

CITY PLANNING COMMISSION

July 27, 1992/Calendar No. 2

C 900907 ZSK

IN THE MATTER OF an application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow development within a permanently discontinued railroad right-of-way, to facilitate construction of approximately 21 residential units on property (tentatively known as Culver El Site 5) located on the south side of 37th Street, extending from Dahill Road to 15th Avenue (Block 5367, Lot 8), in an R6 District, Borough of Brooklyn, Community District 12.

The application for the special permit was filed by the Department of Housing Preservation and Development on June 15, 1990 to allow development within a permanently discontinued railroad right-of-way pursuant to Section 74-681 of the Zoning Resolution, in order to facilitate the development of seven, three-story, three-family homes by the New York City Housing Partnership.

RELATED ACTIONS

In addition to the special permit, which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 900906 HDK: UDAAP disposition of Block 5367, Lot 8 to the New York City Housing Partnership.

BACKGROUND

The proposed site is known as Culver El Site 5. The parcel (Block 5367, Lot 8) is one of seven parcels that are part of the right-of-way of the former Culver Shuttle elevated transit lines and, at ground level, the South Brooklyn Railroad. Service on the rapid transit line was terminated in 1975, and on the railroad line in the early 1980's. The elevated structure, one of the oldest in Brooklyn, was demolished in 1985. Following the demolition, the New York City Transit Authority surrendered to the Division of Real Property of the New York City Department of General Services this parcel, as well as the six other

parcels which make up a seven block, 50-foot wide strip of land running along 37th Street between Fort Hamilton Parkway and McDonald Avenue, in the Borough Park section of Brooklyn.

Site 5, approximately 50 feet by 330 feet, contains 16,510 square feet in area, and is zoned R6. The site is located on the south side of 37th Street, extending from Dahill Road to 15th Avenue. Site 5 has been leased on a month to month basis by an adjacent building materials company, Kings Material, as an outdoor storage area for their building materials. The Division of Real Property served the lessee with a 30-day eviction notice in November 1991 and proceedings are pending.

The Housing Partnership has proposed to develop approximately twenty-one condominium units on this site.

A mix of commercial and residential uses exists to the north of the site and along Dahill Road. Dahill Park, a 1.3 acre park used for active and passive recreation, exists to the immediate south of the site. Further south, along 38th and 39th Streets are residential blocks, consisting mostly of two and three-family homes. The main commercial strip in the area is 13th Avenue between 37th and 55th Streets. Commercial activity is also strong on Fort Hamilton Parkway. The area is well served by public transportation.

ENVIRONMENTAL REVIEW

This application (C 900907 ZSK), in conjunction with the application for the related action (C 900906 HDK), 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 90-112K.

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 July 15, 1991.

UNIFORM LAND USE REVIEW

This application (C 900907 ZSK) and the application for the related action (C 900906 HDK) were certified as complete by the Department of City Planning on February 24, 1992, and were duly referred to Community Board 12 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Review

Community Board 12 held a public hearing on this application on April 6, 1992, and on April 28, 1992 by a vote of 33 to 1 with 1 abstention, adopted a resolution recommending approval of the applications, stating that:

At several public hearings held concerning this property, the overwhelming consensus of community was to build affordable housing on this site. This housing is greatly needed in our area and will greatly enhance the community at large.

Borough President Recommendation

This application was considered by the Office of the President of the Borough of Brooklyn, which issued a recommendation approving the action on May 28, 1992, with the following resolution:

The President of the Borough of Brooklyn calls upon HPD, the Division of Real Property and the Economic Development Corporation to work with Kings Material to identify an appropriate relocation site either within or in proximity to the Borough Park community.

City Planning Commission Public Hearing

On May 20, 1992, (Calendar No. 4), the City Planning Commission scheduled June 10, 1992 for a public hearing on this application (C 900907 ZSK). The hearing was duly held on June 10, 1992 (Calendar No. 8), in conjunction with the public hearing for the related action (C 900906 HDK). There was one speaker in favor and six speakers in opposition.

A representative of the South Brooklyn Community Organization, the sponsor of Site 5, spoke in favor of the proposed project. In response

to questions from the Commission, the speaker described the anticipated income range for the development.

The owner of Kings Material, the lessee and current occupant of Site 5, and five representatives of his company spoke in opposition. The speakers in opposition stated that the loss of Site 5 would jeopardize the continued existence of their company which employs 50 people. In addition to the loss of jobs, they also stated that the company provides substantial tax revenues to the City of New York. They further stated that efforts on their behalf by the New York City Economic Development Corporation (EDC) to find an alternative location for their business have been unsuccessful to date.

At the request of the Commission, the Director of the Brooklyn Office of Development for the Department of Housing Preservation and Development answered questions regarding the economic feasibility of proceeding with the related Site 1 project independent of the Site 5 project. He stated that the two projects needed to be linked in order to be economically viable.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit is appropriate.

The construction of approximately 21 residential units by the New York City Housing Partnership at this location will provide a much needed housing resource for moderate income families and contribute to the stability of the surrounding area. There are no plans for the use of the railroad right-of-way for transit purposes and therefore the site provides an excellent opportunity for housing.

At the time of certification, the Commission expressed concern regarding the existence of windows on the side walls for each of the townhouses, especially those located on the corners, so that the development did not

present blank walls to the surrounding community. The Department of Housing Preservation and Development, in a letter dated June 22, 1992, stated that the homes will include a minimum of three windows per frontage, a wrought iron fence and shrubbery and landscaping. HPD further stated that the entrances to the homes will front on 37th Street.

In a memo to the Commission, dated June 19, 1992, the President of EDC stated that since January 1985, EDC has been involved in attempting to assist Kings Material in their search for a new site for their operations. This assistance has continued to the present and has included the involvement of the Southwest Brooklyn Industrial Development Corporation (SWBIDC) and the Brooklyn Economic Development Corporation (BEDC) as well as EDC. However this has not yet resulted in the selection of a site suitable to Kings Material, although relocation assistance by EDC is still ongoing. The Commission strongly urges EDC, BEDC, SWBIDC and the Brooklyn Borough President's Office to continue and to concentrate their efforts to find a suitable location for Kings Material.

The streets providing access to Site 5 are adequate to handle any increased traffic generated by the proposed residential development. Dahill Road and 15th Avenue are both eighty feet wide and 37th Street is sixty feet wide. The street grid is continuous. The maximum number of cars at any peak hour is fewer than three. The environmental review concluded that there was no potential impact from the traffic which would be generated by the proposed development.

The distribution of floor area and the number of dwelling units proposed for Site 5 is similar to the existing residential development of the surrounding neighborhood. The floor area of the proposed residential development is evenly distributed throughout the site.

The zoning lot will be developed entirely with housing. No non-residential uses will be developed on the site.

The railroad right-of-way has been permanently discontinued.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-681 of the Zoning Resolution:

- (1) the streets providing access to all uses are adequate to handle increased traffic resulting therefrom;
- (2) the distribution of floor area and the number of rooms or dwelling units does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such development;
- (3) all uses, and developments or enlargements located on the zoning lot do not adversely affect one another;
- (4) the railroad right-of-way is not deemed appropriate for future transportation use.

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 the consideration and findings described in this report, the application of the Department of Housing Preservation and Development for the grant of a special permit, pursuant to Section 74-681 of the Zoning Resolution to allow development within a permanently discontinued railroad right-of-way, to facilitate construction of approximately 21 residential units on property (tentatively known as Culver El Site 5) located on the south side of 37th Street, extending from Dahill Road to 15th Avenue (Block 5367, Lot 8) in an R6 District, Borough of Brooklyn, Community District 12, is approved, pursuant to Section 74-681 of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application (C 900907 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by the New

York City Department of Housing Preservation and Development, filed with this application and incorporated in this resolution:

<u>Drawing Title</u>	<u>Last Date Revised</u>
Culver El Site # ⁵ 7 , <i>June 26, 1991</i> Brooklyn	December 26, 1991

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. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or 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 whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of the other party, revoke any portion of or all of said special permit. 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 the special permit hereby granted.
5. 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 special permit.

The resolution (C 900907 ZSK), duly adopted by the City Planning Commission on July 27, 1992, Calendar No. 2, is filed with the Office of the Speaker, City Council, and the Borough President, together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

RICHARD L. SCHAFFER, Chairman
VICTOR G. ALICEA, Vice-Chairman
ANTHONY GIACOBBE, JAMES C. JAO, R.A.,
BRENDA LEVIN, JOEL A. MIELE, SR., P.E.,
EDWARD T. ROGOWSKY, Commissioners

AMANDA BURDEN, A.I.C.P., MAXINE GRIFFITH, Commissioners, abstained

**Community/Borough Board
Recommendation**

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

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 a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 900906 HDK

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD) for the disposition of city-owned property, pursuant to the Urban Development Action Area Act of New York State and Section 197-c of the New York City Charter.

Approval of three separate matters is requested:

- 1) The designation of the property noted below as an Urban Development Action Area; and
- 2) An Urban Development Action Area Project for such property; and
- 3) The disposition of such property to the developer selected by HPD.

The property is located on part of the block bounded by 37th Street, Dahill Road, 38th Street, and 15th Avenue (block 5367, lot 8), known as Culver El Site 5, and is the site for the construction of 7 three-story, three-family homes under the NYC Partnership New Homes Program.

COMMUNITY BOARD NO. 12
BOROUGH Brooklyn

BOROUGH BOARD BROOKLYN

DATE OF PUBLIC HEARING APRIL 6, 1992
WAS QUORUM PRESENT? XXXX YES NO

LOCATION 4712 - 14th AVENUE
(A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE APRIL 28, 1992

LOCATION P.S. 192, 4715 - 18th AVENUE

RECOMMENDATION

XXXX APPROVE APPROVE WITH MODIFICATIONS/CONDITIONS
 DISAPPROVE DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)
AT SEVERAL PUBLIC HEARINGS HELD CONCERNING THIS PROPERTY, THE OVERWHELMING CONSENSUS OF COMMUNITY WAS TO BUILD AFFORDABLE HOUSING ON THIS SITE. THIS HOUSING IS GREATLY NEEDED IN OUR AREA AND WILL GREATLY ENHANCE THE COMMUNITY AT LARGE.

VOTING

IN FAVOR 33 AGAINST 1 ABSTAINING 1 Board Member Not Voting
TOTAL MEMBERS APPOINTED TO BOARD 50

Carol Jewett
COMMUNITY/BOROUGH BOARD OFFICER

COMMUNITY COORDINATOR

APRIL 29, 1992
DATE

TITLE

**Community/Borough Board
Recommendation**

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 26 at the above address.

2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 900907 ZSK

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow development within a permanently discontinued railroad right-of-way, to facilitate construction of approximately 21 residential units on property (tentatively known as Culver El Site 5) located on the south side of 37th Street from Dahill Road to 15th Avenue (Block 5367, Lot 8), in an R6 District, Borough of Brooklyn, Community District 12.

The plan for this proposal is on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, NY 10007.

COMMUNITY BOARD NO. 12
BOROUGH BROOKLYN

BOROUGH BOARD BROOKLYN

DATE OF PUBLIC HEARING APRIL 6, 1992
WAS QUORUM PRESENT? XXXXX YES NO

LOCATION 4912 - 14th AVENUE

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

VOTE ADOPTING RECOMMENDATION TAKEN

DATE APRIL 28, 1992

LOCATION P.S. 192, 4715 - 18th AVENUE

RECOMMENDATION

XXXXX **APPROVE** **APPROVE WITH MODIFICATIONS/CONDITIONS**
 DISAPPROVE **DISAPPROVE WITH MODIFICATIONS/CONDITIONS**

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

AT SEVERAL PUBLIC HEARINGS HELD CONCERNING THIS PROPERTY, THE OVERWHELMING CONSENSUS OF COMMUNITY WAS TO BUILD AFFORDABLE HOUSING ON THIS SITE. THIS HOUSING IS GREATLY NEEDED IN OUR AREA AND WILL GREATLY ENHANCE THE COMMUNITY AT LARGE.

VOTING

IN FAVOR 33 **AGAINST** 1 **ABSTAINING** 1 Board Member Not Voting

TOTAL MEMBERS APPOINTED TO BOARD 50

Carol J. Green
COMMUNITY/BOROUGH BOARD OFFICER

DATE APRIL 29, 1992

COMMUNITY COORDINATOR
TITLE

Borough President Recommendation

CITY PLANNING COMMISSION
22 Rector Street, New York, NY 10007
FAX // (212) 720-3360

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 representative as indicated on the Notice of Certification.

APPLICATION # 900906 HDK, 900907 ZSK, 900908 ZMK, 900909 HDK and
900910 ZSK
DOCKET DESCRIPTION

CITY FILE # AND SUBJECT: COMMUNITY DISTRICT 12

To facilitate the construction of 18 three family homes on the three lots within Community District 12 the following approvals are requested by the Department of Housing Preservation and Development (HPD):

- To facilitate the construction of 18 three family homes, the following approvals are requested:
- a) the designation of property noted below as an Urban Development Action Area;
 - b) the designation of an Urban Redevelopment Action Area Project (URAAP) for each property;
 - c) the designation of property (Block 501, Lot 2) located on the block bounded by 12th Street, the East Side, 12th Street and Park Avenue, to be known as Site 1 (URAAP 12MK).

(Continued....)

authorization to permit the development of housing within a former railroad right-of-way (URAR) (24A);

approval of two zoning map changes as follows:

- a) a rezoning from an M1-9 District to an M2 District of the area presently bounded by First Manhattan Parkway, 12th Avenue, and 12th Street; and
- b) the establishment of a C2-3 District along the eastern frontage of First Manhattan Parkway between 11th and 12th Streets (URAR 24A).

To facilitate the disposition of City-owned property the following approvals are requested:

- a) the designation of property noted below as an Urban Development Action Area;
- b) the designation as an Urban Redevelopment Action Area Project (URAAP) for each property; and
- c) the designation of property (Block 501, Lot 2) located on the southern side of 12th Street between First Manhattan Parkway and 12th Avenue, to be known as Site 1 (URAAP 12MK).

authorization to permit the development of housing within a former railroad right-of-way (URAR) (24A).

COMMUNITY BOARD NO. 12

BOROUGH BROOKLYN

RECOMMENDATION

- APPROVE
 APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
 DISAPPROVE

EXPLANATION OF RECOMMENDATION - MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

SEE ATTACHED RECOMMENDATION REPORT

James Golden
BOROUGH PRESIDENT

05/28/92
DATE

CULVER EL I AND II HOUSING
(900906 HDK, 900907 ZSK, 900908 ZMK, 900909 HDK and
900910 ZSK)

RECOMMENDATION REPORT BY THE PRESIDENT OF
THE BOROUGH OF BROOKLYN

Background

The Department of Housing Preservation and Development (HPD) requests approval of five applications to facilitate the construction of 19 three-family residential buildings on City-owned property in the Borough Park section of Community District 12. The applications request approval of zoning map changes, property designations and dispositions which will facilitate the development of 57 condominium apartments on two sites, to be known as Culver El I and II.

Culver El I, Site 5, is comprised of Tax Block 5367, Lot 8, and is located on the south side of 37th Street between 15th Avenue and Dahill Road. The parcel is presently zoned R6 and is used as outdoor storage by a private building supply firm, Kings Materials. An enclosed loading dock and 25 foot high stacks of concrete blocks and brick masonry occupy the site.

Culver El II, Site 1, is located five blocks west of Culver El I, on the south side of 37th Street between Fort Hamilton Parkway and 12th Avenue. The parcel is comprised of Tax Block 5291, Lot 33, and is

presently zoned M1-2. The site is used as a parking lot by a local private realty firm and as a storage area by Guardian Ambulette.

Both Kings Materials and Guardian Ambulette occupy their respective sites under month-to-month leases with the Division of Real Property.

Borough President's Hearing

On May 6, 1992, the Borough President held a public hearing on the applications. There were eleven speakers including a representative from HPD, members of local community organizations and representatives of the local business community. All of the speakers spoke in support of additional moderate income housing for the community; however five speakers spoke in opposition to the use of the parcel presently occupied by Kings Materials for housing.

The representative from HPD provided a brief history and summary of the project. The representative stated that the applications were submitted to the Department of City Planning (DCP) in 1990 after consultations with DCP, the Department of General Services (DGS) and Community Board 12. The proposed development of 57 condominium apartments is planned on two former railroad and transit line sites. Service was terminated on the elevated transit line in 1975, and on the railroad line in the early 1980's. The elevated transit line structure was demolished by the City in 1983.

Both sites are to be developed through the New York City Housing Partnership Corporation utilizing subsidies from the State Affordable Housing Corporation and from HPD's Homeownership Program. Combined, these subsidies total \$25,000 per unit. The purchase price of each of the apartments with the inclusion of governmental subsidies is estimated at \$85,000. Total project cost is anticipated to exceed \$6.5 million for both sites and funding for HPD's subsidies are included in the proposed 1993 Capital Budget. Through a competitive process, Eighth Avenue Builders was selected as the developer of both sites; disposition of the properties will be to the South Brooklyn Community Organization (SBCO) and the Council of Neighborhood Organizations (CONO).

The Borough President questioned the representative from HPD about the agency's efforts to relocate Kings Materials, the builder supply firm, from one of the sites proposed for development. The representative from HPD stated that DGS has terminated its lease with Kings Materials, as well as with other tenants of the affected properties. The representative stated that these lease terminations are presently being contested in court, and that DGS through its Division of Real Property (DRP) is responsible for providing relocation assistance to the tenants. Further, the representative stated that the terminated leases did not provide for extensive relocation assistance, although potential relocation sites had been offered by DRP.

The Executive Director of SBCO spoke in favor of the applications and confirmed the offers of relocation sites made to Kings dating back to five years ago. The speaker stated that these offers were not responded to

by the firm, and emphasized that there are nearby parcels that are currently suitable, that will not jeopardize employees' jobs, and will satisfy Kings' relocation needs.

A representative from CONO stated the organization has the complete support of the area's various churches and requested approval of the applications.

The District Manager of Community District 12 stated that the two project sponsors intend to construct housing that caters to two different community needs. Culver El I, Site 1, will be designed for those homebuyers with smaller spatial needs such as the elderly or the first-time homebuyer. Culver El II, Site 5, will be designed for larger families. The speaker stated that Community Board 12 had been assisting Kings Material in its relocation site search for several years. However, the speaker stated that the proposed housing is needed by the community and that the applications must continue to advance.

A representative from Kings Material provided a brief summary of the firm's history at its present site. The firm established its present location in 1951, and in 1980, began leasing the adjacent parcel from the Metropolitan Transportation Authority. The representative stated that the loss of the parcel would cause a substantial loss of storage capacity and income to the firm, which may necessitate a reduction of its workforce.

The representative spoke of the firm's attempts to relocate to the waterfront area, a site which currently lies vacant, and spoke of several

nearby properties which present alternative sites for City development as housing. The Borough President questioned the speaker about the ownership and history of these properties and stated that any consideration of alternate sites is premature without a full disclosure of the difficulties of developing the sites indicated.

Four additional speakers stated their concerns for the potential loss of jobs resulting from the firm's relocation and of the need to continue efforts to relocate Kings Materials, in consultation with members of Community Board 12, Division of Real Property (DRP) and the Economic Development Corporation (EDC). A fifth speaker representing Plato Construction spoke of the termination of an existing leased easement which permits adjacent business owners fire egress. The representative from HPD stated that the agency is currently contesting a legal suit brought by Plato for a prescriptive easement which allows the firm truck access at the rear of Plato's building.

Consideration

The development of housing at the two locations proposed will foster community stability and provide homeownership opportunities for moderate income families and individuals. The inclusion of governmental subsidies from both the State and the City will provide homeownership opportunities of benefit to the area's elderly and more moderate income families. No future plans to reactivate the former railroad or transit lines have been disclosed prior to and subsequent of the submission of the applications in 1990. Therefore, the availability of the subject parcels presents a

valuable opportunity to develop and stabilize these parcels.

Several speakers provided testimony at the Borough President's public hearing regarding the efforts to assist the relocation of Kings Materials, which presently occupies Culver El 1, Site 5. In December 1991, DRP terminated its monthly lease with Kings for use of the parcel. On May 18, 1992, a law suit was initiated by Kings against the City was continued to permit the firm additional time to review its current prospects for relocation. That lawsuit is still pending. As stated earlier, Kings Material has been occupying Site 5 on a monthly basis. Under this leasing agreement, Kings is not entitled to any governmental relocation assistance; however the affected municipal agencies (e.g.- HPD, DRP and EDC) should identify potential sites for the firm's relocation.

Therefore, the Borough President recommends the continuation of efforts by the affected municipal agencies to identify a suitable site for the relocation of Kings Materials. Participation in this endeavor should not be limited to municipal agencies, but rather should include participation from the local business community, Community Board 12 and other interested civic organizations.

Also as stated earlier, HPD and Plato Construction are involved in a legal suit involving easement access. The Borough President is concerned about this easement issue and calls upon HPD and Plato to resolve this issue.

Recommendation

Whereas, on April 28, 1992, Community Board 12 adopted resolutions recommending approval of these applications; and

Whereas, no future plans to reactivate the former railroad and transit lines have been disclosed prior to and subsequent of the submission of these applications to the Department of City Planning; and

Whereas, the President of the Borough of Brooklyn encourages initiatives which foster homeownership opportunities for families and individuals at or below moderate income levels; and

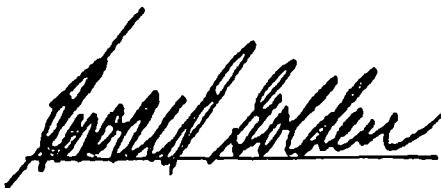
Whereas, negotiations to facilitate the relocation of Kings Materials are continuing and there is a lawsuit pending; and

Whereas, the Department of Housing Preservation and Development (HPD) and Plato Construction are presently involved in litigation concerning adjoining easement rights for the development of Culver El II Site 1; now therefore be it so

Resolved, that the President of the Borough of Brooklyn pursuant to Section 197-c of the New York City Charter that based on the consideration described in this report, recommends approval of the applications (900906 HDK, 900907 ZSK, 900908 ZMK, 900909 HDK and 900910 ZSK); and

Be it further resolved, that the President of the Borough of Brooklyn calls upon HPD, the Division of Real Property (DRP) and the Economic Development Corporation (EDC) to work with Kings Materials to identify an appropriate relocation site either within or in proximity to the Borough Park community; and

Be it further resolved, that the President of the Borough of Brooklyn calls upon HPD and Plato Construction to resolve the issues pertaining to easement access and egress involving the development of Culver El II Site 1.

A handwritten signature in black ink, appearing to read "Howard Golden", written over a horizontal line.

Howard Golden, President
the Borough of Brooklyn