



CITY PLANNING COMMISSION

March 12, 2008/Calendar No. 28

C 070072 MMK

IN THE MATTER OF an application, submitted by the Department of Transportation, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the widening of Avenue H at the northwest corner of its intersection with Albany Avenue;
- the adjustment of grades on Avenue H, Albany Avenue and East 40th Street; and
- any acquisition or disposition of real property related thereto.

Community Districts 17 and 18, Borough of Brooklyn, in accordance with Map No. X-2702 dated September 19, 2007 and signed by the Borough President.

The application (C 070072 MMK) for an amendment to the City Map was filed by the Department of Transportation, pursuant to Sections 197-c and 199 of the New York City Charter on August 24, 2006. It involves: the widening of Avenue H at the northwest corner of its intersection with Albany Avenue; the adjustment of grades on Avenue H, Albany Avenue and East 40th Street; and any acquisition or disposition of real property related thereto.

BACKGROUND

The application submitted by the Department of Transportation (DOT) proposes the widening of Avenue H and the acquisition of Lot 73, Block 7724 for bridge maintenance purposes, and the adjustment of grades to reflect the existing conditions.

Avenue H is mapped to an 80-foot width, City-owned and is open to two way traffic. East 40th Street is mapped to a 60-foot width and open to one-way traffic. Albany Avenue is mapped to an 80-foot width and open for two-way traffic.

The Avenue H Bridge, which supports portions of Avenue H, East 40th Street, and Albany Avenue, also supports a portion of Tax Block 7724, Lot 73 on the northwest corner of the intersection of Avenue H and Albany Avenue. The Metropolitan Transportation Authority

(MTA) presently holds title to this corner lot and leases it to two small auto-related businesses, Engine Kings and Kolbo Auto Sales. DOT proposes to acquire Lot 73, Block 7724 in order to assure adequate access to the bridge for purposes of maintenance. Subsequent to the acquisition, DOT plans to devote a portion of the acquired property (a portion of Lot 73) to be part of the sidewalk at this corner of Avenue H and Albany Avenue, with the remaining portion of the acquired property available for DOT bridge maintenance purposes.

The site is currently located within M1-1 and R4 zoning districts. The site is located in a mainly residential area and the two small auto-related businesses which presently occupy the subject site are non-conforming uses.

An interagency mapping conference was held on October 6, 2006. No city agency had any objections to the proposal.

ENVIRONMENTAL REVIEW

This application (C 070072 MMK) 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 07DOT005K. The lead agency is the Department of Transportation.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on July 6, 2007.

UNIFORM LAND USE REVIEW

This application (C 070072 MMK), was certified as complete by the Department of City Planning on October 29, 2007 and was duly referred to Community Board 17 and 18 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 18 held a public hearing on this application (C 070072 MMK) on November 21, 2007, and on that day, by a vote of 28 to 0 with 1 abstention, adopted a resolution recommending approval of the application.

Community Board 17 did not submit a recommendation.

BOROUGH PRESIDENT RECOMMENDATION

This application (C 070072 MMK) was considered by the Borough President of Brooklyn, who issued a recommendation approving the application on February 6, 2008.

BOROUGH BOARD RECOMMENDATION

The Borough Board did not issue a recommendation on this application.

CITY PLANNING COMMISSION PUBLIC HEARING

On December 19, 2007 (Calendar No. 3), the City Planning Commission scheduled January 9, 2008, for a public hearing on this application (C 070072 MMK). The hearing was duly held on January 9, 2008 (Calendar No. 20) and continued on February 13, 2008 (Calendar No. 44).

There were two speakers in favor and none in opposition to this application. The speakers, representatives of the Department of Transportation, spoke in favor supporting the proposal.

There were no other speakers and the hearing was continued to February 13, 2008.

CONSIDERATION

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

The Avenue H Bridge supports portions of Avenue H, East 40th Street, Albany Avenue, and a portion of Lot 73 Block 7724. The Metropolitan Transportation Authority (MTA) presently holds title to this lot. It is necessary for DOT to acquire this lot in order to assure adequate access to the bridge for maintenance purposes.

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, that based on the environmental determination and the consideration described in this report, the application (C 070072 MMK) for the amendment to the City Map involving:

- the widening of Avenue H at the northwest corner of its intersection with Albany Avenue;
- the adjustment of grades on Avenue H, Albany Avenue and East 40th Street; and
- any acquisition or disposition of real property related thereto.

Community Districts 17 and 18, Borough of Brooklyn, in accordance with Map No. X-2702 dated September 19, 2007 and signed by the Borough President, is approved; and be it further

RESOLVED that, all such approvals being subject to the following condition:

The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. X-2702 are filed with the appropriate agencies

in accordance with Section 198 subsection c of the New York City Charter;

The above resolution (C 070072 MMK), duly adopted by the City Planning Commission on March 12, 2008 (Calendar No. 28), 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

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