CITY PLANNING COMMISSION

August 20, 2014, Calendar No. 4 C 120093 MMK

IN THE MATTER OF an application submitted by The Dikeman Realty 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 portion of Dikeman Street between Ferris Street and Conover Street; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in the Borough of Brooklyn, Community District 6, in accordance with Map Nos. X-2730 and V-2731 dated December 27, 2013 and signed by the Borough President.

The application (C 120093 MMK) for an amendment to the City Map involving the elimination, discontinuance and closing of a portion of Dikeman Street between Ferris Street and Conover Street and the adjustment of grades necessitated thereby, including authorization for any acquisition or disposition of real property related thereto, was filed by the Dikeman Realty Corporation on October 27, 2011 in order to acquire from the City that portion of the street which is encroached upon by the applicant's adjacent building in the Red Hook neighborhood of Brooklyn.

BACKGROUND

The Dikeman Realty Corporation is seeking to eliminate, discontinue and close an approximately 25-foot wide by 1-foot deep portion of Dikeman Street which is encroached on by a building owned by the applicant. The subject portion of Dikeman Street is City-owned, mapped to a width of 60 feet, and is open to one-way northwesterly-bound traffic. Dikeman Street is a lightly-traveled local street, with little to no foot traffic due to the lack of development and the generally industrial nature of the area. The applicant's property, Lot 34 in Block 574, located on the northeast side of the street, is developed with a one- and two-story commercial warehouse building that is occupied by the applicant's HVAC contractor business. In 1991, prior to the applicant's ownership of the premises, the approximately 25-foot wide building was constructed such that its front portion encroaches onto the street right-of-way by approximately 1 foot at its southeasterly corner, and 0.5 feet at its southwesterly corner. Because of this encroachment, a

certificate of occupancy cannot be issued for the building. This application would facilitate the issuance of a certificate of occupancy by allowing the applicant to acquire this small portion of streetbed, thereby nullifying the encroachment. There will be no physical changes to the Dikeman Street travelway or sidewalk. The total area of streetbed to be eliminated and acquired by applicant and added to its existing lot is 17.84 square feet.

The site is located within an M2-1 zoning district. Neighboring zoning districts include an M1-1 on the southwesterly side of Dikeman Street, and an R5 on the southeasterly side of Conover Street.

Affected agencies and utilities were polled by email on November 23, 2011 regarding the proposed amendment to the City Map. Currently, no city agencies have any objections to the proposal.

ENVIRONMENTAL REVIEW

This application (C 120093 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 Number is 12DCP026K. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on March 31, 2014.

UNIFORM LAND USE REVIEW

This application (C 120093 MMK), was certified as complete by the Department of City Planning on March 31, 2014, and was duly referred to Brooklyn Community Board 6 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 6 held a public hearing on this application (C 120093 MMK) on April 24,

2014, and on May 14, 2014 by a vote of 34 to 0, with 3 abstentions, adopted a resolution recommending approval of the application.

BOROUGH PRESIDENT RECOMMENDATION

This application (C 120093 MMK) was considered by the Borough President of Brooklyn, who on June 30, 2014 issued a recommendation approving the application.

CITY PLANNING COMMISSION PUBLIC HEARING

On July 9, 2014 (Calendar No. 1), the City Planning Commission scheduled July 23, 2014 for a public hearing on this application (C 120093 MMK). The hearing was duly held on July 23, 2014 (Calendar No. 17). There was one speaker in favor of the application and none in opposition.

A representative of the applicant described the proposed street elimination and discussed how the project would facilitate the issuance of a certificate of occupancy for the applicant's existing building.

There were no other speakers and the hearing was closed.

CONSIDERATION

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

The Commission notes that the applicant's existing building was constructed such that it encroaches slightly into the mapped streetbed of Dikeman Street and that the elimination of approximately 18 square feet of the mapped street will nullify the existing encroachment allowing the applicant to acquire a certificate of occupancy for the existing building. The Commission also notes that there will be no change to the Dikeman Street travelway or sidewalk.

In his recommendation approving the application, the Brooklyn Borough President encouraged the applicant to investigate the incorporation of sustainable and renewable energy resources, as well as flood proofing measures as part of any subsequent building improvements. The Commission believes that this recommendation is outside the scope of this application.

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 120093 MMK) for the amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of Dikeman Street between Ferris Street and Conover Street; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in the Borough of Brooklyn, Community District 6, in accordance with Map Nos. X-2730 and V-2731 dated December 27, 2013 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 the legally required number of counterparts of Map Nos. X-2730 and V-2731 dated December 27, 2013 providing for the discontinuance and closing of a portion of Dikeman Street between Ferris Street and Conover Street, said street to be discontinued and closed being more particularly described as follows:

Starting at a Point of Beginning located on the northeasterly street line of Dikeman Street, said point being distant 100.00 feet northwesterly along the northeasterly street line of Dikeman Street from its intersection with the northwesterly street line of Conover Street, as those streets were hereinbefore laid out on the City Map;

1) Running thence northwesterly, along the former northeasterly street line of Dikeman Street, discontinued and closed, 25.00 feet to a point;

2) Running thence southwesterly, along the newly established northeasterly street line of Dikeman Street, said course forming a deflection angle to the left with the last mentioned course of 90 degrees 00 minute 00 second, 0.43 foot to a point;

3) Running thence southeasterly, along the newly established northeasterly street line of Dikeman Street, said course forming a deflection angle to the left with the last mentioned course of 88 degrees 42 minutes 43 seconds, 25.01 feet to a point;

4) Running thence northeasterly, along the newly established northeasterly street line of Dikeman Street, said course forming a deflection angle to the left with the last mentioned course of 90 degrees 00 minute 00 second, 0.99 feet to the point or place of beginning.

The area described above consists of 17.73 square feet, more or less, located in Section 2 of the Kings County Land Map.

RESOLVED that, pursuant to subdivision 1a of Section 5-433 of the New York City Administrative Code, public utility facilities within the subsurface of the streets cited herein which are to be discontinued and closed by this action, may be maintained in place or relocated within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or portions of such subsurface, and the requirements of other facilities located therein;

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-2730 and V-2731 dated December 27, 2013 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; 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; and

c. The subject street 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 (C 120093 MMK), duly adopted by the City Planning Commission on July August 20, 2014 (Calendar No. 4), 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.

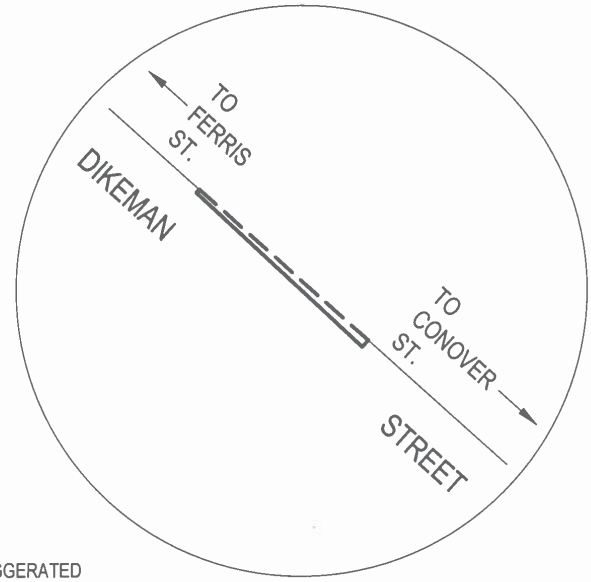
CARL WEISBROD, Chairman
KENNETH J. KNUCKLES, *Esq., Vice-Chairman*
ANGELA M. BATTAGLIA, RAYANN BESSER,
IRWIN G. CANTOR, P.E.,ALFRED C. CERULLO, III,
MICHELLE R. DE LA UZ, JOSEPH I. DOUEK,
RICHARD W. EADDY, ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners

CHERYL COHEN EFFRON, BOMEE JUNG, Commissioners Abstaining

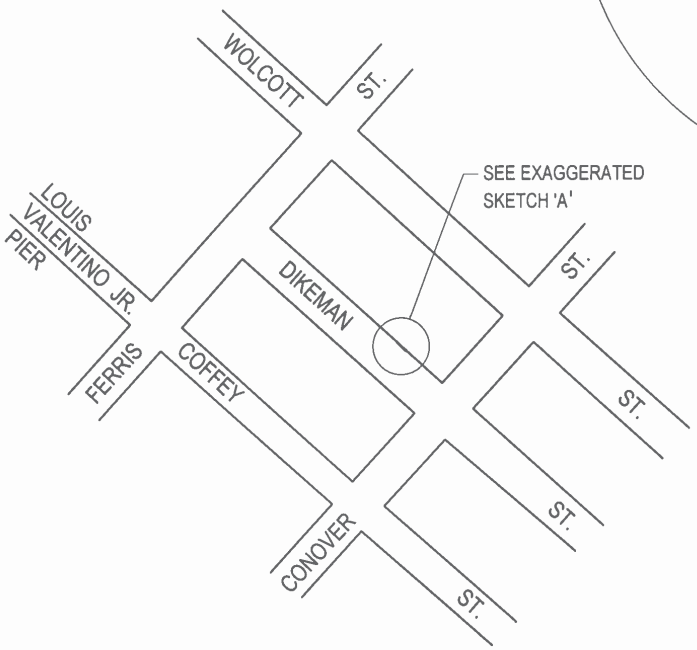
C.D. 06

C 120093 MMK

Refer to Alt. Map No. X-2730 & V-2731



EXAGGERATED SKETCH 'A'
SCALE: 1" = 16'



CITY PLANNING COMMISSION

CITY OF NEW YORK

DIAGRAM SHOWING PROPOSED

MAP CHANGE

ON SECTIONAL MAP

16a

BOROUGH OF

BROOKLYN

New York, Certification Date
March 31, 2014

I. Sadko, P.E.
Chief Engineer

SCALE IN FEET

300 0 300

NOTE:

Indicates line of street legally adopted.

Indicates line of street proposed to be established.

Indicates line of street proposed to be eliminated.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

NYCPLANNING
DEPARTMENT OF CITY PLANNING CITY OF NEW YORK

Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 120093 MMK**	Project Name: **DIKEMAN STREET DEMAPPING**
CEQR Number: 12DCP026K	Borough(s): Brooklyn Community District Number(s): 6

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

1. Complete this form and return to the Department of City Planning by one of the following options:
   - **EMAIL (recommended):** Send email to **CalendarOffice@planning.nyc.gov** and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
   - **MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
   - **FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by the Dikeman Realty 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 portion of Dikeman Street between Ferris Street and Conover Street; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 6, Borough of Brooklyn, in accordance with Map Nos. X-2730 and V-2731 dated December 27, 2013 and signed by the Borough President.

Applicant(s):	Applicant's Representative:
Dikeman Realty Corporation 158 Dikeman Street Brooklyn, New York 11231	Anthony Mango Mango & Lacoviello, LLP 14 Penn Plaza, Suite 1919 New York, New York 10122 (212)-695-5454

Recommendation submitted by:
Brooklyn Community Board 6

Date of public hearing: 4/24/14 Location: PROSPECT PARK YMCA 357 9th STREET BROOKLYN NY 11215

Was a quorum present? YES [X] NO [ ]

A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Date of Vote: 5/14/14 Location: BROOKLYN BOROUGH HALL 209 JORALEMON STREET BROOKLYN 11201

RECOMMENDATION

[X] Approve
[ ] Approve With Modifications/Conditions
[ ] Disapprove
[ ] Disapprove With Modifications/Conditions

Please attach any further explanation of the recommendation on additional sheets, as necessary.

Voting

In Favor: 34 # Against: Ø # Abstaining: 3 Total members appointed to the board: 44

Name of CB/BB officer completing this form	Title	Date
Craig Hammerman Craig Hammerman	District Manager	6-24-14

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
CalendarOffice@planning.nyc.gov

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 applicant's representatives as indicated on the Notice of Certification.

APPLICATION #: 120093 MMK Dikeman Street Demapping

In the matter of an application submitted by by the Dikeman Realty 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 portion of Dikeman Street between Ferris Street and Conover Street; and the adjustment of grades necessitated thereby.

COMMUNITY DISTRICT NO. 6 BOROUGH OF BROOKLYN

RECOMMENDATION – 140227 MCK

■ APPROVE
☐ APPROVE WITH MODIFICATIONS/CONDITIONS

☐ DISAPPROVE
☐ DISAPPROVE WITH MODIFICATIONS/CONDITIONS

See attached

BOROUGH PRESIDENT

June 30, 2014
DATE

RECOMMENDATION FOR DIKEMAN STREET DEMAPPING
120093 MMK

The applicant, Dikeman Realty Corporation, proposes to demap a section of Dikeman Street.

On May 22, 2014, the Borough President held a public hearing on the demapping request. A representative for Dikeman Realty noted that the building appears to have been constructed around 1991 and was acquired in 1997 to house Weather Champions, with no Certificate of Occupancy (C of O) in place. The applicant has been attempting to obtain the C of O since that time and, due to the determination that the building has an encroachment of approximately 18 square feet of the City right-of-way, it became necessary to pursue the demapping of this section of Dikeman Street so that the encroachment can become part of the property.

The Borough President's Land Use Director noted the Borough President's policy to maximize job opportunities for Brooklynites with local businesses. The representative noted that Weather Champions has ten employees, of which five reside in Brooklyn, and would prefer future hiring to be Brooklyn-based.

In regards to the Borough President's policy to promote the use of sustainable and renewable energy resources, such as incorporating solar panels and/or small wind turbines, where appropriate, the fact that the building is located near the harbor, in an area with low-lying buildings, was noted by the representative in regards to the fact that incorporating such features would become permissible once the building obtains its C of O. As Weather Champions is in the heating and cooling business, it is knowledgeable about wind turbine devises and will give consideration to incorporating such elements.

Finally, the representative noted that, with regards to the recently adopted resiliency zoning, it would make sense to investigate incorporating flood proofing improvements with a C of O in place.

CONSIDERATION

Community Board 6 approved the application.

It is the Borough President's policy to support land use actions would support and enhance locally-based business establishments.

The Borough President is concerned that too many residents of Brooklyn are unemployed or underemployed. It is his policy to promote economic development as a means of creating more employment opportunities as well as promoting Brooklyn-based businesses. Half of the workforce at Weather Champions are Brooklynites and there may be opportunities in the future to employ more Brooklyn residents.

The Borough President supports the applicant's intent to secure a Certificate of Occupancy for 158 Dikeman Street as it would facilitate subsequent investment to promote sustainable and renewable energy resources as well as flood proofing.

RECOMMENDATION

Be it resolved that the Borough President of Brooklyn, 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, recommends that the City Planning Commission and City Council approve the land use action requested.

Be it further resolved that Weather Champions should investigate the incorporation of sustainable and renewable energy resources, as well as flood proofing measures, as part of subsequent building improvements to 158 Dikeman Street.