

CITY PLANNING COMMISSION

September 27, 1995/Calendar No. 30

C 940553 POK

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 1115 Rogers Avenue (Block 5193, Lot 77), Borough of Brooklyn, Community District 17, for continued use as a section station.

The application for the disposition of city-owned property was filed by the Department of Sanitation and the Department of General Services, on April 11, 1994, for continued occupancy of approximately 13,199, square feet of space located at 1115 Rogers Avenue (Block 5193, Lot 77), in Brooklyn, for use as a section station.

BACKGROUND

The Department of Sanitation (DOS) is proposing to continue to occupy 1,170 square feet of space on the first floor of a three-story brick building located at 1115 Rogers 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.

The section station is located within Community District 17 and serves the southwestern portion of that district. The section station contains office space, locker, lunch area, bathrooms 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 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 1940.

The facility is located in the East Flatbush section of Brooklyn and is bordered on the south by one- and two-family homes and on the north by an auto repair garage. The block on which the site is located is predominantly developed with one- and two-family homes with some commercial buildings and stores beneath one- and two-stories of residential apartments concentrated on Rogers Avenue near Avenue D. The surrounding area is generally characterized by one- and two-family homes with three- and four-family homes scattered throughout. Commercial uses and stores with apartments above are located along Nostrand Avenue. The site is served by the 2 and 5 trains which stop four blocks away at Beverly Road and Nostrand and by the B49 Bus which runs along Rogers Avenue. The site is zoned R6. Section stations are not permitted in R6 districts, but this facility is operating as a legal non-conforming use.

ENVIRONMENTAL REVIEW

This application (C 940553 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive

Order No. 91 of 1977.

The designated CEQR number is 94D0S012K. 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 940553 POK) was certified as complete by the Department of City Planning on May 22, 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 with the following comments:

We strongly urge that the Department 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.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation

disapproving the application on August 2, 1995, subject to the following conditions:

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,

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 August 9, 1995 (Calendar No. 3), the City Planning Commission scheduled August 23, 1995, for a public hearing on this application (C 940553 PQQ). The hearing was duly held on August 23, 1995 (Calendar No. 15). 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 1115 Rogers Avenue (Block 5193, Lot 77) Borough of Brooklyn, Community District 17, for continued use as a section station, is appropriate.

A DOS facility has been operating at this location continuously since 1940. The facility 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 southwestern portion of Community District 17. It is adequately served by public transportation, including the 2 and 5 trains which stop four blocks away at Beverly Road and Nostrand Avenue and the B49 Bus which runs along Rogers Avenue.

The City Planning Commission shares the concerns of the Borough President regarding removal of graffiti from the facade of 1115 Rogers Avenue and in establishing a mechanism for continued removal of graffiti from DOS facilities.

In response to these concerns, the Department of Sanitation stated in a letter dated August 11, 1995, that:

The Department of Sanitation 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 (one sanitation worker and one WEP worker) will be available to be dispatched to field locations on an as needed basis.

RESOLUTION

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 consideration described in this report, the application (C 940553 POK) submitted by the Department of Sanitation and the Department of General Services for acquisition of property located at 1115 Rogers Avenue (Block 5193, Lot 77), 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 27, 1995 (Calendar No. 30) 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., KATHY HIRATA CHIN, ESQ.,
ALEXANDER GARVIN, ANTHONY I. GIACOBBE, ESQ., WILLIAM J. GRINKER,
JACOB B. WARD, ESQ., Commissioners

VOTED NO:

BRENDA LEVIN,
EDWARD T. ROGOWSKY,
RONALD SHIFFMAN, A.I.C.P.

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 940553 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 1115 Rogers Avenue (Block 5193, Lot 77), Borough of Brooklyn, Community District 17, for continued use as a section station.

DEPT. OF CITY PLANNING

JUL 14 1995

BKLYN

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COMMUNITY BOARD NO. 17
BOROUGH Brooklyn

BOROUGH BOARD _____

DATE OF PUBLIC HEARING 6/21/95
WAS QUORUM PRESENT? XX YES _____ NO

LOCATION 395 Lenox Road

(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 Road

RECOMMENDATION

XX 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. Paves
Bklyn - DCP!
Statute Office

95 JUL 11 11:00 AM

7/11/95

VOTING :

IN FAVOR 39 AGAINST 0
TOTAL MEMBERS APPOINTED TO BOARD 48

ABSTAINING 2

July 5, 1995

DATE

Louis Burger
COMMUNITY/BOROUGH BOARD OFFICER

Chairperson

TITLE

cc: James Zilka

Vice Chair
Chair/EP Sanit. Chair

1/91

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 # 940190, 940192, 940245 and 940553 POKs
DESCRIPTION

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

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

- RECOMMENDATION ATTACHED
- RECOMMENDATION TO FOLLOW


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) request 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 PQK	05	3037 Atlantic Avenue, Block 3956, Lot 21
940192 PQK	17	3824 Church Avenue, Block 4892, Lot 10
940245 PQK	11	1884 McDonald Avenue, Block 6632, Lot 39
940553 PQK	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 PQK). 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 POKs) 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