



CITY PLANNING COMMISSION

September 23, 2009 / Calendar No. 2

C 090307 MMK

IN THE MATTER OF an application submitted by Eldert Lane Development Ltd. and the New York City Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- the establishment and realignment of Eldert Lane between Conduit Boulevard and Sutter Avenue;
- the elimination of a portion of Robert Venable Park;
- the extinguishment of a permanent access easement;
- the adjustment of grades necessitated thereby,

and any acquisition or disposition of real property related thereto all within an area generally bounded by Belmont Avenue, Conduit Boulevard, Forbell Street, Sutter Avenue and Sheridan Avenue, Community District 5, Borough of Brooklyn, in accordance with Map No. X-2714, dated June 5, 2009, and signed by the Borough President.

This application (C 090307 MMK) for an amendment to the City Map was filed by Eldert Lane Development Ltd. and the New York City Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter on February 2, 2009. It involves: the establishment and elimination of portions of Eldert Lane, the elimination of a portion of Robert Venable Park and the extinguishment of a permanent access easement between Conduit Boulevard and Sutter Avenue. The application (C 090307 MMK) would facilitate the development of a six-story residential building with 130-units for low income residents on a development site adjacent to Eldert Lane in the East New York section of Brooklyn, Community District 5.

RELATED ACTIONS

In addition to the amendment to the City Map, which is the subject of this report (C 090307 MMK), 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 090308 ZMK	Amendment of the Zoning Map to change a portion of an existing R5 District to an R6A District.
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BACKGROUND

An interagency conference was held on March 10, 2009. No City agency had any objections to the proposal.

A full background discussion and project description appears in the report on the related application for the amendment of the Zoning Map (C 090308 ZMK).

ENVIRONMENTAL REVIEW

This application (C 090307 MMK), in conjunction with the related application (C 090308 ZMK), 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 09DCP027K. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on June 15, 2009.

UNIFORM LAND USE REVIEW

This application (C 090307 MMK), in conjunction with the related application (C 090308 ZMK), was certified as complete by the Department of City Planning on June 15, 2009, and was duly referred to Community Board 5 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

Brooklyn Community Board 5 held a public hearing on this application (C 090307 MMK), in conjunction with the related application for a zoning map amendment (C 090308 ZMK), on June 24, 2009, and, on that date, by a vote of 20 to 6 with 0 abstentions, adopted a resolution recommending approval of the application with conditions.

A summary of the Community Board's recommendation appears in the report on the related application for the amendment of the Zoning Map (C 090308 ZMK).

Borough President Recommendation

This application (C 090307 MMK), together with the related application (C 090308 ZMK), was considered by the Borough President of Brooklyn who issued a favorable recommendation approving the application with conditions on August 3, 2009.

A summary of the Borough President's recommendation appears in the report on the related application for the amendment of the Zoning Map (C 090308 ZMK).

City Planning Commission Public Hearing

On August 5, 2009 (Calendar No. 1), the City Planning Commission scheduled August 19, 2009 for a public hearing on this application (C 090307 MMK). The hearing was duly held on August 19, 2009 (Calendar No. 38) in conjunction with the public hearing on the related application (C 090308 ZMK).

There were a number of appearances, as described in the report on the related application for the amendment of the Zoning Map (C 090308 ZMK), and the hearing was closed.

CONSIDERATION

The Commission believes the amendment to the City Map is appropriate.

A full consideration of the issues and the reasons for approving this application (C 090307 MMK) appears in the report on the related application for the amendment of the Zoning Map (C 090308 ZMK).

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map and any related acquisition or disposition of real property 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 090307 MMK) for an amendment to the City Map involving:

- the establishment and realignment of Eldert Lane between Conduit Boulevard and Sutter Avenue;
- the elimination of a portion of Robert Venable Park;
- the extinguishment of a permanent access easement;
- the adjustment of grades necessitated thereby,

and any acquisition or disposition of real property related thereto all within an area generally bounded by Belmont Avenue, Conduit Boulevard, Forbell Street, Sutter Avenue and Sheridan Avenue, Community District 5, Borough of Brooklyn, in accordance with Map No. X-2714, dated June 5, 2009, and signed by the Borough President, is approved; 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 No. X-2714 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter; and
- B. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition “a” above until the applicant shall have executed a mapping agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission (the “Mapping Agreement”). If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the

approved amendment to the City Map may be returned to the City Planning Commission for rescission.

The above resolution (C 090307 MMK), duly adopted by the City Planning Commission on September 23, 2009 (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, *FAICP, Chair*
KENNETH J. KNUCKLES, *Esq., Vice Chairman*
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IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,
BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL,
SHIRLEY A. MCRAE, KAREN A. PHILLIPS, *Commissioners*

ANNA HAYES LEVIN, *Commissioner*, **ABSTAINING**