



CITY PLANNING COMMISSION

July 11, 2007/Calendar No. 9

C 060209 PQQ

IN THE MATTER OF an application submitted by the Brooklyn Public Library and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for acquisition of property located at 2602 Bath Ave (Block 6897, Lot 35), Borough of Brooklyn, Community District 13, for continued use as a branch library.

The application was filed by Brooklyn Public Library (BPL) and the Department of Citywide Administrative Services (DCAS) on November 9, 2005 and revised on January 30, 2007. The application for acquisition of property by the city would facilitate the continued operation of the Ulmer Park Branch of the Brooklyn Public Library at 2602 Bath Avenue in the Ulmer Park section of Brooklyn, Community District 13.

BACKGROUND

Brooklyn Public Library and Department of Citywide Administrative Services intend to acquire privately owned land located at 2602 Bath Avenue. The acquisition of this site, which has been continuously operated the Ulmer Park Branch of the Brooklyn Public Library since 1963, is intended to allow the continued operation of the library at its current location.

The site is located in an R5 zoning district at the south-east corner of the intersection of 26th Avenue and Bath Avenue in the Ulmer Park section of Brooklyn Community District 13. The site is approximately 11,700 square feet. The existing structure on the site totals approximately 8,400 square feet, and is a one-story brick building that contains reading rooms, book stacks and computer workstations. The library serves the surrounding residential community by providing book lending, educational and recreational programming, internet access and computer facilities. There is a C8-1 zoning district to the west, an R6 zoning district to the south, a C8-2 zoning

district to the north and a R5 zoning district to the east of the site. The blocks surrounding the site are composed mostly of private homes and apartment buildings, though there are also a number of public and private educational facilities nearby.

ENVIRONMENTAL REVIEW

This application (C 060209 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. The lead agency is Brooklyn Public Library. The designated CEQR number is 06BPL001K.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on October 31, 2005.

UNIFORM LAND USE REVIEW

This application (C 060209 PQK) was certified as complete by the Department of City Planning on February 5, 2007, and was duly referred to Community Board 13 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 20-02(b).

Community Board Public Hearing

Community Board 13 held a public hearing on this application on February 28, 2007. The community board adopted a recommendation approving the application, by a vote of 29 in favor, 2 against, and 6 abstentions, on March 28, 2007.

Borough President Recommendation

This application was considered by the Brooklyn Borough President, who issued a recommendation approving the application on May 16, 2007.

City Planning Commission Public Hearing

On May 23, 2007 (Calendar No. 8), the City Planning Commission scheduled June 6, 2007 for a public hearing on this application (C 060209 PQK). The hearing was duly held on June 6, 2007 (Calendar No. 22). There were 3 speakers in favor and 2 in opposition.

A representative of BPL testified that the organization owns the vast majority of the properties on which it operates branch locations. However, the Ulmer Park branch of BPL is situated on land that is leased from a private land owner. It was stated that the terms of the current lease agreement under which this branch library operates, requires BPL to pay maintenance, insurance, and city real estate taxes in addition to their rental fee. Therefore, it has become the policy of BPL to negotiate purchases of all branch locations that are operated through lease agreements with private landowners. The representative testified that the purchase of leased properties reduces operation costs of the library overall and makes it easier to attain capital funds from the city to pay for renovations, maintenance and improvements to the existing structure. Finally, the representative testified that the land will not be developed for use other than a branch location of BPL.

A representative of the city council member for the 47th district appeared in support of this application

A representative of DCAS explained DCAS' role in obtaining private property for public uses.

A representative of the property owner expressed opposition to the proposed action, and testified that BPL had not acted in good faith during lease negotiations to allow BPL to continue operating its branch library on the property. He testified that the landowners are not interested in selling the property, but would like to negotiate the terms of a new lease with BPL.

A second representative of the property owner also appeared in opposition to the application.

There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that the acquisition of property located at 2602 Bath Avenue (Block 6897, Lot 35), for continued use as a branch of the Brooklyn Public Library, is appropriate.

BPL has occupied the premises continuously since 1963, serving residents of the Ulmer Park neighborhood of Community District 13, Brooklyn. The proposed facility is an as of right use permitted in the R5 zoning district.

The facility is located within the community it serves. The acquisition of this property will allow BPL to continue to provide needed educational, recreational and social programs for the residents of this community.

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 060209 PQK) of Brooklyn Public Library and the Department of Citywide Administrative Services for the acquisition of property located at 2602 Bath Avenue (Block 6897, Lot 35), Borough of Brooklyn, Community District 13, for continued use as a branch library is approved.

The above resolution (C 060209 PQK), duly adopted by the City Planning Commission, on July 11, 2007 (Calendar No. 9), 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 Chairman

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KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners**