



## Legislation Text

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**File #:** Res 1095-2007, **Version:** \*

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### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1095

Resolution approving the decision of the City Planning Commission on ULURP No. C 040161 ZMK, a Zoning Map change (L.U. No. 546).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on September 4, 2007 its decision dated September 4, 2007 (the "Decision"), on the application submitted by Kings Material Co., Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the Zoning Map (ULURP No. C 040161 ZMK) (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 040162 ZSK (L.U. No. 547), a special permit pursuant to Section 74-681(a)(2) of the Zoning Resolution to allow a portion of a railroad right-of-way that has been permanently discontinued or terminated to be included in the lot area for a development;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 9, 2007;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Conditional Negative Declaration, issued on July 9, 2007 (CEQR No. 04DCP041K);

#### RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following condition:

Pursuant to a Phase I Environmental Site Assessment (ESA) dated February, 2004, for the project site, available in the proposal's CEQR file, DEP's Office of Environmental Planning and Assessment, recommended a restrictive declaration, due to the potential presence of hazardous materials on the site as a result of past and present land uses. The applicant filed and recorded such a declaration to require that detailed Phase II testing would occur, binding upon the property's successors and assigns. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the sub-surface soils and groundwater on

the project site would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction). With the implementation of the declaration described above, no significant adverse impact related to hazardous materials would occur.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 22c, changing from an M1-2 District to an R6 District property bounded by 37th Street, 15th Avenue, 38th Street, and a line 100 feet northwesterly of 15th Avenue, as shown on a diagram (for illustrative purposes only) dated April 9, 2007, and which includes CEQR Designation E-176, Community District 12, Borough of Brooklyn.

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on October 17, 2007, on file in this office.

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City Clerk, Clerk of The Council