

**TESTIMONY OF CAROLEE FINK
SENIOR POLICY ADVISER, MAYOR'S OFFICE
CITY COUNCIL SUBCOMMITTEE ON
ZONING AND FRANCHISES
HON. MARK S. WEPRIN, CHAIR**

May 8, 2012

Good morning Chairman Weprin and members of the Subcommittee. My name is Carolee Fink and I am a Senior Policy advisor to Deputy Mayor Robert Steel in the Mayor's Office. I am joined by my colleagues Josh Gelfman and Ernie Padron from the New York City Economic Development Corporation as well as the representatives of the intended users of the property—Kristal Auto Mall and Toys R Us. I'm pleased to be here in support of the application before you regarding a project in the Mill Basin neighborhood of Brooklyn. I will briefly describe the project and the land use actions as well as answer any questions you may have.

The site is located at 2875 Flatbush Avenue in Mill Basin and is comprised of approximately 240,000 square feet of City-owned land. The project involves the sale of approximately 110,000 square feet of vacant land to Kristal Auto Mall where Kristal intends to build a two-story 114,000 square foot building for a new car sales and repair center and a one-story 4,000 square foot building for used auto sales. Adjacent to the Kristal site is 130,000 square feet of land improved with a building which will be sold to Toys R Us. Toys R Us has occupied the building for over forty years under leases from the City and currently occupies the building under an Occupancy Permit from DCAS. In addition, a 26,000 square foot parcel adjacent to the Toys R Us property will be disposed of as an easement to Toys R Us for use as surface parking. A diagram of the site with the respective uses is attached to my testimony as Exhibit A.

The sale of the property to Kristal Auto Mall will generate approximately 80 construction jobs and 110 permanent jobs and will allow Toys to retain existing jobs that range from 60 to 170 depending on season.

The land use application also involves an amendment to the Zoning Map changing the site from a C3 District to a C8-1 District. In addition, the application also involves the narrowing of a portion of Flatbush Avenue between Avenue U and Pelican Street. I would like to point out that the de-mapping action will not affect the current condition of this portion of Flatbush Avenue.

Finally, the application also included a Certification by the Chairperson of the City Planning Commission for the subdivision of a waterfront zoning lot and an Authorization by the City Planning Commission to modify certain waterfront zoning requirements including the placement of visual corridors and public access areas and minimum width requirements of portions of the shore public walkway. A diagram of the zoning lot subdivision and waterfront zoning requirements is attached to my testimony as Exhibit B, please note that it is on two pages as the existing zoning lot is over 1,200 feet long.

I hope you share our excitement about moving this important economic development initiative forward and approve the application. I am happy to answer any questions you may have.

EXHIBIT A

SITE PLAN

EXHIBIT B
ZONING MAP



440 Park Avenue South
7th Floor
New York, NY 10016
tel. 212-696-0670

The existing features shown on this drawing are based on the Boundary and Topographic Survey prepared by Mercator Surveying Group dated November 20, 2006, and on New York City (NYC) Geographic Information Systems (GIS) data. The location of the zoning district boundaries, zoning lot boundaries, wetland boundaries etc. are based on NYC GIS data. Associated quantities such as angles, dimensions, areas, etc. were determined using the above referenced survey and NYC

Not For Construction

Professional Seal

Professional Engineer:
Andrew Malek, P.E.

Project Manager:
Robert White, AICP, P.P.

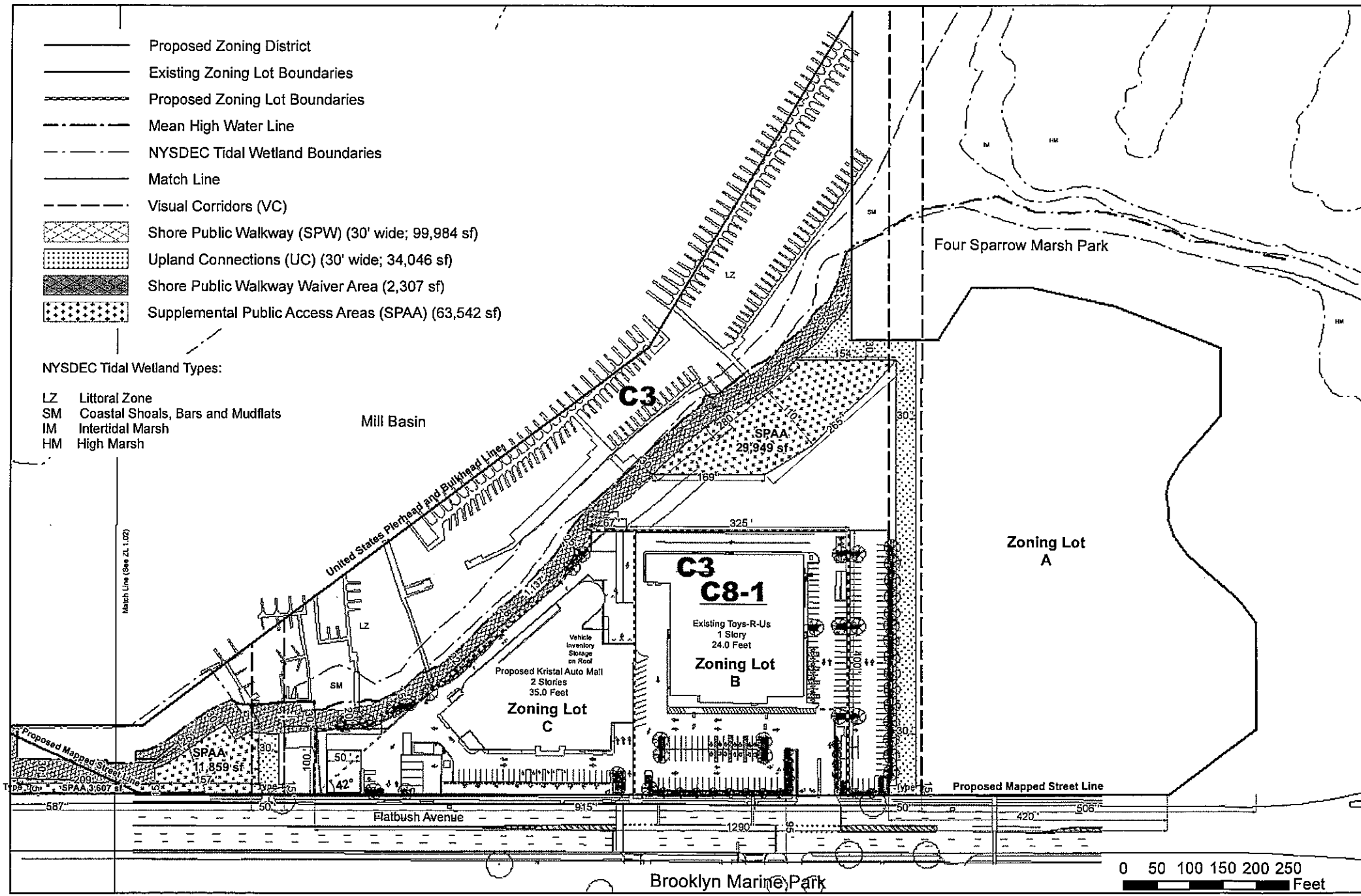
Drawn By:
Kenneth Mack

Submitted: 11/02/11
Revised: 11/14/2011
11/16/2011

Project Name:
Mill Basin Projects

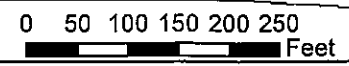
Brooklyn
New York

Sheet Title:
Waterfront Zoning Lot
Site Plan
Sheet Number:
ZL 1.01



- Proposed Zoning District
- Existing Zoning Lot Boundaries
- Proposed Zoning Lot Boundaries
- Mean High Water Line
- NYSDEC Tidal Wetland Boundaries
- Match Line
- Visual Corridors (VC)
- Shore Public Walkway (SPW) (30' wide; 99,984 sf)
- Upland Connections (UC) (30' wide; 34,046 sf)
- Shore Public Walkway Waiver Area (2,307 sf)
- Supplemental Public Access Areas (SPAA) (63,542 sf)

- NYSDEC Tidal Wetland Types:
- LZ Littoral Zone
 - SM Coastal Shoals, Bars and Mudflats
 - IM Intertidal Marsh
 - HM High Marsh





440 Park Avenue South
7th Floor
New York, NY 10016
Tel: 212-685-0670

The existing features shown on this drawing are based on the Boundary and Topographic Survey prepared by Mercator Surveying Group dated November 20, 2006, and on New York City (NYC) Geographic Information Systems (GIS) data. The location of the zoning district boundaries, zoning lot boundaries, wetland boundaries etc. are based on NYC GIS data. Associated quantities such as angles, dimensions, areas, etc. were determined using the above referenced survey and NYC

Not For Construction

Professional Seal

Professional Engineer:
Andrew Mielek, P.E.

Project Manager:
Robert White, AICP, P.P.

Drawn By:
Kenneth Mack

Submitted: 11/9/2011
Revised: 11/14/2011
11/16/2011

Project Name:
Mill Basin Projects

Brooklyn
New York

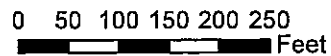
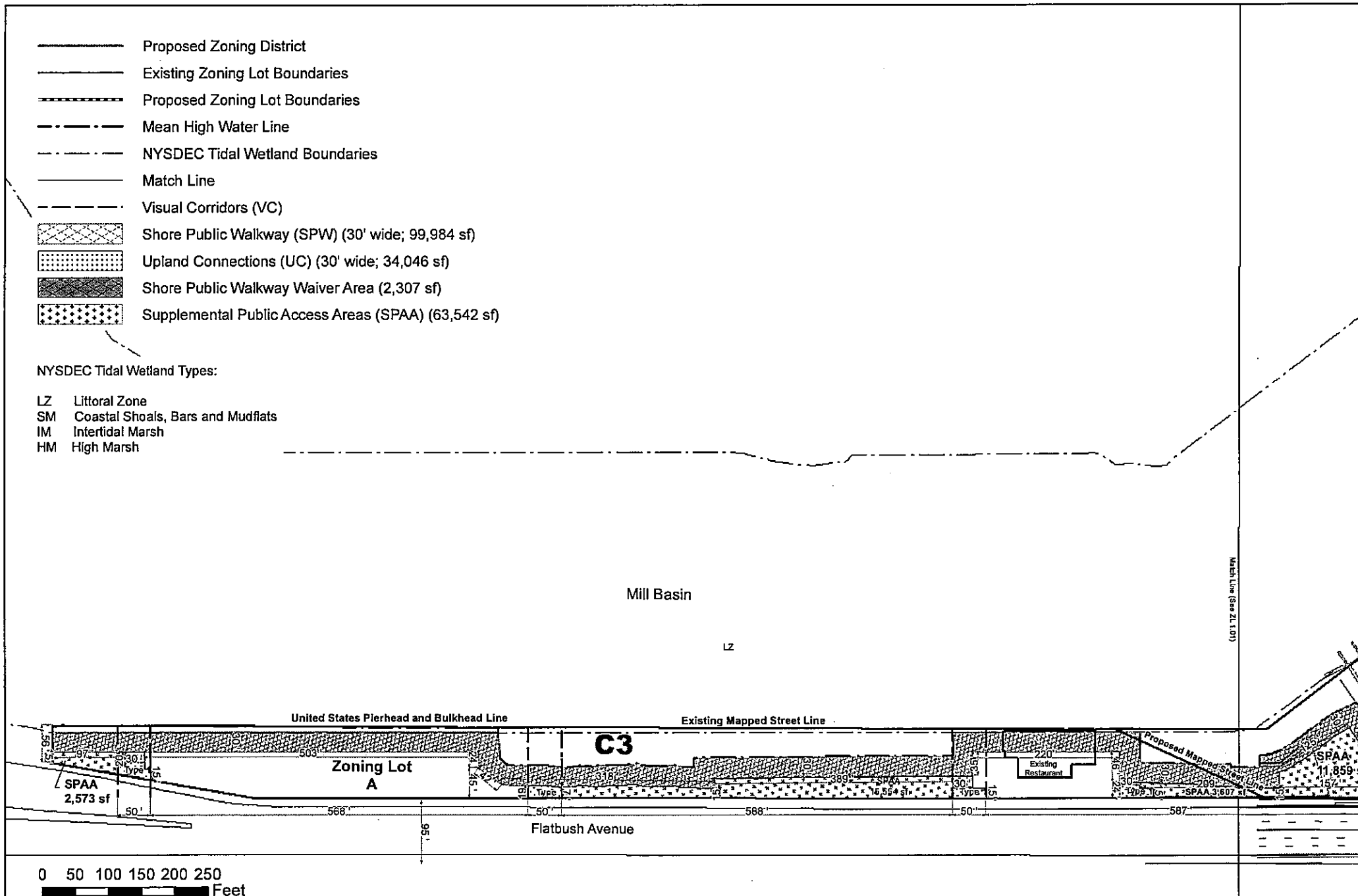
Sheet Title:
Waterfront Zoning Lot
Site Plan
Sheet Number:
ZL 1.02



- Proposed Zoning District
- Existing Zoning Lot Boundaries
- - - - - Proposed Zoning Lot Boundaries
- - - - - Mean High Water Line
- - - - - NYSDEC Tidal Wetland Boundaries
- Match Line
- - - - - Visual Corridors (VC)
- [Cross-hatch pattern] Shore Public Walkway (SPW) (30' wide; 99,984 sf)
- [Dotted pattern] Upland Connections (UC) (30' wide; 34,046 sf)
- [Diagonal lines] Shore Public Walkway Waiver Area (2,307 sf)
- [Star pattern] Supplemental Public Access Areas (SPAA) (63,542 sf)

NYSDEC Tidal Wetland Types:

- LZ Littoral Zone
- SM Coastal Shoals, Bars and Mudflats
- IM Intertidal Marsh
- HM High Marsh





OFFICE OF THE BROOKLYN BOROUGH PRESIDENT
TESTIMONY
BY BROOKLYN BOROUGH PRESIDENT MARTY MARKOWITZ
TO THE CITY COUNCIL
REGARDING MILL BASIN
MAY 8, 2012

I WANT TO THANK CHAIRPERSON WEPRIN AND MEMBERS OF THE CITY COUNCIL LAND USE SUBCOMMITTEE FOR ZONING AND FRANCHISES FOR ALLOWING ME TO TESTIFY TODAY ON THE MILL BASIN RETAIL LAND USE ACTIONS.

I SUPPORT THE CORE OBJECTIVES OF THIS PROPOSAL AS IT WILL PERMIT INVESTMENT IN THE TOY STORE AND WILL ALLOW THE KRYSTAL AUTO MALL TO RELOCATE TO A MODERN FACILITY. THERE ALSO WOULD BE AN OPPORTUNITY FOR REALIZING ACCESS AND IMPROVEMENT ALONG THE WATERFRONT – SERVING AS A BENEFIT TO THE GREATER MILL BASIN AND MARINE PARK COMMUNITIES.

THERE ARE ASPECTS OF THIS PROPOSAL THAT FALL SHORT OF BEING BEST FOR THE COMMUNITY. THEREFORE, THE CITY COUNCIL SHOULD REJECT THE DEMAPPING OF THE SECTION OF FLATBUSH AVENUE WHICH FRONTS THE PROPERTY TO REMAIN IN CITY OWNERSHIP. IN ADDITION, THE COUNCIL SHOULD INSIST ON RECEIVING A MEMORANDUM OF UNDERSTANDING FROM THE CITY THAT OUTLINES CONDITIONS THAT MUST BE CONTAINED IN THE EVENTUAL LAND DISPOSITION AGREEMENT AS A MEANS OF ADDRESSING MY RECOMMENDATIONS.

FUTURE USE OF REMAINING CITY-OWNED PROPERTY

BY RETAINING THE EXCESS RIGHT-OF-WAY OF FLATBUSH AVENUE, THE CITY WOULD BE IN A BETTER POSITION TO ADAPT TO ANY FUTURE DEVELOPMENT. IF MORE RETAIL WAS IN THE COMMUNITY'S BEST INTEREST, NOTE THAT IF THERE WAS A NEED, THE RIGHT-OF-WAY COULD ACCOMMODATE A BUS PULL OVER LANE FOR THE Q-35 OR PERHAPS A BUS TURNAROUND LANE. IF THE PARK WERE TO BE EXPANDED, RIGHT-OF-WAY AREA COULD BE UTILIZED FOR SCHOOL BUS PULL OVER PARKING TO ASSIST SCHOOL CHILDREN IN GAINING ACCESS TO THE ADJACENT NATURAL AREA.

LET ME MAKE THIS VERY CLEAR THAT THIS LOCATION IS NOT AN APPROPRIATE SITE FOR BIG-BOX TYPE DEVELOPMENT. INSTEAD, A MEDIUM SIZED, FULL-SERVICE SPECIALTY FOOD MARKET SUCH AS A FAIRWAY OR TRADER JOE'S COULD BE A GREAT AMENITY AS BRINGING THE TYPE OF FRESH FOOD AND LOW PRICES THAT ARE AVAILABLE ELSEWHERE IN BROOKLYN TO COMPLIMENT SUPERMARKETS. THERE REALLY ARE FEW SITES IN SOUTHERN BROOKLYN TO LOCATE THESE STORES.

AS FOR THE FOUR SPARROW MARSH HOLDINGS DESIGNATED AS "FOREVER WILD," LETS GET A COMMITMENT TO MAP IT AS A PARK.

USE

ANOTHER CONCERN IS THE LACK OF CLARITY OVER WHAT MIGHT BE THE FUTURE USE OF THE TOY STORE INTENDED TO BE PHYSICALLY UPGRADED AND REPOSITIONED WITH EXPANDED MERCHANDISING OF CLOTHING PRODUCTS SOLD AT BABIES AND KIDS "R" US. THE NEW YORK TIMES

REPORTED ON APRIL 6 OF TOYS“R”US MANAGEMENT DEFLECTIONS AND UNDERWHELMING SALES. THE COMMUNITY DESERVES CONFIDENCE THAT THE SITE WILL BE OCCUPIED BY A TOY STORE OR OTHER APPROPRIATE USE -- NOT MERELY IMPOSING AN UNSATISFACTORY RESTRICTION THAT PRECLUDES RE-USE AS AN AUTOMOTIVE FACILITY.

TO HAVE SOME FLEXIBILITY, I SUPPORT SUBDIVIDING THE BUILDING TO INCORPORATE ONE OR MORE SMALL-SCALE YOUTH CLOTHING OR CLOTHING ACCESSORY STORES. THIS WOULD ALLOW, FOR EXAMPLE, A BABIES“R”US TO BE ESTABLISHED SEPARATE FROM THE TOY STORE. AS A WATERFRONT LOCATION, DINING ALSO MAKES SENSE AS BROOKLYN IS TRULY LACKING WHEN IT COMES TO WATERFRONT RESTAURANTS, AND DINING ENHANCES PUBLIC SHOREFRONT ACCESS EXPERIENCES, IN THIS CASE ENTICING EVEN MORE PEOPLE TO ENJOY THIS SECTION OF MILL BASIN.

SHORELINE ACCESS, BUILDING SCREENING, LIGHT POLLUTION AND STORM WATER MANAGEMENT

UNFORTUNATELY, THOUGH THE SHORELINE WILL REMAIN IN PUBLIC OWNERSHIP, THE CITY IS MERELY SETTING ASIDE LAND FOR POTENTIAL IMPROVEMENT AS A WATERFRONT PUBLIC ACCESS AREA. THE COMMUNITY DESERVES BETTER WITH AN IMPROVEMENT ENVISIONED TO ESSENTIALLY LINK NICK'S LOBSTER HOUSE TO THE SEA TRAVELERS MARINA AND THE FOREVER WILD SECTION OF THE FOUR SPARROW MARSH PARKLAND! LET'S GET SUCH QUALITY-OF-LIFE MATTERS DONE EITHER BY THE CITY FROM THE PROCEEDS OF THE SALE OR BY THE PURCHASERS THROUGH A REDUCTION OF SALES PRICE.

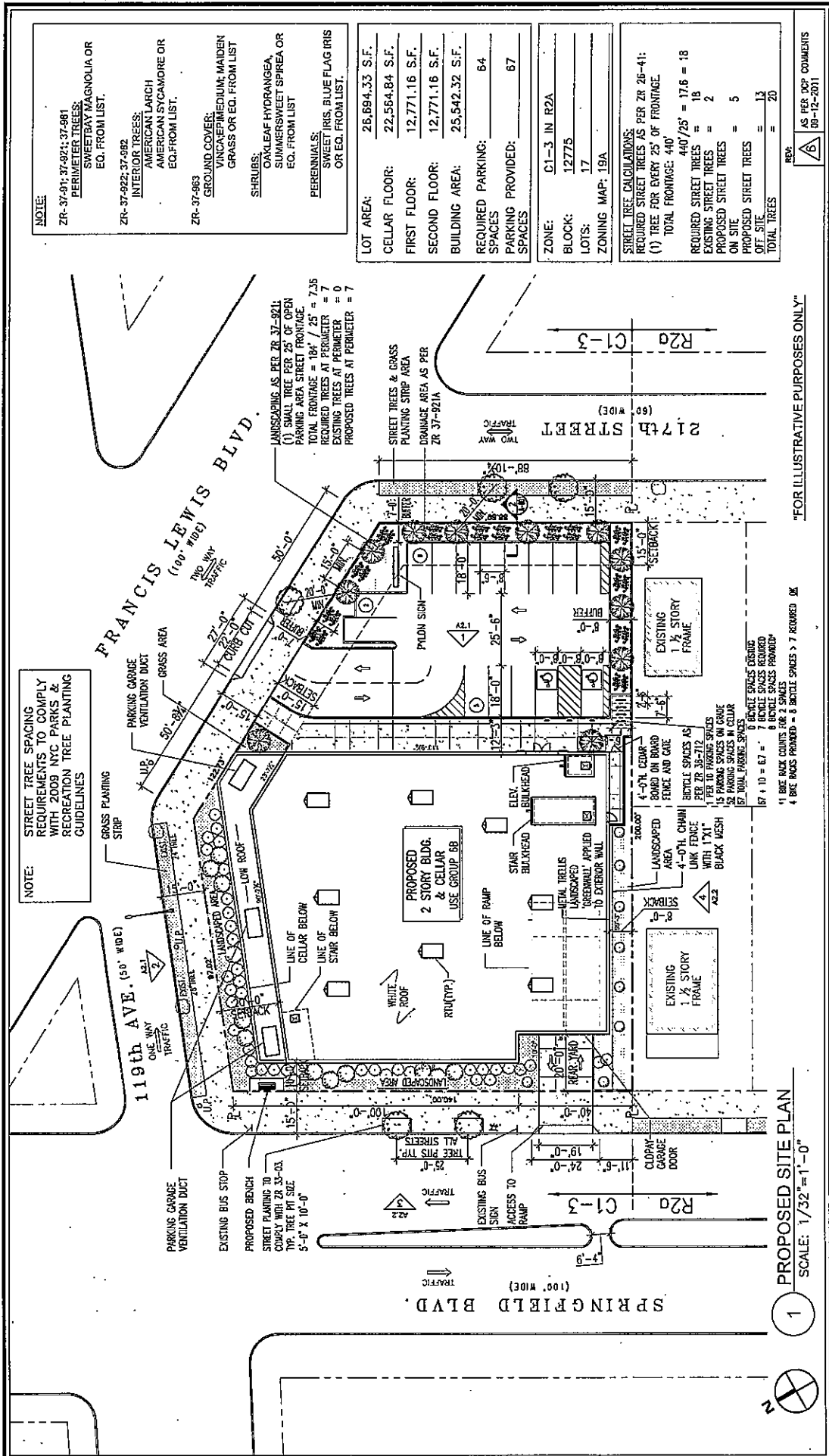
LET'S NOT GET CAUGHT UP IN THE TECHNICALITIES THAT EXISTING AND AUTOMOTIVE USES WILL NOT TRIGGER REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS NOW. IT IS UNACCEPTABLE TO DEFER WATERFRONT ACCESS IMPROVEMENTS TO A DAY CONDITIONED ON THE AUTO-MALL BEING CONVERTED TO RETAIL. THE COUNCIL SHOULD NOT SETTLE FOR ANY LESS THAN WATERFRONT ACCESS NOW!

IN BEING RESPECTFUL OF THE VIEWS FOR THOSE LIVING ACROSS THE BASIN, THE AGREEMENT SHOULD PROVIDE FOR BOTH BUILDINGS TO DISAPPEAR FROM VIEW THROUGH LANDSCAPE SCREENING. SOME COMBINATION OF TREE PLANTING THAT RESULT IN AN INNER LINE OF EVERGREEN TREES AND A LINE OF LEAF TREES CLOSER TO THE SHORELINE, COMBINED WITH WALL COVERING PLANTS THAT EXTEND DOWN FROM THE TOP OF THE PARAPET OR THROUGH OTHER TECHNIQUES THAT CAN ESTABLISH A WALL OF GREENERY THAT TAKES INTO ACCOUNT THAT TREES WILL NEED TIME TO GROW INTO SUFFICIENT BUFFER HEIGHT.

ANOTHER COMPONENT OF THE DISAPPEARING ACT PERTAINS TO AREAS THAT NEED TO BE LIGHTED. OTHERWISE, LIGHT POLLUTION COULD POTENTIALLY DISTURB THE ADJACENT MILL BASIN AND FOUR SPARROW MARSH WILDLIFE HABITAT AS WELL AS BE A QUALITY-OF-LIFE IMPACT FOR THOSE WHO RESIDE ACROSS THE MILL BASIN. LIGHT SHIELDS MUST BE INCORPORATED INTO THE LIGHT FIXTURES FOR THE PARKING LOT AND DRIVEWAYS. FOR THE ROOF-TOP AUTO STORAGE, LOW-LEVEL LIGHTING SHOULD BE INCORPORATED ON THE INSIDE PERIMETER OF THE PARAPET WALL PROGRAMMED TO TURNED OFF WHEN THE AUTO-MALL IS CLOSED TO THE PUBLIC.

LET'S MAXIMIZE SUSTAINABLE DEVELOPMENT. TAKE ADVANTAGE OF INNOVATIVE STORM WATER “GREEN” DESIGN SOLUTIONS. SEE TO IT THAT THE CURBSIDE FRONTAGE BE TRANSFORMED THROUGH BIO-SWALES -- COLLECTING STORM WATER FROM FLATBUSH AVENUE WHILE ADDED LANDSCAPING AESTHETICS TO THIS SECTION OF THE GATEWAY INTO SOUTHERN BROOKLYN. HAVE THE PARKING AREA BEING RENTED IMPROVED IN ACCORDANCE WITH THE ZONING RESOLUTION SECTION REGARDING LANDSCAPING AND STORM WATER RUN-OFF REQUIREMENTS. FINALLY, HAVE TOYS“R”US INSTALL ONE OR MORE “GREEN“ BUILDING FEATURES ON ITS ROOF, WITH PREFERENCE TO INTRODUCING STORM WATER RETENTION/DETENTION SYSTEMS OR SOLAR ENERGY GENERATION.

THANK YOU.



NOTE:
STREET TREE SPACING REQUIREMENTS TO COMPLY WITH 2009 NYC PARKS & RECREATION TREE PLANTING GUIDELINES

- NOTE:**
- ZR-37-91; 37-921; 37-981 PERIMETER TREES: SWEETBAY MAGNOLIA OR EQ. FROM LIST.
 - ZR-37-922; 37-982 INTERIOR TREES: AMERICAN LARCH AMERICAN SYCAMORE OR EQ. FROM LIST.
 - ZR-37-983 GROUND COVER: VINCA (MEDIUM, MAIDEN GRASS OR EQ. FROM LIST)
 - SHRUBS: OAKLEAF HYDRANGEA, SUMMERSWEET SPIREA OR EQ. FROM LIST
 - PERENNIALS: SWEET IRIS, BLUE FLAG IRIS OR EQ. FROM LIST.

LOT AREA:	26,694.33 S.F.
CELLAR FLOOR:	22,584.84 S.F.
FIRST FLOOR:	12,771.16 S.F.
SECOND FLOOR:	12,771.16 S.F.
BUILDING AREA:	25,542.32 S.F.
REQUIRED PARKING SPACES:	64
PARKING PROVIDED SPACES:	67

ZONE:	C1-3 IN R2A
BLOCK:	12775
LOTS:	17
ZONING MAP:	19A

STREET TREE CALCULATIONS:	
REQUIRED STREET TREES AS PER ZR 26-41:	(1) TREE FOR EVERY 25' OF FRONTAGE
TOTAL FRONTAGE: 440'	440'/25' = 17.6 = 18
REQUIRED STREET TREES	= 18
EXISTING STREET TREES	= 2
PROPOSED STREET TREES	= 5
ON SITE OFF SITE	= 13
TOTAL TREES	= 20

SCALE: 1/32"=1'-0"
AS PER DCP COMMENTS
09-12-2011

119-03 SPRINGFIELD BLVD.
QUEENS, NEW YORK

nf architectural designs, pllc
architects & planners
447 REMSENS LANE, OYSTER BAY, NEW YORK 11771
tel. (516) 627-3300 fax (516) 627-0007

PROPOSED SITE PLAN
DWG #: A0.1
JOB NO.: 28012
DATE: 02-02-11
DRAWN BY: []
CHECKED BY: []
EAT: []

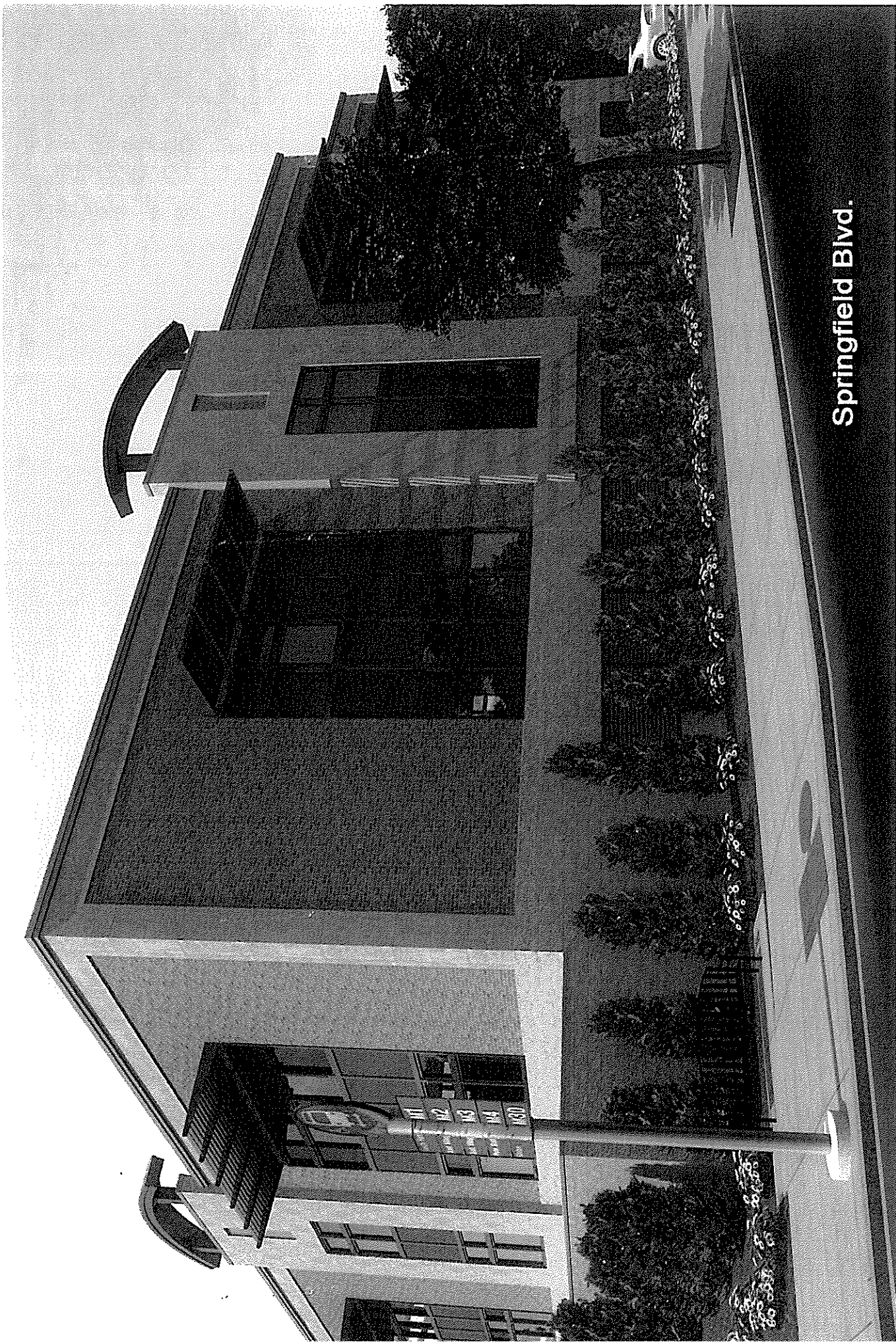


Springfield Blvd.

For Illustrative Purposes Only

119-03 Springfield Blvd.

Queens, N.Y.

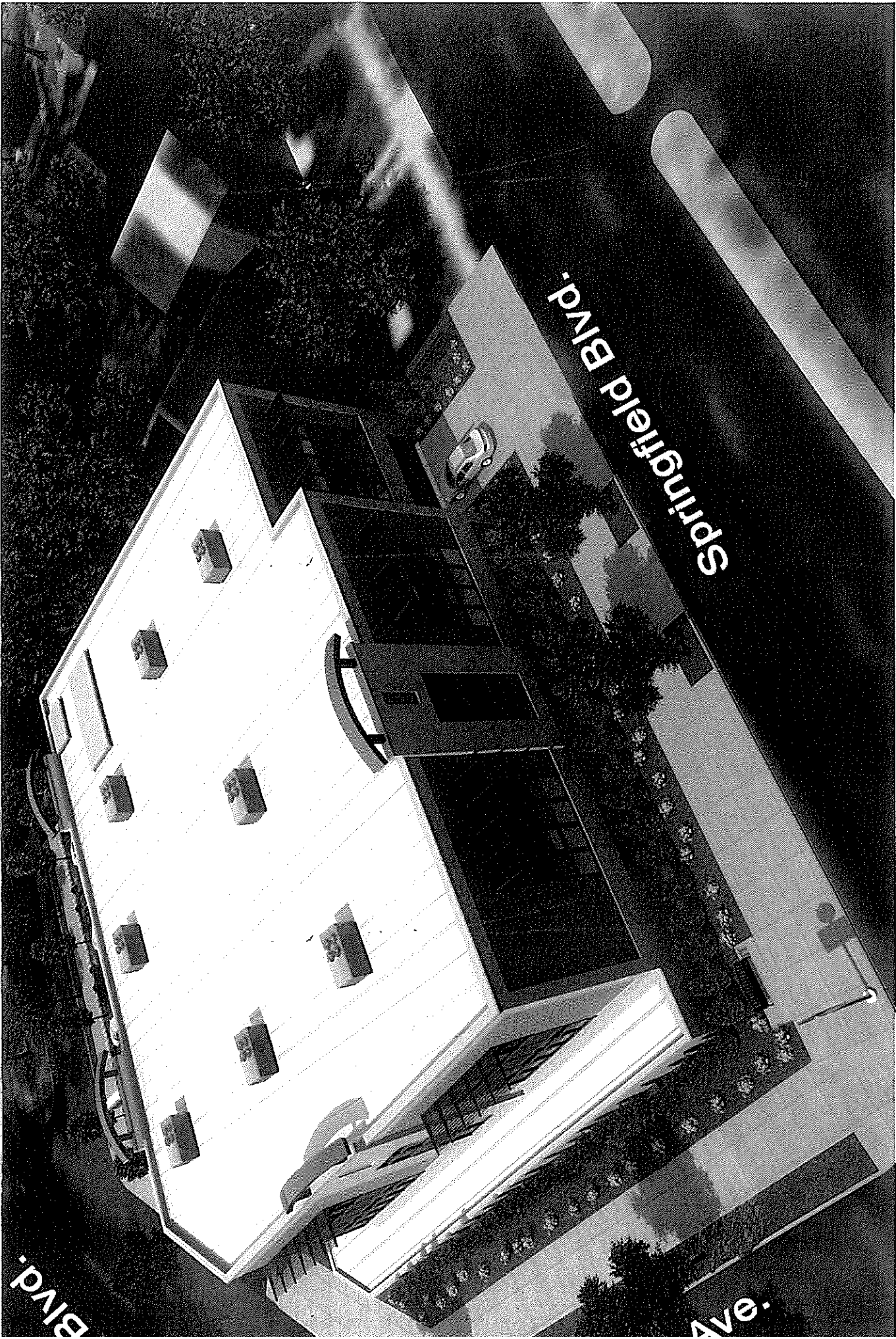


Springfield Blvd.

For Illustrative Purposes Only

119-03 Springfield Blvd.

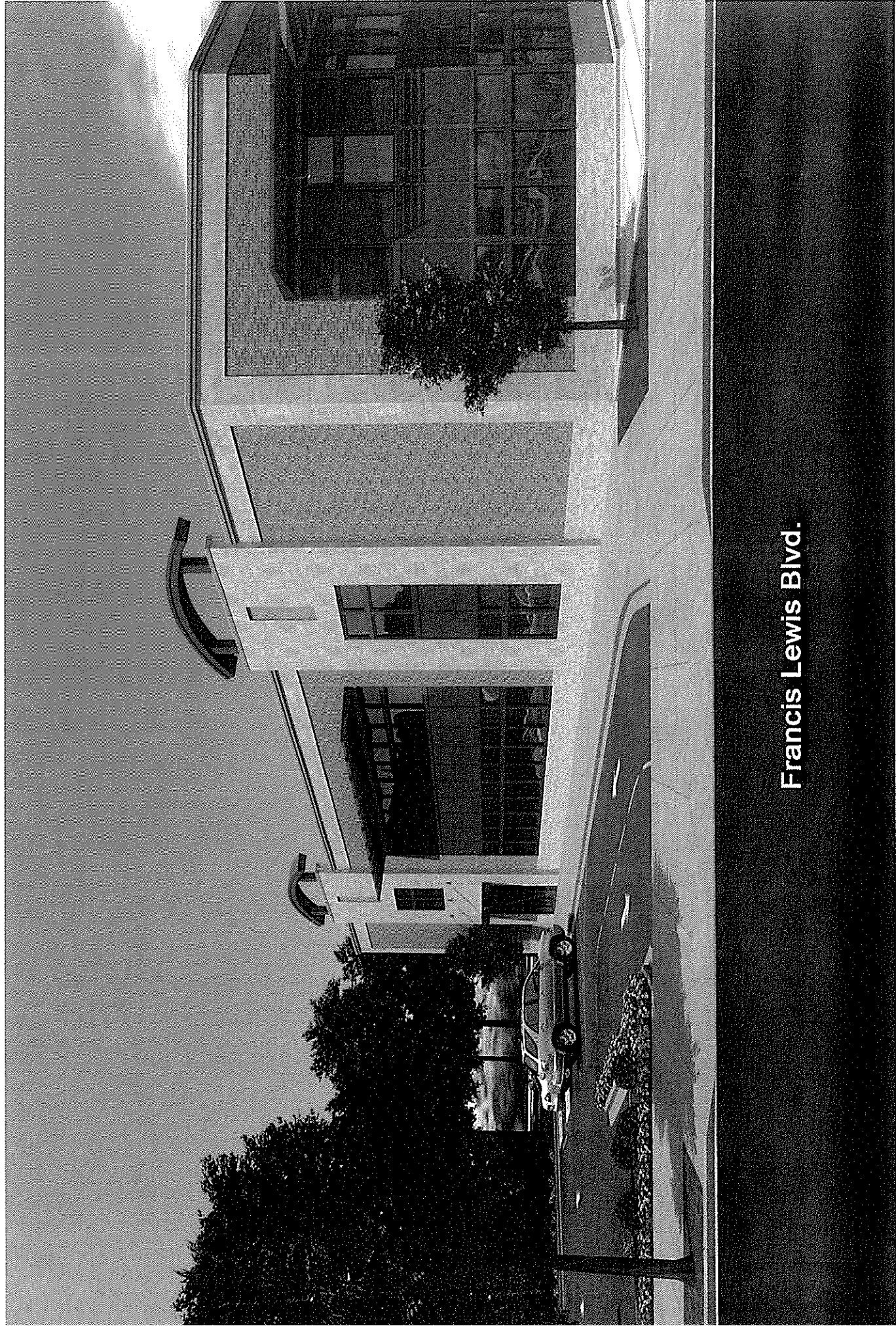
Queens, N.Y.



For Illustrative Purposes Only

119-03 Springfield Blvd.

Queens, N.Y.

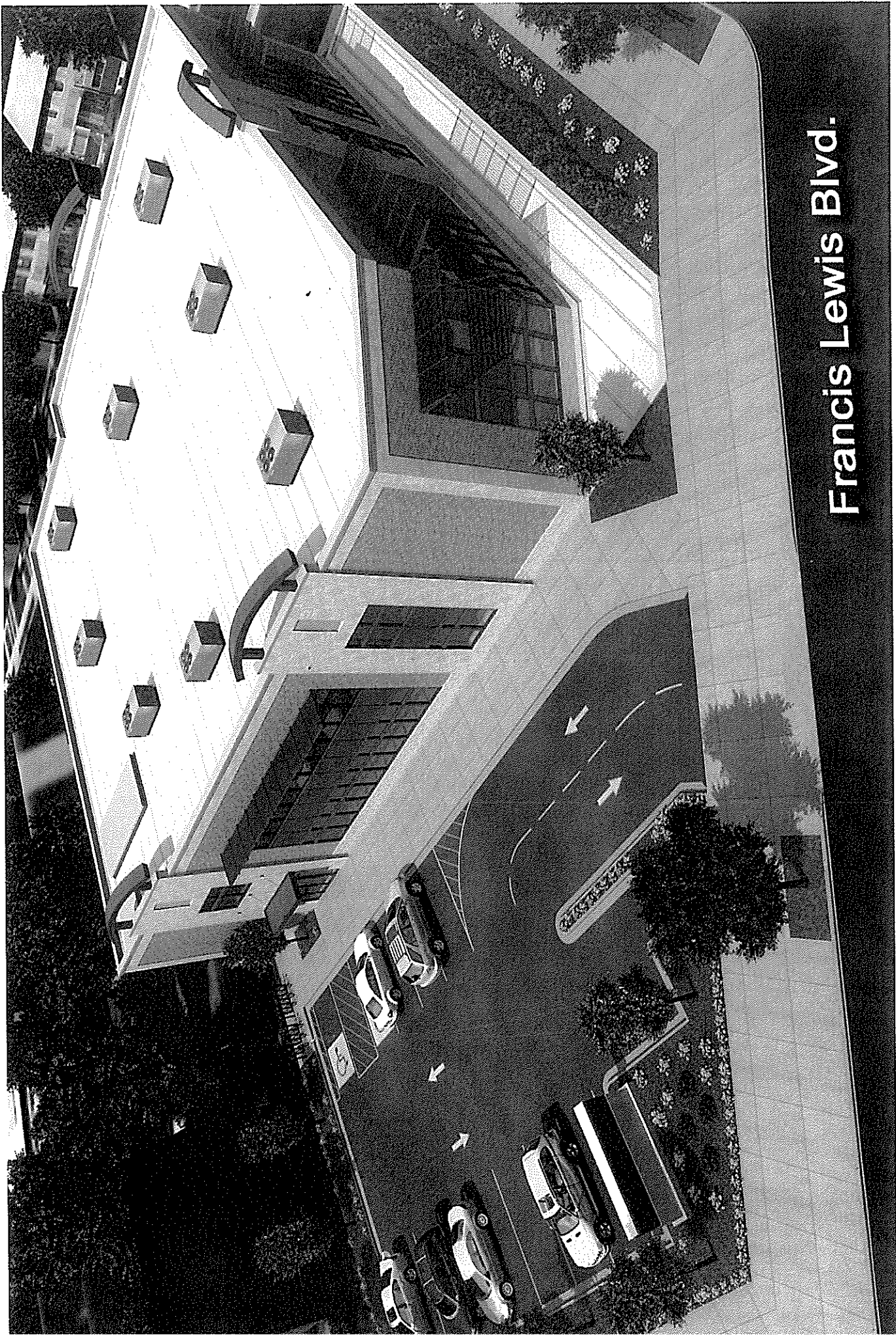


Francis Lewis Blvd.

For Illustrative Purposes Only

119-03 Springfield Blvd.

Queens, N.Y.



Francis Lewis Blvd.

For Illustrative Purposes Only

119-03 Springfield Blvd.
Queens, N.Y.

Serafina Meatpacking LLC
7 Ninth Avenue
New York, NY 10014

DCA# 1418637

May 7, 2012

Council Member Christine C. Quinn
224 West 30th Street, Suite 1206
New York NY 10001

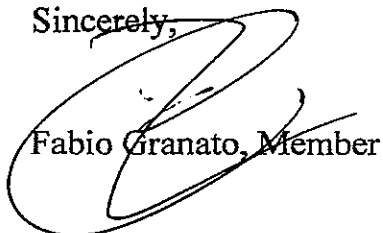
Dear Council Member Quinn,

This letter should serve as an agreement the Chair, Council Member Mark Weprin, and the encompassing members of the Subcommittee on Zoning and Franchises that we will commit to the following:

1. The size of the sidewalk café will be reduced from 16 tables and 42 chairs to 14 tables and 36 chairs, so as to provide the required 3 foot clearance in all directions to the fire escape ladder, in accordance with New York City Fire Department regulations. Specifically, the 2-three top tables on the Ninth Avenue side of the café will be removed. These changes will be reflected in revised plans submitted to the New York City Department of Consumer Affairs.
2. Install a fly away passage on the southern end of the existing retractable awning on Ninth Avenue, to allow for the proper deployment of the fire escape ladder, in accordance with NYC Department of Buildings and Fire Department regulations.

If there are any questions please call my office. Thank you.

Sincerely,



Fabio Granato, Member

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. LU0595-2012
 in favor in opposition LU0396-2012
LU0595-2012

Date: _____

(PLEASE PRINT)

Name: Michael L. Tumbos
Address: One Geoffrey Way, Wayne, NJ 07470
I represent: IBS RFB Delaware, Inc
Address: Same as above

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. LU595 etc Res. No. _____
 in favor in opposition

Date: May 8, 2012

(PLEASE PRINT)

Name: Richard Bearak
Address: Brooklyn Borough Hall
I represent: Brooklyn Borough President
Address: Plenty Markowitz

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 5/8/12

(PLEASE PRINT)

Name: Philip Robertson
Address: 350 Broadway
I represent: Serafina Meatpacking LLC
Address: 7 NINTH Avenue

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL # 599
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 5/8/12

(PLEASE PRINT)

Name: Steven Simon

Address: 335 Madison Ave

I represent: owner

Address: 119-03 Springfield Blvd

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

595

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Josh Gelfman

Address: 116 William St

I represent: NYCEDC

Address: 110 William St

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

595

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ERNIE PADRON

Address: 116 William Street

I represent: NYCEDC

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 5/8/12

(PLEASE PRINT)

Name: SAMMY BICAL
Address: 5200 Kings Highway Blvd NY
I represent: KRISTAL AUTO MALL
Address: 5200 Kings Highway Blvd NY
11234

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 595 Res. No. _____
 in favor in opposition

Date: 5/8/12

(PLEASE PRINT)

Name: Carolee Fink
Address: City Hall
I represent: DM Steel
Address: City Hall

◆ Please complete this card and return to the Sergeant-at-Arms ◆