

CITY PLANNING COMMISSION

February 5, 1990

Calendar No. 23

C 890235 ZMK

IN THE MATTER OF an application, submitted by Top Tomato, Inc., pursuant to Sections 197-c and 200 of the New York City Charter for an amendment to the Zoning Map, Section 28c, establishing within an existing R5 district, a C2-3 district bounded by 86th Street, West 12th Street, Avenue U, 86th Street, West 13th Street, a line 150 feet northerly of Avenue U, a line midway between West 12th Street and West 11th Street, Avenue U, West 11th Street, and a line 150 feet southerly of Avenue U, Borough of Brooklyn, Community Districts No. 11 and 15, as shown on a diagram dated August 28, 1989.

The application for the amendment to the Zoning Map was filed by Top Tomato, Inc., on September 23, 1988 to extend an existing C2-3 commercial overlay along Avenue U, for one and a half blockfronts on the southern portion of the street and for one block on the northern portion of the street maintaining the overlay's current depth of 150 feet. The proposed action would bring into conformity a number of existing non-conforming commercial uses, including the applicant's fruit and vegetable store.

BACKGROUND

The site for the proposed action is located adjacent to the intersection of Avenue U, 13th Street and 86th Street, in the Gravesend section of Brooklyn, on the boundary of Community Districts 11 and 15. The area surrounding the proposed rezoning contains a wide variety of uses including local retail and service establishments, private homes and apartment buildings, service stations and other automotive concerns, and a New York Telephone substation. Avenue U is a major commercial corridor for the area and is characterized by local retail and service establishments. 86th Street is an important commercial corridor characterized at this location by small automotive concerns. Abutting the site to the east and extending linearly for several blocks along Avenue U is a C2-3 commercial overlay within an R5 zone. Directly across West 13th Street from the site is a C8-2 zone that extends west along both sides of 86th Street. The rest of the surrounding neighborhood is zoned R5 with detached and semi-detached housing predominating along the side streets.

ENVIRONMENTAL REVIEW

This application (C 890235 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) procedures

set forth in Executive Order No. 91 of 1977. (The designated CEQR number is 89-084.) 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 negative declaration was issued on April 7, 1989 and revised on August 10, 1989.

UNIFORM LAND USE REVIEW

This application was certified as complete by the City Planning Commission on August 28, 1989, and was duly referred to Community Boards 11 and 15 and the Brooklyn Borough Board, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearings

Community Board 11 held a public hearing on this application on October 12, 1989, and, on that date, by a vote of 18 to 4 with 3 abstentions adopted a resolution recommending approval of the application.

Community Board 15 held a public hearing on this application on October 24, 1989, and, on that date, by a vote of 30 to 0 with 1 abstention adopted a resolution recommending approval of the application.

Borough Board Public Hearing

The Brooklyn Borough Board held a public hearing on this matter on November 24, 1989, and, on that date, by a vote of 18 to 0 with 0 abstentions adopted a resolution recommending approval of the application.

City Planning Commission Public Hearing

On December 11, 1989 (Calendar No. 7), the City Planning Commission scheduled December 13, 1989 (Calendar No. 8) for a public hearing on this application (C 890235 ZMK). The hearing was duly held on December 13, 1989 (Calendar No. 8). There was one speaker in favor of the application. The speaker, the applicant's attorney, discussed the existing signage on the applicant's store. There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment to the zoning map is appropriate.

The project area is located at the intersection of two major commercial corridors. The proposed action will bring into conformity a number of existing legal non-conforming commercial uses including: an Italian speciality shop, a pizzeria, a women's clothing store, and a New York Telephone substation.

Issues raised by the Commission included the fact that the area proposed to be rezoned also contains a number of residential buildings, including six residential buildings fronting on side streets (West 12th and 13th Streets) and falling within the last 50 feet of the depth of the overlay. However, two legal non-conforming stores located on the ground floor of residential buildings are also within these last 50 feet and the overlay depth of 150 feet will bring these stores into conformity. The Commission notes that it is typical for residential uses to fall within the last 50 feet of a C2-3 overlay's depth in a C2-3 corridor. During the course of its review, the Commission notified the applicant that existing signage on the applicant's storefront was non-conforming, and would remain non-conforming even with the proposed overlay. At the Commission's public hearing, the applicant's attorney demonstrated that the non-conforming sign on the roof of the applicant's store had been removed. The Chairperson of the Commission pointed out that existing signage on both frontages of the applicant's store was non-conforming as well. As of the date of the adoption of this Resolution, the signage on the frontages has been corrected so as to meet the requirements of a C2-3 overlay zone.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant effect on the environment; and be it further

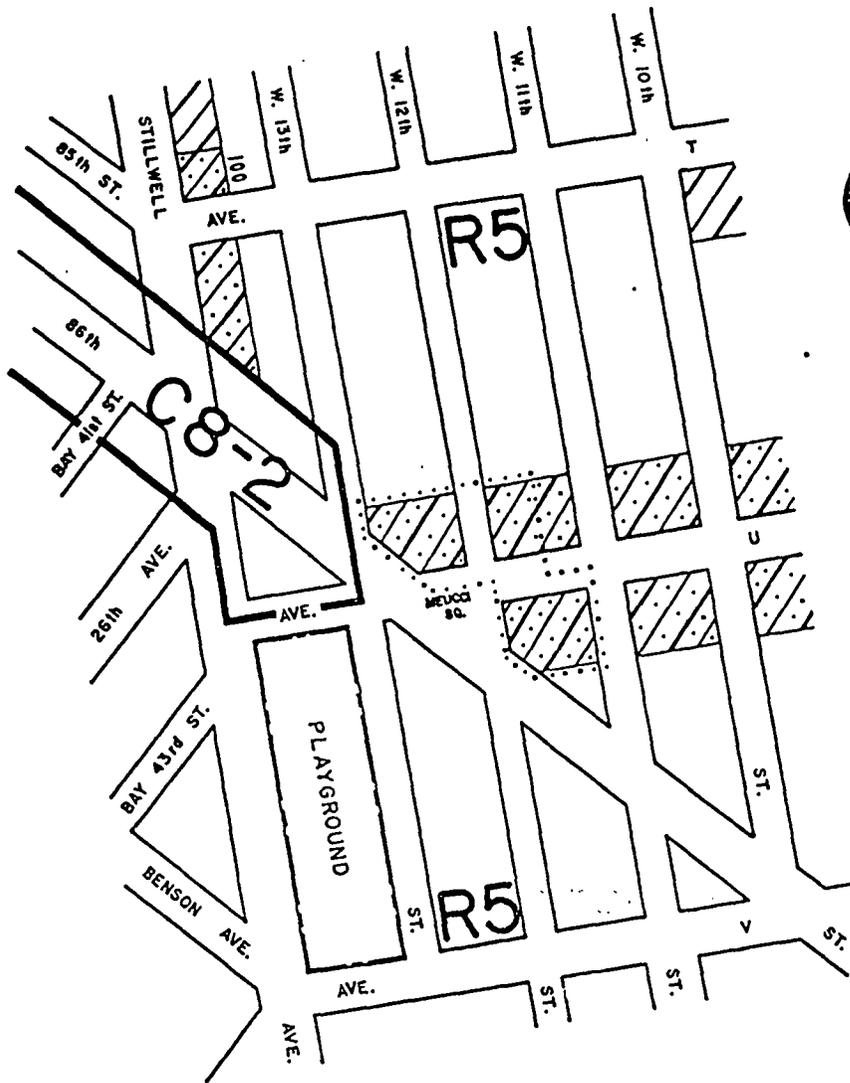
RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that, based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 28c, by establishing within an existing R5 district, a C2-3 district bounded by 86th Street, West 12th Street, Avenue U, 86th Street, West 13th Street, a line 150 feet northerly of Avenue U, a line midway between West 11th Street and West 12th Street, Avenue U, West 11th Street, and a line 150 feet southerly of Avenue U, Borough of Brooklyn, Community Districts Nos. 11 and 15, as shown on a diagram dated August 28, 1989.

The above resolution, duly adopted by the City Planning Commission on February 5, 1990, Calendar No. 23, is filed with the Secretary of the Board of Estimate, in accordance with the requirements of Sections 197-c and 200 of the New York City Charter.

DENISE M. SHEINBERG, Acting Chairperson

SALVATORE C. GAGLIARDO, RAFAEL MARTINEZ, WM. GARRISON McNEIL,

DANIEL T. SCANNELL, Commissioners.



CITY PLANNING COMMISSION
CITY OF NEW YORK

DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP

28c
BOROUGH OF
BROOKLYN

New York, Certification Date
August 28, 1989

San P...
 Director of Technical Review,
 Land Use Review Division
Anthony J. Patenaer, P.E.
 Chief Engineer



NOTE:

- Indicates Zoning District boundary.
- The area enclosed by the fine dotted line is proposed to be changed by establishing a C2-3 District within an existing R5 District.
- Indicates a C1-3 District.
- Indicates a C2-3 District.

Drawn By: *[Signature]*