



IN THE MATTER OF an application submitted by Lennox Gilpin pursuant to Sections 197-c and 200 of the New York City Charter for an amendment of the Zoning Map, Section 17B, changing from an R6 district to a C8-2 district, property bounded by East 51st Street, Remsen Avenue, and a line 240 feet northerly of Rutland Road, Borough of Brooklyn, Community District 17, as shown on a diagram dated October 17, 1988.

The application for the amendment of the Zoning Map was filed by Lennox Gilpin on October 22, 1987, to change from an R6 district to a C8-2 district property bounded by East 51st Street, Remsen Avenue and a line northerly of Rutland Road in the East Flatbush section of the Borough of Brooklyn.

BACKGROUND

The applicant requests a zoning change to allow use of the property described above as a used car sales and repair lot. The site proposed for rezoning is located on the northerly portion of an irregularly shaped block. Residential areas with one- and two-family, well-maintained homes and a few apartment buildings, also in good condition, are located northeast and south of the site proposed for rezoning. Utica Avenue, which is west of the site, is zoned C8-2 and is characterized by heavy commercial uses, including auto repair shops and other auto-related uses. The 27,000-square-foot lot immediately adjacent to and south of the site is occupied by a small commercial building.

The building on the approximately 12,000-square-foot lot site under consideration in this application was first used as a gas station in 1957. The station operated under a Board of Standards and Appeals 15-year permit which has lapsed. In 1973, a Certificate of Occupancy was issued for a social club (Use Group 4). From 1980 to 1986, the current owner, the applicant, leased the building for use as a discotheque which is classified under Use Group 12, "Eating or drinking places, without restrictions on entertainment or dancing," and is not a permitted use in a residence district. Since 1986, the building has been vacant.

ENVIRONMENTAL REVIEW

This application (C 880304 ZMK) was reviewed by the Department of Environmental Protection and the Department of City Planning 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) procedures set forth in Executive Order No. 91 of 1977. The designated CEQR number is 88-082K.

The Department of Environmental Protection and the Department of City Planning submitted to the Commission for its consideration the results of their study of the potential environmental impact of the proposed action. A conditional negative declaration was issued on March 21, 1988.

The required conditions and modifications are that:

- "1. The applicant must submit plumbing plans showing a properly sized oil separator in the repair area to the Industrial Waste Control Section of DEP's Bureau of Waste Water Treatment.
2. The curb cut that is within fifty (50) feet of the intersection of Remsen Avenue and East 51st Street must be reconfigured to prevent entrance and exit between Remsen Avenue and the parking lot."

UNIFORM LAND USE REVIEW

This application was certified as complete by the City Planning Commission on October 17, 1988 in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, and was duly referred to Community Board 17.

Community Board Public Hearing

Community Board 17 held a public hearing on this application on December 21, 1988 and adopted a resolution on that date, recommending disapproval of

the application by a vote of 19 in favor and none opposed with 2 abstentions. The board's recommendation noted "...strong community opposition to the latitude that a C8-2 would allow..."

City Planning Commission Public Hearing

On December 19, 1988 (Calendar No. 12), the City Planning Commission scheduled January 4, 1989 for a public hearing on this application (C 880304 ZMK). The hearing was duly held on January 4, 1989 (Calendar No. 15).

One person, a representative of the applicant, spoke in favor of the application. There were no speakers in opposition. The applicant's representative said that Remsen Avenue is approximately 100 feet wide and that use of the site for a used car lot on such a wide street would not affect the residential uses across the street. He also said that an extension of the C8-2 zone between East 51st Street and Utica Avenue would be consistent with the character of the area.

CONSIDERATION

The Commission believes that this zoning proposal is inappropriate. In considering the proposed zoning change, the Commission reviewed the adjacent land uses. The portion of the east side of Remsen Avenue which is near the corner of East New York Avenue is in a C8-2 zoning district. This part of Remsen Avenue was formerly occupied by an automobile showroom. Directly across from the site proposed for rezoning, Remsen Avenue is solidly lined with one- and two-family homes. Ground floor neighborhood commercial establishments are located at the intersection of East 51st Street and Rutland Road.

The C8-2 designation would permit many different land uses on the site, such as automobile showrooms, fuel sales, carpentry, welding shops and discotheques, which would be incompatible with the one- and two-family residential uses across the street from the site.

Of special interest to the Commission was the 27,000-square-foot site

(which has only a small commercial building) that is adjacent to the 12,000-square-foot site being considered in this application. The Commission observed that the 27,000-square-foot site, which is not part of this application, is in an R6 district and could make a desirable site for low-rise affordable housing.

The Commission also noted that extension of the C8-2 zoning across East 51st Street would be a lot-line zoning amendment, which would split an irregularly shaped block into incompatible commercial and residential uses.

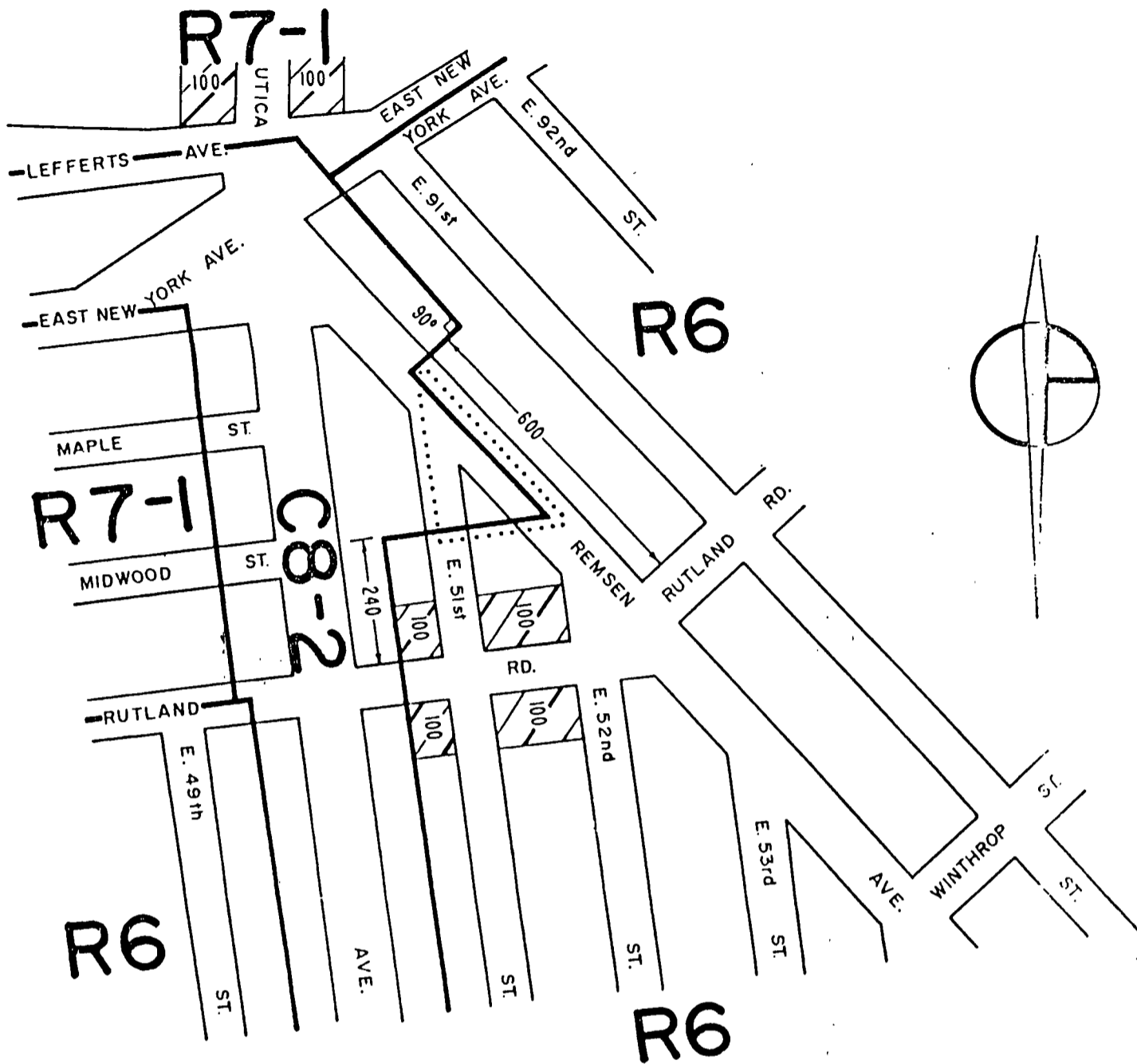
RESOLUTION

Based on the consideration described in this report, the Commission considers the proposed rezoning to be inappropriate, and adopted the following resolution on February 1, 1989 (Calendar No. 20):

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that the application (C 880304 ZMK) of Lennox Gilpin for an amendment of the Zoning Map, Section No. 17B, changing from an R6 district to a C8-2 district, property bounded by East 51st Street, Remsen Avenue, and a line 240 feet northerly of Rutland Road, Borough of Brooklyn, Community District 17, as shown on a diagram dated October 17, 1988 is DISAPPROVED.

Pursuant to Section 200(4.) of the New York City Charter, the action by the City Planning Commission in this matter is final. The report is forwarded to the Secretary of Board of Estimate pursuant to Section 6.084 of the Uniform Land Use Review Procedure (ULURP) for information and filing.

SYLVIA DEUTSCH, Chairperson
DENISE M. SCHEINBERG, Vice-Chairperson
SALVATORE C. GAGLIARDO, MARILYN MAMMANO, Wm. GARRISON McNEIL.
STUART K. PERTZ, DANIEL T. SCANNELL, Commissioners



CITY PLANNING COMMISSION
CITY OF NEW YORK

DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP

17b
BOROUGH OF
BROOKLYN

New York. Certification Date
October 17, 1988

Anthony J. Patrucco
Deputy Director for Technical Review,
Land Use Review Division
Anthony J. Patrucco, P.E.
Chief Engineer



NOTE:

- indicates Zoning District boundary.
- The area enclosed by the fine dotted line is proposed to be changed from an R6 District to a CB-2 District.
- indicates a C1-3 District.