



IN THE MATTER OF an application submitted by Triangle Equities Development, LLC, and the New York City Economic Development Corporation, 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 a Public Place, generally located south of Avenue H, between Nostrand and Flatbush Avenues, the adjustment of grades necessitated thereby, **and any acquisition or disposition of real property related thereto**, Community District 14, Borough of Brooklyn, in accordance with map No. X-2647, dated December 21, 2000 and Map No. X-2649, dated March 30, 2001, and signed by the Borough President.

The application (C 010026 MMK) for an amendment to the City Map was filed by Triangle Equities Development, LLC, and the New York City Economic Development Corporation, on July 17, 2000 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. It involves the elimination, discontinuance and closing of a Public Place within the area generally bounded by Flatbush Avenue, Nostrand Avenue, Avenue H, and Avenue I, the adjustment of grades necessitated thereby, and any acquisition or disposition of property related thereto in connection with a proposed commercial development.

RELATED ACTIONS:

In addition to the City Map amendment which is the subject of this report, implementation of the private applicant's proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

- | | |
|--------------|--|
| C 010483 ZMK | Amendment to the zoning Map to change from C8-2 to C8-4 |
| C 010484 ZSK | A special permit pursuant to Section 74-52 to permit an unattended public parking garage in C8-4 Districts. |
| C010486 ZSK | A special permit pursuant to Section 74-681(a)(1) to permit development within a railroad or transit right-of-way. |

BACKGROUND

The Public Place includes a portion of the right-of-way of the L.I.R.R. freight line (Bay Ridge branch) (lots 29 and 50) that runs below grade in an east-west direction and is currently operated by the New York and Atlantic Railway. The railroad, which runs in an open cut, retains an easement below a plane for the maintenance and operation of its facilities in an open cut abuts the southerly side of lot 33 within the subject Public Place. To the south of the railroad cut, within the mapped Public Place, is Lot 27, that is occupied by a car wash. Lot 33, comprising the majority of

the Public Place, contains a municipal parking lot under the Department of Transportation jurisdiction.

The Public Place consists of five city-owned lots (lots 27, 29 and 33 within Block 7576 and lots 50 and 56 within Block 7577). On June 26, 1962 (Cal.No. 6b), the Board of Estimate approved the establishment of the Public Place (CP-17368). It was to be developed with a combination of park, playground and a parking facility. The Department of Parks and Recreation no longer is interested in developing the Public Place as a park.

The applicants request the elimination of the Public Place designation so that the city may dispose of the property to facilitate the development of a retail center and parking. The applicants also propose a change in zoning to allow construction of the development. A full background discussion and description of this project appears in the report on the related application for the grant of a special permit C010486 ZSK.

The property is zoned C8-2 and is surrounded by a mix of commercial, residential and institutional uses. The adjacent zones are R4, R6 and C4-3. The immediate area along Avenue H and Nostrand Avenue, is predominantly developed with 6-story apartment buildings. West of Nostrand Avenue and north of the railroad is Brooklyn College and south of the railroad one and two-family detached residences. North of Avenue N is a retail business district known as "the Junction". The 20-story Phillip Howard Apartments along Flatbush Avenue, diagonally across from the site, is the tallest building in the immediate area.

An interagency conference was held on August 26, 1999. No agencies or utilities expressed any objection to the proposal.

ENVIRONMENTAL REVIEW

This application (C 010026 MMK), in conjunction with the application for the related actions (C 010483 ZMK, C 010484 ZSK and C 010486 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 01DME002K. The lead agency is the Mayor's Office of Environmental Coordination. After a study of the potential environmental impact of the proposed action, a negative declaration was issued on March 23, 2001.

UNIFORM LAND USE REVIEW

This application (C 010026 MMK), in conjunction with the application for the related actions (C 010483 ZMK, C 010484 ZSK and C 010486 ZSK), was certified as complete by the Department of City Planning on March 26, 2001 and was duly referred to Community Board 14 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 14 held a public hearing on this application (C 010026 MMK) in conjunction with the applications for the related actions (C 010483 ZMK, C 010484 ZSK and C 010486 ZSK) on May 7, 2001, and on May 14, 2001 by a vote of 19 to 7 with 4 abstentions, adopted a resolution recommending disapproval of the application.

A summary and copy of the vote and recommendation of Community Board 14 and a copy of the resolution appear in the report on the related application to grant a special permit C 010486 ZSK.

Borough President's Recommendation

This application (C 010026 MMK) in conjunction with the application for the related actions (C 010483 ZMK, C 010484 ZSK and C 010486 ZSK), was considered by the Borough President who, on July 3, 2001, issued a recommendation approving the application with conditions.

A summary and a copy of the Borough President's recommendation and conditions appear in the report on the related application to grant a special permit C010486 ZSK.

City Planning Commission Public Hearing

On June 27, 2001 (Calendar No. 6) the City Planning Commission scheduled July 11, 2001 for a hearing on this application (C 010026 MMK). The hearing was duly held on July 11, 2001 (Calendar No. 17) in conjunction with the hearing on the related application for a zoning map amendment (C 010483 ZMK) and special permits (C 010484 ZSK and C 010486 ZSK).

There were six speakers, five in favor of this application and one opposed as described in the report on the related application for a Special Permit C010486 ZSK. There were no other speakers and the hearing was closed.

CONSIDERATION

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

public place was established nearly forty years ago to promote recreational space, that proposal was never implemented. The public place to be eliminated, discontinued and closed is not necessary to the integrity and function of the area. The elimination of the public place from the City Map would facilitate the disposition of the land for the development of a retail shopping center to serve the area; provided, however that the discontinuance and closing of a subsurface volume of the Public Place occupied by the railroad easement is unnecessary, because said volume will not be disposed of.

A full consideration and analysis of the issues and the reasons for approving this application appear in the report on the related application to grant Special Permit C010486 ZSK.

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 010026 MMK) for an amendment to the City Map involving the elimination, discontinuance and closing of a Public Place, generally located south of Avenue H, between Nostrand and Flatbush Avenues, the adjustment of grades necessitated thereby, **and any acquisition or disposition of real property related thereto**, Community District 14, Borough of Brooklyn, in accordance with map No. X-2647, dated December 21, 2000 and Map No. X- 2649, dated March 30, 2001, 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. N-2649 dated March 30,

2001, providing for the discontinuance and closing of the public place within the block generally bounded by Flatbush Avenue, Nostrand Avenue, Avenue H, and Avenue I more particularly described as follows:

BEGINNING at a point formed by the intersection of the southerly line of Avenue H and the easterly line of Nostrand Avenue

1. **RUNNING THENCE** easterly, along the southerly line of Avenue H, a distance of 228.35 feet to a point;
2. **THENCE** southerly, deflecting 59 degrees, 19 minutes 58 seconds to the right along the westerly line of Flatbush Avenue a distance of 470.85 feet to a point;
3. **THENCE** westerly, deflecting 120 degrees, 40 minutes 02 seconds to the right along a line, a distance of 500.38 feet to a point on the easterly line of Nostrand Avenue;
4. **THENCE** northerly, deflecting 94 degrees, 29 minutes 59 seconds to the right a distance of 406.25 feet along the easterly line of Nostrand Avenue to the point or place of **BEGINNING**.

The surface area of the parcel described above consists of approximately 147,567.0 square feet.

Provided that excluded from the discontinuing and closing of the area described above is a subsurface volume more particular described as follows:

All those lands below an upper limiting plane, which is coterminous with the upper limiting plane of an existing Long Island Rail Road perpetual easement, said plane being inclined with an elevation of 30.44 feet along the easterly line of Nostrand Avenue and an elevation of 29.35 feet along the westerly line of Flatbush Avenue, said elevations being referenced to the Brooklyn Sewer Datum, which is 1.72 feet above NGS Datum at Sandy Hook, NJ; said subsurface being further described by the following plane figure:

Starting at a point on the easterly line of Nostrand Avenue said point being distant 295.92 feet southerly from the intersection of the easterly line of Nostrand Avenue and the southerly line of Avenue H, as those streets were hereinbefore laid out on the City Map,

1. **RUNNING THENCE** southerly, along the easterly line of Nostrand Avenue, a distance of 60.18 feet to a point;
2. **THENCE** easterly, along a line parallel with the former southerly line of the Public Place, deflecting 94 degrees, 29 minutes 59 seconds to the left a distance of 466.79 feet to a point;
3. **THENCE** northerly, deflecting 120 degrees, 40 minutes 02 seconds to the left along the westerly line of Flatbush Avenue, a distance of 69.75 feet to a point on the westerly line of Flatbush Avenue;
4. **THENCE** westerly, deflecting 59 degrees, 19 minutes 58 seconds to the left a distance of 426.49 feet along a line parallel with the former southerly line of the Public Place to the point or place of **BEGINNING**.

The limiting plane of the volume described immediately above covers an area consisting of approximately 26,798.4 square feet.

all such approvals being subject to the following conditions:

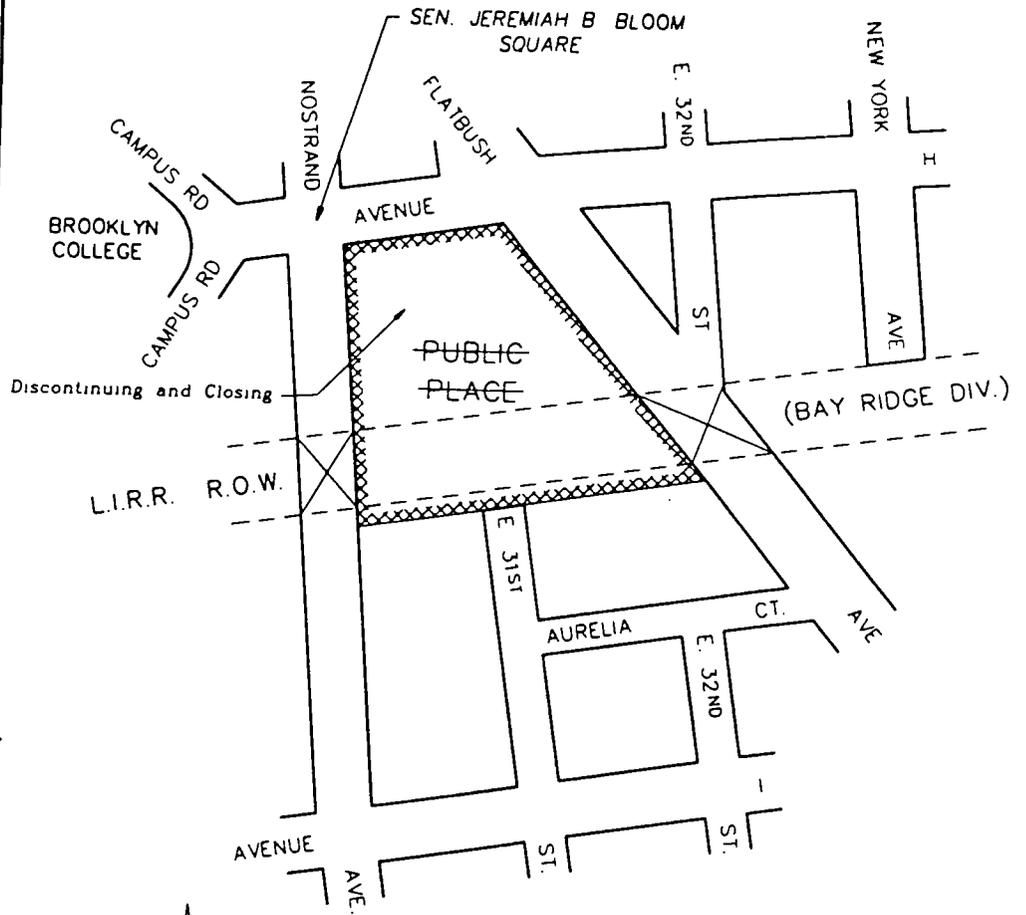
- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map Nos. X-2647 and N-2649 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code;
- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition (a) above until the private applicant shall have executed an agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission provided that, 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; and
- c. 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, duly adopted by the City Planning Commission on August 22, 2001 (Calendar No. 21), 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.

JOSEPH B. ROSE, Chairman

**ALBERT ABNEY, ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
ANGELA R. CAVALUZZI, R.A. KATHY HIRATA CHIN, Esq., ALEXANDER GARVIN,
MARILYN G. GELBER, WILLIAM J. GRINKER, KENNETH J. KNUCKLES, Esq.,
Commissioners.**

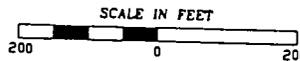


CITY PLANNING COMMISSION
CITY OF NEW YORK

DIAGRAM SHOWING PROPOSED
MAP CHANGE
ON SECTIONAL MAP
23
BOROUGH OF
BROOKLYN

New York, Certification Date
MARCH 26, 2001

Marie J. ...
Chief Engineer



NOTE:

- Indicates line of street legally adopted.
-  Indicates Public Place heretofore established and hereby eliminated.
(Discontinuing and Closing is shown on Alt Map No. 2649).

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY

Community/Borough Board
Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.

2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # 010026 MMK

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Triangle Equities Development, LLC. and the New York City Economic Development Corporation, 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 a Public Place within the block bounded by Flatbush Avenue, Nostrand Avenue, Avenue H, and the southerly right-of-way line of the LIRR Bay Ridge Branch the adjustment of grades necessitated thereby, and any acquisition or disposition of real property related thereto, in Community District 14, Borough of Brooklyn, in accordance with map No. X-2647, dated December 21, 2000 and Map No. X 2749, dated March 30, 20001, and signed by the Borough President.

COMMUNITY BOARD NO. 14
BOROUGH Brooklyn

BOROUGH BOARD _____

DATE OF PUBLIC HEARING 5/7/01
WAS QUORUM PRESENT? YES NO

LOCATION CB14 office

(A public hearing shall require a quorum of 20% of the appointed members of the board but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE 5/14/01

LOCATION Murray HS - 1600 Ave C, Bklyn

RECOMMENDATION

APPROVE APPROVE WITH MODIFICATIONS/CONDITIONS
 DISAPPROVE DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See attached letter (June 1, 2001)

VOTING : IN FAVOR 19 AGAINST 7 ABSTAINING 4
TOTAL MEMBERS APPOINTED TO BOARD 46

DATE 6/1/01

Al H
COMMUNITY/BOROUGH BOARD OFFICER
6/1/01 Chairman
TITLE



HOWARD GOLDEN
Borough President

0110-6100
CL MIRTH

OFFICE OF THE
OFFICER OF FLATBUSH MIDWOOD COMMUNITY DISTRICT
CHAIRMAN
JUN 04 2001
810 EAST 16th STREET
BROOKLYN, N.Y. 11230

3349
ALVIN M. BERK
Chairman
(718) 859-6357
Fax (718) 421-6077

JON
myer
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Michael
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TERRY RODIE
District Manager
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June 1, 2001

Honorable Joseph B. Rose
Chairman
New York City Planning Commission
22 Reade Street
New York, NY 10007-1216

Honorable James Chin
Chairman/Commissioner
Board of Standards and Appeals
40 Rector Street, 9th Floor
New York, NY 10006

Dear Chairmen Chin and Rose:

At its regular monthly meeting on Monday, May 14, 2001, the members of Brooklyn Community Board 14 voted 19-7-4 to reject all current ULURP actions associated with the proposed development by the New York City Economic Development Corporation (EDC) of a multi-store retail mall at the municipal parking area near the intersection of Flatbush Avenue, Avenue H and Nostrand Avenue in Community District 14 in Brooklyn.

The Board rejected this proposal with regret, because most of its members feel that appropriate development of this site could be very positive for the Flatbush-Nostrand Junction area. To understand the Board's rejection, it would be instructive to review the project's history.

When EDC first came to Community Board 14 about three years ago to propose development of the Junction municipal parking area, the board greeted the concept eagerly and made three preliminary but strongly-felt recommendations:

1. That the development of this public property be for the type of commercial activity that would mesh smoothly with existing businesses at the Junction;
2. That affordable parking be maintained for patrons of existing businesses, park-and-ride commuters, employees of Brooklyn College and Midwood High School, and attendees at Brooklyn College special events; and
3. That the use and configuration of the developed property not result in significantly impaired traffic flow in and around Brooklyn's busiest road intersection between Grand Army Plaza and the Atlantic Ocean.

Hon. Joseph Rose and James Chin
June 1, 2001
Page 2

At subsequent meetings with EDC, many discussants, including representatives of Board 14, local Councilmember Lloyd Henry, other elected officials, and community residents and merchants, observed that the type of development that would respond best to the community's needs would be a multi-screen movie theater-and-restaurant complex. This would attract new patrons to the existing Junction retail strip, concentrate peak vehicular traffic on week-ends and evenings (when it would not clash with commuters), and require parking when it would not be needed by school employees, commuters and many of the Junction's retail patrons.

EDC responded that it preferred to reserve this type of development for the Loews Kings Theater site, about a mile north on Flatbush Avenue. Accordingly, EDC told us, the Junction site would be presented to developers for construction of a retail mall.

Board 14 expressed its disappointment, but understood the need for a coordinated strategy. But as of this date, that strategy seems to have failed: the Kings project has not moved forward.

Community Board 14's involvement in the required ULURP actions this year once again brought these issues to the table. At the board's informational meeting on April 24, 2001 and at its public hearing on May 7, 2001, members of Board 14 expressed strong reservations to EDC and the developer about the traffic impacts of the proposed retail mall, which would require two truck loading docks, one directly on Nostrand Avenue and the other accessed via a service alley, the entrance to which also would be on Nostrand Avenue.

In response to a question, the developers stated that 63 truck deliveries could be expected daily, 13 trucks, each up to 45' in length, at the Nostrand Avenue loading dock and 50, some longer than 45', at the service alley loading dock. All 63 trucks would have to enter from Nostrand Avenue, and most of them would be large enough to require the full 44' road bed width of Nostrand Avenue to maneuver. The developers acknowledged that truck deliveries could occur significantly during the hours when Nostrand Avenue traffic already is encumbered by a combination of private commuter vehicles, the B44 bus, and school buses. Finally, all passenger car entry and exit for the mall's 552 space garage would be via Nostrand Avenue, adding to that street's traffic burden.

In the absence of a full traffic analysis, which EDC and the developer stated had not been required by the environmental review process, Board members at the May 7 public hearing concluded that they could recommend approval by the full board on May 14 only on the condition that, before that meeting, the developer demonstrate significant traffic mitigation measures beyond those already embodied in the proposal. Board members suggested that the developer consider, e.g., removing or relocating the Nostrand Avenue loading dock and/or the garage entrance/exit, angling loading bays to eliminate the need for trucks to back in across both directions of Nostrand Avenue traffic, widening the entrance to the service alley to obviate the need for trucks to approach it from the (opposite) southbound traffic lane of Nostrand Avenue or, if coming from the north, swing into opposing traffic while entering the alley.

Hon. Joseph Rose and James Chin
June 1, 2001
Page 3

In a letter dated May 11, 2001, the developer offered only a single new mitigation measure, reduction of the capacity of the Nostrand Avenue loading dock from three to two truck bays, still capable of accommodating trucks up to 45' long.

During discussion at the board's May 14 consideration of a motion to approve the ULURP items, members expressed the view that the concession offered by the developer was not enough to allay the board's concerns. Accordingly, the board voted 19-7-4 to reject the ULURP items.

Like Councilmember Lloyd Henry, whose May 25, 2001 letter to the developer antedates this correspondence and could not take into account the board's specific concerns or recommendations, most of the members of Board 14 still feel that *appropriate* development of the Junction site would be a positive step.

However, the board continues to believe that no one has demonstrated that the proposed retail mall would not significantly impair traffic flow in and around the Junction. Unless such impairment is minimized, any economic benefit of the mall to the City would come at the unacceptable cost of diverting traffic to nearby residential streets, diminishing the attractiveness of homes there to owners and prospective buyers and, ultimately, decreasing the City's real estate and income tax revenues. The net economic effect could well be negative.

Therefore, Brooklyn Community Board 14 urges Councilman Henry, BSA, the City Planning Commission, the Borough President and, if necessary, the whole City Council to insist on a full traffic analysis that demonstrates no significant traffic impact before approving the instant ULURP items. In the absence of such demonstration, Board 14 urges all parties to reject the proposal in its present form.

Sincerely yours,



Alvin M. Berk,
Chairman

cc: Borough President Golden
Representatives Weiner and Owens
State Senators Kruger and Markowitz
Assemblymembers Brennan, Cymbrowitz, Jacobs, Perry and Weinstein
Councilmembers Clarke, Henry and Nelson
Hardy Adasko, EDC
Elysa Goldman, Triangle Equities, Inc.

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

22 Reade Street New York, NY 10007

FAX # (212) 720-3356

INSTRUCTIONS

1 Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address

2 Send one copy with any attachments to the applicants representatives as indicated on the Notice of Certification

APPLICATION

010026 MMK, 010483 ZMK, 010484 ZSK, 010486 ZSK

DESCRIPTION

The Junction at Nostrand Avenue and Avenue H

COMMUNITY DISTRICT NO 14

BOROUGH OF BROOKLYN

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION - MODIFICATIONS/CONDITIONS

- RECOMMENDATION ATTACHED
- RECOMMENDATION TO FOLLOW

Howard Golden
BOROUGH PRESIDENT

July 3, 2001

DATE

**PRESIDENT OF THE BOROUGH OF BROOKLYN
RECOMMENDATION REPORT
FLATBUSH JUNCTION
010026 MMK, 010483 ZMK, 010484 ZSK, 010486 ZSK**

Triangle Equities Development Company LLC (Triangle), in conjunction with the Economic Development Corporation (EDC), have filed applications that include an amendment to the City Map to eliminate a Public Place designation; an amendment to the Zoning Map, Section No. 23a, to change a C8-2 District to a C8-4 District; a special permit for development over a railroad right of way; and a special permit for development of a public parking garage.

Triangle proposes to construct a retail center and parking garage, totaling 498,693 square feet. Flatbush Avenue bounds the project site on the east, Nostrand Avenue on the west, Avenue H to the north, and the southerly right of way line on the Long Island Railroad Bay Ridge Branch to the south. The project site is located in Community District 14, in Flatbush.

PUBLIC HEARING

On May 15, 2001, the Borough President held a public hearing on this matter. Representatives of Triangle and EDC presented the applications. Also present to assist Triangle and EDC in answering questions were representatives of the associated architectural firm and legal counsel. Two speakers testified in opposition to the proposal.

The Borough President began by asking about the possible traffic impacts on the area; specifically the effect of increased truck traffic on local streets. An EDC representative stated that 63 trucks would serve this project each day. Of these trucks, 13 would access the Nostrand Avenue loading bays, while the other 50 would access the loading bays via the service road. The representative explained that the 13 truck deliveries would be spread out over an eight to ten hour period. It would take only between one and one and a half minutes for each truck to back into a bay, thereby causing only 20 minutes of traffic stoppage per day. The Borough President asked if this estimate was conjecture, and asked for an explanation of how these numbers were derived. The representative answered that a traffic consultant had provided these figures and that they are based on studies of similar traffic situations.

When asked about the possible retail tenants expected to occupy the site, the representative stated that they do not have a specific tenant intended for the project and they have not yet leased any of the space. The project would consist of six or seven small tenants on the ground floor, two or three tenants on the second floor and one tenant on the third floor.

The Borough President then asked whether Brooklyn College has commented on the impact that the loss of parking spaces will have on its overall parking situation. The EDC representative replied that they had met with Brooklyn College three times to discuss the project. Brooklyn College has not made an official statement about the project. The representative explained that since the project includes a 552-space parking garage, visitors to Brooklyn College and the Whitman Theater would be able to use the garage and there would be ample space for both.

shoppers and campus visitors. The representative stated that the developer would continue to work with Brooklyn College.

The Borough President then called upon the chairman of Community Board 14 (CB14) to be the first speaker on this item. The chairman explained that the following three concerns of CB14 were presented to Triangle and EDC at the beginning of discussions on the project:

- That the use should compliment and only healthfully compete with surrounding uses;
- That parking spaces in the area be maintained; and,
- That traffic should not be impeded.

CB 14 agrees that the site should be developed; however, they suggested a movie theater and restaurant complex instead of a retail center. According to the chairman, EDC said that it was planning a movie theater project for a nearby area and that a retail center would be a better fit for this project site.

The chairman proceeded to describe the traffic concerns of CB 14. He stated that trucks turning onto the service road would have to turn from the southbound traffic lane of Nostrand Avenue because it would be impossible for a 45-foot truck to make a sharp turn from the northbound traffic lane. The developer expects 50 trucks per day to access the service road, potentially impeding both north and southbound traffic. The chairman raised two final issues for consideration by the developer: what design/use options still remain for the site; and what assurance does the community have that second generation tenants would not involve more traffic intensive uses.

The owner of a car wash facility that is currently located on the project site also spoke in opposition to this item. He testified that the car wash has operated at its current location on a monthly lease from EDC for the past seven years, and employs approximately 15 local residents. He described numerous attempts to purchase the property or to negotiate a long-term lease with EDC. According to the owner, EDC declined both suggestions. Despite this, the owner claims to have invested nearly one million dollars in repairs and improvements to the car wash facility.

Describing the car wash location as an approximately 25 foot-wide strip of land on the southernmost portion of the property, the owner suggested that the project could be completed without eliminating the car wash facility. The Borough President asked the EDC representative to comment on this suggestion. The representative explained that the original Request for Proposals (RFP) made no specific provision to either include or eliminate the strip of land occupied by the car wash. According to the representative, none of the proposals submitted to EDC included designs that retained the car wash facility as is. A representative of the architectural firm that designed the project also spoke on this issue. He stated that changing the project to exclude the car wash land would compromise the structure and cause a major redesigning of the project. The car wash owner expressed his disappointment with EDC for not excluding the car wash land in the original RFP.

The Borough President then asked if there were any environmental impact differences between cars idling for the car wash and the proposed truck traffic impacts. The EDC representative stated that a complete Environmental Assessment Statement (EAS) with subsequent traffic

sections was performed and no impact was determined. The Borough President's Land Use Director stated that the standard EAS does not include truck traffic analysis and that one should be performed. He also asked if there would be any parking below grade. A Triangle representative replied that only a utility room would be below grade.

The Borough President also inquired about the railroad right of way. A representative explained that the railroad line is an active freight line.

CONSIDERATION

On May 14, 2001, CB14 voted to recommend disapproval of these applications. The main concerns of CB14 were the traffic impacts on Nostrand Avenue that would be caused by trucks' use of the loading bays, service road entrance and the entrance exit to the parking garage.

On May 1, 2001, two representatives of the Borough President's Office visited the site. The majority of the property is now used as a municipal parking area with 387 spaces. Some of the spaces are metered and intended for short-term use; other spaces are charged a flat rate with a parking limit of 12 hours and are intended as commuter spaces for the nearby subway station. Brooklyn College uses 17 spaces as temporary permit parking during campus construction. A car wash facility is located on a small portion of the southernmost edge of the property. A below grade Long Island Railroad freight line separates the parking lot and the car wash facility.

Flatbush and Nostrand Avenues are both major commercial corridors, with many "mom and pop" stores. A large retail plaza with office supply and clothing store anchors is located approximately one and a quarter miles north of the site, and Kings Plaza, also a large retail plaza, is located approximately two miles to the south. Most of the area surrounding these avenues, and the project site, is residential. Three apartment buildings share a border with the car wash facility. Brooklyn College is located one block west of the site on Avenue H. Another large clothing chain is planning to open a warehouse store one block north of the site on Nostrand Avenue, seeming to demonstrate optimism about retail performance along Nostrand Avenue.

The Borough President believes that development of 264,810 square feet of new retail space with an adjacent 552-space parking garage is an appropriate reuse of this underutilized property. The project is consistent with the Borough President's policy of supporting and encouraging new retail development that would expand employment opportunities and improve the city's tax base.

However, the Borough President shares the community board's concerns regarding the possible traffic impacts of this project. On June 5, 2001, the Borough President's staff held a meeting with representatives of Triangle, EDC and their project consultants, and representatives of CB14. The purpose of this meeting was to reiterate the traffic impact concerns and negotiate possible solutions. The Borough President's staff identified four issues for reassessment by the developers:

1. Pedestrian analysis;
2. Vehicle analysis for project-generated vehicle trips;
3. Suggested truck approach and departure routes; and
4. Alternative loading scenario for Nostrand Avenue.

In a letter dated June 12, 2001, the developer addressed each of these issues. The Borough President believes that the developer has not produced viable solutions to the traffic problems that this project will inevitably generate. Accordingly, he believes that this project should not go forward without 1) a complete pedestrian analysis including the existing, future (build) and future (no-build) pedestrian volumes at all intersections, distances to be crossed, time available and potential conflict with turning vehicles; and 2) a redesign of the loading bays, angling them northward on Nostrand Avenue to prevent traffic stoppages in both lanes.

RECOMMENDATION

Whereas, it is the land use policy of the Brooklyn Borough President to support and encourage new retail development in Brooklyn in an effort to create employment opportunities and improve the city's tax base; and,

Whereas, a large retail development can have major benefits to a community and the city by generating new jobs and by revitalizing underutilized properties; and,

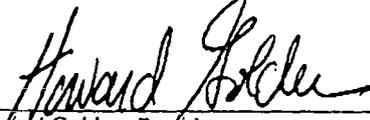
Whereas, the Brooklyn Borough President believes that additional pedestrian and vehicle traffic analyses are necessary in order to prevent public safety hazards and severe congestion; and,

Whereas, the current project design is expected to increase traffic congestion on Nostrand Avenue; now; therefore be it

Resolved, that the President of the Borough of Brooklyn, pursuant to section 197-c of the New York City Charter, and based upon the consideration described in this report, recommends approval of this application subject to the following conditions:

That either the City Planning Commission or the City Council requires:

1. That the developer conduct both a pedestrian and vehicular traffic analysis after the first year of operation to determine if any further traffic signal timing adjustments are necessary; and,
2. That the truck bays along Nostrand Avenue be angled in order to allow trucks from only the northbound lane of traffic to back in, and to mitigate the traffic impacts of the project on this already heavily congested area; and,
3. That the developer provide adequate "DO NOT ENTER" signage at the exit of the service road on Flatbush Avenue to prevent any vehicles from entering.



 Howard Golden, President
 Borough of Brooklyn