



## **CITY PLANNING COMMISSION**

March 30, 2005/Calendar No. 15

C 040405 ZSK

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**IN THE MATTER OF** an application submitted by the Fire Department of the City of New York pursuant to Sections 197-c and 201 of the New York City Charter **for the grant of a special permit** pursuant to Section 74-67 of the Zoning Resolution:

- 1. to allow a fire station in a Residence district; and**
  
- 2. to modify the requirements of Sections 23-14 (Minimum Required Open Space, Maximum Lot Coverage and Floor Area Ratio) to increase the permitted floor area ratio and percentage of lot coverage to that permitted by Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage)**

**to facilitate the construction of a 3-story approximately 10,775 square-foot fire station on property located at 580-582 Knickerbocker Avenue** (Block 3343, Lot 29 and part of Lot 1), in an R6 District, Borough of Brooklyn, Community District 4.

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The application for the grant of a special permit was filed by the Fire Department (FDNY) on April 15, 2004 to allow a fire station to be located in an R6 District, on a zoning lot located at 580-582 Knickerbocker Avenue (Block 3343, Lot 29 and part of Lot 1), Borough of Brooklyn, Community District 4.

### **RELATED ACTIONS**

In addition to the special permit 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 application:

C 040404 PSK      Site selection of property for use as a fire station.

### **BACKGROUND**

The Fire Department is proposing to occupy property located at 580-582 Knickerbocker Avenue (Block 3343, Lot 29 and part of lot 1), for use as a fire station. The development site consists of

the lot with the existing three-story, single-company station house located at 580 Knickerbocker Avenue (Block 3343, Lot 29) and an approximately 2,500 square foot portion of Lot 1, recently acquired by FDNY from the NYC Department of Education, located adjacent to the existing fire house (Block 3343, Lot 1) in Brooklyn Community District #4. The site will be developed with a three-story, double-company firehouse.

The facility would be located in an R6 zoning district and is permitted only by a special permit pursuant to Section 74-67 of the Zoning Resolution.

A full background discussion and description of this project appears in the report on the related application for site selection (C 040404 PSK).

#### **ENVIRONMENTAL REVIEW**

This application (C 040405 ZSK), in conjunction with the application for the related action (C 040404 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 lead agency is the Fire Department. The designated CEQR number is 04FDO001K.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on December 8, 2003.

#### **UNIFORM LAND USE REVIEW**

This application (C 040405 ZSK), in conjunction with the application for the related action (C 040404 PSK), was certified as complete by the Department of City Planning on December 20, 2004 and was duly referred to Community Board 4 and the Borough President of Brooklyn, in

accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 3 held a public hearing on this application(C 040405 ZSK) along with the related application (C 040404 PSK) on January 19, 2005 and on that date, by a vote of 25 to 0 with 0 abstentions, adopted a resolution recommending approval of these applications.

### **Borough President Recommendation**

This application (C 040405 ZSK) along with the related application ( C 040404 PSK) was considered by the Borough President of Brooklyn, who issued a recommendation approving these applications on February 25, 2005 with the following condition:

The Borough President certainly understands the need for this new firehouse in Bushwick, and he, along with the community, is looking forward to its approval and completion. However an investigation by the Borough President's office revealed unsightly conditions on the accessory parking lot used by Fire Department agency personnel of Engine Company 277 and Ladder Company 112. During the Borough President's public hearing held on February 9, 2005, the Borough President requested that the property be landscaped with street trees and that the dangerous buckling razor-wire fence be replaced with a new aesthetically pleasing one that is respectful of the revitalization of the neighborhood. Subsequent to the hearing, the Fire Department has since advised that they are not in the position to commit to fund such improvements, despite the fact that the renovation project will already cost millions, and fixing the lot would be of minor incidental cost. Therefore, be it resolved that the Borough President of Brooklyn, pursuant to section 197-c of the New York City Charter, recommends that the City Planning Commission and/or City Council approve of the applications on condition that the Fire Department commit, in consultation with Community Board 4, to replace the fencing and plant perimeter street trees.

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

On February 2, 2005 (Calendar No. 1), the City Planning Commission scheduled March 2, 2005 for a public hearing on this application (C 040405 ZSK). The hearing was duly held on March 2, 2005 (Calendar No. 11), in conjunction with the hearing for the related action (C 040404 PSK).

There was one speaker in favor of the application and none opposed.

The speaker in favor included a representative of the Fire Department who spoke in favor of the application. There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this application by the Fire Department and the Department of Citywide Administrative Services for the grant of a special permit pursuant to Section 74-67 of the Zoning Resolution to allow a fire station to be located in an R6 District, on a zoning lot located at 580-582 Knickerbocker Avenue (Block 3343, Lot 29 and part of Lot 1), Borough of Brooklyn, Community District 4, is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the report on the related site selection application (C 040404 PSK).

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 74-67 (Fire or Police Stations) of the Zoning Resolution:

- (a) That such *use* will serve the *residential* area within which it is provided to be located; that there are serious difficulties in locating it in a district wherein it is permitted as of right and from which it could serve the *residential* area, which make it necessary to locate such *use* within a *Residential District*; and
- (b) in the case of fire stations, that such *use* is so located as to minimize the movement of fire apparatus through local *streets* in *residential* areas.

## **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 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by the Fire Department pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-67 of the Zoning Resolution to allow a fire station in a Residence district; and to modify the requirements of Section 23-14 (Minimum Required Open Space, Maximum Lot Coverage and Floor Area Ratio) to increase the permitted floor area ratio and percentage of lot coverage to that permitted by Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to facilitate the construction of a 3-story approximately 10,775 square-foot station on property located at 580-582 Knickerbocker Avenue (Block 3343, Lot 29 and part of Lot 1), in an R6 District, Community District 4, Borough of Brooklyn, is approved pursuant to Sections 74-67 of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application (C 040405 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by STV Incorporated, filed with this application and incorporated into this resolution:

<b><u>Drawing No.</u></b>	<b><u>Title</u></b>	<b><u>Last Date Revised</u></b>
Z-001	Zoning Analysis	12/07/04
A-000	Site Plan	12/07/04

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the

plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms, or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 040405 ZSK), duly adopted by the City Planning Commission on March 30, 2005 (Calendar No. 15), 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 M. CAVALUZZI**, R.A.,

**ALFRED C. CERULLO, III**, **RICHARD EADDY**, **JANE D. GOL**, **LISA A. GOMEZ**,

**CHRISTOPHER KUI**, **JOHN MEROLO**, **KAREN A. PHILLIPS**, **DOLLY WILLIAMS**,

Commissioners