



CITY PLANNING COMMISSION

May 8, 2006/Calendar No. 2

C 020518 ZMK

IN THE MATTER OF an application submitted by the Rector Hylan Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

- a. changing from an M3-1 District to an R7-3 District property bounded by the westerly centerline prolongation of South 8th Street, Kent Avenue, a line 290 feet southerly of the westerly centerline prolongation of South 8th Street, and the U.S. Pierhead Line;
- b. changing from a C4-3 District to an R7-3 District property bounded by a line 117 feet southerly of the westerly centerline prolongation of Broadway, Kent Avenue, the westerly centerline prolongation of South 8th Street, and the U.S. Pierhead Line; and
- c. establishing within the proposed R7-3 District a C2-4 District bounded by a line 117 feet southerly of the westerly centerline prolongation of Broadway, Kent Avenue, a line 290 feet southerly of the westerly centerline prolongation of South 8th Street, and a line 100 feet westerly of Kent Avenue;

Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated December 5, 2005, and subject to the conditions of CEQR Declaration E-161.

This application for an amendment of the zoning map was filed by Rector Hylan Corporation on March 27, 2002 to change an M3-1 and C4-3 District to an R7-3 District with a C2-4 overlay along Kent Avenue for a waterfront site in the Williamsburg area of Community District 1, Brooklyn.

RELATED ACTIONS

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

C 020517 ZSK – A Special Permit pursuant to Section 62-736 for bulk modifications on a waterfront block

N 020516 ZCK – A Certification by the Chair of the City Planning Commission pursuant to Section 62-711 that a site plan has been submitted showing compliance with the zoning regulations for waterfront public access and visual corridors.

BACKGROUND

A complete background discussion and description of this project appears in the report for the related application for the grant of a special permit (C 020517 ZSK).

ENVIRONMENTAL REVIEW

This application (C 0020518 ZMK), in conjunction with the related application (C 020517 ZSK), 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 number is 02DCP045K. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, the lead agency has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

1. The applicant agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If

necessary, remediation measures would be undertaken pursuant to the remediation plan. With the implementation of the condition described above, no significant adverse impact related to hazardous materials would occur.

2. The applicant agrees via a restrictive declaration to fund the installation of a traffic signal at the intersection of Kent Avenue and Division Avenue, if determined to be warranted by the NYC Department of Transportation (DOT), upon completion of construction of the project. With the implementation of this condition, no significant adverse traffic impacts would result from the proposed project.

The applicant signed a Conditional Negative Declaration (CDN) on December 2, 2005.

Subsequently, the EAS was revised to include an analysis of the project with an affordable housing component and the applicant signed a revised CND on March 17, 2006, which superseded the CND signed on December 2, 2005. The revised CND was published in the New York State Environmental Notice Bulletin on March 29, 2006. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed. No comments were received and the revised CND was issued on May 8, 2006.

UNIFORM LAND USE REVIEW

This application (C 020518 ZMK), in conjunction with the related special permit application (C 020517 ZSK) was certified as complete by the Department of City Planning on December 5, 2005, and was duly referred to Community Board 1 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 1 held a public hearing on this application on January 11, 2006. A full discussion of the Community Board 1 resolution appears in the report on the related special permit application (C 020517 ZSK).

Borough President Recommendation

This application was considered by the Borough President. A full discussion of the Borough President's resolution appears in the report on the related special permit application (C 020517 ZSK).

City Planning Commission Public Hearing

On March 8, 2006 (Calendar No. 5), the City Planning Commission scheduled March 22, 2006, for a public hearing on this application (C 020518 ZMK). The hearing was duly held on March 22, 2006 (Calendar No. 27), in conjunction with the public hearing on the related special permit application (C 020517 ZSK).

There were a number of speakers, as described in the report on the related special permit application (C 020517 ZSK), and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application, in conjunction with the applications for the related actions, 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 28, 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 02-020.

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

CONSIDERATION

The Commission believes that this amendment of the Zoning Map is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the report on the related special permit application (C 020517 ZSK).

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; subject to the following conditions:

1. The applicant agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

2. The applicant agrees via a restrictive declaration to fund the installation of a traffic signal at the intersection of Kent Avenue and Division Avenue, if determined to be warranted by the NYC Department of Transportation (DOT), upon completion of construction of the project;

and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City's Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed project is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map Section No. 12d:

- a. changing from an M3-1 District to an R7-3 District property bounded by the westerly centerline prolongation of South 8th Street, Kent Avenue, a line 290 feet southerly of the westerly centerline prolongation of South 8th Street, and the U.S. Pierhead Line;
- b. changing from a C4-3 District to an R7-3 District property bounded by a line 117 feet southerly of the westerly centerline prolongation of Broadway, Kent Avenue, the westerly centerline prolongation of South 8th Street, and the U.S. Pierhead Line; and
- c. establishing within the proposed R7-3 District a C2-4 District bounded by a line 117 feet southerly of the westerly centerline prolongation of Broadway, Kent Avenue, a line 290 feet southerly of the westerly centerline prolongation of South 8th Street, and a line 100 feet westerly of Kent Avenue;

Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated December 5, 2005, which includes CEQR Designation E-161.

The above resolution (C 020518 ZMK), duly adopted by the City Planning Commission on May 8, 2005 (Calendar No. 2), 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

ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,

ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III, RICHARD W. EADDY,

JANE D. GOL, LISA A. GOMEZ, CHRISTOPHER KUI, JOHN MEROLO,

KAREN A. PHILLIPS, Commissioners

DOLLY WILLIAMS, Commissioner, Voting No