

**CITY PLANNING COMMISSION**

September 13, 1995/Calendar No. 25

C 940192 POK

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**IN THE MATTER OF** an application submitted by the Department of Sanitation and the Department of General Services pursuant to Section 197-c of the New York City Charter, for acquisition of property located at 3824 Church Avenue (Block 4892, Lot 10), Borough of Brooklyn, Community District 17, for continued use as a section station.

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The application for acquisition of property was filed by the Department of Sanitation and the Department of General Services on October 25, 1993, for the continued occupancy of approximately 1,060 square feet of space located at 3824 Church Avenue (Block 4892, Lot 10), in Brooklyn, for use as a section station.

**BACKGROUND**

The Department of Sanitation (DOS) is proposing to continue to occupy 1,060 square feet of space on the first floor of a three-story brick building located at 3824 Church Avenue, for use as a section station. Section stations are satellite operations of DOS's district garages and are located in districts where there is not enough space in the district garage for all of the assigned workers.

This section station is located within Community District 17 and serves the southern portion of that district. The section station contains office space, locker room, lunch room, bathroom and a small tool-storage area. Sanitation workers arrive at the site at 7:00 AM to be picked up for work by trucks from the district garage, located at Avenue D and 105th Street, approximately three miles east of the site. The workers return to the facility for lunch at 11:30 AM and again to leave for the day at 3:00 PM. Other than at the peak shift (generally between 7:00 AM to 3:00 PM, Monday through Friday) the only time that there is activity at

the section station is during a snow alert.

This facility has been operating at this location continuously since 1973. The most recent lease for the facility expired on June 30, 1993 and DOS has retained occupancy of the site under a license agreement.

The site is zoned R5/C2-2, which allows section stations. It is located in the Rugby area of East Flatbush on the south-west corner of Church Avenue and East 39th Street. It is bordered on the west by a two-story building with apartments above a store, and on the west by a two-story residential building. The block on which the site is located is developed with one and two-family homes on its southern half and two-story buildings with residential units above stores to the west of the site along Church Avenue. Church Avenue is 80 feet wide and is predominantly commercial at the street level with residential uses above. It is lined with neighborhood stores and occasional community facility uses. The Rugby neighborhood to the north is predominantly residential with one and two-story, single and two-family homes. The IRT number 2 and 5 lines stop nine blocks to the west at Nostrand and Church Avenues. The B35 bus line runs along Church Avenue.

## **ENVIRONMENTAL REVIEW**

This application (C 940192 POK) 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

No. 91 of 1977. The designated CEQR number is 94DOS008K. The lead agency is the Department of Sanitation.

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

### **UNIFORM LAND USE REVIEW**

This application (C 940192 PQQ) was certified as complete by the Department of City Planning on April 24, 1995, and was duly referred to Community Board 17 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 17 held a public hearing on this application on June 21, 1995 and on that date, by a vote of 39 to 0 with 2 abstentions, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application (C 940192 PQQ) was considered by the Borough President of Brooklyn who issued a recommendation on August 2, 1995 disapproving this application subject to the following conditions:

1. that the term of the requested new leases not exceed five years as a measure to monitor and insure for the continual maintenance of DOS facilities at appropriate levels; and,

2. that DOS immediately develop, prepare and submit to the Brooklyn Borough President and to the affected community boards, a schedule for the implementation of routine activities for the removal of graffiti from its facilities."

### **City Planning Commission Public Hearing**

On July 26, 1995 (Calendar No. 4), the City Planning Commission scheduled August 9, 1995 for a public hearing on this application (C 940192 POK). The hearing was duly held on August 9, 1995 (Calendar No. 17) and was continued to August 23, 1995 (Calendar No. 11). A representative of the Department of Sanitation spoke in favor of the application. There were no other speakers and the hearing was closed.

### **CONSIDERATION**

The Commission believes that the application of the Department of Sanitation and the Department of General Services for acquisition of property located at 3824 Church Avenue (Block 4892, Lot 10), Borough of Brooklyn, Community District 17, for continued use as a section station, is appropriate.

This section station has been operating at this location continuously since 1973. It is a satellite of the DOS Brooklyn District 17 Garage, which is located in Community District 18 at Avenue D and East 105th Street, approximately three miles east of the section station. The section station serves the southern portion of Community District 17. Furthermore, it is zoned R5 C2-2 which permits section stations, and is adequately served by public transportation, including the 2 and 5 trains along Nostrand Avenue, nine blocks to the west of the site.

The City Planning Commission shares the concerns of the Borough President regarding

removal of graffiti from the facade of 3824 Church Avenue and in establishing a mechanism for continued removal of graffiti from DOS facilities.

The Department of Sanitation has indicated in a letter dated August 11, 1995, to the Department of City Planning that it "...has purchased two mobile high pressure washers that will be used to eliminate graffiti at all of our locations as well as on Sanitation Vehicles. Two crews of two people... will be available to be dispatched to field location on an as needed basis. The crews will begin work within the next few weeks. Work will begin in Brooklyn."

### **RESOLUTION**

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c of the New York City Charter, that based on the environmental determination and consideration described in this report, the application (C 940192 PQK) submitted by the Department of Sanitation and the Department of General Services for acquisition of property located at 3824 Church Avenue (Block 4892, Lot 10), Borough of Brooklyn Community District 17, for continued use as a section station, is approved.

The above resolution, duly adopted by the City Planning Commission on September 13, 1995 (Calendar No. 25) is filed with the Office of the Speaker, City Council, and the Borough President of Brooklyn in accordance with the requirements of Section 197-d of the New York City Charter.

JOSEPH B. ROSE, Chairman  
VICTOR G. ALICEA, Vice Chairman  
AMANDA M. BURDEN, A.I.C.P., IRWIN G. CANTOR, P.E.,  
KATHY HIRATA CHIN, ESQ., ALEXANDER GARVIN, ANTHONY I. GIACOBBE, ESQ.,  
MAXINE GRIFFITH, WILLIAM J. GRINKER, BRENDA LEVIN,  
RONALD SHIFFMAN, A.I.C.P, JACOB B. WARD, ESQ.,. Commissioners

Community/Borough Board  
Recommendation

CITY PLANNING COMMISSION  
22 Rensselaer 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 930192 PQK

IN THE MATTER OF an application submitted by the Department of Sanitation and the Department of General Services pursuant to Section 197-c of the New York City Charter, for acquisition of property located at 3824 Church Avenue (Block 4892, Lot 10), Borough of Brooklyn, Community District 17, for continued use as a section station.

DEPT. OF CITY PLANNING

JUL 14 1995

BROOKLYN

272

COMMUNITY BOARD NO. 17  
BOROUGH Brooklyn

BOROUGH BOARD \_\_\_\_\_

DATE OF PUBLIC HEARING 6/21/95

LOCATION 395 Lenox Rd.

WAS QUORUM PRESENT? XX YES \_\_\_\_\_ NO

(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 6/21/95

LOCATION 395 Lenox Rd.

RECOMMENDATION

APPROVE      \_\_\_\_\_ APPROVE WITH MODIFICATIONS/CONDITIONS  
\_\_\_\_\_ DISAPPROVE      \_\_\_\_\_ DISAPPROVE WITH MODIFICATIONS/CONDITIONS

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

Enclosed copy of minutes of the public hearing. We strongly urge that the Dept. of General Services documents that the property is free from any violations, i.e. Bldgs. Dept., ECB, Fire Dept. HPD code enforcement violations, and is not in tax arrears.

*cc: L. Pines  
Bklyn-DCP  
Statue Office*

95 JUL 11 11 00 AM

7/11/95

VOTING :  
IN FAVOR 39 AGAINST 0 ABSTAINING 2  
TOTAL MEMBERS APPOINTED TO BOARD 48

July 5, 1995

*Louis Burgers*  
COMMUNITY/BOROUGH BOARD OFFICER  
Chairperson

DATE

TITLE

cc: James Zinn, Vice Chair

# Brooklyn Borough President Recommendation

**CITY PLANNING COMMISSION**  
22 Reade Street, New York, NY 10007  
FAX# (212) 720-3358

### 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 # 940190, 940192, 940245 and 940553 POKs  
DESCRIPTION

SANITATION DEPARTMENT'S SECTION STATIONS IN  
BROOKLYN COMMUNITY DISTRICTS 5, 11, AND 17

*submit  
for  
for*

COMMUNITY DISTRICT NO. 5, 11, and 17

BOROUGH OF BROOKLYN

### RECOMMENDATION

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

EXPLANATION OF RECOMMENDATION — MODIFICATIONS/CONDITIONS

OFF. OF CITY PLANING

AUG 7 1995

BROOKLYN OFFICE  
361

*cc: L. Parnas  
BKlyn-Dep  
State Office*

- RECOMMENDATION ATTACHED
- RECOMMENDATION TO FOLLOW

*Edward Golden*  
BOROUGH PRESIDENT

08/02/95  
DATE



SANITATION DEPARTMENT SECTION STATIONS IN  
BROOKLYN COMMUNITY DISTRICTS 5, 11 and 17

(940190, 940192, 940245 and 940553 PQKs)

RECOMMENDATION REPORT BY THE  
PRESIDENT OF THE BOROUGH OF BROOKLYN

**Background**

The Departments of Sanitation (DOS) and General Services (DGS) require approval for the continued operation of four separate section stations, which provide areas for DOS refuse collection employees to eat lunch, wash and change clothes. The affected section stations are located as follows:

<u>ULURP Application Number:</u>	<u>Brooklyn Community District:</u>	<u>Address Block/Lot Number:</u>
940190 POK	05	3037 Atlantic Avenue, Block 3956, Lot 21
940192 POK	17	3824 Church Avenue, Block 4892, Lot 10
940245 POK	11	1884 McDonald Avenue, Block 6632, Lot 39
940553 POK	17	1115 Rogers Avenue, Block 5193, Lot 77.

**Borough President's Public Hearing**

On June 27, 1995, the Borough President held a public hearing on the Atlantic Avenue application (940190 POK). There were two speakers, both representatives from DOS, who spoke in support of the application.

A DOS representative provided a brief description and summary of the application. In response to a question from the Borough President about the utilization of this and other section stations as a result of productivity increases and personnel reductions occurring at the agency, a second DOS representative responsible for district operations, stated that there have been no reductions in personnel utilizing the Atlantic Avenue location. No definitive information was available at this hearing regarding the other section station locations.

The Borough President further asked about the department's plans to remedy unsightly graffiti at this and other locations. The first DOS representative described the department's plans to deploy its maintenance workers and pressurized water cleaning equipment to remedy the graffiti problems occurring at many of the agency's facilities. The DOS

representative further stated that for the Atlantic Avenue location, the building's landlord is scheduled to paint the building's exterior.

On July 25, 1995, the Borough President held separate public hearings on the McDonald, Church and Rogers Avenues applications (940245, 940192 and 940553 PQKs respectively). There were two speakers, both representatives from DOS, who spoke in support of the applications.

In response to questions from the Borough President about similar graffiti problems at these facilities, a DOS representative described the agency's plans to utilize a combination of its maintenance workers and "Workfare" employees (i.e. - public assistance recipients scheduled to perform public service tasks for receipt of their benefits) at these subject locations. The DOS representative further stated that conditions at the subject locations are likely to be remedied after the execution of the new leases.

The Borough President expressed his outrage and dissatisfaction with the uncertainty of DOS' scheduling of graffiti removal activities. In testimony provided by DOS representatives, it was learned that these activities are likely to occur after the signing of new leases. The Borough President further expressed his dissatisfaction that the new leases may not contain provisions which clearly establish responsibility for the routine removal of graffiti at these locations, and requested that DOS provide him with a schedule of its planned graffiti removal activities. The DOS representatives agreed to provide the requested schedule.

The Borough President further stated his dissatisfaction with the absence of a representative from the Department of General Services (DGS) at local public hearings, to explain the terms of the proposed new leases.

### Consideration

On June 28, 1995, Brooklyn Community Board 5 voted to recommend approval of the Atlantic Avenue application (940190 PQK).

Brooklyn Community Board 11 did not convene its public hearing, nor did it submit its recommendation for the McDonald Avenue application (940245 PQK). The Board does not meet during the months of July and August. Further, the District Manager of Brooklyn Community District 11 did not express any concerns about the facility when contacted by the Borough President's staff.

On June 21, 1995, Brooklyn Community Board 17 voted to recommend approval of both the Church and Rogers Avenues applications (940192 and 940553 PQKs).

During June and July, 1995, a representative from the Borough President's staff visited all of the above referenced section stations and their surrounding areas. All of the affected buildings at these locations were found to contain unsightly levels of exterior graffiti.

The Borough President is dissatisfied with the lack of maintenance by DOS of its facilities. Therefore, the Borough President believes that the new lease terms should be limited to five years in order to insure proper maintenance and monitoring by the affected community boards and elected officials.

In addition, the Borough President requests DOS to develop, prepare and submit to him and to the affected community boards, a schedule for the implementation of routine activities for the removal of graffiti from its facilities. Further, he demands that the city Administration provide appropriate agency representatives who can provide critical information about the requested leases, and who can answer critical questions that the affected community boards and elected officials may have about the siting, operation, and business terms of its municipal facilities.

#### **Recommendation**

Whereas, DOS provides facilities for its refuse collection employees to eat lunch, wash and change clothes throughout the Borough of Brooklyn; and,

Whereas, the significant number of these and other facilities operated by DOS contain excessive levels of unsightly exterior graffiti; and,

Whereas, DOS' current plans may allow for the removal of exterior graffiti from subject facilities after the execution of new leases; and,

Whereas, there is a need to limit the length of new lease terms to insure for the proper maintenance of these types of DOS facilities; and,

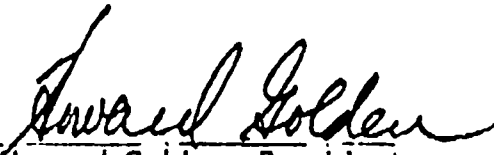
Whereas, critical information concerning the business terms of requested new leases is currently unavailable to affected community boards and elected officials; and,

Whereas, it is the responsibility of city agencies to provide timely information regarding the siting, the operation and business terms of its leases for municipal facilities to the affected community boards and elected officials, now therefore be it

Resolved, that the President of Borough of Brooklyn, pursuant to Section 197(c) of the New York City Charter, that based on the consideration section of this report, recommends against approval of these applications (940190, 940192, 940245 and 940553 PQKs) subject to the adoption of the following conditions by the City Planning Commission, and if appropriate, the City Council:

1. that the term of the requested new leases not exceed five years as a measure to monitor and insure for the continual maintenance of DOS facilities at appropriate levels; and,
2. that DOS immediately develop, prepare and submit to the Brooklyn Borough President and to the affected community boards, a schedule for the implementation of routine activities for the removal of graffiti from its facilities.

Be it further resolved, that the President of the Borough of Brooklyn demands that the city Administration provide appropriate agency representatives available at local public hearings, to discuss critical aspects of its requested approvals for municipal facilities.

  
Howard Golden, President  
of the Borough of Brooklyn