



CITY PLANNING COMMISSION

September 19, 2007/Calendar No. 6

C 060353 ZMK

IN THE MATTER OF an application submitted by MSK Properties LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 22a:

1. changing from an M1-1 District to a C4-2 District property bounded by the southwesterly boundary line of the Long island Railroad Right-of-Way (Bay Ridge Division), 8th Avenue, a line 175 northeasterly of 64th Street, and 7th Avenue;
2. changing from M1-1 District to a C4-2A District property bounded by a line 175 feet northeasterly of 64th Street, 8th Avenue, 64th Street, a line 225 feet northeasterly of 8th Avenue, a line 150 feet northeasterly of 64th Street, and 7th Avenue; and
3. changing from an M1-2 District to a C4-2A District property bounded by a line 150 feet northeasterly of 64th Street, a line 225 feet northwesterly of 8th Avenue, 64th Street and 7th Avenue;

Borough of Brooklyn, Community District 10, as shown on a diagram (for illustrative purposes only) dated May 21, 2007 and subject to the CEQR Declaration E-178.

The application for an amendment of the Zoning Map was filed by MSK Properties LLC on February 24, 2006 and includes zoning map changes from M1-1 and M1-2 to C4-2 and C4-2A for five parcels (Block 5794, Lots 75, 100, 110, 150 and 165). The rezoning would facilitate the development of a mixed use building on a property located at 6200 8th Avenue in the Bay Ridge area of Brooklyn.

RELATED ACTION

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

C 060354 ZSK:

A special permit pursuant to Section 74-681 of the Zoning Resolution to allow a portion of a railroad yard which has been permanently discontinued or terminated to be included in the lot area of a proposed mixed use development on property located at 6200 8th Avenue (Block 5794, Lot 75).

BACKGROUND

A full background discussion and description of this project appears in the report on the related application for the grant of a special permit (C 060354 ZSK).

ENVIRONMENTAL REVIEW

This application (C 060353 ZMK), in conjunction with the application for the related action (C 060354 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 06DCP082K. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, the applicant signed a conditional negative declaration on May 18, 2007.

This conditional negative declaration includes an (E) designation (E-178) for noise on Block 5794, Lots 75, 150 and 165. The text of the (E) designation is as follows:

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

With the implementation of the above (E) designation, no significant adverse impacts related to noise would occur.

A full discussion of the environmental review appears in the report on the related special permit application (C 060354 ZSK).

UNIFORM LAND USE REVIEW

This application (C 060353 ZMK), in conjunction with the application for the related action (C 060354 ZSK), was certified as complete by the Department of City Planning on May 21, 2007, and was duly referred to Community Board 10 and the 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 10 held a public hearing on this application (C 060353 ZMK) in conjunction with the related action (C 060354 ZSK) on June 18, 2007, and on July 11, 2007 by a vote of 31 in favor, 9 opposed and 1 recusal, adopted a resolution recommending approval of the applications.

Borough President Recommendation

This application (C 060353 ZMK) in conjunction with the related action (C 060354 ZSK) was considered by the Borough President, who issued a recommendation approving the applications on August 14, 2007 with conditions.

A summary of the recommendations of the Borough President appears in the report on the related special permit application (C 060354 ZSK).

City Planning Commission Public Hearing

On August 8, 2007 (Calendar No. 3), the City Planning Commission scheduled August 22, 2007 for a public hearing on this application (C 060353 ZMK). The hearing was duly held on August 22, 2007 (Calendar No. 26) in conjunction with the hearing on related action (C 060354 ZSK).

There were a number of speakers, as described in the report on the related application for the grant of a special permit (C 060354 ZSK) and the hearing was closed.

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 application for the grant of a special permit (C 060354 ZSK).

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:

The development shall conform to all conditions, modifications and alterations set forth in the conditional negative declaration (CEQR No. 04DCP041K) dated July 9, 2007, issued pursuant to the New York State and New York City Environmental Quality Review. These conditions, modifications and alterations are as follows:

“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 to the remediation plan. The restrictive declaration also restricts the manner in which the property may be developed or redeveloped, by requiring the sampling protocol and remediation measures to serve as a condition precedent to any change of use in any such development or redevelopment of the property.”

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. 22a:

1. changing from an M1-1 District to a C4-2 District property bounded by the southwesterly boundary line of the Long island Railroad Right-of-Way (Bay Ridge Division), 8th Avenue, a line 175 northeasterly of 64th Street, and 7th Avenue;
2. changing from M1-1 District to a C4-2A District property bounded by a line 175 feet northeasterly of 64th Street, 8th Avenue, 64th Street, a line 225 feet northeasterly of 8th Avenue, a line 150 feet northeasterly of 64th Street, and 7th Avenue; and
3. changing from an M1-2 District to a C4-2A District property bounded by a line 150 feet northeasterly of 64th Street, a line 225 feet northwesterly of 8th Avenue, 64th Street and 7th Avenue;

Borough of Brooklyn, Community District 10, as shown on a diagram (for illustrative purposes only) dated May 21, 2007 and which includes CEQR Designation E-178.

The above resolution (C 060353 ZMK), duly adopted by the City Planning Commission on

September 19, 2007 (Calendar No. 6), 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 CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,

ALFRED C. CERULLO, III, BETTY Y. CHEN, RICHARD W. EADDY,

LISA A. GOMEZ, NATHAN LEVENTHAL, JOHN MEROLO, DOLLY WILLIAMS,

Commissioners