears in the report on the related application for an amendment to the Fresh Creek Urban Renewal Plan (C 090078 HUK).

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map and any related acquisition or disposition of real property related thereto to be appropriate, adopts the following resolution:

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on August 15, 2008, with respect to this application, (CEQR No. 07HPD021K), the City Planning Commission finds that consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the action to be approved, is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
2. Adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent possible by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; 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 080089 MMK) for the amendment to the City Map involving:

- the establishment of streets;
- the elimination, discontinuance and closing of streets;
- the establishment of Parklands;
- the elimination of Parklands;
- the extinguishment and modification of easements;

- the modifications of grades necessitated thereby; and
- the acquisition and disposition of real property related thereto, all within an area generally bounded by Gateway Drive, Flatlands Avenue, Fountain Avenue, and Shore Parkway,

Community District 5, Borough of Brooklyn, in accordance with Map Nos. Y-2705 and X-2706, dated September 4, 2008, 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 the legally required number of counterparts of Map No. X-2706 dated September 4, 2008, providing for the **discontinuance and closing** of various streets within an area generally bounded by Gateway Drive, Flatlands Avenue, Fountain Avenue, and Shore Parkway, said streets to be discontinued and closed being more particularly described as follows:

1. Montauk Place from Vandalia Avenue to Egan Street (formerly Old Vandalia Street)

Starting at a Point of Beginning located at the intersection of the northerly street line of Vandalia Avenue and the former westerly street line of Montauk Place, discontinued and closed, both street lines being perpendicular, and said point being distant 52.86 feet easterly along the northerly street line of Vandalia Avenue from its intersection with the easterly street line of Erskine Street, as those streets were hereinbefore laid out on the City Map;

1) Running thence northerly, along said former westerly street line of Montauk Place, discontinued and closed, 190.03 feet to its intersection with the southerly street line of Egan Street (formerly Old Vandalia Street);

2) Running thence easterly, along the newly established southerly street line of said Egan Street (formerly Old Vandalia Street), said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 50.00 feet to its intersection with the former easterly street line of Montauk Place, discontinued and closed;

3) Running thence southerly, along said former easterly street line of Montauk Place, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 190.03 feet to its intersection with the northerly street line of Vandalia Avenue;

4) Running thence westerly, along the newly established northerly street line of said Vandalia Avenue, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 50.00 feet to the Point or Place of Beginning.

The area described above consists of 9,501.50 square feet, more or less.

2. Milford Place from Vandalia Avenue to Egan Street (formerly Old Vandalia Street)

Starting at a Point of Beginning located at the intersection of the northerly street line of Vandalia Avenue and the former easterly street line of Milford Place, discontinued and closed, both street lines being perpendicular, and said point being distant 60.00 feet westerly along the northerly street line of Vandalia Avenue from its intersection with the newly established westerly street line of Milford Street, as those streets were hereinbefore laid out on the City Map;

1) Running thence westerly, along the newly established northerly street line of said Vandalia Avenue, along the prolongation of said existing northerly street line of Vandalia Avenue, 50.00 feet to its intersection with the former westerly street line of Milford Place, discontinued and closed;

2) Running thence northerly, along said former westerly street line of Milford Place, discontinued and closed, said course forming a deflection angle to the right with the last

mentioned course of 90 degrees 00 minutes 00 seconds, 190.03 feet to its intersection with the southerly street line of Egan Street (formerly Old Vandalia Street);

3) Running thence easterly, along the newly established southerly street line of said Egan Street (formerly Old Vandalia Street), said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 50.00 feet to its intersection with the former easterly street line of Milford Place, discontinued and closed;

4) Running thence southerly, along said former easterly street line of Milford Place, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 190.03 feet to the Point or Place of Beginning.

The area described above consists of 9,501.50 square feet, more or less.

3. Logan Place from Vandalia Avenue to Egan Street (formerly Old Vandalia Street)

Starting at a Point of Beginning located at the intersection of the northerly street line of Vandalia Avenue and the former westerly street line of Logan Place, discontinued and closed, both street lines being perpendicular, and said point being distant 80.00 feet easterly along the northerly street line of Vandalia Avenue from its intersection with the newly established easterly street line of Milford Street, as those streets were hereinbefore laid out on the City Map;

1) Running thence northerly, along said former westerly street line of Logan Place, discontinued and closed, 190.03 feet to its intersection with the southerly street line of Egan Street (formerly Old Vandalia Street);

2) Running thence easterly, along the newly established southerly street line of said Egan Street (formerly Old Vandalia Street), said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 50.00 feet to its intersection with the former easterly street line of Logan Place, discontinued and closed;

3) Running thence southerly, along said former easterly street line of Logan Place, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 190.03 feet to its intersection with the northerly street line of Vandalia Avenue;

4) Running thence westerly, along the newly established northerly street line of said Vandalia Avenue, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 50.00 feet to the Point or Place of Beginning.

The area described above consists of 9,501.50 square feet, more or less.

4. Fountain Place from Vandalia Avenue to Egan Street (formerly Old Vandalia Street)

Starting at a Point of Beginning located at the intersection of the northerly street line of Vandalia Avenue and the former easterly street line of Fountain Place, discontinued and closed, both street lines being perpendicular, and said point being distant 95.00 feet westerly along the northerly street line of Vandalia Avenue from its intersection with the westerly street line of Fountain Avenue, as those streets were hereinbefore laid out on the City Map;

1) Running thence westerly, along the newly established northerly street line of said Vandalia Avenue, along the prolongation of said existing northerly street line of Vandalia Avenue, 50.00 feet to its intersection with the former westerly street line of Fountain Place, discontinued and closed;

2) Running thence northerly, along said former westerly street line of Fountain Place, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 190.03 feet to its intersection with the southerly street line of Egan Street (formerly Old Vandalia Street);

3) Running thence easterly, along the newly established southerly street line of said Egan

Street (formerly Old Vandalia Street), said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 50.00 feet to its intersection with the former easterly street line of Fountain Place, discontinued and closed;

4) Running thence southerly, along said former easterly street line of Fountain Place, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 190.03 feet to the Point or Place of Beginning.

The area described above consists of 9,501.50 square feet, more or less.

5. Walker Street from Schroeders Avenue (formerly Ashford Place) to Vandalia Avenue

Starting at a Point of Beginning located at the intersection of the newly established northerly street line of Schroeders Avenue and the former easterly street line of Walker Street, discontinued and closed, which is coterminous with the westerly street line of the newly established Walker Street, as those streets were hereinbefore laid out on the City Map;

1) Running thence westerly, along said newly established northerly street line of Schroeders Avenue, 50.00 feet to its intersection with the former westerly street line of Walker Street, discontinued and closed;

2) Running thence northerly, along said former westerly street line of Walker 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, 287.99 feet to its intersection with the southerly street line of Vandalia Avenue;

3) Running thence easterly, along the newly established southerly street line of said Vandalia Avenue, along the prolongation of said existing southerly street line of Vandalia Avenue, along a non-tangent concave curve to the left having a radius of 700.00 feet and a central angle of 04 degrees 22 minutes 48 seconds, a curve length of 53.51 feet to its intersection

with the former easterly street line of Walker Street, discontinued and closed;

4) Running thence southerly, along said former easterly street line of Walker Street, discontinued and closed, which is coterminous with the westerly street line of the newly established Walker Street, on a non-tangent line with the last mentioned course or curve, 268.96 feet to the Point or Place of Beginning.

The area described above consists of 13,905.54 square feet, more or less.

6. Walker Street from Schroeders Avenue (formerly Ashford Place) to former Fountain Street, discontinued and closed, and Walker Place from former Walker Street, discontinued and closed, to former Lower Ashford Street, discontinued and closed

Starting at a Point of Beginning located at the intersection of the southerly street line of Schroeders Avenue (formerly Ashford Place) and the former easterly street line of Walker Street, discontinued and closed, said point being distant 50.00 feet southerly along the southerly projection of the westerly street line of the newly established Walker Street from its intersection with the northerly street line of Schroeders Avenue (formerly Ashford Place), as those streets were hereinbefore laid out on the City Map;

1) Running thence southerly, along said former easterly street line of Walker Street, discontinued and closed, along said southerly projection of the westerly street line of the newly established Walker Street, 227.17 feet to its intersection with the former northerly street line of Walker Place, discontinued and closed;

2) Running thence easterly, along said former northerly street line of Walker Place, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 90 degrees 00 minutes 00 seconds, 301.16 feet to its intersection with the former westerly street line of Lower Ashford Street, discontinued and closed;

3) Running thence southerly, along the prolongation of said former westerly street line of

Lower Ashford 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, 50.00 feet to its intersection with the former southerly street line of Walker Place, discontinued and closed;

4) Running thence westerly, along said former southerly street line of Walker Place, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 301.16 feet to its intersection with the former easterly street line of Walker Street, discontinued and closed;

5) Running thence southerly, along said former easterly street line of Walker Street, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 90 degrees 00 minutes 00 seconds, 232.17 feet to its intersection with the former northerly street line of Fountain Street, discontinued and closed;

6) Running thence westerly, along the prolongation of said former northerly street line of Fountain 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, 50.00 feet to its intersection with the former westerly street line of Walker Street, discontinued and closed;

7) Running thence northerly, along said former westerly street line of Walker 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, 509.34 feet to its intersection with the newly established southerly street line of Schroeders Avenue;

8) Running thence easterly, along said newly established southerly street line of Schroeders Avenue, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 50.00 feet to the Point or Place of Beginning.

The area described above consists of 40,525.00 square feet, more or less.

7. Lower Ashford Street from Schroeders Avenue (formerly Ashford Place) to former Fountain Street, discontinued and closed, and Fountain Street from Gateway Drive to former Essex Street, discontinued and closed

Starting at a Point of Beginning located at the intersection of the southerly street line of Schroeders Avenue (formerly Ashford Place) and the former easterly street line of Lower Ashford Street, discontinued and closed, said point being distant 50.00 feet southerly along the southerly projection of the easterly street line of Ashford Street (formerly Lower Ashford Street) from its intersection with the newly established northerly street line of Schroeders Avenue, as those streets were hereinbefore laid out on the City Map;

- 1) Running thence southerly, along said former easterly street line of Lower Ashford Street, discontinued and closed, along said southerly projection of the easterly street line of Ashford Street (formerly Lower Ashford Street), 509.34 feet to its intersection with the former northerly street line of Fountain Street, discontinued and closed;
- 2) Running thence easterly, along said former northerly street line of Fountain Street, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 90 degrees 00 minutes 00 seconds, 1086.95 feet to its intersection with the former easterly street line of Essex Street, discontinued and closed;
- 3) Running thence southerly, along the prolongation of said former easterly street line of Essex 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, 66.00 feet to its intersection with the former southerly street line of Fountain Street, discontinued and closed;
- 4) Running thence westerly, along said former southerly street line of Fountain 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, 1805.25 feet to its intersection with the easterly street line of Gateway Drive;
- 5) Running thence northerly, along the newly established easterly street line of said

Gateway Drive, along the prolongation of said existing easterly street line of Gateway Drive, along a symmetrical concave curve to the left having a radius of 857.00 feet and a central angle of 04 degrees 24 minutes 48 seconds, a curve length of 66.02 feet to its intersection with the former northerly street line of Fountain Street, discontinued and closed;

6) Running thence easterly, along said former northerly street line of Fountain Street, discontinued and closed, on a non-tangent line with the last mentioned course or curve, 668.30 feet to its intersection with the former westerly street line of Lower Ashford Street, discontinued and closed;

7) Running thence northerly, along said former westerly street line of Lower Ashford Street, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 90 degrees 00 minutes 00 seconds, 509.34 feet to its intersection with the newly established southerly street line of Schroeders Avenue;

8) Running thence easterly, along said newly established southerly street line of Schroeders Avenue, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 50.00 feet to the Point or Place of Beginning.

The area described above consists of 144,585.57 square feet, more or less.

8. Segment of Elton Street between Schroeders Avenue (formerly Erskine Place) and former Fountain Street, discontinued and closed, and Elton Place from former Elton Street, discontinued and closed, to former Essex Street, discontinued and closed

Starting at a Point of Beginning located at the intersection of the westerly street line of Elton Street and the newly established southerly street terminus line of Elton Street, said point being distant 162.00 feet southerly along said westerly street line of Elton Street from its intersection with the newly established southerly street line of Schroeders Avenue, as those streets were hereinbefore laid out on the City Map;

- 1) Running thence easterly, along said newly established southerly street terminus line of Elton Street, 80.00 feet to its intersection with the former easterly street line of Elton Street, discontinued and closed;
- 2) Running thence southerly, along said former easterly street line of Elton 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, 65.17 feet to its intersection with the former northerly street line of Elton Place, discontinued and closed;
- 3) Running thence easterly, along said former northerly street line of Elton Place, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 90 degrees 00 minutes 00 seconds, 465.49 feet to its intersection with the former westerly street line of Essex Street, discontinued and closed;
- 4) Running thence southerly, along the prolongation of said former westerly street line of Essex 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, 50.00 feet to its intersection with the former southerly street line of Elton Place, discontinued and closed;
- 5) Running thence westerly, along said former southerly street line of Elton Place, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 465.49 feet to its intersection with the former easterly street line of Elton Street, discontinued and closed;
- 6) Running thence southerly, along said former easterly street line of Elton Street, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 90 degrees 00 minutes 00 seconds, 232.17 feet to its intersection with the former northerly street line of Fountain Street, discontinued and closed;
- 7) Running thence westerly, along the prolongation of said former northerly street line of Fountain 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, 80.00 feet to its intersection with the former westerly street line of Elton Street, discontinued and closed;

8) Running thence northerly, along said former westerly street line of Elton Street, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 347.34 feet to the Point or Place of Beginning.

The area described above consists of 51,062.70 square feet, more or less.

9. Fountain Street from Erskine Street to former Essex Street, discontinued and closed, and Berriman Place from former Fountain Street, discontinued and closed, to former Elton Place, discontinued and closed

Starting at a Point of Beginning located at the intersection of the westerly street line of Erskine Street and the former northerly street line of Fountain Street, discontinued and closed, said point being the following two courses southerly along said westerly street line of Erskine Street from its intersection with the newly established southerly street line of Schroeders Avenue, as those streets were hereinbefore laid out on the City Map;

A) Running southerly along the newly established westerly street line of Erskine Street, from its intersection with the newly established southerly street line of Schroeders Avenue, on a non-tangent curve to the right, having a radius of 584.03 feet and a central angle of 30 degrees 26 minutes 23 seconds, its radial line through this starting point forming a deflection angle to the left with the newly established southerly street line of Schroeders Avenue (formerly Erskine Place) of 05 degrees 56 minutes 24 seconds, a curve length of 310.28 feet to its point of tangency on the westerly street line of Erskine Street;

B) Continuing thence southerly along the existing westerly street line of Erskine Street, along a line tangent with the last mentioned course or curve, 227.15 feet to the Point of Beginning;

- 1) Running thence southerly, along the newly established westerly street line of Erskine Street, along the prolongation of said existing westerly street line of Erskine Street, 100.52 feet to its intersection with the former southerly street line of Fountain Street, discontinued and closed;
- 2) Running thence northerly and westerly, along said former southerly street line of Fountain Street, discontinued and closed, on a concave tangential curve to the left, having a radius of 18.00 feet and a central angle of 114 degrees 30 minutes 00 seconds, a curve length of 35.97 feet to its point of tangency on the former southerly street line of Fountain Street, discontinued and closed;
- 3) Continuing thence westerly, along said former southerly street line of Fountain Street, discontinued and closed, on a line tangent to the last mentioned course or curve, 680.54 feet to its intersection with the southerly prolongation of the former easterly street line of Essex Street, discontinued and closed;
- 4) Running thence northerly, along the prolongation of said former easterly street line of Essex 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, 66.00 feet to its intersection with the former northerly street line of Fountain Street, discontinued and closed;
- 5) Running thence easterly, along said former northerly street line of Fountain 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, 470.00 feet to its intersection with the former westerly street line of Berriman Place, discontinued and closed;
- 6) Running thence northerly, along said former westerly street line of Berriman Place, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 90 degrees 00 minutes 00 seconds, 232.17 feet to its intersection with the former southerly street line of Elton Place, discontinued and closed;

7) Running thence easterly, along the prolongation of said former southerly street line of Elton Place, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 50.00 feet to its intersection with the former easterly street line of Berriman Place, discontinued and closed;

8) Running thence southerly, along said former easterly street line of Berriman Place, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 232.17 feet to its intersection with the former northerly street line of Fountain Street, discontinued and closed;

9) Running thence easterly, along said former northerly street line of Fountain Street, said course forming a deflection angle to the left with the last mentioned course of 90 degrees 00 minutes 00 seconds, 218.60 feet to the Point or Place of Beginning.

The area described above consists of 59,543.83 square feet, more or less.

10. Essex Street from Schroeders Avenue (formerly Erskine Place) to former Fountain Street, discontinued and closed

Starting at a Point of Beginning located at the intersection of the southerly street line of Schroeders Avenue (formerly Erskine Place) and the former westerly street line of Essex Street, discontinued and closed, both street lines being perpendicular, and said point being distant 50.00 feet southerly along the southerly projection of the westerly street line of Essex Street from its intersection with the northerly street line of Schroeders Avenue (formerly Erskine Place), as those streets were hereinbefore laid out on the City Map;

1) Running thence easterly, along the newly established southerly street line of Schroeders Avenue (formerly Erskine Place), along the prolongation of the existing southerly street line of Schroeders Avenue (formerly Erskine Place), 50.00 feet to its intersection with the former easterly street line of Essex Street, discontinued and closed;

- 2) Running thence southerly, along said former easterly street line of Essex 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, 509.34 feet to its intersection with the former northerly street line of Fountain Street, discontinued and closed;
- 3) Running thence westerly, along the prolongation of said former northerly street line of Fountain 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, 50.00 feet to its intersection with the former westerly street line of Essex Street, discontinued and closed;
- 4) Running thence northerly, along said former westerly street line of Essex 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, 509.34 feet to the Point or Place of Beginning.

The area described above consists of 25,467.00 square feet, more or less.

11. Berriman Place from Schroeders Avenue (formerly Erskine Place) to former Elton Place, discontinued and closed

Starting at a Point of Beginning located at the intersection of the southerly street line of Schroeders Avenue (formerly Erskine Place) and the former westerly street line of Berriman Place, discontinued and closed, both street lines being perpendicular, and said point being distant 50.00 feet southerly along the southerly projection of the westerly street line of Berriman Street (formerly Berriman Place) from its intersection with the northerly street line of Schroeders Avenue (formerly Erskine Place), as those streets were hereinbefore laid out on the City Map;

- 1) Running thence easterly, along the newly established southerly street line of Schroeders Avenue (formerly Erskine Place), along the prolongation of the existing southerly street line of Schroeders Avenue (formerly Erskine Place), 50.00 feet to its intersection with the former easterly street line of Berriman Place, discontinued and closed;

- 2) Running thence southerly, along said former easterly street line of Berriman Place, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 227.17 feet to its intersection with the former northerly street line of Elton Place, discontinued and closed;
- 3) Running thence westerly, along the prolongation of said former northerly street line of Elton Place, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 50.00 feet to its intersection with the former westerly street line of Berriman Place, discontinued and closed;
- 4) Running thence northerly, along said former westerly street line of Berriman Place, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 227.17 feet to the Point or Place of Beginning.

The area described above consists of 11,358.50 square feet, more or less.

12. Shepherd Place from Schroeders Avenue (formerly Erskine Place) to former Elton Place, discontinued and closed

Starting at a Point of Beginning located at the intersection of the southerly street line of Schroeders Avenue (formerly Erskine Place) and the former westerly street line of Shepherd Place, discontinued and closed, said point being distant 140.00 feet easterly 50.00 feet southerly from the intersection of the northerly street line of Schroeders Avenue (formerly Erskine Place) and the easterly street line of Essex Street, as those streets were hereinbefore laid out on the City Map;

- 1) Running thence easterly, along the newly established southerly street line of Schroeders Avenue (formerly Erskine Place), along the prolongation of the existing southerly street line of Schroeders Avenue (formerly Erskine Place), 50.00 feet to its intersection with the former

easterly street line of Shepherd Place, discontinued and closed;

2) Running thence southerly, along said former easterly street line of Shepherd Place, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 227.17 feet to its intersection with the former northerly street line of Elton Place, discontinued and closed;

3) Running thence westerly, along the prolongation of said former northerly street line of Elton Place, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 50.00 feet to its intersection with the former westerly street line of Shepherd Place, discontinued and closed;

4) Running thence northerly, along said former westerly street line of Shepherd Place, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 227.17 feet to the Point or Place of Beginning.

The area described above consists of 11,358.50 square feet, more or less.

13. Portion of Erskine Street from Schroeders Avenue (formerly Erskine Place) to former Elton Place, discontinued and closed, and Elton Place from Erskine Street to former Essex Street, discontinued and closed

Starting at a Point of Beginning located at the intersection of the newly established southerly street line of Schroeders Avenue, along the prolongation of the existing southerly street line of Schroeders Avenue (formerly Erskine Place), and the newly established westerly street line of Erskine Street, as those streets were hereinbefore laid out on the City Map;

1) Running thence southerly, along said newly established westerly street line of Erskine Street, on a non-tangent curve to the right, having a radius of 584.03 feet and a central angle of 30 degrees 26 minutes 23 seconds, its radial line through the point of beginning forming a

deflection angle to the left with the newly established southerly street line of Schroeders Avenue of 05 degrees 56 minutes 24 seconds, a curve length of 310.28 feet to its point of tangency on the westerly street line of Erskine Street, which is coterminous with a point of curvature on the former southerly street line of Elton Place, discontinued and closed;

2) Running thence northerly and westerly, along said former southerly street line of Elton Place, discontinued and closed, on a concave tangential curve to the left, having a radius of 18.00 feet and a central angle of 114 degrees 30 minutes 00 seconds, a curve length of 35.97 feet to its point of tangency on the former southerly street line of Elton Place, discontinued and closed;

3) Continuing thence westerly, along said former southerly street line of Elton Place, discontinued and closed, on a line tangent to the last mentioned course or curve, 816.42 feet to its intersection with the former easterly street line of Essex Street, discontinued and closed;

4) Running thence northerly, along the prolongation of said former easterly street line of Essex 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, 50.00 feet to its intersection with the former northerly street line of Elton Place, discontinued and closed;

5) Running thence easterly, along said former northerly street line of Elton Place, discontinued and closed, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 seconds, 800.00 feet to its intersection with the former westerly street line of Erskine Street, discontinued and closed;

6) Running thence northerly, along said former westerly street line of Erskine Street, discontinued and closed, said course forming a deflection angle to the left with the last mentioned course of 90 degrees 00 minutes 00 seconds, 227.17 feet to its intersection with the southerly street line of Schroeders Avenue (formerly Erskine Place);

7) Running thence easterly, along the newly established southerly street line of Schroeders Avenue, said course forming a deflection angle to the right with the last mentioned course of 90

degrees 00 minutes 00 seconds, 82.25 feet to the Point or Place of Beginning.

The area described above consists of 60,904.92 square feet, more or less; and be it further

RESOLVED that, pursuant to subdivision 1a of Section 5-433 of the New York City Administrative Code, public utility facilities within the subsurface of the streets cited herein which are to be discontinued and closed by this action, may be maintained in place or relocated within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or portions of such subsurface, and the requirements of other facilities located therein;

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. Y-2705 and X-2706 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; and
- b. The subject street 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 080089 MMK), duly adopted by the City Planning Commission on February 17, 2009 (Calendar No. 8), 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, IRWIN G. CANTOR, P.E.,
ANGELA R. CAVALUZZI, AIA, ALFRED C. CERULLO, III,
BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY,
SHIRLEY A. MCRAE, JOHN MEROLO,
KAREN A. PHILLIPS, Commissioners