



## CITY PLANNING COMMISSION

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August 9, 2006/Calendar No. 13

C 050256 MMK

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**IN THE MATTER OF** an application, submitted by the Department of Environmental Protection 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 elimination, discontinuance and closing of East 91<sup>st</sup> Street between Avenue D and the Long Island Rail Road Right-Of-Way;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

Community District 18, Borough of Brooklyn, in accordance with Map Nos. X-2692 and X-2693 dated October 28, 2005, and signed by the Borough President.

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The application (C 050256 MMK) for an amendment to the City Map was filed by the Department of Environmental Protection (DEP), 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 January 13, 2005. It involves: the elimination, discontinuance and closing of East 91<sup>st</sup> Street between Avenue D and the Long Island Rail Road Right-Of-Way; the adjustment of grades necessitated thereby; and any acquisition or disposition of real property related thereto.

### **RELATED ACTIONS**

In addition to the amendment to the City 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 application which is being considered concurrently with this application:

C 060365 PSK      Site selection for a DEP maintenance facility.

### **BACKGROUND**

The change in the City Map involves the elimination, discontinuance and closing of a portion of East 91<sup>st</sup> Street between Avenue D and Ditmas Avenue to facilitate the construction of a DEP maintenance facility. The Remsen Avenue maintenance facility has been operating at this location for over 50 years and is in need of repair and reconstruction. To reconstruct this facility, DEP intends to use properties on both sides of East 91<sup>st</sup> Street and the bed of this street.

East 91<sup>st</sup> Street at this location is mapped to a 60 foot width, unimproved and is city-owned. The portion of the street proposed to be eliminated is located between properties owned by DEP and dead ends at the Long Island Rail Road R.O.W.

Instead of an interagency mapping conference, comments were solicited from affected agencies and utilities on February 11, 2005. No city agency expressed objections to the map change proposal and a precertification report was issued on March 14, 2005.

A full background discussion and project description appears in the report on the related application for site selection (C 060365 PSK).

### **ENVIRONMENTAL REVIEW**

This application (C 050256 MMK), in conjunction with the application for the related action (C 060365 PSK), 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 05DEP030K. The lead agency is the Department of Environmental Protection.

A summary of the environmental review appears in the report on the related application for site selection (C 060365 PSK).

### **UNIFORM LAND USE REVIEW**

This application (C 050256 MMK), in conjunction with the application for the related action (C 060365 PSK), was certified as complete by the Department of City Planning on April 24, 2006, and was duly referred to Community Board 18 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 18 held a public hearing on this application (C 050256 MMK) on May 17, 2006, and on that day, by a vote of 34 to 0, with 0 abstentions, adopted a resolution

recommending approval of the application.

A summary of the recommendation of Community Board 18 appears in the report on the related application for site selection (C 060365 PSK).

### **Borough President Recommendation**

This application (C 050256 MMK) was considered by the Borough President of Brooklyn who issued a recommendation approving the application on June 22, 2006.

A summary of the Borough President's recommendation appears in the report on the related application for site selection (C 060365 PSK).

### **City Planning Commission Public Hearing**

On June 21, 2006 (Calendar No. 1), the City Planning Commission scheduled July 12, 2006 for a public hearing on this application (C 050256 MMK). The hearing was duly held on July 12, 2006 (Calendar No. 25) in conjunction with the hearing on the related action (C 060365 PSK).

There were a number of appearances, as described in the report on the related application for site selection (C 060365 PSK), and the hearing was closed.

### **CONSIDERATION**

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

A full consideration of the issues and the reasons for approving this application appears in the report on the related application for site selection (C 060365 PSK).

### **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 050256 MMK) for the amendment to the City Map involving:

- the elimination, discontinuance and closing of East 91<sup>st</sup> Street between Avenue D and the Long Island Rail Road Right-Of-Way;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

in Community District 18, Borough of Brooklyn, in accordance with Map Nos. X-2692 and X-2693 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-2693 dated October 28, 2005 providing for the discontinuance and closing of East 91<sup>st</sup> Street between Avenue D and the Long Island Rail Road Right-Of-Way, more particularly described as follows:

**DISCONTINUANCE AND CLOSING OF EAST 91<sup>ST</sup> STREET BETWEEN AVENUE D AND THE LONG ISLAND RAIL ROAD RIGHT-OF-WAY:**

Starting at a **Point of Beginning** located at the intersection of the northwesterly street line of Avenue D and the former northeasterly street line of East 91<sup>st</sup> Street, discontinued and closed, said point being distant 92.20 feet southwesterly along the northwesterly street line of Avenue D from its intersection with the westerly street line of East 92<sup>nd</sup> Street, as those streets were hereinbefore laid out in the City Map;

1. Running thence southwesterly, along the newly established northwesterly street line of Avenue D, a distance of 60.00 feet to its point of intersection with the former southwesterly street line of East 91<sup>st</sup> Street, discontinued and closed, said point being distant 200.00 feet northeasterly along the northwesterly street line of Avenue D from its intersection with the northeasterly street line of Remsen Avenue;
2. Running thence northwesterly, along the former southwesterly street line of East 91<sup>st</sup> Street, discontinued and closed, and the prolongation thereof, said course forming a deflection to the right with the last mentioned course of 90 degrees 00 minutes and 00 second, a distance of 257.50 feet to its point of intersection with the former northwesterly street terminus line East 91<sup>st</sup> Street, discontinued and closed;
3. Running thence northeasterly, along the former northwesterly street terminus line of East 91<sup>st</sup> Street, discontinued and closed, which is coterminous with the right-of-way line of Long Island Rail Road, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 second, a distance of 60.00 feet to a point;
4. Running thence southeasterly, along the former northeasterly street line of East 91<sup>st</sup> Street, discontinued and closed, and the prolongation thereof, said course forming a deflection angle to the right with the last mentioned course of 90 degrees 00 minutes 00 second, a distance of 257.50 feet to its point of intersection with the northwesterly street line of Avenue D, said point being the **Point or Place of Beginning**.

and be it further

**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-2692 and X-2693 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; and
- b. 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 050256 MMK), duly adopted by the City Planning Commission on August 9, 2006 (Calendar No. 13), 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 M. BATTAGLIA, IRWIN G. CANTOR, P.E.**  
**ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III**  
**RICHARD W. EADDY, LISA A. GOMEZ**  
**CHRISTOPHER KUI, JOHN MEROLO**  
**DOLLY WILLIAMS, Commissioners**