

CITY PLANNING COMMISSION

November 20, 2002/Calendar No. 12

M 770445(C) ZMK

IN THE MATTER OF an application submitted by Sheradel Associates for the modification of Restrictive Declaration D-47, which was previously approved as part of an application for a Zoning Map Amendment (M 770445(A) ZMK), and its subsequent amendment (M 770445(B) ZMK), for a commercial development on property located southeasterly of the intersection of Flatlands Avenue and Louisiana Avenue (Block 8235, Lots 48 and 53), in an R5/C2-1 District and an R5/C2-2 District, Community District 18, Borough of Brooklyn.

WHEREAS, on January 15, 2002, Sheradel Associates submitted an application (M 770445(C) ZMK) for the modification of Restrictive Declaration D-47 and its subsequent amendments, for the commercial development located on Block 8235, Lot 48, in the Borough of Brooklyn; and

WHEREAS, Restrictive Declaration D-47 (the 1979 Declaration) was originally entered into in connection with approval of an amendment to the Zoning Map (C 770445 ZMK), submitted by Sheradel Realty Corporation to facilitate a commercial development on Block 8235, Lot 14 in Community District 18, Borough of Brooklyn; and

WHEREAS, the zoning map amendment and Restrictive Declaration was approved by the City Planning Commission on October 19, 1979, Calendar No. 3, (M 770445(A) ZMK), and was subsequently approved by the Board of Estimate on December 6, 1979, allowing for and including: a maximum of 409 parking spaces; 50, 930 square feet of supermarket, and 12,500 square feet of satellite stores; and

WHEREAS, Restrictive Declaration D-47 was modified (M 770445(B) ZMK) and approved by the City Planning Commission on June 28, 1982; and

WHEREAS, pursuant to the modification (M770445(B) ZMK), reciprocal parking with an adjacent lot, would be permitted; and

WHEREAS, the subject modification(M770445(C) ZMK would permit an increase of 3,916 square feet in the allowed size of the satellite stores, from 12,500 square feet to 16,416 square feet; and

WHEREAS, the subject modification would include landscaping, safety islands and decorative concrete walkways; and

WHEREAS, the subject modification would include the removal of two curb cuts and change in location of two curb cuts; and

WHEREAS, Restrictive Declaration D-47 is proposed to be amended to incorporate this modification; and

WHEREAS, this application (M 770445(C) 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order 91 of 1977. It was determined that this application was a Type II and therefore required no further

environmental review.

WHEREAS, this application was referred by the Department of City Planning to Community Board 18 on October 3, 2002; and

WHEREAS, Community Board 18, on October 16, 2002, adopted a resolution recommending approval of the application; and.

WHEREAS, the Commission has determined that the application warrants approval; and

THEREFORE, be it **RESOLVED** that the City Planning Commission, based on the environmental determination and after consideration of the proposed modification, that the application (M 770445(C) ZMK) submitted by Sheradel Associates for the modification of Restrictive Declaration D-47 (the 1979 Declaration), for the property located southeasterly of the intersection of Flatlands Avenue and Louisiana Avenue (Block 8235, Lots 48 and 53), in an R5/C2-1 District and an R5/C2-2 District, Community District 18, Borough of Brooklyn is approved subject to the following conditions:

1. The property that is the subject of this application (M770445(C) ZMK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Rosenbaum Design Group with this application and incorporated in this resolution:

Drawing No.
SP-1

Title
Proposed Site Plan

Last Date Revised
September 17, 2002

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this approval to the lessee, sublessee or occupant.
5. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated November 6, 2002 and executed by, Sheradel Associates the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of Kings.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions

of this resolution and the attached restrictive declaration whose provisions shall constitute conditions of the approvals granted herein, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said approval. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of any approvals hereby granted or of the attached restrictive declaration.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this approval.

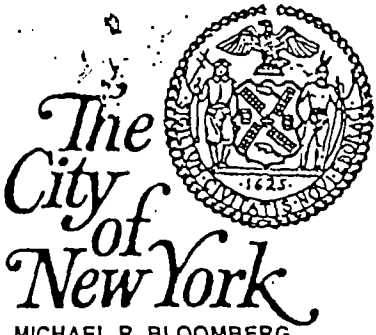
The above resolution (M 770445(C) ZMK), duly adopted by the City Planning Commission on November 20, 2002 (Calendar No.12), is filed with the Office of the Speaker, City Council together with a copy of the plans of the development.

AMANDA M. BURDEN, AICP , Chair
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5715 AVENUE H - SUITE 1D • BROOKLYN, NEW YORK 11234-1999
TELEPHONE (718) 241-0422
TOLL FREE 1-800-564-5127
FAX (718) 531-3199

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City Planning Commission
Calendar Information Office
22 Reade Street, Room 2E
New York, New York 10007

Re: M 770445 (C) ZMK
1114 Flatlands Avenue

Gentlemen:

At the regularly scheduled Board Meeting of Community Board #18 held on October 16, 2002, Community Board #18 voted to recommend approval of the Application by Sheradel Associates to modify the Restrictive Declaration to add a small retail building of less than 4,000 square feet to include landscaping, safety islands, and decorative concrete walkways to the Shopping Center.

If you need any additional information, please feel free to contact us.

Sincerely,

Dorothy Turano
Dorothy Turano
District Manager

cc: Hon. Marty Markowitz, Brooklyn Borough President
Mr. Sheldon Lobel, Esq.