



**IN THE MATTER OF** an application submitted by the Department of Parks and Recreation and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 237 Maple Street (Block 5030, Lot 72) for use as passive recreation space and a community garden, Borough of Brooklyn, Community District 9.

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This application for a site selection and acquisition of property was filed by the New York City Department of Parks and Recreation (DPR) and the New York City Department of Citywide Administrative Services (DCAS) on March 15, 2017, to permit the site selection and acquisition of privately owned property located at 237 Maple Street (Block 5030, Lot 72) in the Prospect Lefferts Gardens neighborhood of Brooklyn, Community District 9, for passive recreation and community garden uses.

### **BACKGROUND**

The project site (Block 5030, Lot 72) is located on the northern side of Maple Street, midblock between Rogers Avenue to the west and Nostrand Avenue to the east. The site had been vacant since the demolition of a building on the lot, which was damaged in a fire and demolished by the New York City Department of Housing Preservation and Development in 1997. In 2013, neighborhood residents removed debris and transformed the site into a community space with seating, a communal garden, and a composting facility.

The project site is a 6,000-square-foot rectangular lot with 60 feet of frontage on Maple Street. It is improved with a community garden consisting of 12 wooden raised planting beds on the eastern side of the lot and three compost bins on the northeast portion. There is a one-story shed, measuring approximately 200 square feet, which is used to store gardening tools. The western portion of the lot is predominantly used for passive recreation and features three trees, including a mature willow tree.

Maple Street is a narrow street (60 feet wide), with one lane of auto traffic heading east, one bike lane, and parking on both sides of the street. The site is within an R6 zoning district, with a C2-

3 overlay. City and non-City facilities within a half-mile radius of the project site include schools, day care facilities, food pantries, medical treatment clinics, and fire and police stations. DPR identified Community District 9 as having a low open space ratio, at 0.8 acres of open space per 1,000 residents. Acquisition of this property would be in alignment with the Mayor's goal, outlined in *OneNYC: The Plan for a Strong and Just City*, to bring 85 percent of New Yorkers within a "walk to a park" by 2030. A portion of the neighborhood is currently farther than a "walk to a park, which the plan defines as being farther than a five minute walk from a small park or playground and 10 minute walk from a large park or recreation field.

The proposed action would facilitate the site selection and acquisition of the project site for assignment to DPR for continued community garden and passive recreation uses. Upon acquisition, DPR would install new fencing and signage, as well as make minor improvements to the passive open space, with specific measures determined through community input. The sidewalk in front of the lot would be repaired. No additional structures are planned to be built on site.

Approximately one-half to one-third of the site would be licensed, maintained, and used as a GreenThumb community garden. GreenThumb was initiated in response to the city's financial crisis of the 1970's, which resulted in the abandonment of public and private land. The majority of GreenThumb gardens were vacant lots renovated by volunteers. GreenThumb provides programming and material support to over 500 community gardens throughout all five boroughs. The remainder of the space would be designated and maintained as public open space for passive recreation. The final dimensions of the garden space would be determined after the acquisition of the property by the City.

In cooperation with DPR Brooklyn borough maintenance staff, the project site would be maintained mostly by people in the community who are already invested in the passive open space and garden uses at the project site, typical of NYC Parks GreenThumb sites. The hours of the park would conform to standard DPR hours, with public access available from 6:00 am to 30 minutes after sunset.

The built form in the surrounding area consists of a mix of commercial uses, public facilities and institutions, and single family detached and multi-family residential apartment units with building heights of two- to three-stories. R6 is the prevailing zoning district, with C2-3 commercial overlays mapped along Rogers and Nostrand Avenues, two major corridors with street widths of 80 feet, respectively. Other districts in the area include R2, R5, R7-1, and C1-3. Blocks to the north and west of the project site are designated as the Prospect Lefferts Gardens Historic District.

The surrounding area is well-served by public transit. The project site is within a quarter mile of the 2/5 Sterling Street subway station. The B49 bus runs along Rogers Avenue, with stops one block north and one block south of the project site, and the B44 bus runs along Nostrand Avenue, with a stop one block from the project site.

#### **ENVIRONMENTAL REVIEW**

This application (C 170316 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 lead agency is the New York City Department of Parks and Recreation (DPR). The designated CEQR number is 17DPR007K. This application was determined to be a Type II, action which requires no further environmental review.

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

This application (C 170316 PCK) was certified as complete by the Department of City Planning (DCP) on April 3, 2017, and was duly referred to Community Board 9 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**

Brooklyn Community Board 9 held a public hearing on this application (C 170316 PCK) on April 19, 2017, and on April 25, 2017, by a vote of 25 in favor, none opposed, and with no abstentions,

issued a recommendation to approve the application.

### **Borough President Recommendation**

This application (C 170316 PCK) was considered by the Borough President, who held a public hearing on May 3, 2017. There were five speakers in support of this item, who applauded the positive impact this space has had on bringing a diverse community together. The Borough President issued a recommendation on May 25, 2017 to approve this application.

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

On June 7, 2017(Calendar No. 6) the CPC scheduled June 21, 2017 for a public hearing on this application (C 170316 PCK). The hearing was duly held on June 21, 2017 (Calendar No. 32). There were nine speakers in total, one representative of the applicant team and eight members of the public who testified in support of the application and none in opposition.

The applicant's representative described the project that the proposed site selection and acquisition would facilitate, stating that the action requested would continue the passive recreation and garden uses of the property, providing open space to a community with a low open space ratio.

Eight members of the public, all residents of the surrounding neighborhood invested in the garden space, spoke in favor of this item describing the garden's importance to the local community and praised the positive impact the garden has bestowed upon the neighborhood, bringing diverse group of residents together and collaborating on maintaining a green space in the city. Speakers described the social benefits of having access to a green space in a dense neighborhood.

There were no other speakers and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this application for the site selection and acquisition of property (C 170316 PCK) is appropriate.

The site, located in the Prospect-Lefferts Gardens neighborhood of Brooklyn, is underserved in terms of open space per capita according to DPR. Parts of approximately a dozen blocks in this neighborhood are farther than a five-minute walk from a small park or playground and a 10-minute walk from a large park or recreation field.

The action will facilitate the continued use of this passive open space, community garden, and composting operation; improvements to the space; and enhanced community programming. Formalizing these community garden and passive recreation uses in this location is appropriate given the surrounding land use context of single-family detached houses and low-rise apartment buildings. The site is also well-served by public transit.

Therefore, the Commission believes that the proposed site selection and acquisition of the project site is appropriate.

## **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 consideration described in this report, the application submitted by the New York City Department of Parks and Recreation (DPR) and the New York City Department of Administrative Services (DCAS), for the site selection and acquisition of property located at 237 Maple Street (Block 5030, Lot 72) for use as passive recreation space and a community garden Borough of Brooklyn, Community District 9, is approved.

The above resolution (C 170316 PCK), duly adopted by the City Planning Commission on July 26, 2017 (Calendar No. 20 ), 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.

**MARISA LAGO**, *Chair*

**KENNETH J. KNUCKES, ESQ.**, *Vice Chairman*

**RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,  
MICHELLE R. DE LA UZ, JOSEPH DOUEK, RICHARD W. EADDY,  
CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,  
ORLANDO MARIN, LARISA ORTIZ**, *Commissioners*



**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**

237 MAPLE STREET – 170316 PCK

In the matter of the application submitted by the New York City Department of Parks and Recreation (NYC Parks), pursuant to Section 197-c of the New York City Charter, seeking the acquisition and site selection of a 6,000 square-foot property located in the Prospect-Lefferts Gardens neighborhood of Brooklyn Community District 9 (CD 9). Such actions would facilitate the continued use of this property as a passive open space and community garden.

BROOKLYN COMMUNITY DISTRICT NO. 9

BOROUGH OF BROOKLYN

**RECOMMENDATION**

APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

May 24, 2017

DATE

**RECOMMENDATION FOR: 237 MAPLE STREET – 170316 PCK**

The application submitted by the New York City Department of Parks and Recreation (NYC Parks) and co-applicant New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, seeks the acquisition and site selection of a 6,000 square-foot property located in the Prospect-Lefferts Gardens neighborhood of Brooklyn Community District 9 (CD 9). Such actions would facilitate the continued use of this property as a passive open space and community garden.

On May 3, 2017, Brooklyn Borough President Eric L. Adams held a public hearing on this item. There were five speakers in support of this item, all representing the Maple Street Community Garden. Speakers spoke to the positive impact this space has had on bringing their diverse community together as a meeting place, described the communal participation toward composting and gardening, and their hope for expanding educational and recreational programming for neighborhood youth.

The representative for NYC Parks noted that having the property in its jurisdiction would be consistent with City policy to provide city residents with improved access to parkland. This site would bring approximately 3,000 New Yorkers within preferable walking distance to a park property.

In response to Borough President Adams' inquiry to clarify the effective date of formal community garden status, the representative for NYC Parks stated that while the agency is still working out the details, it is anticipated that acquisition of the property would occur sometime in the spring of 2018, at which point the gardeners could be licensed immediately.

In response to Borough President Adams' inquiry to clarify why, in this particular case, there is not also an application to map the property as a park, the representative stated that the property is site selected in order to allow for continued community garden use. A community garden does not fall under the legal definition for park purpose, and if the property was mapped as a park, the community garden could not continue to operate.

Deputy Borough President Reyna expressed gratitude to the garden organization for its efforts to date and looked forward.

**Consideration**

CB 9 approved this application without conditions.

The site is located at 237 Maple Street, midblock between Rogers and Nostrand avenues. It had been vacant since the demolition of an unsafe building, which was damaged in a fire and demolished by the New York City Department of Housing Preservation and Development (HPD) in 1997. The lot sat vacant between 1997 and 2013, when neighborhood residents raised funds and worked to transform the lot, by removing debris, into a community space containing a landscaped passive open space with seating, a communal garden, and a composting facility.

The passive open space, enhanced by three trees, including an established willow tree, is generally located in the western portion of the site. The remainder of the lot is used as the communal garden, improved with 12-wooden raised gardening beds used to grow fresh produce; a small one-story storage shed building housing the gardening tools, and the composting section, which is managed through three newly-constructed compost bins.

Upon acquisition of the property by the City, improvements undertaken by NYC Parks would occur based on community consultation with NYC Parks. It would install new fencing, with a gate location determined through the consultation process, signage, as well as make minor improvements to the site's passive open space area. The sidewalk in front of the lot will be repaired. No additional structures are planned to be built on site.

A portion of the site would be licensed, maintained, and used as a GreenThumb community garden, while another part of the space would be designated and maintained as a public open space for passive recreation. Approximately one-half to one-third of the site will be used for garden purposes; the final dimensions of the garden space will be determined after the acquisition of the property by the City. In cooperation with the NYC Parks Brooklyn borough maintenance staff, the site will be maintained mostly by existing community members invested in the passive open space and garden uses on-site. The hours of the open space will be according to standard parks hours, from 6:00 AM to 30 minutes after sunset.

Borough President Adams acknowledges that Prospect-Lefferts Gardens is underserved in terms of open space per capita. Part or all of approximately a dozen blocks within this neighborhood are farther than a five-minute walk from a small park or playground and a 10-minute walk from a large park or recreation field. Site acquisition of this property for continued use as passive open space and community garden would be in alignment with Mayor Bill de Blasio's OneNYC: The Plan for a Strong and Just City's commitment to bring 85 percent of New Yorkers within a walk to a park by 2030.

Borough President Adams believes that formalizing the community garden use in this location is appropriate given its land use make-up consisting of single-family detached and mostly low-rise multi-family residential apartment units with building height of two- to four-stories, as well as mixed-used commercial and residential buildings immediately to the west of the site with a building height of three stories fronting Rogers Avenue. In addition, Borough President Adams believes that community gardens serve as influential community spaces to bring older and newer residents together in common purpose.

Borough President Adams supports the acquisition and site selection action as it would add 6,000 square feet of open space and improve the availability of open space for the residents of this area of Brooklyn. It would bring approximately 3,000 New Yorkers within a five-minute walk to a park and add greatly needed new public open space for community residents. Its acquisition would facilitate the continued use of this passive open space, community garden, and composting operation. The anticipated licensing agreement would enable improvements to the spaces, as well as enhancements of community programming. Should this application ultimately be approved, Borough President Adams has allocated \$750,000 of his Fiscal Year 2017 (FY17) Capital Budget to provide the opportunity to acquire this property for such use.

Borough President Adams recognizes that the ownership of the parcel is currently being reviewed by Honorable Mark Partnow of the Kings County Supreme Court, though completion of this process should have no bearing toward the timing of the implementation of site acquisition. At the time the City takes possession, appropriate acquisition funds would be set aside to be received by the party deemed the rightful owner through the court proceedings. A prolonged acquisition process has the potential to negatively impact the community. Therefore, he endorses for the City's priority to include the earliest possible effective date of the license agreement with the Maple Street Community Garden organization as a means of allowing it to take on its envisioned community programming. Additional priority should include the implementation of the intended improvements envisioned by NYC Parks, which are dependent on City ownership. Prompt acquisition would shelter the taxpayers' unnecessary cost escalation risk associated with the ongoing real estate

market trends for this section of Brooklyn. Delaying the transfer of the property would otherwise be an added burden to the taxpayers, as the value of land could be based on a date subsequent to the finalization of the associated court proceedings. In addition, prompt acquisition assures the capital budget support for property acquisition from the current elected officials is available, as such funding is not binding on successor elected officials. Therefore, once the site selection process is successfully completed, Borough President Adams urges all involved City agencies to fulfill their role to achieve acquisition of the property in a timely manner.

**Recommendation**

Be it resolved that the Brooklyn borough president, pursuant to sections 197-c of the New York City Charter, recommends that the City Planning Commission (CPC) and the City Council approve this application.

Be it further resolved that following site selection approval, all involved City agencies shall fulfill their role to achieve acquisition of the property in a timely manner.