



## **CITY PLANNING COMMISSION**

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September 9, 2009/Calendar No. 11

C 090349 PCK

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IN THE MATTER OF an application submitted by the Board of Elections and the Department of Citywide Administrative, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 4312 2<sup>nd</sup> Avenue (Block 726, Lot 1), Community District 7, Borough of Brooklyn, for use as a warehouse facility.

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This application (C 090349 PCK), for the site selection and acquisition of space located at 4312 2<sup>nd</sup> Avenue (Block 726, Lot 1), was filed by the New York City Board of Elections (BOE) and the Department of Citywide Administrative Services (DCAS), on March 6<sup>th</sup>, 2009.

### **BACKGROUND**

BOE and DCAS propose the site selection and acquisition of privately-owned property located at 4312 2<sup>nd</sup> Avenue (Block 726, Lot 1) for use as a warehouse facility. In order to comply with the Help America Vote Act (HAVA), the BOE is upgrading its voting machine inventory to include electronic, optical scanning voting machines. However, the BOE will maintain its lever machines for three years, as a contingency in case there are problems with the newer machines.

The BOE would occupy approximately 160,000 square feet of storage space on the third and fourth floors of a six story building located at 4312 2<sup>nd</sup> Avenue (Block 726, Lot 1). The site is located within an M3-1 district. The surrounding area is predominantly developed with light industrial and maritime related uses.

Approximately 4,960 old lever voting machines from Manhattan (1,884 machines), Queens (1,895 machines) and the Bronx (1,181 machines) would be stored at the site. There would be no staff located at the facility, and the only other tenant occupying the building is a Christmas decoration company with 50 employees.

The site is within close proximity to the D, M, N, and R subway lines which run along 4th Avenue. The B11, B35, B63, and B70 buses also operate within close proximity to the site.

## **ENVIRONMENTAL REVIEW**

This application (C 090349 PCK) 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 09DBOE001K. The lead agency is the Board of Elections.

After a study of the potential impacts of the proposed action, a Negative Declaration was issued on February 5<sup>th</sup>, 2009.

## **UNIFORM LAND USE REVIEW**

This application (C 090349 PCK) was certified as complete by the Department of City Planning on April 20<sup>th</sup>, 2009, and was duly referred to Community Board 7 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 7 held a public hearing on this application (C 090349 PCK) on June 10<sup>th</sup>, 2009 and on June 17<sup>th</sup>, 2009, by a vote of 32 to 0 in favor, with 0 abstentions, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application (C 090349 PCK) was considered by the Borough President, who issued a recommendation approving the application on July 7<sup>th</sup>, 2009.

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

On July 22<sup>nd</sup>, 2009 (Calendar No. 3), the City Planning Commission scheduled August 5<sup>th</sup>, 2009, for a public hearing on this application (C 090349 PCK). The hearing was duly held on August 5<sup>th</sup>, 2009 (Calendar No. 17).

There was one speaker representing the BOE, who described the project. There were no other speakers and the hearing was closed.

### **Waterfront Revitalization Program Consistency Review**

This application (C 090349 PCK) was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended by the City Council on October 13<sup>th</sup>, 1999 and by the New York State Department of State on May 28<sup>th</sup>, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 09-023.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

### **CONSIDERATION**

The Commission believes that the application by the BOE and DCAS for the site selection and acquisition of property located at 4312 2<sup>nd</sup> Avenue (Block 726, Lot 1) is appropriate. The proposed storage facility is located in an M3-1 zoning district, which permits the proposed use and would be compatible with surrounding uses, which include a mixture of commercial, light industrial, and storage facilities.

The BOE is upgrading its voting machine fleet to include electronic, optical scanning voting machines, to comply with the HAVA. The BOE will maintain its lever machines for three years, as a contingency in case there are problems with the newer machines. This application would facilitate the storage of those older machines. The need for the proposed facility was not noted in the Citywide Statement of Needs; however a letter pursuant to Section 204g of the New York City Charter was sent to the Brooklyn Borough President on January 28, 2009.

### **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**, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application of the Board of Elections and the Department of Citywide Administrative Services for the site selection and acquisition of property located at 4312 2<sup>nd</sup> Avenue (Block 726, Lot 1), Community District 7, Borough of Brooklyn, for use as a warehouse facility, is approved.

The above resolution (C 090349 PCK), duly adopted by the City Planning Commission on September 9<sup>th</sup>, 2009 (Calendar No. 11), is filed with the Office of 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

**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,  
BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY,  
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ANNA HAYES LEVIN, Commissioners, ABSTAINING**