

CITY PLANNING COMMISSION

September 8, 1993/Calendar No. 12

C 920193 PPK

IN THE MATTER OF an application submitted by the Department of General Services, Division of Real Property, pursuant to Section 197-c of the New York City Charter, for disposition of two (2) city-owned properties* pursuant to zoning, Community District 17, Borough of Brooklyn.

*197-d(b) eligible

The application for disposition of city-owned property was filed by the Department of General Services, Division of Real Property (DRP) on March 4, 1992, for the disposition of two city-owned properties in Community District 17, Borough of Brooklyn.

BACKGROUND

The Division of Real Property proposes to dispose at public auction two City-owned parcels in the East Flatbush section of Brooklyn, Community District 17.

The Northwest corner of Woods Place and Erasmus Street (Block 5104, Lot 32) is a city-owned, 29' X 134' vacant lot, zoned C8-2. Adjacent to the lot is a private parking lot owned by a church that is located to the north of the parking lot at the corner of Church Avenue and Woods Place. The church also leases the city-owned lot (Lot 32) for parking. Next to the church facing Church Avenue is a daycare center operated by the church. Auto repair, parking and service station uses are located on the Bedford Avenue frontage of the block between Erasmus Street and Church Avenue. Across Woods Place is an apartment building and a church. Across Erasmus Street

is an auto repair shop, several community facility uses, and a small park. The adjacent blocks to the south are predominantly developed for auto related uses and community facilities.

To the north and east is a mixture of one to four family homes with some multi-family residential and scattered commercial and institutional uses.

6 Lloyd Street (Block 5105, Lot 64) is a 37' X 50' vacant lot zoned R6 and has one- and two-story residential buildings adjacent to the lot and across the street. A private parking lot is located behind the city-owned lot and faces Erasmus Street Erasmus Street between Rogers Avenue and Lloyd Street. A mixed commercial and residential building, an auto repair shop and a residential building are located on Rogers Avenue between Erasmus Street and Church Avenue. Commercial uses are located along Church Avenue.

The surrounding area is predominantly one- and two-family and multi-family walkup homes, scattered commercial uses and some institutional uses.

ENVIRONMENTAL REVIEW

This application (C 920193 PPK) 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.

This application was determined to be a Type II action which requires no further environmental review.

UNIFORM LAND USE REVIEW

This application (C 920193 PPK) was certified as complete by the Department of City Planning on April 26, 1993, and was duly referred to Brooklyn Community Board 17 and the Brooklyn Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Brooklyn Community Board 17 held a public hearing on this application on June 16, 1993, and on June 16, 1993, by a vote of 25 to 0 with no abstentions, adopted a resolution recommending disapproval of the application with the following comments:

"Regarding Woods Place - recommend against disposition, so that a zoning study can be made.

Regarding Lloyd Street, recommend against disposition, and ask that location be used for a GreenThumb project. If this is not approved by City Planning, then there should be a provision that use be residential.

The area surrounding both these locations has been developed as condominium housing and appropriate use of these sites is important to the residents there."

Borough President Recommendation

This application was considered by the Brooklyn Borough President, who issued a recommendation disapproving the action on July 23, 1993.

The Borough President's recommendation included the following comments:

"1) That the city-owned property located at the Northwestcorner of Woods Place and Erasmus Street (Block 5104, Lot 32) be disposed with community-facility use restrictions. If such restrictions are not appropriate, the property should be sold with accessory use restrictions. A restriction precluding auto repair and junk yard uses should be added to the terms of the sale.

2) That the city-owned property located at 6 Lloyd Street (Block 5105, Lot 64) be sold under the Adjacent Homeowner Program (AHOP). If such a restriction is not appropriate, the property should be sold with accessory use restrictions."

City Planning Commission Public Hearing

On July 21, 1993 (Calendar No. 4), the City Planning Commission scheduled August 4, 1993, for a public hearing on this application (C 920193 PPK). The hearing was duly held on August 4, 1993 (Calendar No. 10). There were no appearances and the hearing was closed.

CONSIDERATION

The Commission believes that this disposition of city-owned property is appropriate.

Regarding Community Planning Board 17's recommendation to deny the disposition of Block 5104, Lot 32 until a zoning study has been completed, the Commission notes that the Department of City Planning reviewed this area for a possible rezoning within the past five years. The Department finds that, at this time, there are several land uses in the area which are coexisting and therefore a rezoning is not appropriate.

Regarding the Borough President's recommendation that Block 5104, Lot 32 be disposed of with community-facility or accessory use restrictions and that a restriction precluding auto repair and junk yard uses be included in the terms of sale the Commission notes that Block 5104 Lot 32 is on a month to month lease for parking to a church located down the block. The Commission agrees that a restriction precluding auto repair and junk yard uses should be

included in the terms of sale. However, there are other abutting users who may want the property for parking or other purposes, so the Commission doesn't believe community facility restriction is appropriate.

Regarding the Borough President's recommendation that the property located at 6 Lloyd Street (Block 5105, Lot 64) be disposed of through the Adjacent Homeowner Program (AHOP) the Commission notes that because the lot is not surrounded by residential uses on all sides, it is ineligible for AHOP.

With regard to the Green Thumb use, the Commission notes that this property has been city-owned since 1989. No group has ever approached the Division of Real Property to request that it be placed in the Green Thumb Program, which would be an interim use. The Commission recommends that any group interested in creating a garden on the site should contact the Division of Real Property and the agency will evaluate its request.

RESOLUTION

RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that the application of the Department of General Services, Division of Real Property for the disposition of two (2) city-owned properties, Borough of Brooklyn, Community District 17, in an application dated November 1, 1991 is approved with the following conditions:

That the Northwest corner of Woods Place and Erasmus Street (Block 5104, Lot 32) be sold with restrictions, precluding auto repair and junk yard uses

The above resolution (C 920193 PPK), duly adopted by the City Planning Commission on September 8, 1993 (Calendar No. 12), is filed with the Office of the Speaker, City Council, and the Office of the Brooklyn Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

RICHARD L. SCHAFFER, Chairman
VICTOR G. ALICEA, Vice-Chairman
EUGENIE L. BIRCH, A.I.C.P., AMANDA M. BURDEN, ANTHONY GIACOBBE,
MAXINE GRIFFITH, JAMES C. JAO, R.A., BRENDA LEVIN, JOEL A. MIELE,
SR., P.E., RONALD SHIFFMAN, A.I.C.P., ANALISA TORRES, ESQ., JACOB
B. WARD, Commissioners

EDWARD T. ROGOWSKY, Commissioner, abstaining

920193PPK

BOROUGH OF BROOKLYN

<u>CB</u>	<u>BLOCK</u>	<u>LOI(s)</u>	<u>ZONING</u>	<u>SIZE,</u> <u>Irreg.</u>	<u>TYPE OF</u> <u>PROPERTY</u>	<u>ASSESSED</u> <u>VALUE</u>	<u>LOCATION</u>	<u>CLC APPROVAL</u>	<u>ULURP APPLICATION LANGUAGE</u>
17	5104	32	C8-2	29x134 Irreg.	Vacant Land	36,000	Northwest corner of Woods Place and Erasmus Street.	DRP auction without restrictions.	Pursuant to zoning.
17	5105	64	R6	37x50	Vacant Land	1,900	6 Lloyd Street.	DRP auction without restrictions.	Pursuant to zoning.

RECEIVED

NOV 13 1991

PLANNING

920193PPK

NOV 13 1991

1991

PLANNING

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 920193 PPK

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of General Services, Division of Real Property, pursuant to Section 197-c of the New York City Charter, for the disposition of two (2) city-owned properties pursuant to zoning.

B1.#5104 lot 32- northwest corner Woods Place & Erasmus St., vacant land 29x134 irregular, zoned C8-2.

B1.#5105 lot 64- 6 Lloyd Street, vacant land, 37x50, zoned R6.

DEPT. OF CITY PLANNING.

JUN 8 1993

BROOKLYN OFFICE

009

COMMUNITY BOARD NO. 17
BOROUGH Brooklyn

BOROUGE BOARD _____

DATE OF PUBLIC HEARING JUNE 16, 1993
WAS QUORUM PRESENT? YES NO

LOCATION I.B. 285

(A public hearing shall require a quorum of 80% of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE June 16, 1993

LOCATION I.B. 285

98 JUN 23 PM 1:14
DEPT. OF CITY PLANNING

RECOMMENDATION

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

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

Regarding Woods Place-recommend against disposition, so that a zoning study can be made.

Regarding Lloyd Street, recommend against disposition, and ask that location be used for a GreenThumb project. If this is not approved by City Planning, then there should be a provision that use be residential.

The area surrounding both these locations has been developed as condominium housing and appropriate use of these sites is important to the residents there.

VOTING

IN FAVOR 25 AGAINST 0 ABSTAINING 0

TOTAL MEMBERS APPOINTED TO BOARD 46

Melville B. Krum
COMMUNITY/BOROUGE BOARD OFFICER

DATE June 23, 1993

Chairperson

DATE FAXED AND MAILED

TITLE

cc: James Zimmerman, 1st Vice Chair
Desmond A. Reid, 2nd Vice Chair

Asquith Reid, Land Use Chair w/m
Borough Pres. Golden

Brooklyn Borough President 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 one copy with any attachments to the applicants representative as indicated on the Notice of Certification.

APPLICATION # 920193 PPK
DESCRIPTION

DISPOSITION OF TWO CITY OWNED PROPERTIES

COMMUNITY DISTRICT NO. 17

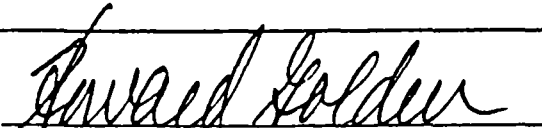
BOROUGH OF BROOKLYN

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION — MODIFICATIONS/CONDITIONS

- RECOMMENDATION ATTACHED
- RECOMMENDATION TO FOLLOW


BOROUGH PRESIDENT

07/23/93

DATE

DISPOSITION OF CITY-OWNED PROPERTY
(920193 PPK)

RECOMMENDATION REPORT BY THE
PRESIDENT OF THE BOROUGH OF BROOKLYN

Background

The Division of Real Property (DRP) requests authorization for unrestricted disposition of two city-owned parcels in Community District 17.

<u>Block/Lot</u>	<u>Address</u>
5104/32	Northwest corner of Woods Place and Erasmus Street
5105/64	6 Lloyd Street

Borough President's Public Hearing

On July 20, 1993 the Borough President held a public hearing on this application. There was one speaker on this item, a representative from the Division of Real Property (DRP).

The Borough President's Executive Assistant asked the DRP representative whether his agency had held any discussions with the Northeastern Conference of Seventh Day Adventists concerning their interest in purchasing the city-owned lot at Woods Place and Erasmus Street which is fenced together with a private lot owned by the organization and used for employee and auxiliary parking.

The representative from DRP stated that they had not had any discussions with the group regarding the purchase of the property. He stated that as a tenant leasing city-owned property, they would be notified of any upcoming sale.

The representative stated that since the property was located in a C8-2 zone, which is primarily devoted to automotive-related uses, that community facility restrictions did not seem appropriate. The Borough President's Executive Assistant pointed out that in Community Board 5, the Division of Real Property was proposing to auction a parcel with community facility use restrictions so that an adjacent church could use the parcel for parking and accessory use. She stated that this circumstance was very similar, in that an adjacent church was using the site for employee and auxiliary parking uses. The end goal she said is to encourage the adjoining owner who is running a legitimate facility which serves the community to be able to acquire the property. A discussion ensued about the potential negative uses, such as automotive junkyards, which would be permitted on the site if it were sold without restrictions. The Borough President's Executive Assistant stated that care should be taken to protect the development of this property in a

way that would be compatible with the surrounding community.

The Borough President's Executive Assistant asked whether any community group or block association had expressed an interest in leasing the property at 6 Lloyd Street for a GreenThumb garden. The DRP representative stated that his agency was not aware of any interest in this site for a GreenThumb garden.

The Borough President's Executive Assistant asked whether the property at 6 Lloyd Street would be evaluated for disposition under the Adjacent Homeowner Program (AHOP).

The DRP representative stated that the parcel did not meet the AHOP criteria because the property has to be completely surrounded by residential uses and the rear of the lot was bounded by a residential parking lot and a driveway and parking lot for the Associated Supermarket on Church Avenue.

The Borough President's Executive Assistant expressed frustration over the criteria for the AHOP program and indicated that the Borough President had been asking the Division of Real Property to reevaluate the program criteria for the past three years. She asked the agency to consider what uses they were ultimately trying to attract to the site. She said the goal should not be to attract commercial or non-compatible uses to a residential community, but rather seek to encourage compatible uses. The goal should not be to add to a commercial use, but to strengthen the existing residential uses. She again stressed the need for the agency to reexamine the program rules to make them more appropriate for communities and the public interest.

Consideration

On June 16, 1993, Community Board 17 voted to recommend against disposition with the following comments:

"Regarding Woods Place-recommend against disposition, so that a zoning study can be made. Regarding Lloyd Street, recommend against disposition, and ask that location be used for a GreenThumb project. If this is not approved by City Planning, then there should be a provision, that use be residential. The area surrounding both these locations has been developed as condominium housing and appropriate use of these sites is important to the residents there."

The property located at the Northwest corner of Woods Place and Erasmus Street (Block 5104, Lot 32) is a vacant lot located in a C8-2 zoning district and comprises an irregularly-shaped site that is 3,886 square feet in size. The parcel is fenced with a privately-owned parcel, Lot 28, and is being leased on a month-to-month basis for employee and auxiliary parking by the Northeastern Conference of Seventh Day Adventists. Lot 28 is owned by the Northeastern Conference of Seventh Day Adventists, which also owns the structure at 2418 Church Avenue (Block 5104, Lot 18). The lot is directly across the street from a

towing service on Erasmus Street, and is also near newly-constructed and well-maintained condominiums on Woods Place. Erasmus High School is behind the site. The area around the towing service is dirty with broken sidewalks. The site itself, however, appears to be clean and well-maintained.

The Borough President believes that it is appropriate to encourage the continuance of the existing use of the site which is also compatible with the residential uses across the street. Because the city-owned site proposed for sale is fenced together with a much larger privately-owned site, the Borough President believes that the Division of Real Property should discuss the potential purchase of this site with the existing tenant, who is also the adjacent owner, and offer them the option of purchasing the site with community facility restrictions. If such restrictions are not appropriate, the site should be offered with accessory use restrictions which include a provision precluding automotive repair and junkyard uses.

The property located at 6 Lloyd Street (Block 5105, Lot 64) is a vacant lot located in a R6 zoning district and comprises a site that is 1,850 square feet in size. The lot is fenced and is located between two garages on a residential block with well-maintained one and two-family homes. The lot is approximately the same size as a one-car garage. There are tires and overgrown weeds on the site. One side of the fence has come down.

The Borough President believes that this parcel would most appropriately be disposed of through the Adjacent Homeowner Program (AHOP). The property is located in a residential zone but is not completely surrounded by residential uses and therefore, is not eligible for the AHOP program as currently defined by the Division of Real Property. The Borough President is recommending, therefore, that this property be sold with accessory use restrictions. Should a community group request use of the site on an interim basis for a GreenThumb garden, this request should also be evaluated.

Recommendation

Whereas, it is the land use policy of the President of the Borough of Brooklyn that the disposition of city-owned properties should be based on a land use program of a comprehensive neighborhood plan and that unrestricted dispositions should not be approved unless it has been determined that these properties cannot be utilized for either residential, commercial, industrial, recreational, community facility or open space purposes; and,

Whereas, there is a need to provide open space and recreational opportunities for the owners of properties adjacent to City-owned lots and for the surrounding community; and

Whereas, it is the land use policy of the President of the Borough of Brooklyn to encourage opportunities for owners of properties adjacent

to city-owned parcels to purchase these properties for accessory and/or expansion use purposes; and,

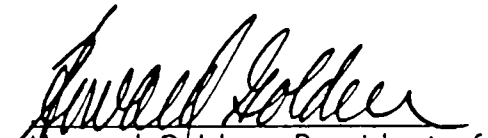
Whereas, it is the land use policy of the President of the Borough of Brooklyn to encourage off-street parking and accessory uses for adjacent not-for-profit organizations and community facilities; and

Whereas, it is the land use policy of the President of the Borough of Brooklyn to discourage inappropriate auto-related uses in residential communities; now, therefore be it

Resolved, that the President of the Borough of Brooklyn, pursuant to Section 197-c of the New York City Charter that, based upon the consideration described in this report, recommends against approval of this application subject to the following modifications:

That either the Division of Real Property or the City Planning Commission modify this application to require:

- 1) That the city-owned property located at the Northwest corner of Woods Place and Erasmus Street (Block 5104, Lot 32) be disposed with community-facility use restrictions. If such restrictions are not appropriate, the property should be sold with accessory use restrictions. A restriction precluding auto-repair and junk yard uses should be added to the terms of the sale.
- 2) That the city-owned property located at 6 Lloyd Street (Block 5105, Lot 64) be sold under the Adjacent Homeowner Program (AHOP). If such a restriction is not appropriate, the property should be sold with accessory use restrictions.


Howard Golden, President of
the Borough of Brooklyn