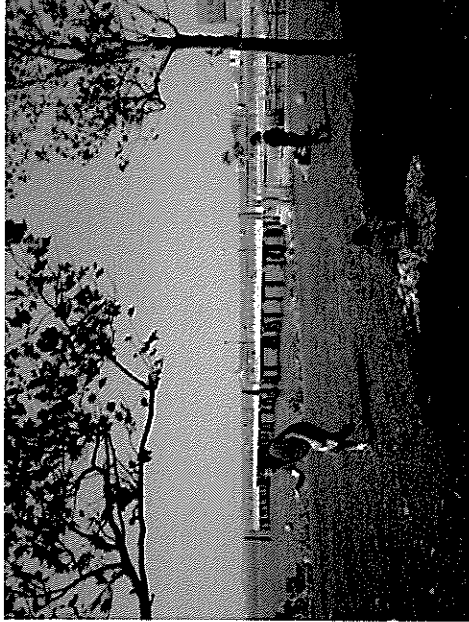
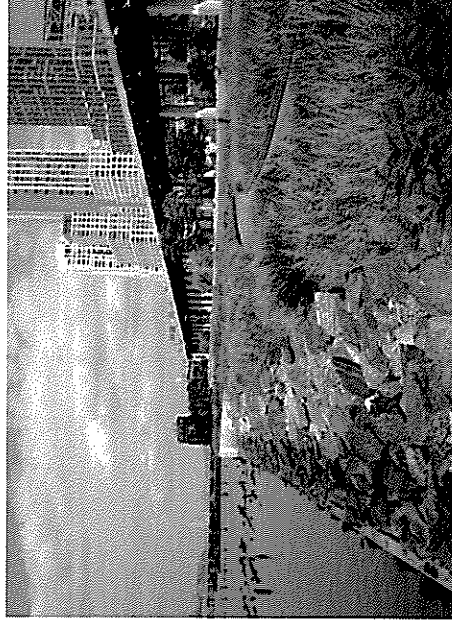
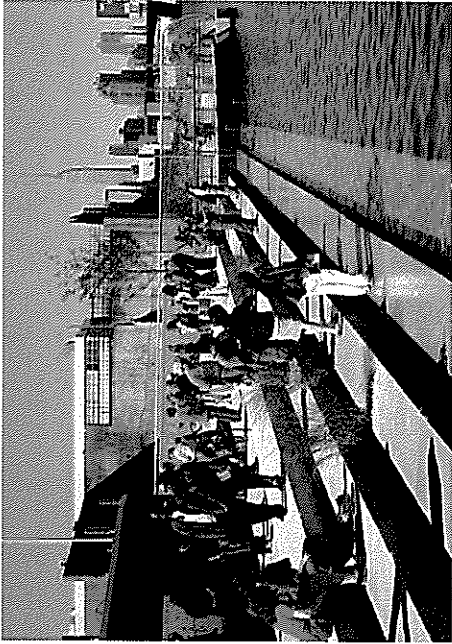


PRIVATELY OWNED WATERFRONT PUBLIC ACCESS

design standards text amendment



Applicability of waterfront public access required by zoning²

based on use and density

ALWAYS required:

- Residential and commercial moderate and high density districts

REQUIRED WHEN Commercial or Community Facility use:

- Manufacturing districts
- Residential and commercial low density districts

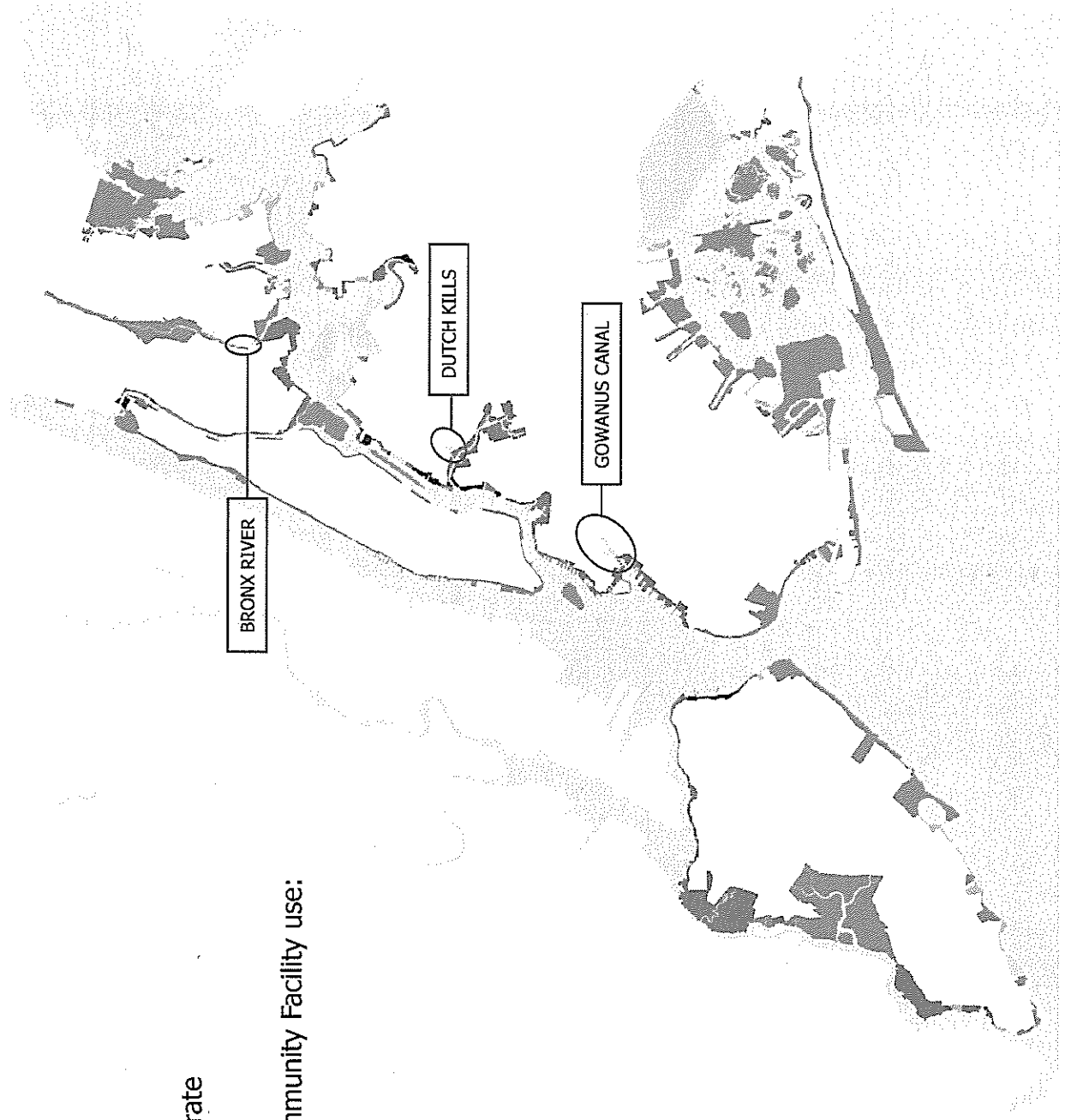
NOT Required:

- Single family districts and city infrastructure

Not subject to zoning:

- Parks and open space

Water bodies proposed to be included in Waterfront Area



Existing Zoning Framework

Waterfront Public Access Components

SHORE PUBLIC WALKWAY

Create a continuous path along the water

SUPPLEMENTAL PUBLIC ACCESS AREAS

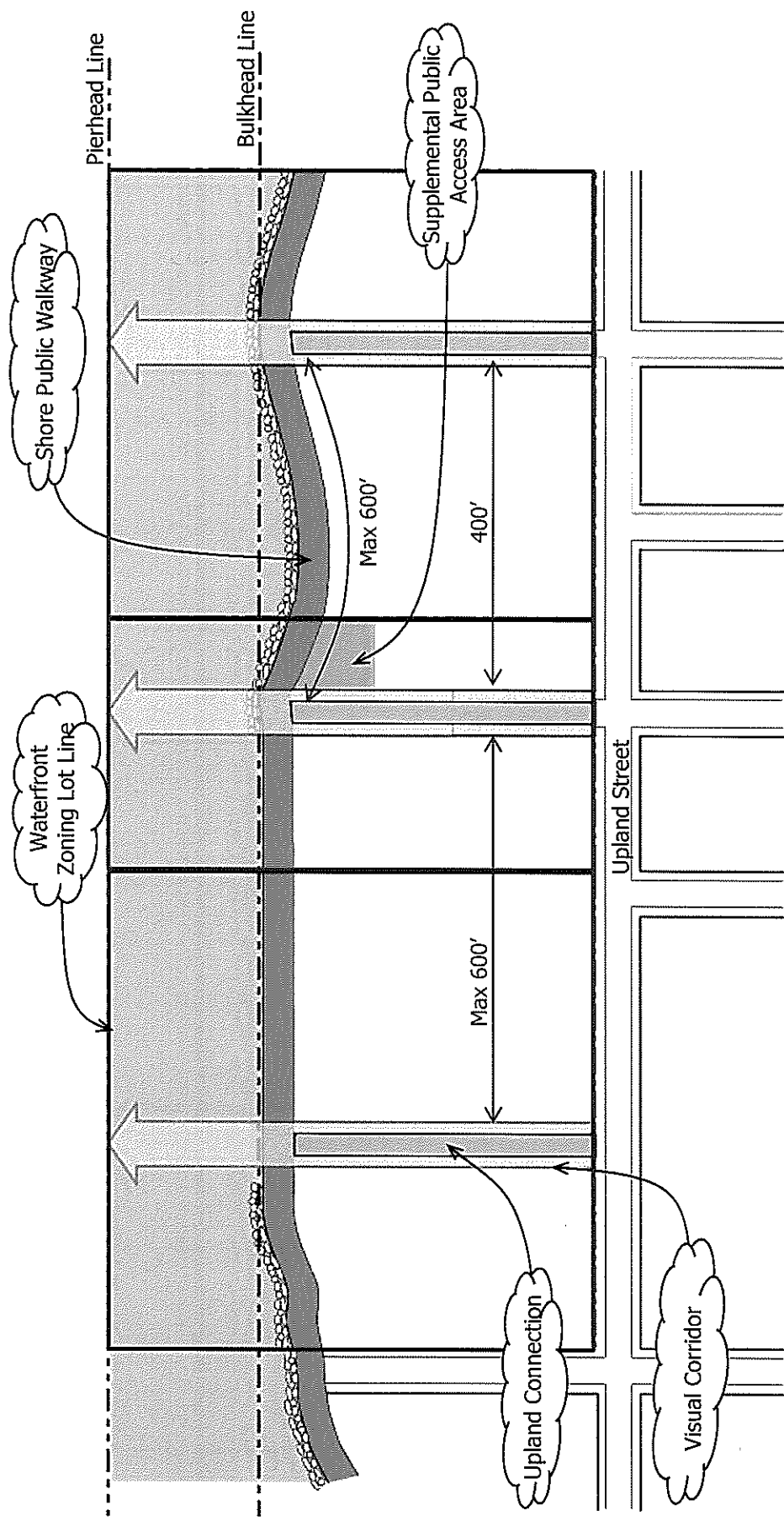
Provide additional public spaces on the waterfront

UPLAND CONNECTIONS

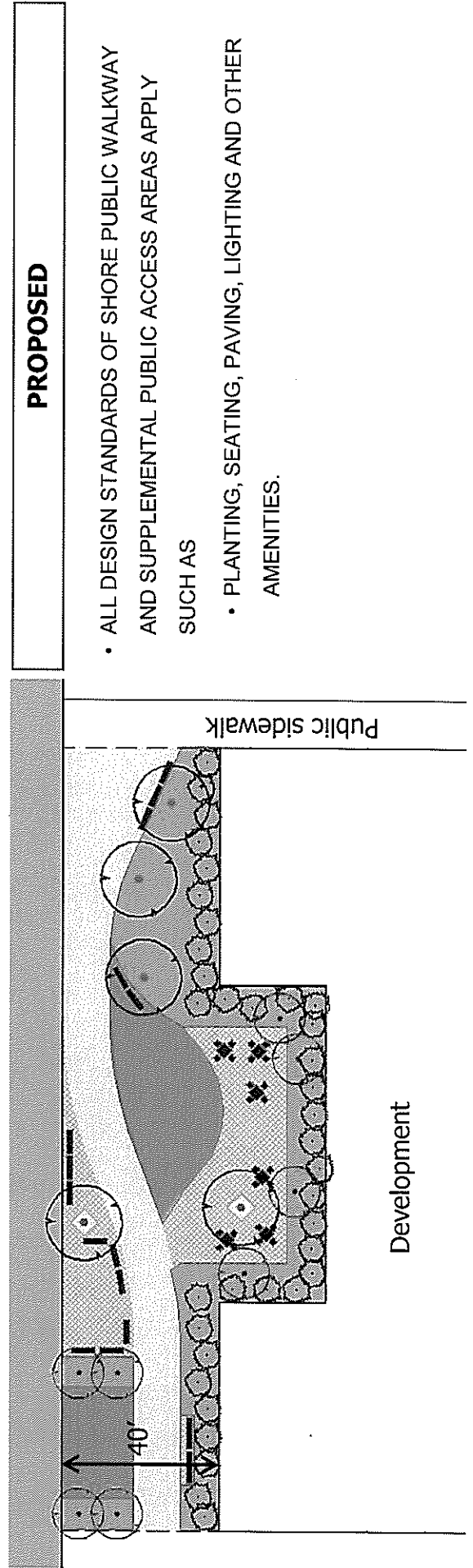
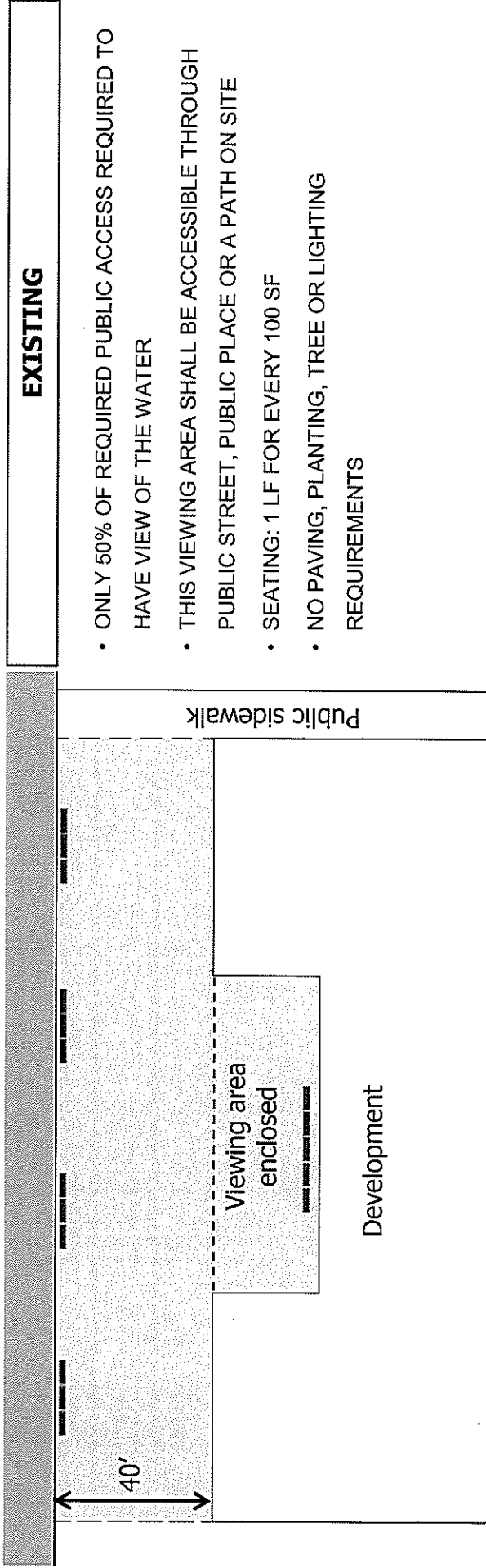
Connect the City to the water

VISUAL CORRIDORS

Visually connect the City to the water



Proposed design requirements for commercial development in M1 districts



What are we proposing to change?

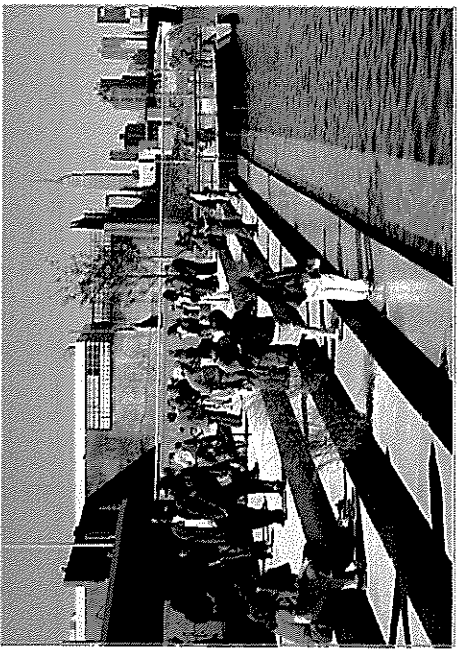
PROPOSED PUBLIC ACCESS AREA MODIFICATIONS

- Design standards for Public Access Areas
- Design standards requirements for commercial developments in M1 Districts
- Modify existing Waterfront Access Plans (WAP's) and Special Districts regulations to be consistent with the new standards
- Incorporate DPR Master Plan changes to the Greenpoint-Williamsburg WAP
- Expand the opportunity for the transfer of improved Waterfront Public Access Areas to the Department of Parks and Recreation (DPR)

OTHER MODIFICATIONS

- Clarify that Gowanus Canal, Dutch Kills and Bronx River up to East 172nd street are subject to waterfront regulations.
- Expand permitted location of commercial uses in R6 to R10 Districts with Commercial Overlays
- Modifying certain height and setback regulations for towers in medium and high density districts.
- Modification to the Special Review Provisions

Goals for public access components



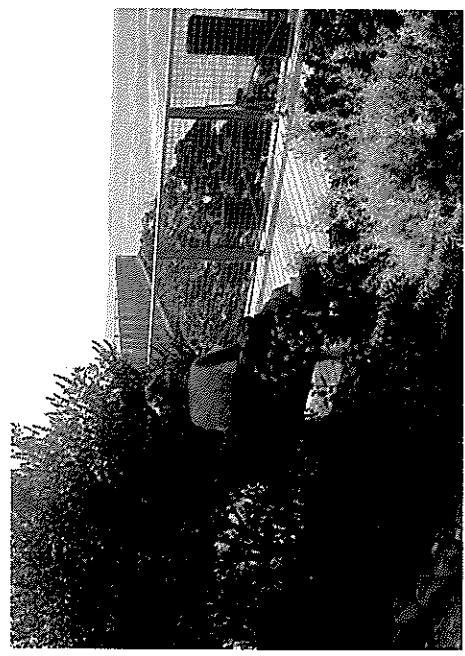
VISUAL AND PHYSICAL CONNECTIVITY
"READ AS PUBLIC"

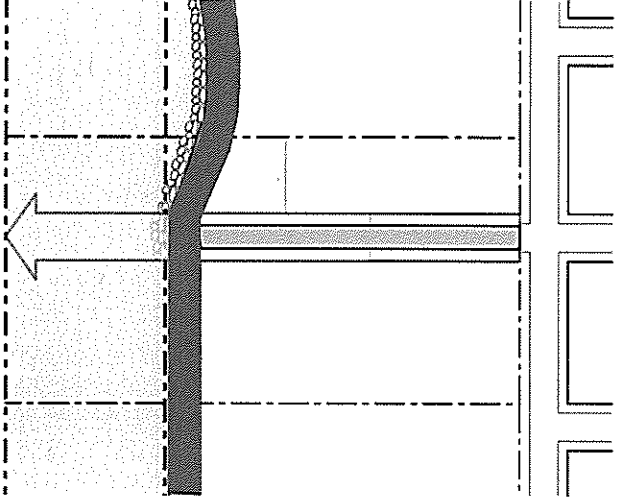
COMPLEMENT SITE CONDITIONS

DESIGN QUALITY

ACCESS TO WATER

DIVERSITY OF EXPERIENCES





Shore Public Walkways

Existing requirements:

Required for lots with lot area greater than 10,000 SF and shoreline greater than 100 feet long

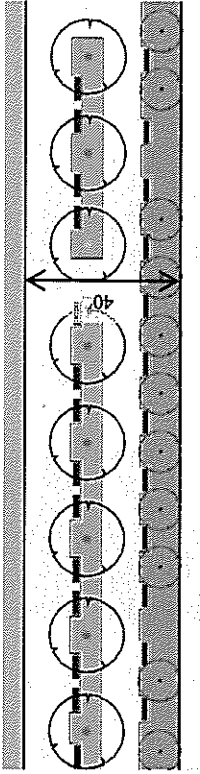
40 feet wide, except

30 feet wide for commercial & community facility developments in R3-R5 and C1, C2 & C3 districts

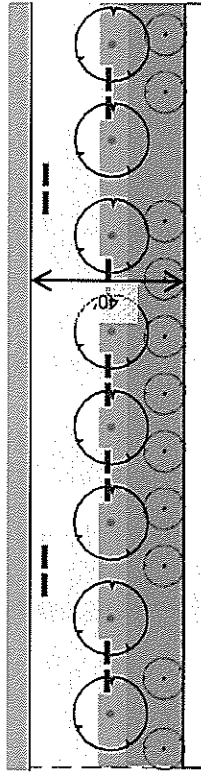
What are the changes?

Shore public walkways

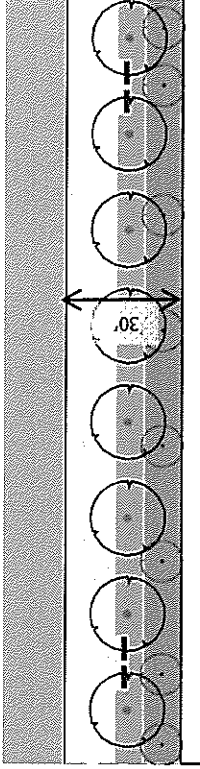
EXISTING



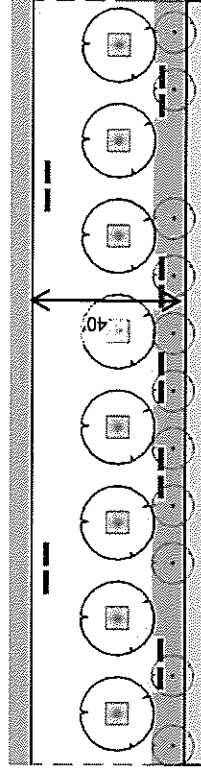
I: ESPLANADE



II: MODERATE INTENSITY WALKWAY



III: LOW INTENSITY WALKWAY

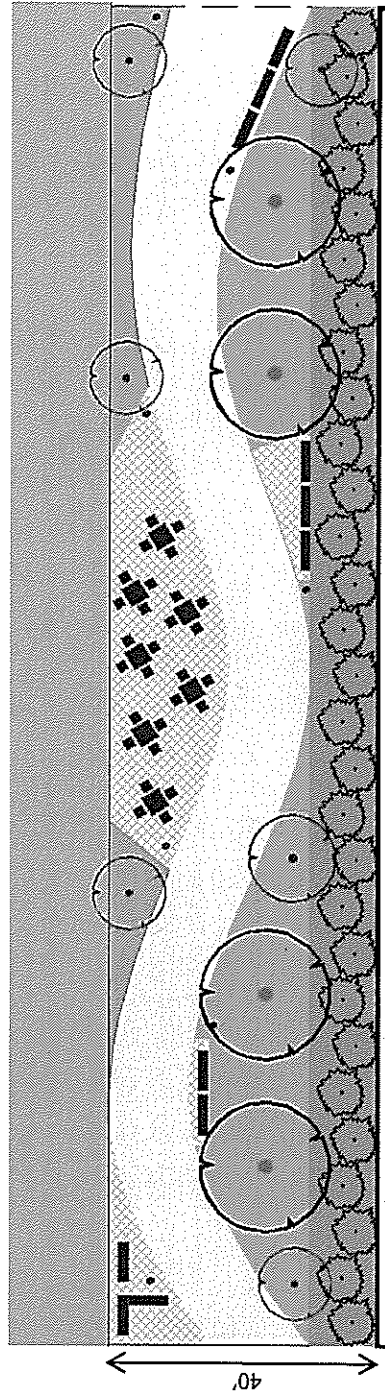


IV: OPEN RECREATION WALKWAY

TOO MANY PROTOTYPES THAT PRODUCE DESIGNS THAT ARE RIGID, LINEAR AND MONOTONOUS



PROPOSED



NO PROTOTYPES

ONE SET OF STANDARDS THAT ALLOWS FOR A VARIETY OF DESIGN

CANOPY TREES:

GOAL: To achieve shaded seating areas and open sunlit areas, create more flexible requirements

EXISTING

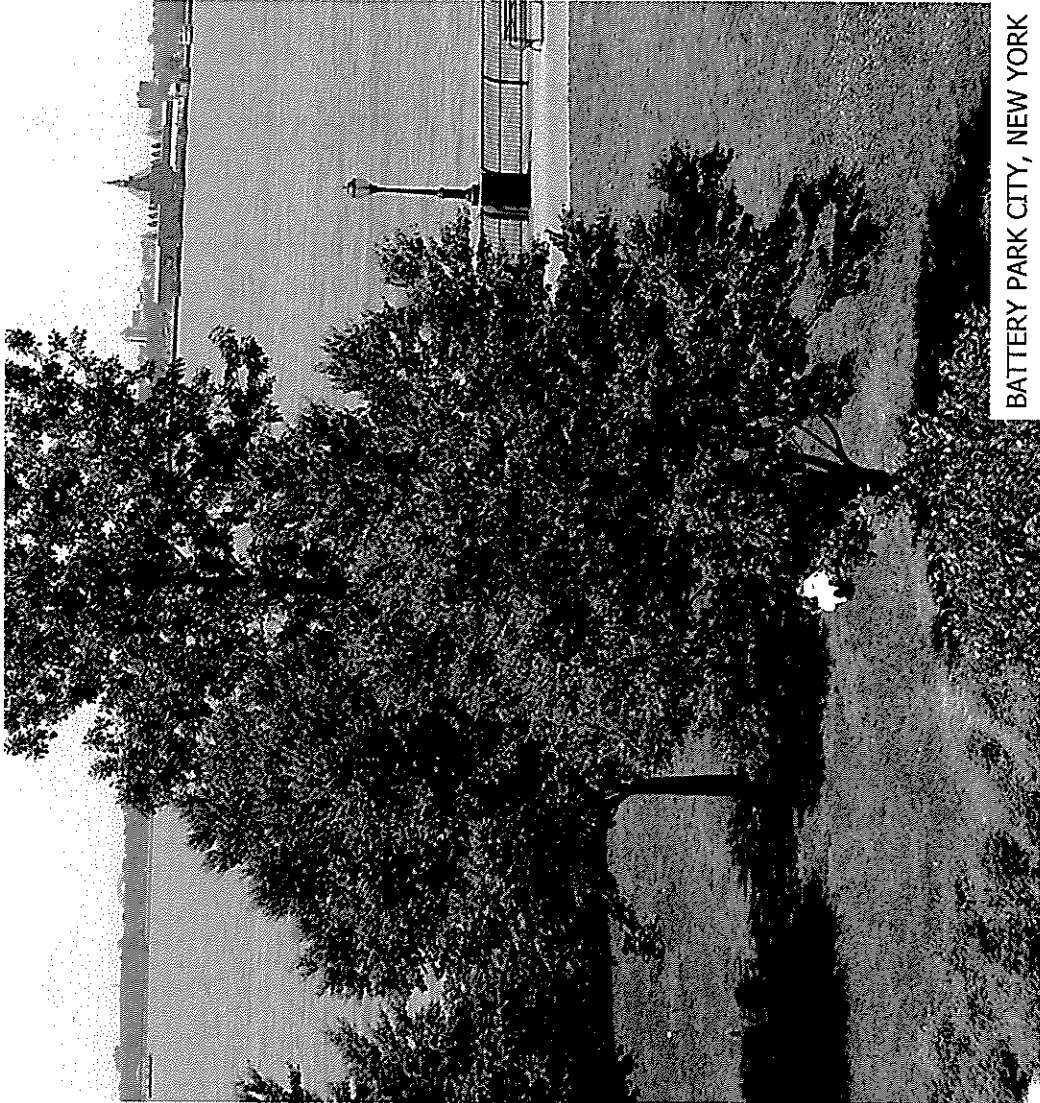
- TREES REQUIRED TO BE PLANTED IN A ROW



BATTERY PARK CITY, NEW YORK

PROPOSED

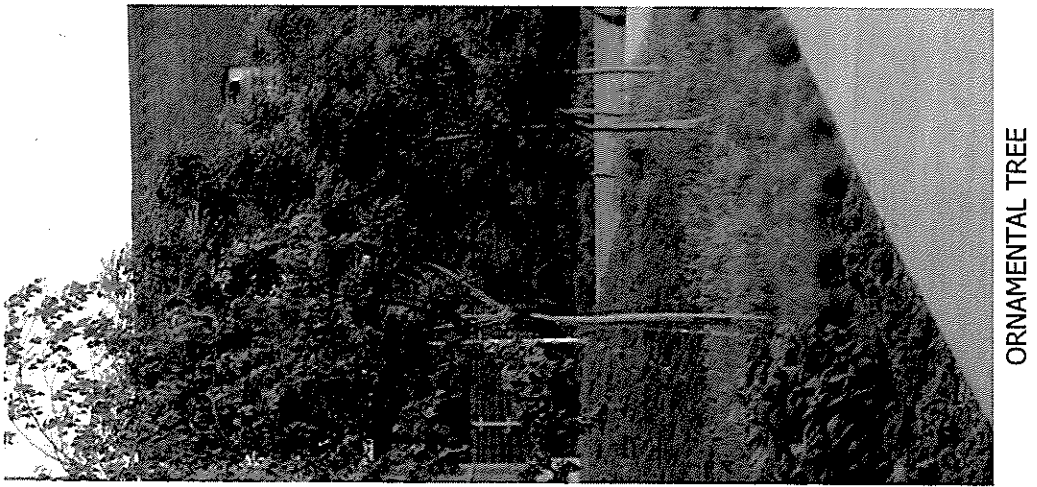

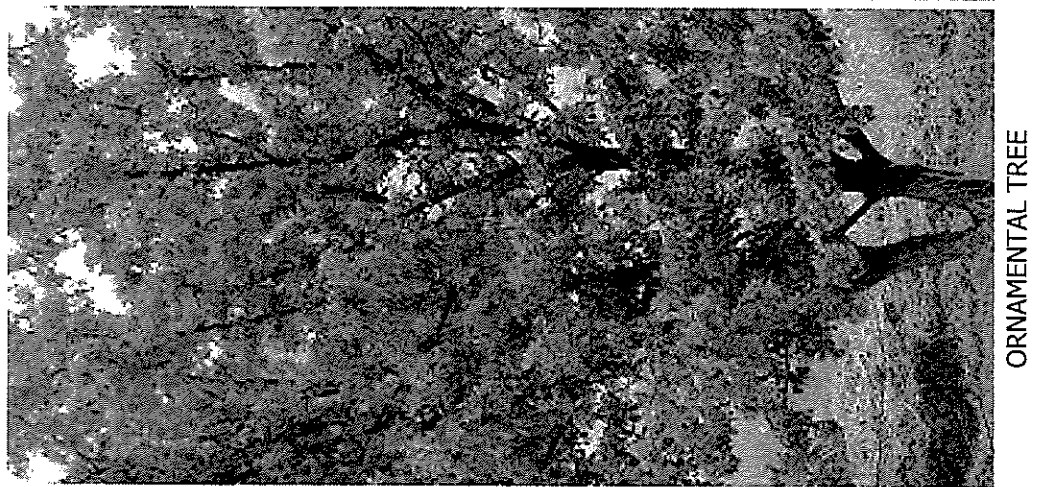
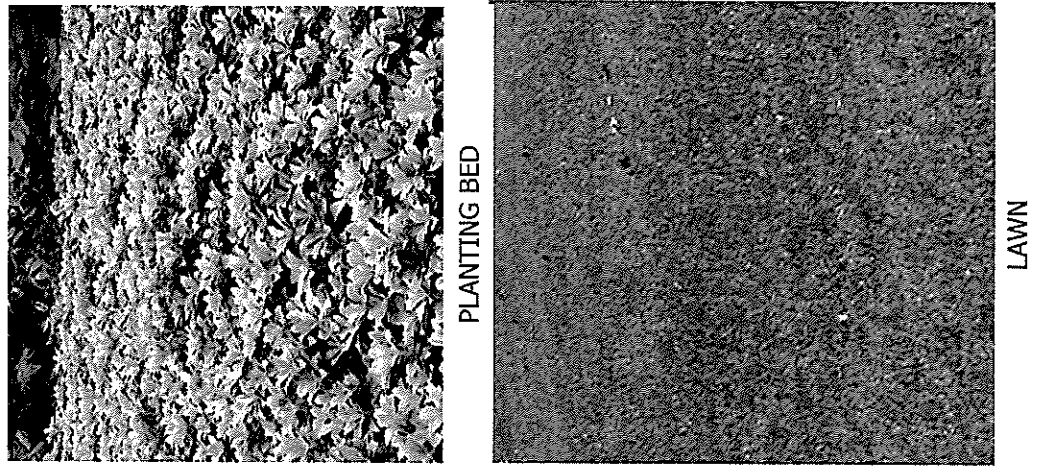
- OPTIONS FOR TREES TO BE PLANTED IN ROWS, CLUSTERS OR INDIVIDUALLY



BATTERY PARK CITY, NEW YORK

ADDITIONAL PLANTING:

GOAL: To encourage a diversity of landscape design, allow a variety of trees and additional ground coverage

EXISTING	PROPOSED
<ul style="list-style-type: none"> • ONLY ORNAMENTAL TREES • ALWAYS PLANTED IN BUFFER 	<ul style="list-style-type: none"> • OPTION OF ORNAMENTAL/CANOPY/MULTI-STEM TREES, ACCESSIBLE LAWN OR PLANTING BED • OPTION OF PLANTING ANYWHERE IN THE PUBLIC ACCESS AREA
 <p data-bbox="1502 1669 1526 1911">ORNAMENTAL TREE</p>	<div data-bbox="503 1060 1534 1522">  <p data-bbox="1502 1176 1526 1407">MULTI-STEM TREE</p> </div> <div data-bbox="503 577 1534 1060">  <p data-bbox="1502 703 1526 945">ORNAMENTAL TREE</p> </div> <div data-bbox="503 115 1534 577">  <p data-bbox="950 262 974 441">PLANTING BED</p> <p data-bbox="1502 315 1526 388">LAWN</p> </div>

CIRCULATION PATH:

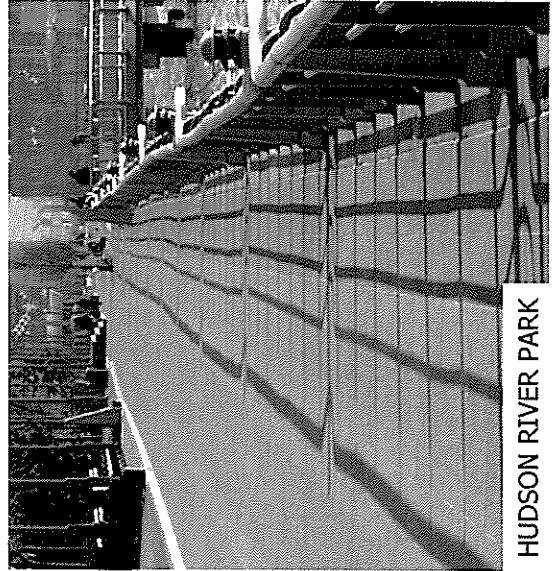
GOAL: To create interest and variety, allow the main path to meander along the shoreline

EXISTING

- ALWAYS REQUIRED WITHIN 10' SHORELINE



DUMBO, BROOKLYN



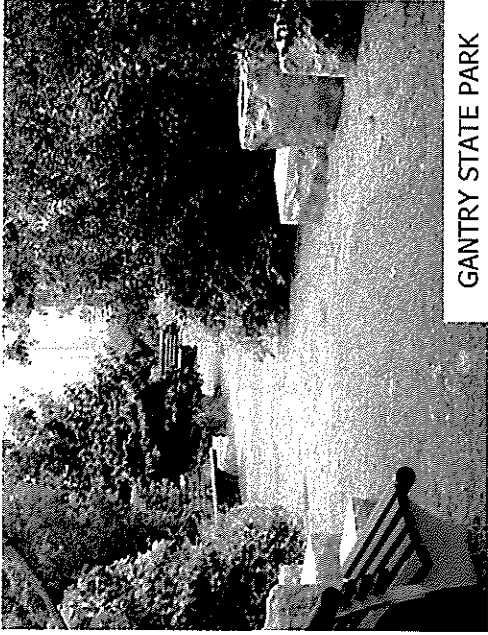
HUDSON RIVER PARK

PROPOSED

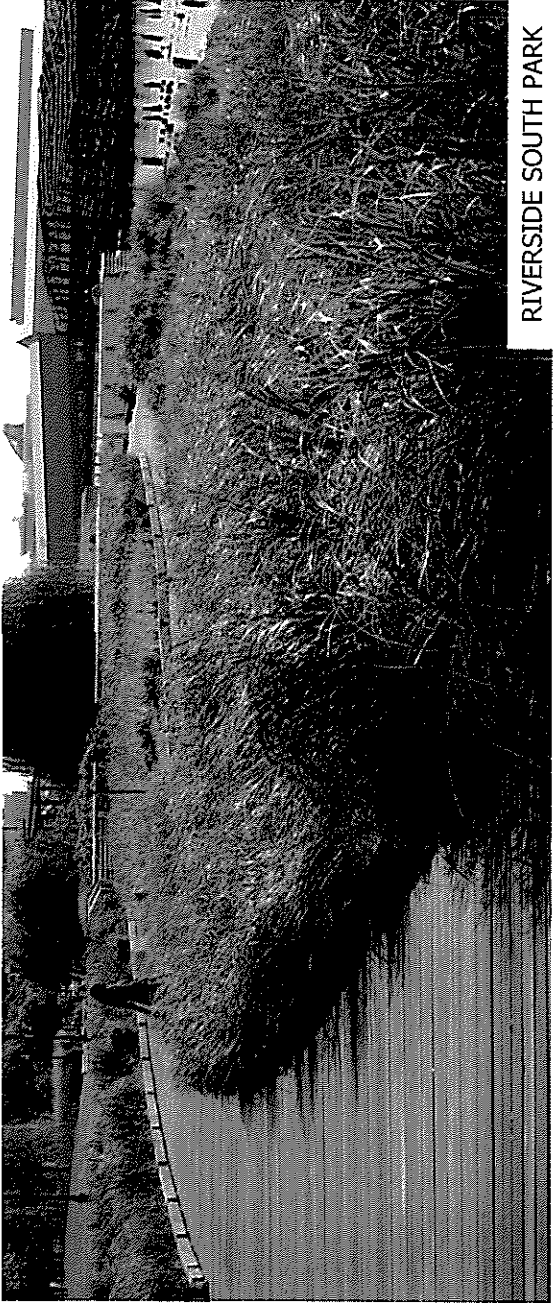
- OPTIONS OF MULTIPLE AND MEANDERING PATHS



BARRETTO POINT PARK



GANTRY STATE PARK



RIVERSIDE SOUTH PARK

SEATING:

GOAL: To increase variety, improve comfort and foster social interaction

EXISTING

- 50% WITH BACKS
- NO SHADED SEATING REQUIRED
- NO VARIETY REQUIRED
- NO SOCIAL SEATING REQUIRED



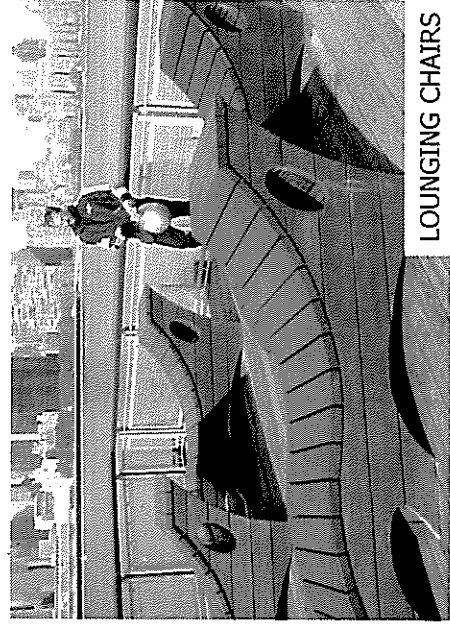
SEATING WITH BACKS

PROPOSED

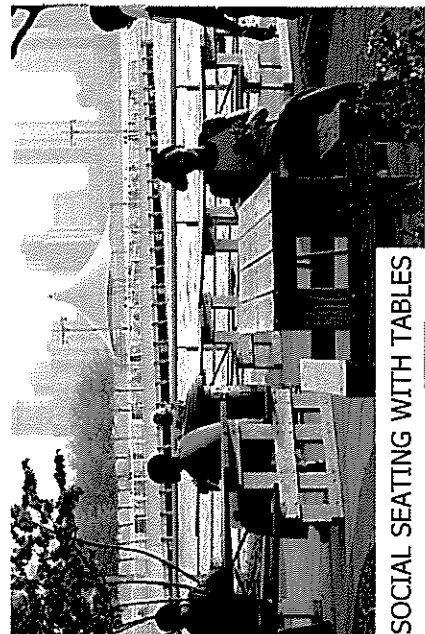
- 50% WITH BACKS
- 20% SHADED SEATING REQUIRED
- AT LEAST TWO TYPES REQUIRED (FIXED, MOVABLE, LOUNGING CHAIRS, DOUBLE SEATING, ETC.)
- 25% SOCIAL SEATING IMPROVED WITH TABLES



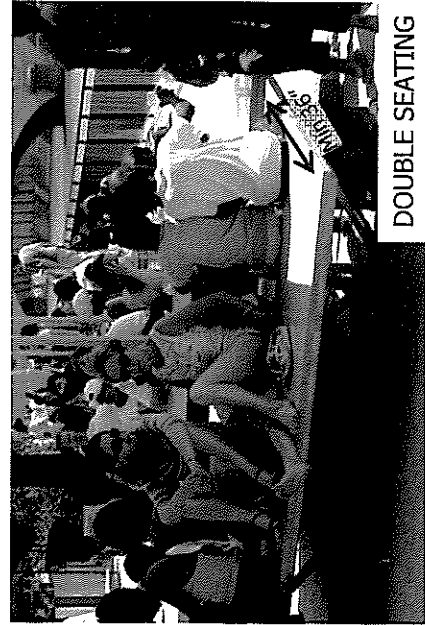
SHADED SEATING WITH BACKS



LOUNGING CHAIRS



SOCIAL SEATING WITH TABLES



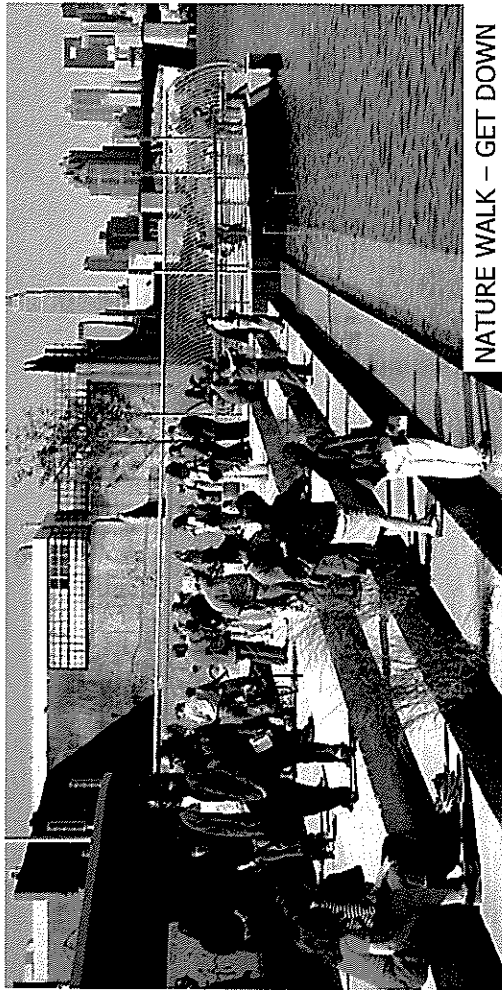
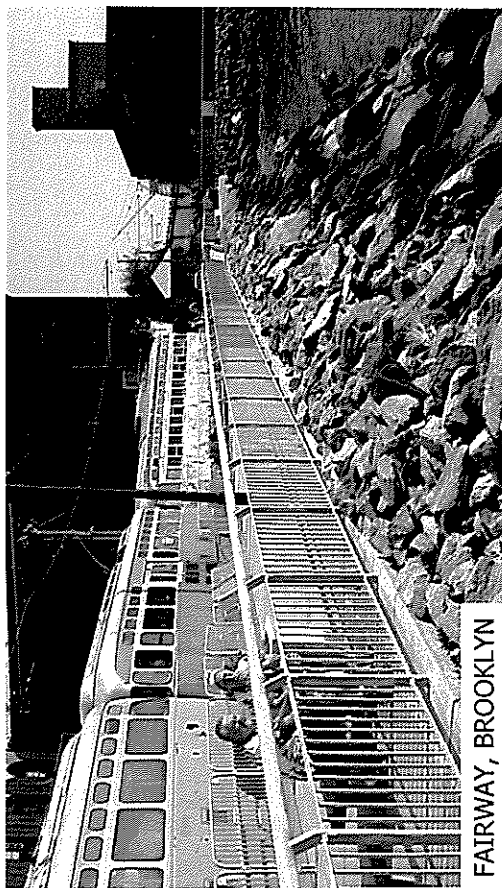
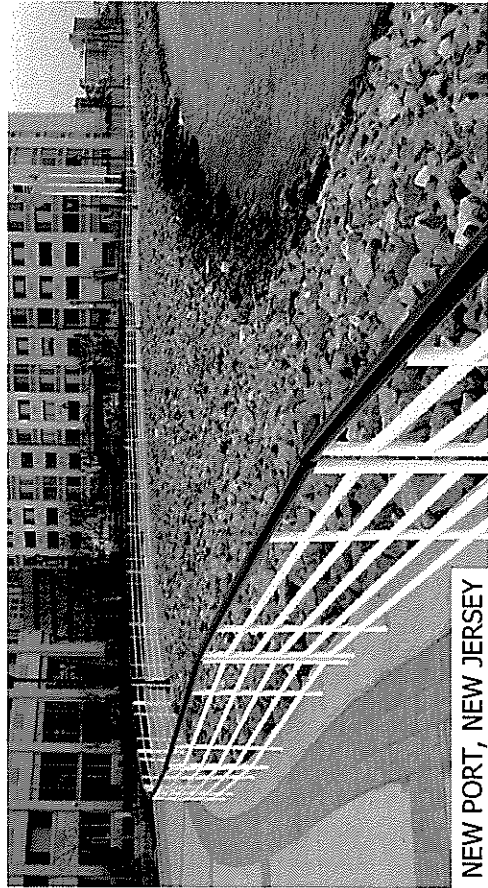
DOUBLE SEATING

EDGE DESIGN: WATER EDGE

GOAL: To encourage interaction with the water's edge and promote diverse shoreline edge treatments

EXISTING	PROPOSED
----------	----------

- GUARDRAIL ALWAYS REQUIRED AT THE EDGE
- NO OPPORTUNITY FOR ACCESS TO THE WATER



EDGE DESIGN: UPLAND EDGE

GOAL: To activate public access areas, encourage commercial uses - without barriers

EXISTING

- OPEN AIR CAFÉ ALLOWED
- FENCES PERMITTED
- NO SIGN REQUIRED
- NO INCENTIVE



BUENOS AIRES

PROPOSED

- OPEN AIR CAFÉ ALLOWED
- FENCES NOT PERMITTED
- "SEATING OPEN TO PUBLIC" SIGN REQUIRED
- INCENTIVISED THROUGH PLANTING REDUCTION

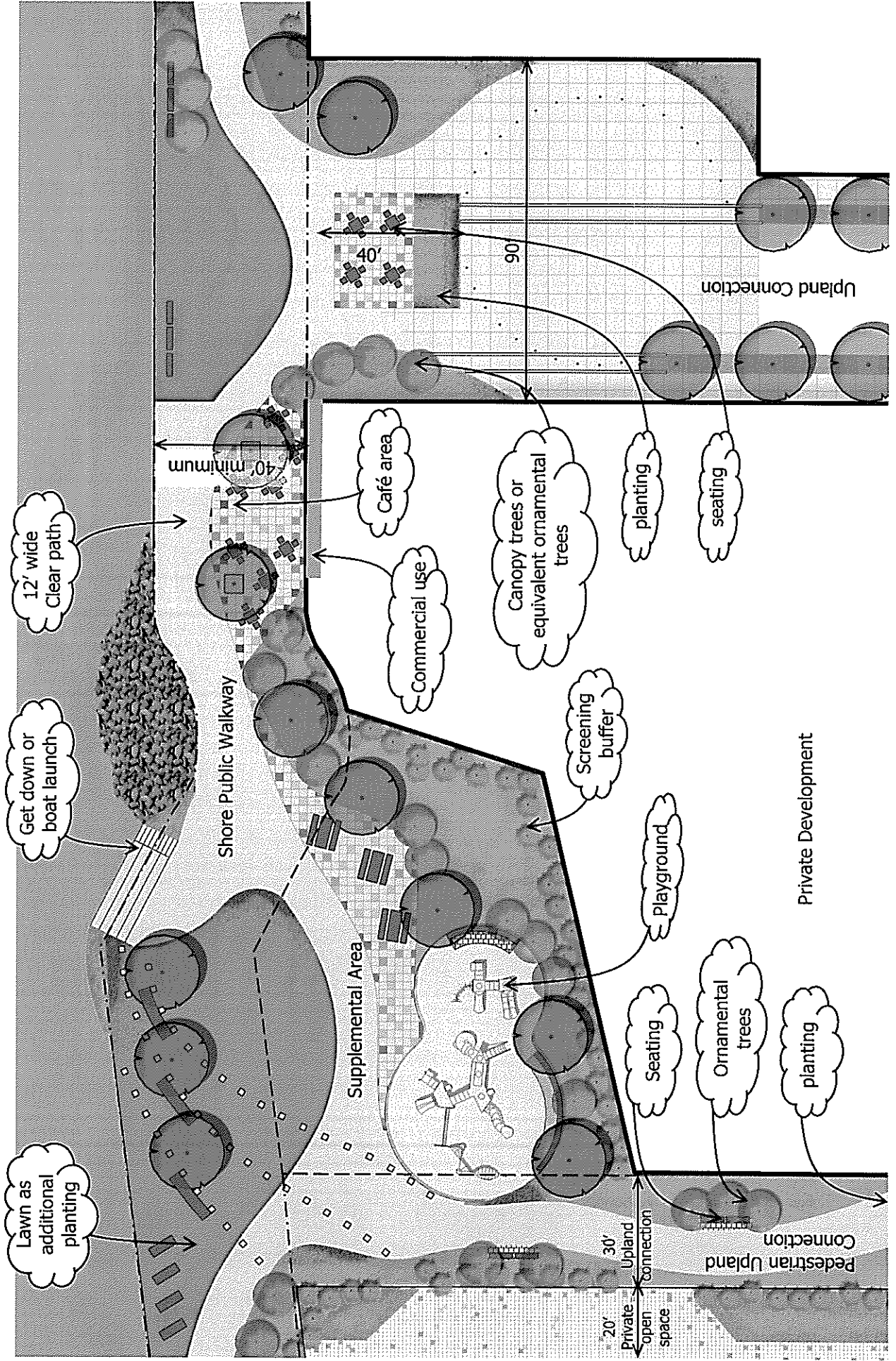


RIVERSIDE SOUTH



MALMO, SWEDEN

Waterfront public access

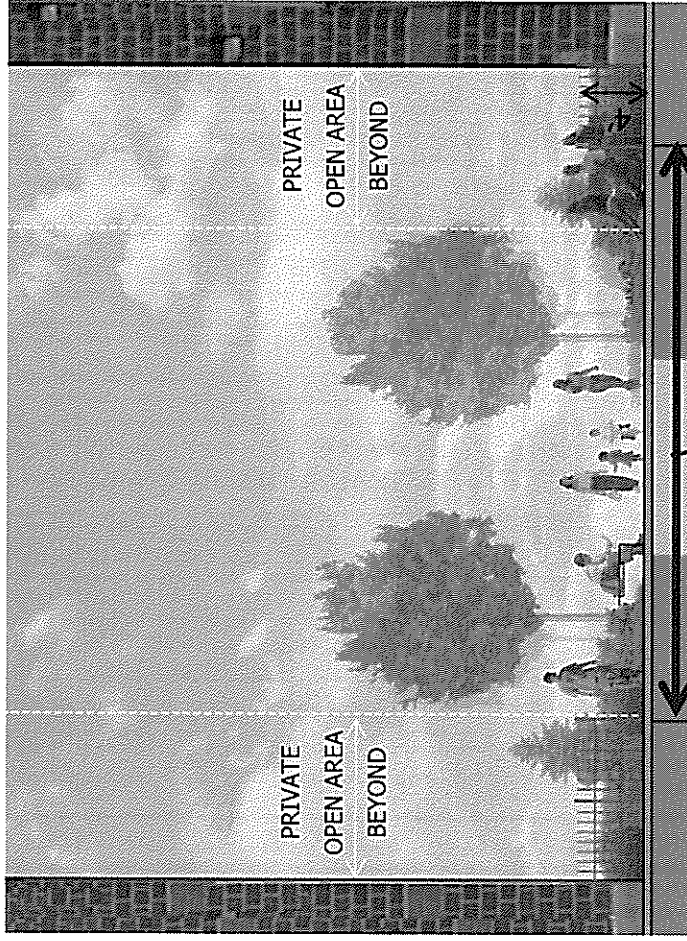
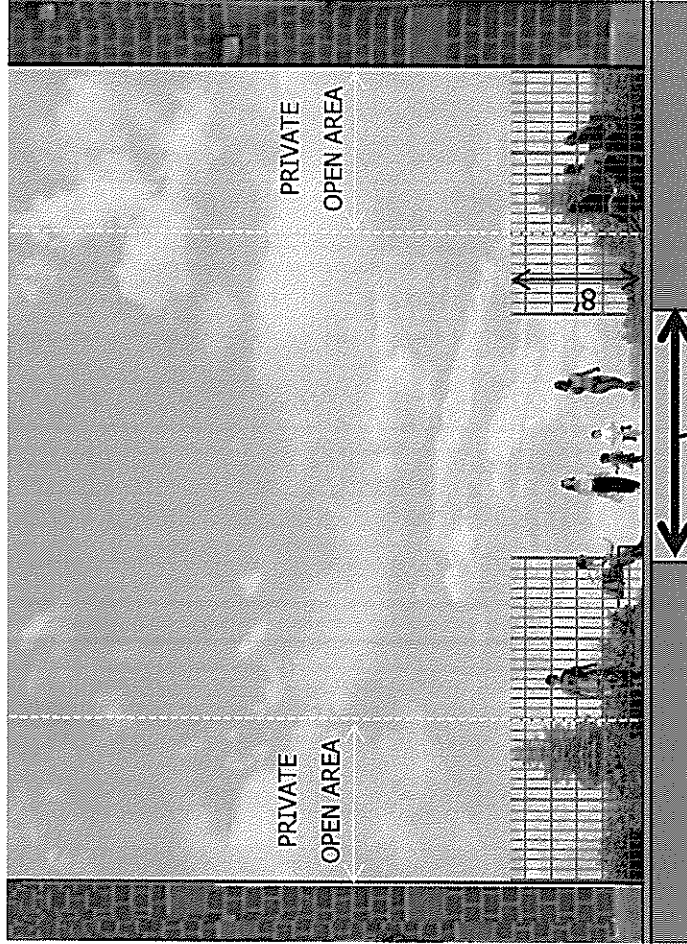


Gates

EXISTING	PROPOSED
-----------------	-----------------

- MAX. 8 FEET HIGH
- MIN. 65% TRANSPARENCY
- CIRCULATION PATH MUST BE OPEN DURING OPEN HOURS

- MAX. 4 FEET HIGH
- MIN. 70% TRANSPARENCY
- MIN. 70% & ENTIRE PAVED AREA MUST BE OPEN DURING OPEN HOURS
- IN RESIDENTIAL DEVELOPMENTS, GATES BY AUTHORIZATION ONLY



Hours of Operation

EXISTING

Dawn to dusk for all developments

PROPOSED

Residential and community facility developments in R6 - R10:

- April 15 to October 31: 6 AM to 10 PM
- November 1 to April 14: 7 AM to 8 PM

Community Facility developments in lower density districts :

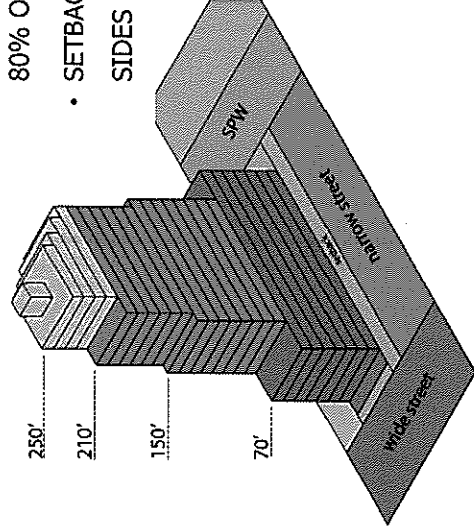
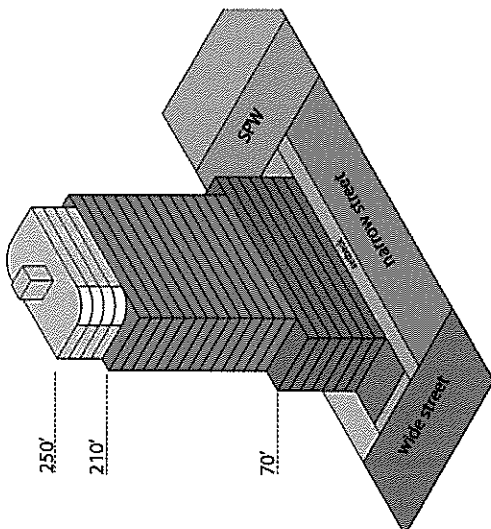
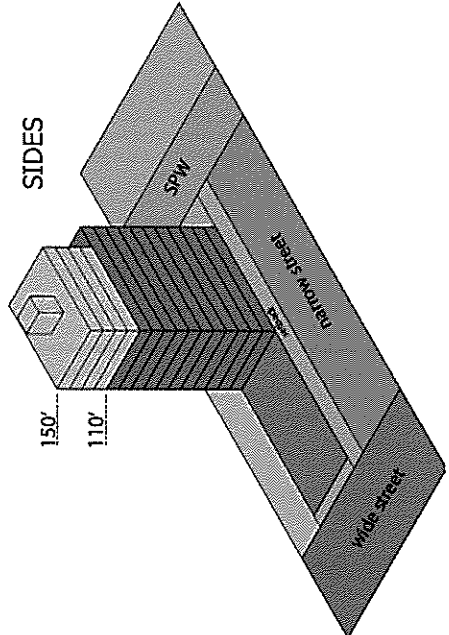
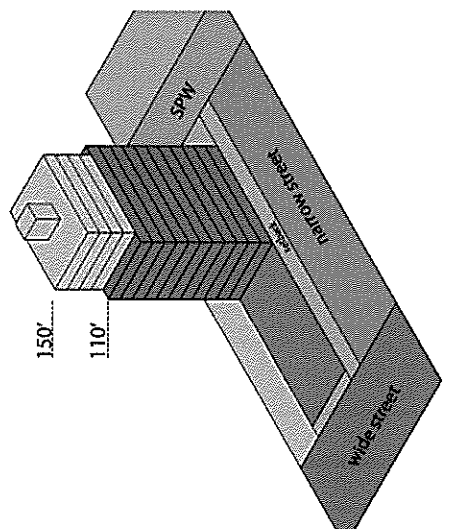
- Dawn to dusk (dawn and dusk are defined as half-hour before sunrise, and half-hour after sunset, respectively)

Commercial developments:

Same as business hours, but no less than dawn to dusk, and no more than for residential developments, above.

Bulk modifications

Tower top articulation + Set back requirement

EXISTING	PROPOSED
<p>CITYWIDE (EXAMPLE R8)</p> <ul style="list-style-type: none"> • EACH FLOOR REQUIRED TO BE 80% OF THE FLOOR BELOW • SETBACK NOT REQUIRED ON ALL SIDES 	<ul style="list-style-type: none"> • ALL FLOORS REQUIRED TO BE 85% OF THE MAXIMUM FLOOR PLATE • SETBACK REQUIRED ON ALL SIDES (MIN 4' FOR 10% OF TOWER FAÇADE) 
<p>GREENPOINT WILLIAMSBURG (EXAMPLE R6)</p> <ul style="list-style-type: none"> • SETBACK NOT REQUIRED ON ALL SIDES 	<ul style="list-style-type: none"> • ALL FLOORS REQUIRED TO BE 85% OF THE MAXIMUM FLOOR PLATE • SETBACK REQUIRED ON ALL SIDES (MIN 4' FOR 10% OF TOWER FAÇADE) 

Special review provisions

WATERFRONT SUBDIVISION CERTIFICATION

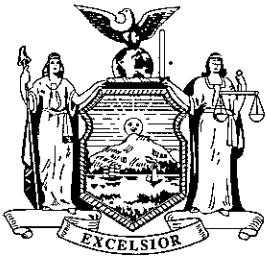
- Clarify provisions relating to subdivisions of waterfront zoning lots in order to assure future public access.

AUTHORIZATION

- Amend existing provisions that modify public access and view corridor requirements to recognize a broader range of site constraints.
- Allow modification of hours of operation
- Allow installation of gates in residential developments

CPC SPECIAL PERMIT

- Amend provisions of special permits that modify bulk regulations to facilitate better site planning in relation to waterfront access and the surrounding neighborhood.



News from...

Senator Thomas K. Duane

29th SENATORIAL DISTRICT - NEW YORK STATE SENATE

Testimony by New York State Senator Thomas K. Duane
Before the New York City Council
Committee on Zoning & Franchises
Regarding Two Trees Management Company's
Development Proposal for 11th Avenue between 53rd and 54th Streets

April 20, 2009

My name is Thomas K. Duane and I represent New York State's 29th Senate District, which includes Manhattan's Clinton-Hell's Kitchen neighborhood and the proposed Two Trees development site. Thank you for the opportunity to testify.

Two Trees Management Company ("Two Trees") proposes to build a large Z-shaped building on the east side of 11th Avenue between 53rd and 54th Streets. This mixed-use building will rise from seven stories at its western end to 32 stories at its eastern end and contain approximately 1.3 million square feet of floor space. It will house 845 residential units, of which 169 will be permanently affordable under New York City's Inclusionary Housing Program. It will also house a Mercedes Benz dealership; the New York Police Department ("NYPD") Mounted Unit's stable; a community facility; a health club; and an accessory parking garage for up to 225 cars.

First, I want to commend Two Trees for its active and persistent engagement with the community. It is a prerequisite for any good development that the community's concerns be heard and taken into account, and the changes made by this developer at the community's behest have significantly improved the project. While I still have important reservations about this specific proposal, I appreciate that it will provide a number of benefits to the surrounding neighborhood.

Two Trees' agreement to open up what was to be a grocery store space for a community facility—available for long-term lease at a nominal rent—is an especially worthy commitment, and I thank the company for this change in response to community input. Further, I and many in the community are grateful that Two Trees has offered a permanent home for the NYPD Mounted Unit that will allow it to remain in Community District 4 ("CD4"). In the unlikely event that the NYPD decides against relocating the stable to this development, I hope that the company will agree to turn over the designated space to community use.

There is a perennial need for permanent affordable housing in New York City, and thus Two Trees' decision to make 20% of its units permanently affordable under the City's Inclusionary Housing Program is particularly laudable. I also appreciate Two Trees' commitment to distribute the affordable housing evenly on all floors and to provide the same fixtures and

finishes to both affordable and market-rate units; these are crucial commitments which other developers should emulate.

Furthermore, its garage—which will contain no public parking but will include space for 600-700 bicycles and prioritize car-share services and alternate fuel vehicles—should be seen as a template for modern-day garages. Indeed, its main features ought to be made permanent.

Finally, Two Trees' offer of providing \$50,000 per year to support DeWitt Clinton Park is a welcome recognition of the park's importance to the neighborhood's existing and future residents and should be guaranteed through an adequate enforcement mechanism.

Though there is much to applaud in this proposal, I do have some significant concerns. Unfortunately, the type of affordable housing planned for the building—predominantly studios and one-bedrooms—is not what the community needs. A glut of small apartments, both market-rate and affordable, have been built in CD4 in recent years, partly due to the fact that the New York State Housing Finance Agency's (HFA) mandates favor the construction of smaller units. Manhattan Community Board Four's (CB4) long-established goal of encouraging middle-class families to put down roots in our neighborhood requires the development of larger, family-sized units. I would like to see a greater share of two-bedroom and larger units in this development, and I encourage HFA to work with CB4 and grant the necessary approvals to facilitate this change.

I also have concerns about the height, density, and façade of the building. While I acknowledge changes Two Trees has made to the proposal, including the elimination of one full residential floor and a reduced floor-area ratio of 8.55, the building will still be extraordinarily tall (with a top height of 317 feet) and dense compared to the rest of the neighborhood. Clinton-Hell's Kitchen is a low- and mid-rise neighborhood punctuated with the occasional high-rise exception, and every additional tall building disrupts its unique character. The building's proposed monolithic façade will make it an even more imposing presence in the area. Two Trees should look into façade treatments that will reduce its monumental proportions by breaking up what is now to be a solid slab of gray and glass.

I am further concerned about the C6-3X commercial zoning designation that Two Trees is seeking for this site. This is a residential project in a residential neighborhood and the precedent that would be set by granting this commercial designation is a dangerous one. The stated reason for seeking a commercial rather than residential designation is to reflect the ground floor Mercedes dealership; however, I am not convinced that commercial zoning is necessary as the dealership will be mostly below grade and therefore not counted as zoning floor area. In addition, even under the proposed commercial zoning, Two Trees has to seek special permits and a zoning text amendment to accommodate the dealership and the NYPD stable. The same actions could be sought within an alternate, residential zoning designation, as recommended by CB4. At the very least, the proposed C6-3X zoning does not aptly describe this mainly residential project, and a commercial zoning more disposed toward residential development, like C2-7A, could be utilized here. This zoning issue also highlights the need to accelerate the 11th Avenue rezoning process to ensure that the residential character of the corridor is preserved.

Lastly, while not an objection to Two Trees' proposal, I wish to note that this development is projected to create demand for 108 new elementary school seats. With schools in the area already overcrowded, I ask that the New York City Department of Education ("DOE") and New York City School Construction Authority ("SCA") bear this in mind as it seeks to expand P.S. 51 on West 45th Street. While DOE and SCA has proposed adding grades to the facility, this underscores the need for the expansion to focus on creating additional elementary school seats.

Again, I commend Two Trees for its engagement with CB4 and local groups and for the many positive aspects of its proposal. Yet unless the concerns I have outlined in this testimony are addressed, I cannot give this proposal my support.

Thank you for allowing me the opportunity to comment here today. I appreciate your consideration of my concerns and suggestions as this project moves through the approvals process.



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR
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tel: 212-736-4536 fax: 212-947-9512
www.ManhattanCB4.org

JEAN-DANIEL NOLAND
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

December 19, 2008

Amanda M. Burden, AICP
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

**Re: ULURP Applications No. C 080008 ZMM, N 080009 ZRM, C 0800010 ZSM
and C 080011 ZSM - The Clinton Park, 770 Eleventh Avenue between 53rd and 54th
Streets**

Dear Chair Burden:

At the recommendation of its Clinton/Hell's Kitchen Land Use Committee, Manhattan Community Board No. 4, having held a duly noticed public hearing on ULURP applications number C 080008 ZMM, N 080009 ZRM, C 0800010 ZSM and C 080011 ZSM, unanimously adopted the following resolutions by roll call vote at its meeting on December 3, 2008. The resolutions recommend denial of the applications unless conditions are met.

These are applications by an affiliate of Two Trees Management Co. to facilitate development of a very large (94,463 square feet) site on Eleventh Avenue between 53rd and 54th Streets, opposite DeWitt Clinton Park. The site was previously owned by Verizon and used for vehicle maintenance and storage.

The proposed building would be an "S" or "Z" shaped tower rising in steps from 7 stories (95 feet) at Eleventh Avenue and 54th Street to 32 stories (337 feet), including enclosed mechanicals¹, at the eastern edge of the site. As proposed in the applications, this mixed-use building of approximately 1.3 million square feet would contain approximately 900 residential units (of which 180 would be permanently affordable pursuant to the Inclusionary Housing Program); a Mercedes dealership with showroom, vehicle preparation and vehicle repair facilities on the ground floor and three floors below grade; a stable and other facilities for the NYPD Mounted Unit; a retail food market; a health club; and accessory parking for up to 225 cars.

¹ The occupied portion of the tower is 30 stories. The roof of the last residential floor is 327 feet above grade.

THE APPLICATIONS

The applications are for the following land use actions:

- A rezoning of the site from M1-5 to C6-3X;
- Zoning text amendments to accommodate an inclusionary housing bonus;
- A zoning text amendment to allow the dealership and the stable uses, and to accommodate the accessory parking garage above the stable and the dealership; and
- Special permits for modification of height, setback and signage regulations, and to allow the health club to be located on the same floor as residential use.

THE COMMUNITY'S CONCERNS

Since its purchase of the site in 2006, Two Trees has met many times with various members of the Clinton community to present their plans and listen to the community's responses. The inclusionary housing, the NYPD stable, the food market and the limited accessory parking were included in the project in response to our suggestions. Though we have significant concerns about the scale of the project, Two Trees has dealt with us forthrightly and respectfully and shown a willingness to engage in substantive discussions about all aspects of the project.

Overall Density, Height and Zoning Issues

The overall scale of the project and the height of the proposed tower have generated significant concern in the community.

Two Trees seeks to dazzle with a marvelously creative design from a world-renowned architect, and the design has been guided by some principles we strongly support – keeping building heights lower on 11th Avenue opposite DeWitt Clinton Park, concentrating height on the eastern portion of the site, creating transparent and active streetwalls, using green building design elements, including permanent affordable housing and limiting parking to accessory spaces.

But this project is huge – because the site is large, and because Two Trees is seeking a zoning designation greater than anything around it.

Density and Height. The project site is zoned M1-5. It is within the Clinton Urban Renewal Area, but was never acquired by the City. As such, this property is not subject to the development restrictions of the Clinton Urban Renewal Plan, and it is also excluded from the height and bulk restrictions of the Special Clinton District. The area surrounding the project site has historically contained a mix of low- and mid-rise residential, commercial and industrial buildings, and this is the architectural context that we wish to maintain in the area. CB4's long-held public position has been that the site should be rezoned for predominantly residential use at a density limited to what is allowed in an R&A zoning district – namely 6.02 FAR. This is consistent with the areas

to the south, which are zoned or planned to be rezoned R8 or R8A, and with the large NYCHA Harborview property to the north, which is zoned R8.

The application points to the area's anomalies as evidence of a higher-density context: the 38 story Hudsonview residential development on 51st Street to the south (Mitchell-Lama development on R8 zoning lot), the 39 story Clinton Towers across 54th Street to the north (Mitchell-Lama development on R9 zoning lot) and the 457 foot AT&T switching tower to the east (an architectural eyesore on an M1-5 zoning lot). Other recent exceptions are the Foundry, Westport and Archstone Clinton Projects on R9 or R9-equivalent zoning lots with residential FARs of 7.52. Two of those were projects were sponsored by HPD with substantial public benefits provided in exchange for the additional bulk.²

Yet, Two Trees is seeking an even larger zoning designation of C6-3X, with an FAR of 9.0 with an inclusionary housing bonus. This is significantly out of scale with the existing area context and would set an unfortunate precedent for zoning on the four remaining private development sites in the CURA³ and in the 11th Avenue corridor to the south.

On November 18, 2008 we received a letter from Two Trees offering to amend the ULURP applications in several respects. The main feature of this "Consensus Proposal" is to remove one complete residential floor from the building. This reconfiguration would reduce the project's total FAR to 8.55, and its height to 317 feet (330 feet including enclosed mechanicals). Thus, the project would include less density than the Archstone Clinton project (8.71 FAR), and its overall height would be comparable to the Archstone Clinton project (325 feet including enclosed mechanicals).

We reluctantly accept this Consensus Proposal. We wish we didn't have to. But the pre-ULURP negotiations over this project are over, the ULURP process has started, and the Consensus Proposal is better than the original proposal.

Zoning Designation. Two Trees seeks a C6-3X zoning designation, with a text amendment to allow the automobile dealership and the NYPD stable. By DCP's own description,

"C6 districts permit a wide range of high-bulk commercial uses requiring a central location. Most C6 districts are in Manhattan and Downtown Brooklyn and permit corporate headquarters, large hotels, entertainment facilities, retail stores and high-rise residences in mixed buildings." (Zoning Handbook p. 62.)

² The Foundry project, completed in 2000, included the preservation and rehabilitation of the Site 5 HDFC. The Archstone Clinton project, completed earlier this year, includes 60,000 square feet of not-for-profit theater space, 21,700 square feet of public open space, preservation of the Oasis Community Garden, and the City's commitment to make the remaining City-owned sites on blocks 1080 and 1081 available for affordable housing and not-for-profit uses.

³ These sites are the Triangle building at 525 West 52nd Street; 706-716 Eleventh Avenue (between 50th and 51st Streets); 802 Eleventh Avenue (between 55th and 56th Streets); and the Clinton Manor parking lot at 535 West 51st Street.

That zoning is not right for this neighborhood or for this project.

This project is fundamentally a residential project in an area where new development has been, and is planned to be, predominantly residential. Thus, the zoning designation here should favor residential development. Densities should, as much as possible, be consistent with surrounding land use patterns and with the Eleventh Avenue rezoning now being discussed by CB4 and the Department of City Planning. DCP's draft proposed zoning for the east side of Eleventh Avenue to a depth of 100 feet between 45th and 52nd Streets (excluding 46th-47th) is R8A. The Two Trees site should be rezoned R8A within 100 feet of Eleventh Avenue and R9A on the balance of the site. We understand that Two Trees has discussed such a zoning designation with DCP staff. We urge those discussions to resume.

We understand DCP staff prefers a commercial zoning designation at this site because of the extent of the commercial use planned for the Mercedes dealership, as well as the provision for the health club located on the first residential floor above the parking garage. But the vast majority of the dealership's floor area will be below grade and will not count as zoning floor area. And Two Trees is seeking a special permit to modify height and setback requirements and a zoning text amendment for the dealership and the stable anyway; the same special permit and text amendment, expanded to allow the health club use, could be used for an alternate zoning designation. To us, therefore, the insistence on a commercial zoning designation for a project that is fundamentally residential is hard to understand. However, if the zoning designation must be commercial, a C2-7A designation would seem far more appropriate, because it is "predominantly residential in character," (Zoning Handbook p. 54), and would seem to fit the reduced density "Consensus Proposal." C2-7A is also already present in the area, mapped on the west side of Tenth Avenue between 54th and 59th Streets.

Whatever the zoning, transient hotels (Use Group 5) and large entertainment facilities (Use Group 12) should not be allowed, because they are incompatible with residential use.

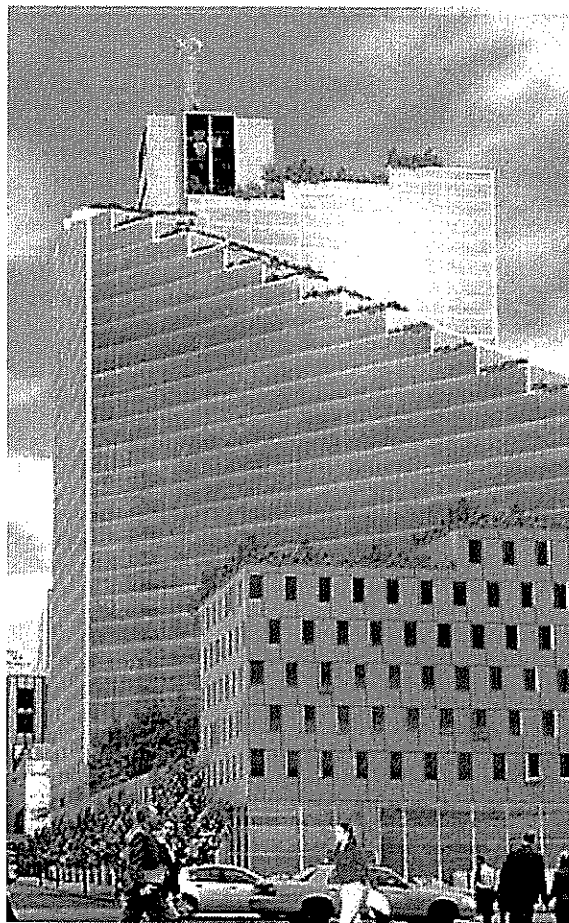
Zoning text amendments. We support the proposed zoning text amendments to accommodate an inclusionary housing bonus, subject to further modification consistent with our recommendations above on the zoning designation. We also support the proposed zoning text amendment of ZR Section 96-80 to allow the dealership and stable uses and to extend the floor area exclusion, which is normally applicable below 23 feet, to include the proposed accessory parking garage, with a height of 28.5 feet, on the floor above the stable. However, we recommend two further changes in the proposed text for ZR Section 96-80:

- It should be further limited to sites larger than 90,000 square feet, because automobile showrooms would not be appropriate on Tenth Avenue; and
- For clarity, insert "and," between "dwelling units," and "should" in the fifth line, and a comma after "23 feet" in the sixth line.

Project Design

The project's strikingly modern design proposal, involving the unusual stepped Z shape, and facades of gray and glass is unlike anything in the neighborhood. It will stand out from its surroundings rather than fit in.

Some in our community and beyond are excited by the project's design. Others are appalled. The renderings in the application tend to make the building's density and height appear less intimidating than many of us fear it will be. Those renderings omit an image that emphasizes the effect of the diagonal glass slab even without showing the context of the surrounding buildings and the park. In context the effect will be even greater.



In our discussions with Two Trees, we have asked them to investigate alternatives of façade treatment that would break up the monumentality of the solid Eleventh Avenue façade opposite DeWitt Clinton Park. They obliged with several images, about which Two Trees was non-committal and we were unable to reach consensus. In addition we were surprised to note that while the renderings show the façade in varying shades of

gray, the intention is to clad the entire façade in a single shade with perforations for HVAC vents. We urge continued discussions to do something to differentiate the building's façade to provide relief from the solid slab.

Permanent Affordable Housing.

Two Trees has planned from the outset to use the State Housing Finance Agency's "80/20" program to finance a portion of the development. As a result, 20% of the residential units are planned to be affordable to low-income households. Under the original proposal, 180 of a total 900 units would be permanently affordable. Under the Consensus Proposal, 169 of a total 845 units would be permanently affordable.

Very early in our discussions Two Trees agreed to develop under the City's Inclusionary Housing Program, with the result that all of the low-income units will remain affordable in perpetuity, rather than just for the terms of the HFA bonds and the 421-a tax exemption. This is a significant benefit of the project to our community.

The Inclusionary Housing Program is proposed to be amended to accommodate this project, with a base FAR of 7.0, bonusable to 9.0 at a rate of 1.25 square feet for each square foot of lower income housing. By our calculations, the 9 FAR project described in the applications would require an additional 3,697 square feet of affordable housing (approximately 5 units) to achieve the maximum bonus. By the same calculations, the 8.55 FAR Consensus Proposal would produce 21,540 more square feet of affordable housing than is required for the maximum bonus for this site. The inclusionary housing program rules would allow that excess to contribute to a bonus on another site. However, reducing the density of this project to address this community's concerns must not result in increased density elsewhere. Any excess bonus development rights must go unused.

Two Trees has assured us that it is their practice, which will be continued with this project, to distribute the affordable units evenly on all residential floors and to provide the same fixtures and finishes in the market rate units and the affordable units. We commend Two Trees for this practice, which few other developers adopt voluntarily.

The proposed residential units will be predominantly studios and one-bedroom units, reflecting Two Trees' assessment of the demand for market rate units. This emphasis on smaller units encourages a transient population. The demand for affordable units, and the community's desire for family-friendly development, favors larger family-sized units. Unfortunately, HFA and 421-a requirements mandate an identical mix of unit sizes for the market-rate units and the affordable units. We would prefer that there be more affordable 2-bedroom units, and fewer affordable studios and 1-bedroom units. At least 20% of the affordable units should be 2-bedroom units or larger. With HPD's support, we are seeking to discuss this matter with HFA. Should those discussions prove successful and HFA guidelines be modified to allow it, Two Trees has agreed to change the mix of affordable units, within the 20% of the residential floor area devoted to affordable housing, to include more 2-bedroom units. We recognize that this may result in fewer (though larger) affordable units overall.

The Market.

The market was originally included in the project at our request, because the community is keen to attract an affordable grocery store. As originally proposed, the market would have been 16,000 gross square feet. As the Mercedes dealership and the NYPD stable have expanded, the space available for the market has shrunk to 5,493 zoning square feet. This is not large enough for the kind of grocery store the community needs.

As a result, Two Trees has proposed, and we agree, that the space on the 54th Street side of the project that is now designated for the market should be used for a not-for-profit or community facility use by a user to be selected through a community-based process. Two Trees will make this space available for long-term lease to any designee of CB4 for a nominal annual rent, and has expressed its commitment to work with us to accommodate and support the selected user. We are grateful for this commitment, and look forward to working with Two Trees to implement it.

NYPD Stable

The NYPD Mounted Unit stable is being included in this project at our suggestion, and we are pleased that Two Trees has been willing to take up the challenge of including this important public facility in this project. The stable has been at a variety of locations in CD4 for many years, providing a reassuring police presence, sidewalk entertainment for residents and visitors alike, and fertilizer for neighborhood gardens. The Unit is now temporarily located on Pier 76 at 36th Street, in facilities it must vacate pursuant to a Memorandum of Understanding between the City and the Hudson River Park Trust. However, negotiations between Two Trees and the City are ongoing, and the City has not yet made a commitment to this project. When a deal is reached, an additional ULURP application will be required for public facility site selection.

In the unlikely (and disappointing) event that the NYPD negotiations fall through, we have requested and Two Trees has agreed that the space on the 53rd Street side of the project that is now designated for the NYPD stable should also be used for a community facility use by a user to be selected by Two Trees in consultation with CB4. We recognize that the financial terms for any such alternate user must generally be revenue-neutral to Two Trees.

Parking Garage

The application states that the project includes accessory parking for up to 225 cars, but Two Trees' presentations indicate that the project will include only 175 accessory spaces for cars (140 for residents and 35 for the NYPD stable). The residential garage will be located above the dealership and the stable, and accessed via ramp from 53rd Street. It will be an unattended self-park facility with spaces rented to building residents on a monthly basis. No hourly transient parking will be allowed. Prioritized spaces will be provided for car-share services like Zip Cars, and for alternate fuel vehicles. In addition,

the garage will include space for 600-700 bicycles. By eliminating public parking and providing space for alternate means of transportation, Two Trees has developed a parking plan that we strongly endorse. We hope it becomes a model for other developers.

The main features of the parking plan must be made permanent through a restrictive declaration or comparable enforcement mechanism.

The Auto Dealership

Auto dealerships have historically been located along Eleventh Avenue in this area. Because of its role in the City's economy, it is a use we accept. However, the proposed Mercedes dealership is enormous – 330,000 square feet, most of it located on three levels below grade.

The dealership will be accessed by a central ramp with curb cuts on both side streets. This makes the dealership accessible from both east and west, which will reduce traffic impacts. The DEIS estimates that the dealership's service facility could generate as many as 50 vehicle trips during peak hours in the morning and afternoon. This raises concerns about vehicle queuing, which must not be allowed on the sidewalks or streets around the project site. However, the service facility will be located on the first floor below grade. Drivers will not encounter service personnel until they reach the lower level, where there appears to be ample space for cars to be stored awaiting check-in. The facility appears to be well designed to avoid sidewalk queuing.

The requested land use actions include a modification of the signage regulations to accommodate the dealership. The applicable regulations limit signage across the street from a large public park or a residential zoning district to 150 square feet for non-illuminated signs and 50 square feet for illuminated signs, with a maximum height of 25 feet. This affects all 3 streetwalls of the proposed project. The application seeks to increase the size of the allowed signage to 500 square feet per establishment, and a maximum height of 30 feet above the curb.

The application provides no details about the dimensions and location of the proposed signage, but argues that larger signs are necessary "to provide the driving public with necessary dealership location and directional signage." That's nonsense. With two-story glass windows at the base of this striking building, the dealership will be a beacon visible from the West Side Highway, with or without signage.

We asked Two Trees to show us the signage Mercedes proposes. We were shown a rendering and plans with a single dealer sign of 372 square feet (69'x5.5') on the Eleventh Avenue façade, with a maximum height less than 20', and square "star modules" (the Mercedes logo) of 46 square feet, one on each of the street frontages. All four signs would be illuminated.

The dimensions of the proposed signs are not inappropriate, particularly considering that the dealership extends across the entire Eleventh Avenue block front, 200 feet along 54th

Street and 100 feet along 53rd Street. We are concerned, however, about the effect of light from the signs shining into neighboring residential buildings on 53rd and 54th Streets. Signage must comply with Section 42-53 of the Zoning Resolution, ensuring that lighting is not directly projected into residences and prohibiting flashing illumination. We are also concerned that light from the showroom windows may disturb neighboring residents at night. On the other hand, the lit windows will make the sidewalks safer at night.

We request a commitment from Mercedes to work with us to address these and any other quality of life issues that may arise as the dealership becomes operational.

Managing curb cuts

The project design includes 4 curb cuts on 53rd Street east of one of the building's residential entrances, for the accessory parking garage, the NYPD Mounted Unit facility, the Mercedes service facility and dealership loading. One curb cut is proposed on 54th Street west of the other residential entrance, for the Mercedes service facility. The curb cuts are appropriately located, but must be carefully managed with signage and warning systems to avoid accidents with pedestrians.

Environmental impacts

Schools. The DEIS projects a need for an additional 108 elementary school seats as a result of this project. This emphasizes the need to plan the expansion of PS51 to provide additional elementary school seats, rather than introducing intermediate school seats. We request the City's renewed commitment to the PS51 expansion project.

Open space. The DEIS also reports that this enormous project will further decrease the area's already paltry open space ratio, placing additional demand on DeWitt Clinton Park. The park is now undergoing renovation of the ball fields and other capital improvements, but more is needed. To mitigate the impacts on the park, and to improve and sustain the park as an amenity for all area residents, Two Trees has expressed a willingness to contribute \$50,000 per year to support the park for the life of the project. The funds could be used to supplement DPR's annual operating budget for DeWitt Clinton Park, or for capital improvements in the park. This offer should be enthusiastically accepted, developed in greater detail while the ULURP process continues, and embodied in a restrictive declaration or comparable enforcement mechanism.

NOW, THEREFORE, BE IT RESOLVED that Manhattan Community Board No. 4 recommends denial of ULURP Applications No. C 080008 ZMM, N 080009 ZRM, C 0800010 ZSM and C 080011 ZSM unless the following conditions are met:

1. The applications are amended to reflect the Consensus Proposal, with a total project FAR limited to 8.55 and a roof height limited to 327 feet (337 feet including enclosed

mechanicals). Should development plans for the site change, this maximum height and density must continue to apply.

2. Zoning must be R8A within 100 feet of Eleventh Avenue and R9A on the balance of the site, with a commercial overlay and text amendments to accommodate the proposed uses reflected in the applications.

3. The text amendment proposed for ZR Section 96-80 must be further limited to apply only to sites larger than 90,000 square feet.

4. All bonus development rights generated under the Inclusionary Housing Program must be used on-site, or not used at all.

5. Affordable units must be evenly distributed on all residential floors, and provide the same fixtures and finishes as the market rate units.

6. State regulations permitting, at least 20% of the affordable units must be 2-bedroom units or larger.

7. The space now designated for the market must be used instead for a not-for-profit or community facility use by a user to be selected through a community-based process at a nominal annual rent.

8. Should the NYPD Mounted Unit not take the space designated for it, that space must be used for a community facility use by a user to be selected by Two Trees in consultation with CB4.

9. All of the above commitments and the main features of the parking plan must be made permanent through a restrictive declaration or comparable enforcement mechanism.

10. Two Trees must develop and implement a plan to fill as many of the development's permanent jobs as possible with residents of Community District 4.

11. Illuminated signage must comply with all applicable regulations, including ZR Section 42-53.

12. Mercedes must commit to work with us to address quality of life issues that may arise as the dealership becomes operational.

13. Curb cuts must be managed with signage and warning systems to avoid accidents with pedestrians.

14. Two Trees' offer to contribute annually to support DeWitt Clinton Park must be embodied in a restrictive declaration or comparable enforcement mechanism.

15. Street trees must be planted, in accordance with the Zoning Resolution.

AND FURTHER RESOLVED that CB4's acceptance of the Consensus Proposal arises out of the unique circumstances of this project and this site, and must not be interpreted as precedent-setting for, or a change in any of our stated positions concerning, the rezoning of other areas in the Special Clinton District including, in particular, the PS51 Affordable Housing Site and the Eleventh Avenue rezoning. If anything, these actions renew our determination to complete the rezoning of the PS51 Affordable Housing Site and the Eleventh Avenue corridor and implement our previously-articulated planning priorities.

Sincerely,



Jean-Daniel Noland
Chair



Anna Hayes Levin, Chair
Clinton/Hell's Kitchen Land Use Committee

Cc: DCP Calendar Office
DCP – Edith Hsu-Chen, Erika Sellke
Two Trees – David Walentas, Jed Walentas, Bonnie Campbell
Wachtel & Masyr – Raymond Levin, Esq.
MBPO – Anthony Borelli, Mike Kent
Speaker Quinn's Office – Kate Seeley-Kirk, Melanie Larocca
City Council Land Use Division – Danielle DeCerbo

CLINTON PARK

OVERVIEW:

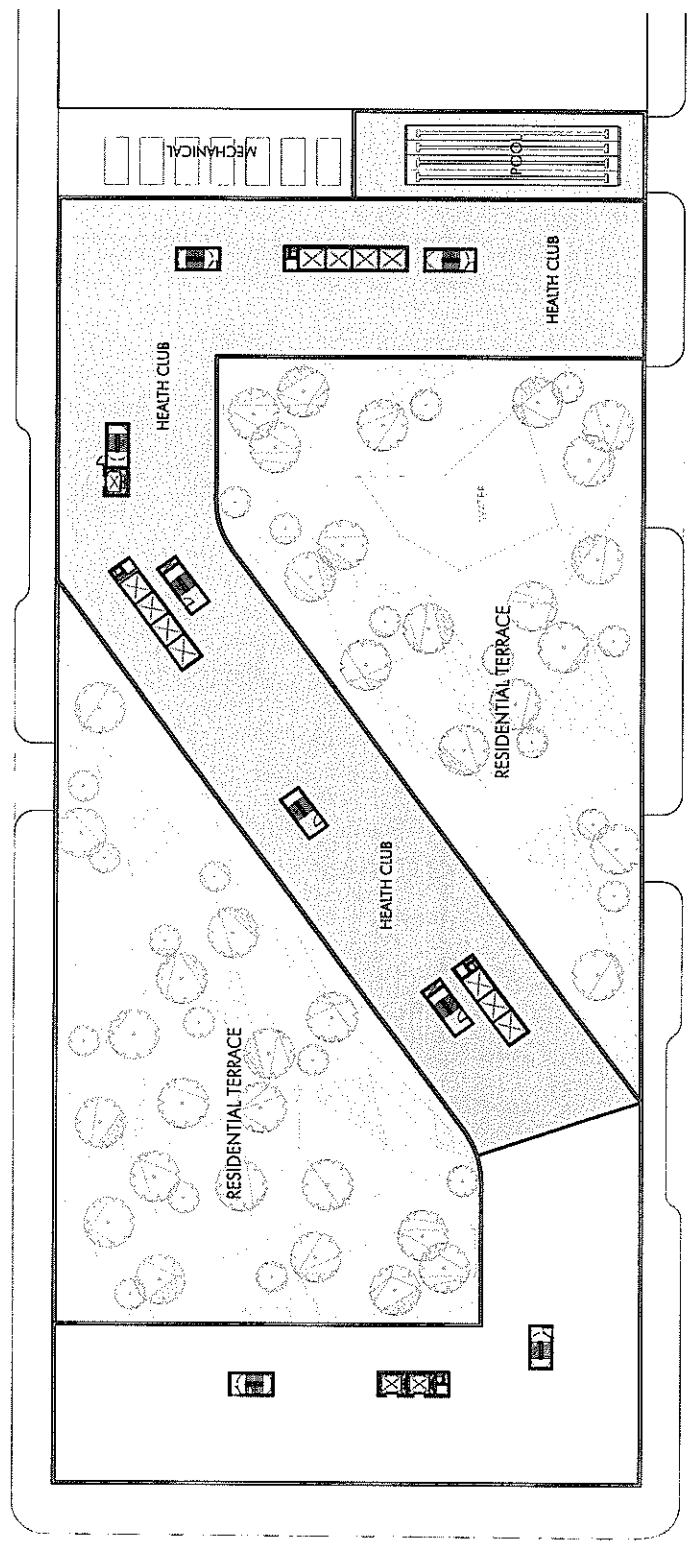
Two Trees Management Company is pleased to introduce a major mixed-use project on Manhattan's west side, on 11th Avenue between 53rd and 54th Streets. The proposed project, designed by architect Enrique Norten, includes:

- Approximately 900 high quality rental apartments (including 180 permanently affordable units);
- A new permanent facility for the NYPD Mounted Unit horse police;
- An auto dealership showroom on 11th Avenue with 3 levels of below-grade service and maintenance;
- A neighborhood market;
- A large health club with a full size swimming pool and state of the art fitness equipment (open to the public);
- More than an acre of landscaped open space for residents;
- Accessory parking (175 spaces) for residents and NYPD officer vehicles, as well as parking for 700 bicycles.

MAJOR BENEFITS:

- The project will transform a currently vacant lot into a vibrant, architecturally significant mixed-use building that fits well within the surrounding community.
- With \$450 M in hard costs, the project will provide nearly 4,000 direct and indirect construction jobs and will be built entirely with union labor.
- The finished building will provide over 450 permanent full-time jobs, including 32BJ building service jobs.
- 180 permanently affordable rental apartments will enable people that work in the neighborhood (such as teachers, theater professionals, police officers, etc.) to live in the neighborhood.
- The building will be a LEED Certified "green building" which will be a model project for reduced energy consumption, reduced emissions, use of renewable and recyclable materials, green roofs, and indoor air quality.
- The project ensures that a major auto dealership will stay in the neighborhood (rather than relocating to New Jersey) and will preserve more than 300 well-paying jobs and significant sales tax revenue for the City.
- The mix of retail and residential uses will activate the street with people contributing to a safer, more pedestrian-friendly environment.
- Moving the NYPD Horse Stable from its current location on the west side piers (next to the tow-pound) will free up the piers for the Hudson River Park extension, which provides recreation opportunities for all west side residents.

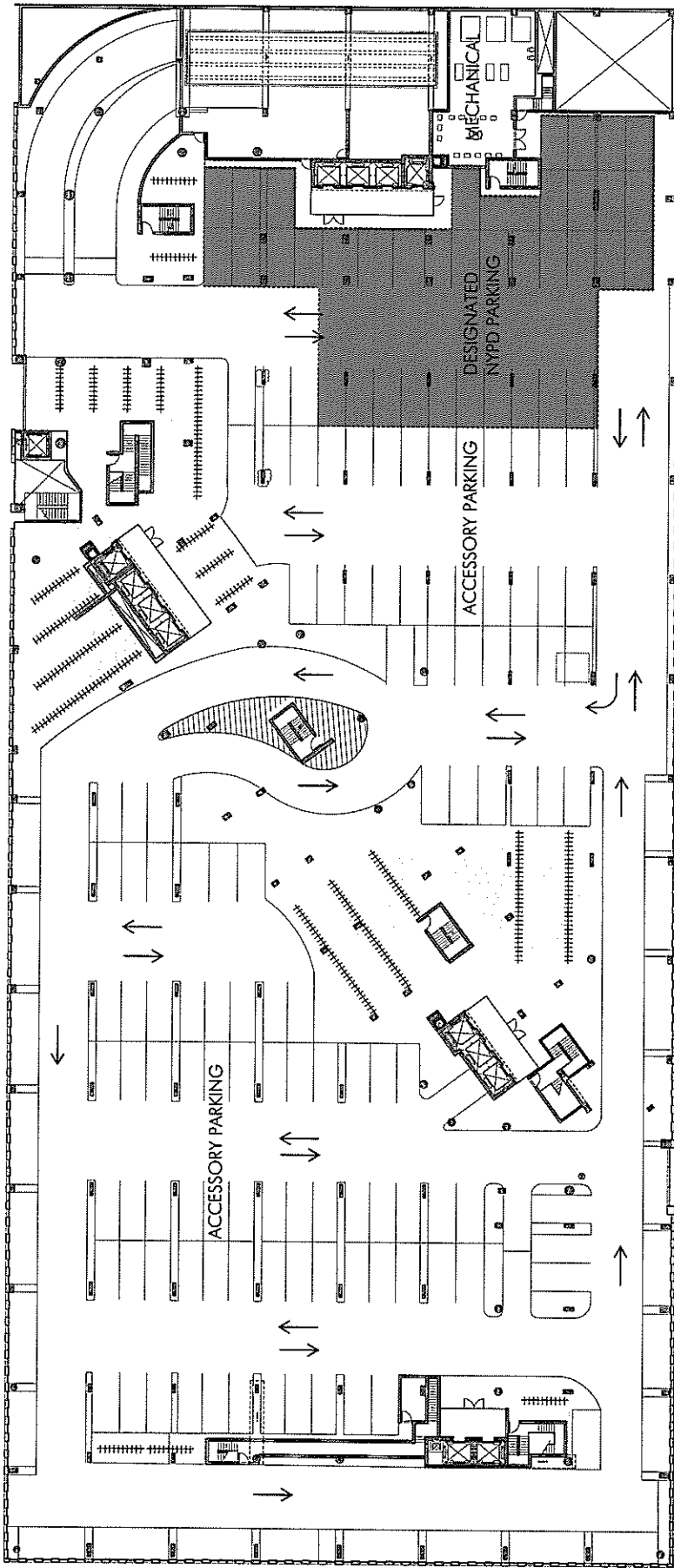
54TH STREET



11TH AVENUE

53RD STREET





NYPD SPACES 35 SPACES
 BIKES 600-700 SPACES
 ACCESSORY PARKING 140+

TENARQUITECTOS
 22 WEST 19th STREET, 9th FLOOR
 NEW YORK, NY 10011
 T: 212.692.0794 F: 212.692.0798

CLINTON PARK
NEW YORK CITY

PROPOSED PARKING LEVEL PLAN

© ENGAGE ANDERSON ARCHITECTURE, P.C. 2008

SCALE: 1/32

DATE: 07-08-08

Auburndale Improvement Association, Inc.
P. O. Box 580331, Station A
Flushing, NY 11358
April 20, 2009

New York City Council
Zoning Committee Hearing - North Flushing Rezoning Plan
City Hall
New York, NY 10007

Re: C 090281ZMQ and N 090282ZRY

My name is Henry Euler and I am the first vice president of the Auburndale Improvement Association, Inc. I also am a member of Community Board 11, Queens.

I am in favor of both the North Flushing Rezoning Plan and the Zoning Text change that will allow the use of the new R1-2A designation. My civic association enthusiastically supports both measures as well. I urge this committee as well as the entire New York City Council to approve both measures.

North Flushing, Broadway-Flushing, North Auburndale and Northwest Bayside have been clamoring for contextual rezoning for several years. It was very important to review the zoning designations in these areas since they had not been checked since the 1960s and were therefore outdated. Rezoning will help preserve the character of these communities and curb overdevelopment and inappropriate development.

I also am pleased to see that the commercial overlays in the rezoning area will be reduced from 150 feet to 100 feet. This will further limit encroachment by businesses into residential areas. This is a big plus for our neighborhoods.

One of the tools that will help protect neighborhoods in the Broadway-Flushing area of the rezoning is the new R1-2A zoning designation. Most of the homes in that area are situated on large lots and were classified under the R1-2 designation. But that designation has loopholes which allow certain developers to construct out of context structures in that neighborhood. R1-2A closes most of these loopholes, allowing for a more consistent and desirable outcome when new homes are built.

My one reservation regarding the R1-2A designation is that it allows for a 25 foot street wall height rather than a 21 foot street wall height. Other than that concern, I feel that this designation will foster positive results when new construction is done in the Broadway-Flushing community.

My hope is that the proposed Broadway-Flushing historic district will ultimately be designated by the Landmarks Preservation Commission. The vast majority of the residents want that designation and the community merits landmark status. Since part of the proposed historic district extends into the Auburndale area covered by my civic association, I am particularly aware of how strongly the community wants the district designated. I hope

that we can count on your support in the quest for gaining landmark status for the proposed Broadway-Flushing historic district.

It is my understanding that a one block area of Beechhurst has been attached to the North Flushing Rezoning Plan. I have been told that some type of omission occurred during the Whitestone rezoning and this particular block in Beechhurst was affected. This block will be upzoned from R1-2 to R2. My one concern with this is that no precedent should be set whereby in future rezonings, other blocks in different communities already rezoned could lobby for upzoning changes. That would be counter-productive to our efforts to preserve the character of our communities.

I would like to point out that South Auburndale, Oakland Gardens and Hollis Hills are still waiting to be rezoned. I know that City Planning is currently working on a proposal to rezone these communities and an announcement of the rezoning plan has been promised for this Spring. It is imperative that this rezoning be completed as soon as possible so that all of Northeast Queens is properly zoned and not targeted by those who put profits ahead of community stability.

You should also know that at all of the meetings that were held regarding the North Flushing Rezoning Plan and the new R1-2A designation, there was overwhelming support from the community for the two measures. Community Boards 7 and 11 approved them and all civic associations in the rezoning area support them.

I would like to thank Councilman Tony Avella for his leadership in making sure that all communities are contextually rezoned, State Senator Frank Padavan for his support of these two measures, and Urban Specialist Paul Graziano for all of his hard work in doing preliminary plans for the rezoning. In addition, the Queens office of City Planning did a great job and listened to and addressed all of the concerns and issues raised during this project. Queens Chair John Young and Planner Brendan Pillar both deserve high praise!

I must also mention the hard work that both Community Boards 7 and 11 did. Zoning Chairs Tyler Cassell and Christine Haider were particularly effective in bringing these two measures along for approval. Also to be thanked are Eugene Kelty, Chuck Apelian, Marilyn Bitterman, Steve Newman, Jerry Iannece and Susan Seinfeld.

Civic association leaders, including the president of my association, Terri Pouymari, worked tirelessly to bring about these measures. Our umbrella organization, the Queens Civic Congress, has also been a staunch ally in producing these desirable changes.

In closing, I just must comment how wonderful it was to see the entire community come together to support the rezoning plan and the new R1-2A designation. The spirit of cooperation guaranteed the fine results that have been brought forth. It is a role model of the way we should all work together to produce positive changes for our communities.

Thank you for giving me the opportunity to testify at this hearing.

Sincerely,

Henry Euler, First Vice President

Auburndale Improvement Association, Inc.



Statement to City Council – City Hall
North Flushing Rezoning & R1-2A Text Amendment

Good morning Councilman Avella, and other council members. My name is Tyler Cassell. As the president of the North Flushing Civic Association, and a member of Community Board 7, and a homeowner in the area, I must say that this is a joyous day. We have been seeking rezoning for over 10-years now, and that day is now close at hand.

Over the years we have fought to preserve the low-density residential qualities of our community. Sometimes we won, but very often we lost. We continued to lose many battles due to the out-of-date zoning that has been in place since 1961. Over the last 4 years we watched impatiently as other communities around us were rezoned. Now our turn is here at last and we are pleased to be here today to ask your support.

The North Flushing Rezoning proposal covers 257 blocks contained in 2 Community Boards – Community Board 7, and Community Board 11. This was an opportunity for both Community Boards to work together, and we did so in true community spirit. At a joint public hearing, we drew over 200 members and homeowners to discuss the zoning proposal. Both Community Boards have voted overwhelming in favor of the proposal, and overwhelmingly in favor of the new R1-2A text. The new R1-2A text was specifically created to help preserve the lowest density parts of our communities. The city has very few of these zones left, so it is extremely important to save them.

I want to thank Borough President, Helen Marshall, for her leadership in the Borough. I want to personally thank Borough Director of City Planning, John Young, Brendan Pillar, and the Queens staff that have worked so hard and diligently on this and other rezonings in Queens. Without their knowledge, dedication, and spirit of cooperation, we would not be here today. It is very rare that a City has such dedicated public servants on one team, in one City agency, at the same time. We salute them for a job superbly done.

I also want to thank Councilman Avella for his leadership, tireless dedication, and support, and also the Land Use Committee for their desire to protect the residential neighborhoods from destructive overbuilding.

This rezoning plan is now before you at Council. We urge you to support the rezoning plan and the R1-2A text as presented. We look forward to raising our glasses in a toast when the North Flushing Rezoning and text has been approved by Council.

Thank you very much.

Tyler Cassell

President of the North Flushing Civic Association
Member of Community Board 7
Vice-President Queens Civic Congress
Member Queens Zoning Task Force
109 Police Precinct Community Council

Date: April 20, 2009

**PATRICIA DOLAN
Executive vice-president
QUEENS CIVIC CONGRESS**

**NORTH QUEENS RE-ZONING
R-1-2a ZONING TEXT AMENDMENT**

**City Council
April 20,2009**

Good morning. I am Patricia Dolan, executive vice-president of the Queens Civic Congress, an umbrella organization of more than 110 community and neighborhood associations representing tenants, business owners, co-op and condo owners and homeowners living in every part of Queens. I am also the president of the Kew Gardens Hills Civic Association.

Since its founding, the Queens Civic Congress has made neighborhood preservation and advancing contextual zoning our principal focus of advocacy. So we are especially pleased to be here in support of the Flushing civic groups that have worked so hard and so long to rezone their neighborhoods.

The long awaited R-1-2A zone, which the Congress has supported for the past five years, adds another critically needed element to the planning and zoning toolbox that the city's lowest density neighborhoods need if they are to protect their unique and irreplaceable character. We look forward in the coming months to seeing the Department of City Planning complete additional zoning plans more of the lowest density neighborhoods, which exist in every borough except Manhattan.

At the same time, we wish to remind you that other lower-density neighborhoods continue to wait for text amendments that will protect one-family occupancy homes on narrow lots and one-family occupancy row houses.

The North Flushing rezoning presented challenges, which city planners, local community leaders and residents overcame. They have created a zoning plan that serves residents but allows for orderly growth-that respects what has gone before it-and welcomes the future.

We wish to thank Borough President Marshall for her leadership, which has preserved almost forty Queens neighborhoods and is a model for the other boroughs. And we extend a special thanks to John Young, director of the Queens office of City Planning and his staff, without whose dedicated and insightful guidance this plan would never have been completed. And we wish to extend our gratitude to this committee and to the Land Use Committee, which have protected low density neighborhoods with protection from destructive overdevelopment.

Thank you.

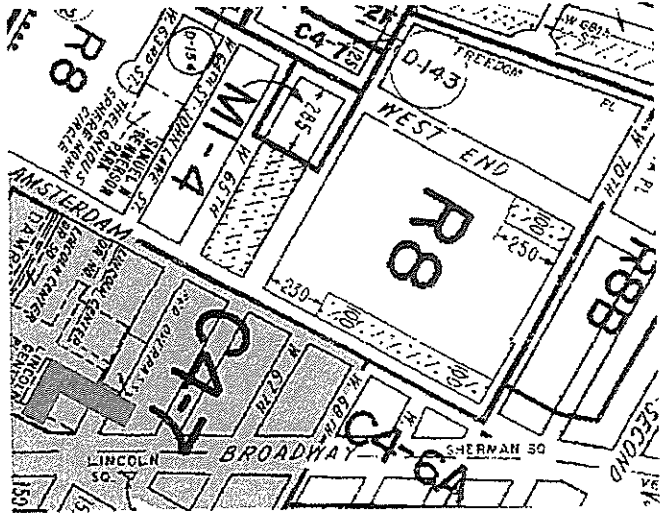
Patricia Dolan/Queens Civic Congress/ POBox 238, Flushing, NY 11363/718 263-1760/
www.queensciviccongress.org

150 Amsterdam Avenue

HANDEL ARCHITECTS LLP

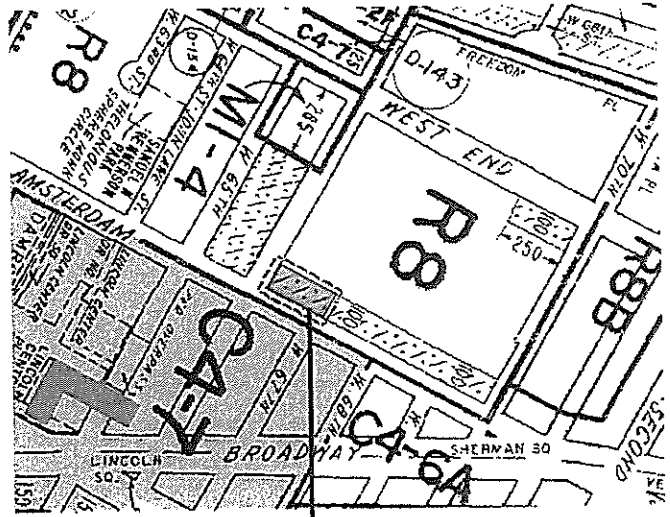
EXISTING ZONING
ZONING MAP 8C

1/1.1' = 02.5'



PROPOSED ZONING

1/1.1' = 02.5'

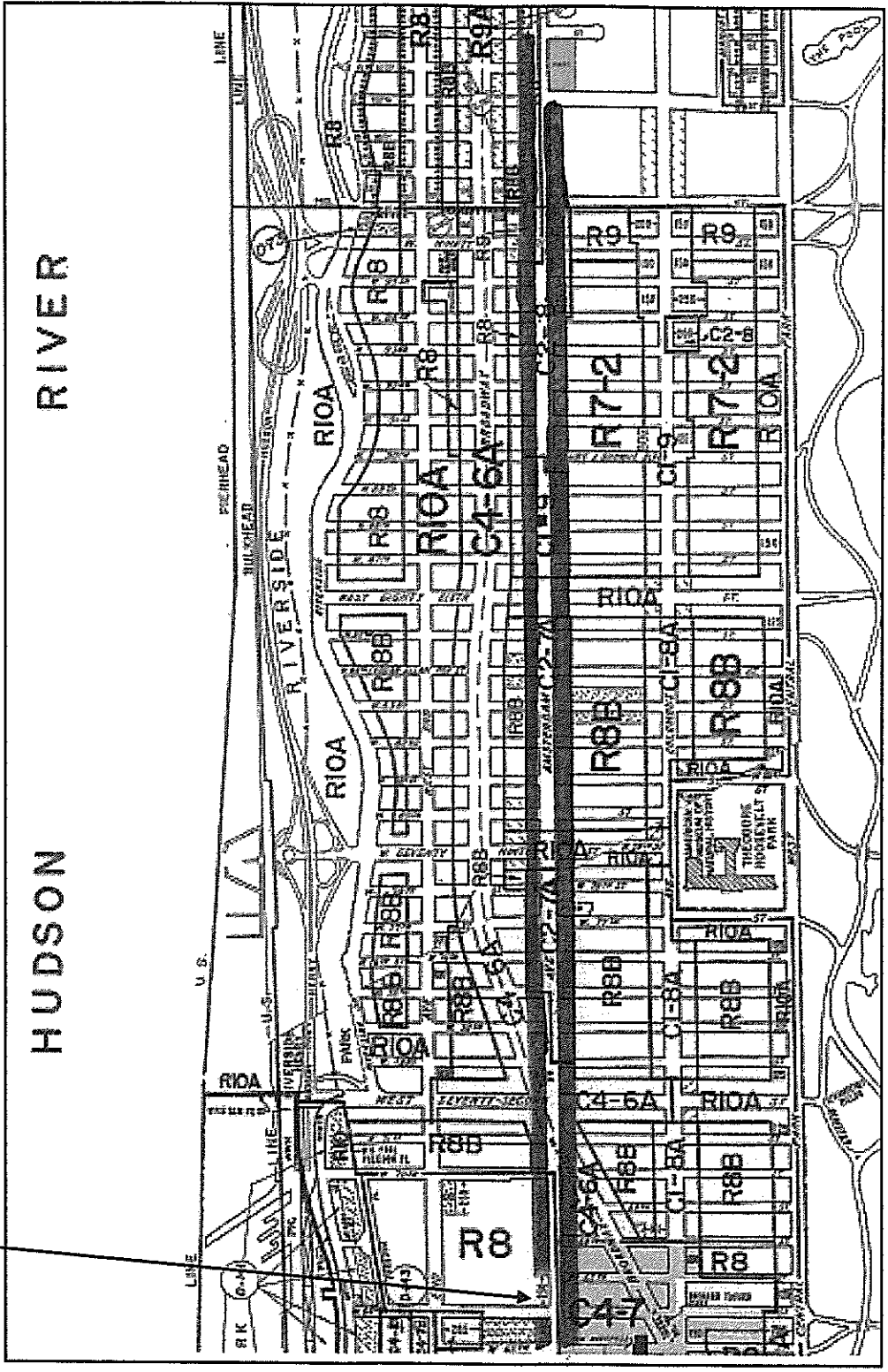


AREA OF PROPOSED
ZONING CHANGE

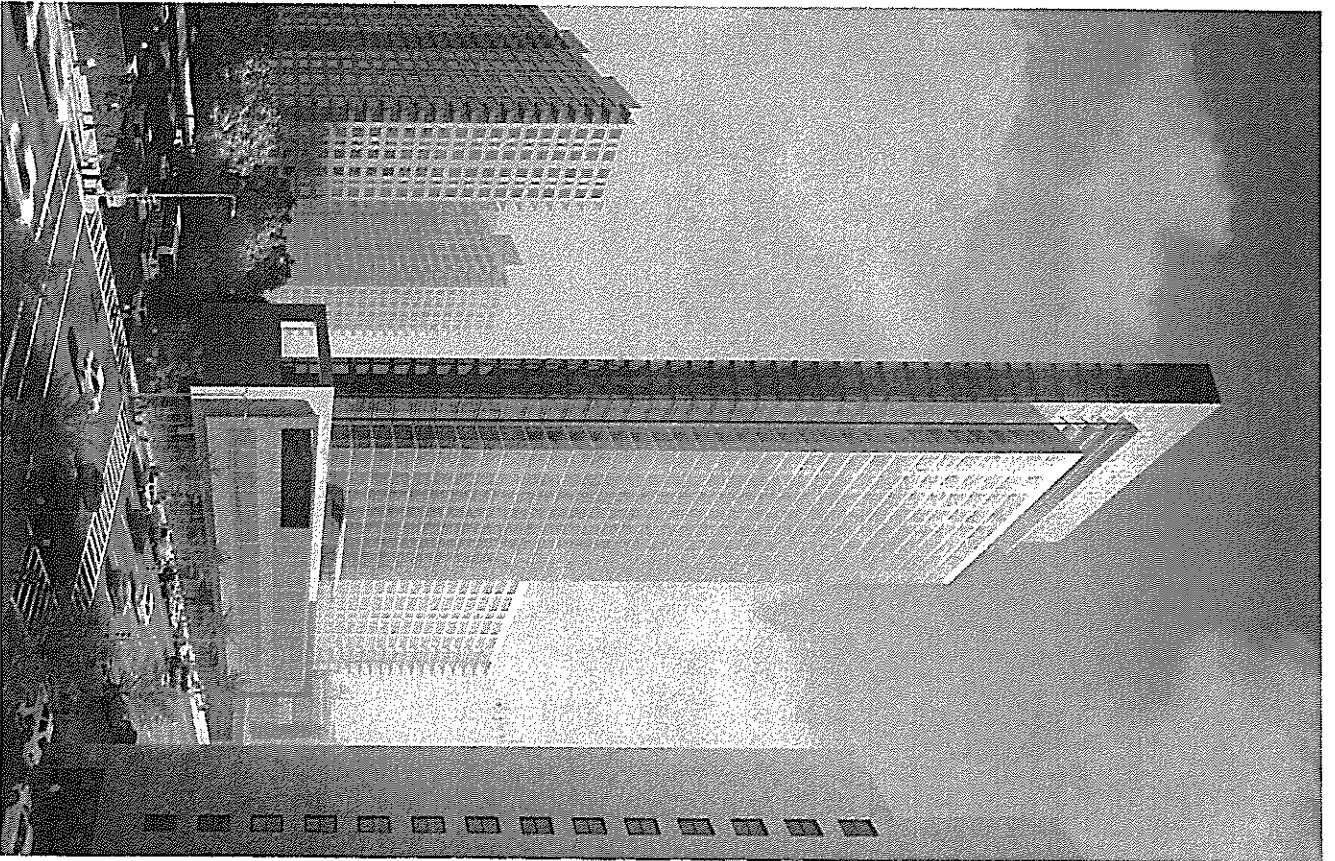
HUDSON RIVER

HUDSON RIVER

Area of Proposed Rezoning

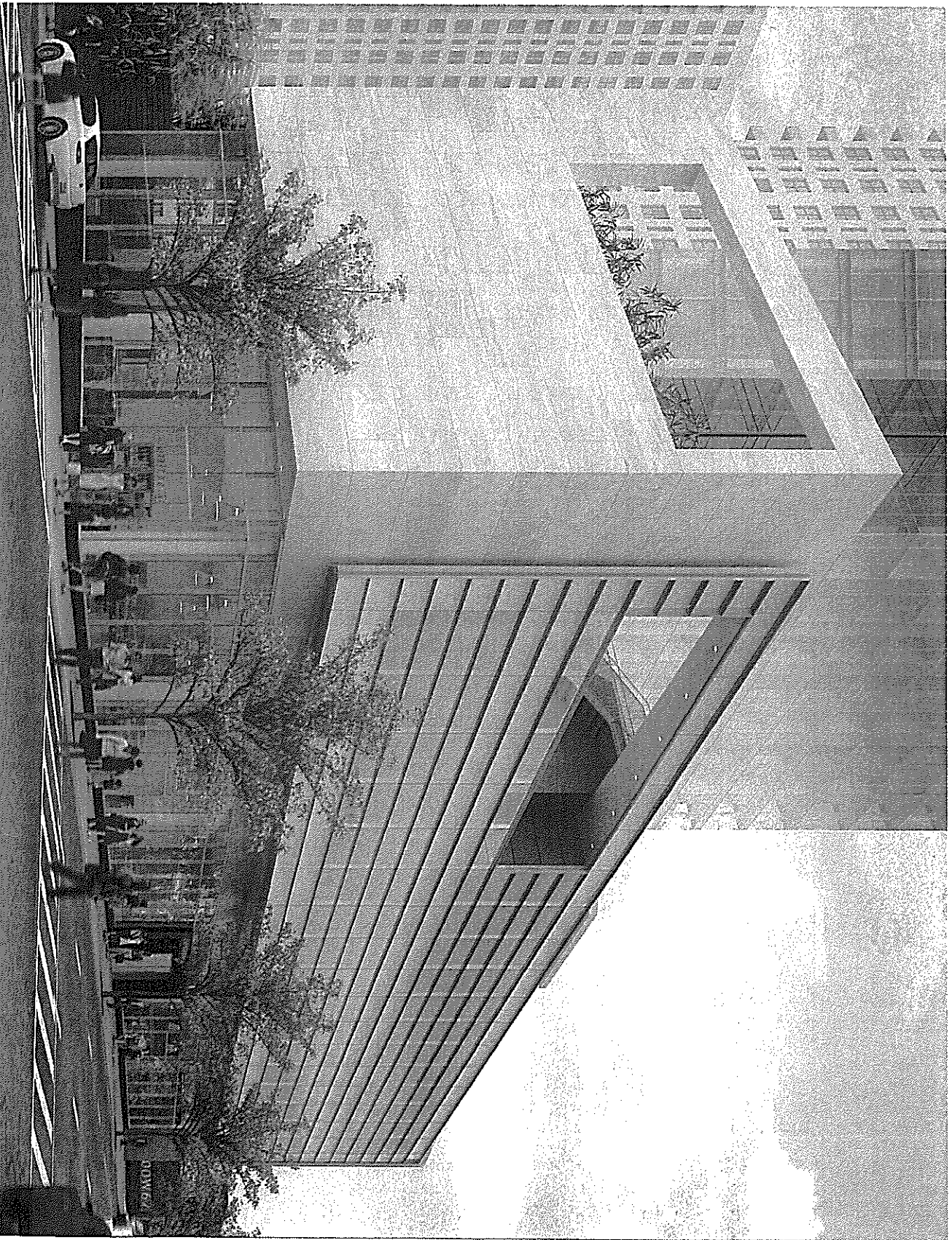


■ Retail Permitted within 100 Feet of Amsterdam Avenue



150 Amsterdam Avenue

HANDEL ARCHITECTS LLP



150 Amsterdam Avenue

HANDEL ARCHITECTS LLP

160 WEST END AVENUE OWNERS CORP.
160 WEST END AVENUE
NEW YORK, NEW YORK 10023

Board of Directors

Melvin Gertner
Meg Hayes
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Gerald Ross
Max Varon

Managing Agent

Cooper Square Realty, Inc.
156 West End Avenue
New York, NY 10023
212.496.5200

February 17, 2009

Re: 150 Amsterdam Avenue Rezoning

The Honorable Amanda Burden
FAICP
Chair, New York City Planning Commission
22 Reade Street
New York, New York 10007

Dear Chair Burden, Vice Chair Knuckles and Honorable Commissioners:

I write to support the application of 150 Amsterdam Holdings LLC for a rezoning on its site at the Northwest corner of Amsterdam Avenue and 66th Street to permit ground floor and below grade retail use.

Our building, 160 West End Avenue, is one of the 8 Lincoln Towers buildings and is the one most directly affected by the 150 Amsterdam project because we are the adjacent property owner. That project, which consists of a 42 story residential building including a 3 story base, is presently under construction and should be ready for occupancy in 2010. The proposed retail use would be on the ground floor of the 3-story base.

The principals of 150 Amsterdam Holdings, and their construction contractor, Bovis Lend Lease, have been excellent neighbors and have gone out of their way to accommodate our needs and make the construction process as painless as possible to our approximately 500 apartment owners. I have had almost no complaints from our residents over the last several months, even while demolition of the old building on the site and foundation excavation was going on.

Hon. Amanda Burden et al.

February 17, 2009

Page 2

The corner of Amsterdam and 66th Street, and the strip along Amsterdam from 66th street running north, on the west side of the street, has been one of the least desirable parts of our neighborhood for many years. Formerly it was the site of the New York Red Cross and New York Blood Center. The sidewalk was never cleaned properly, there was nothing but a concrete wall along the street and the corner was uninviting and appeared dangerous.

A retail presence on Amsterdam Avenue is in our interest because it will bring foot traffic to that part of the neighborhood. Therefore we support the change in use of that parcel.

My experience whenever anyone takes steps to make any change in our area is that a very noisy minority of people will object just because it is a change. Few of those people, actually live nearby. I hope that your body does not overreact to that noisy fringe element of our neighborhood.

I have been president of our building for 21 years and have lived in Lincoln Towers for over 40 years. I have seen the neighborhood change dramatically for the better over that time span. When I first moved to Manhattan, the streets around Lincoln Towers were not safe after dark and sometimes in daylight. I base this on the reports issued every week by our Lincoln Towers security force. Years ago it was common to read about a mugging being reported or a mugger actually apprehended by our people. I haven't seen any reference to such activities for years in those reports.

I am an attorney and routinely work late. I often walk home after 11:00 PM from the bus stop at Broadway and 66th Street. The northwest corner of 66th and Amsterdam has been "creepy" for the 40 years our buildings have been up simply because there was no pedestrian traffic there. A retail store or stores would change that appearance for the better. It would also generate much needed employment opportunities and more tax revenues for the City.

Yours truly,

Gerald E. Ross

Gerald E. Ross
President

CITY PLANNING COMMISSION

March 18, 2009/Calendar No. 7

C 070396 ZMK

IN THE MATTER OF an application submitted by ESP Group LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17b:

1. changing from an M1-1 District to an R7A District property bounded by Clarkson Avenue, a line 100 feet westerly of New York Avenue, a line midway between Clarkson Avenue and Lenox Avenue, and a line 100 feet easterly of Nostrand Avenue; and
2. establishing within the proposed R7A District a C2-4 District bounded by Clarkson Avenue, a line 100 feet westerly of New York Avenue, a line midway between Clarkson Avenue and Lenox Avenue, and a line 100 feet easterly of Nostrand Avenue;

Borough of Brooklyn, Community District 17, as shown on a diagram (for illustrative purposes only) dated November 17, 2008 and subject to the conditions of CEQR Declaration E-224.

The application for an amendment to the Zoning Map was filed by ESP Group LLC on March 21, 2007, and was revised, to include all property within the M1-1 district on block 4837, on October 7, 2008. The Zoning Map amendment would change an M1-1 district to an R7A district with a C2-4 overlay on the southerly side of Clarkson Avenue between Nostrand and New York avenues.

BACKGROUND

The applicant seeks to change an M1-1 district to an R7A district with a C2-4 overlay on the southerly side of Clarkson Avenue to facilitate a mixed use residential, commercial, and community facility development in East Flatbush, Community District 17, Brooklyn. The Zoning Map amendment would affect ten lots on, block 4837, lots 21, 22, 23, 27, 29, 31, 33, and 38 (owned by the applicant), and 44, and 52. It is located on the southerly side of Clarkson Avenue at CD17's boundary with Community District 9 to the north.

The portion of the rezoning area owned by the applicant consists of two-story light industrial buildings and vacant land and once housed the now-defunct Products Finishing Corporation

which produced portable luggage carriers which have become obsolete with the introduction of wheeled luggage. Vehicle parking is presently the primary use on the property, providing a garage and surface spaces; two automobile repair establishments are located here as well.

Lots 44, and 52 within the proposed rezoning area, not owned by the applicant, contain the rear portions of a seven-story apartment building and a one-story pharmacy building, both of which front on New York Avenue.

The remaining properties on the block are predominantly residential with one six-story multiple dwelling and three-story wood-frame houses fronting on Lenox Road to the south, and three-story wood-frame houses fronting on New York Avenue to the east. The westerly end of the block is along the Nostrand Avenue commercial corridor and characterized by attached two- and three-story buildings with ground-floor commercial with residential above and parking facilities.

This surrounding neighborhood is primarily zoned for residential uses (R7-1, R6 and R5) and is mixed in character; the East Flatbush and Lefferts Gardens residential communities are south and north of Clarkson Avenue. Along Clarkson Avenue, to the north and to the east, are Kings County Hospital Center, SUNY Down State Medical Center, Kingsboro Psychiatric Center, and Kingsbrook Jewish Medical Center.

The surrounding area contains a mix of one- and two-family houses, medium density row houses, and high density lot coverage, pre-war apartment buildings.

The existing M1-1 district is a light manufacturing zoning district with a maximum FAR of 1.0 for commercial and light manufacturing uses, and 2.40 for community facility uses. Building envelopes are regulated by the sky exposure plane.

The proposed R7A district is a medium-density residential contextual zoning district with a maximum FAR of 4.0 for residential and community facility uses, a maximum lot coverage for interior lots of 65 percent, a required base height of 40 to 65 feet, and a maximum overall

building height of 80 feet. The C2-4 commercial overlay permits a broad range of commercial retail and service uses. C2-4 has a maximum commercial FAR of 2.0 and commercial uses are restricted to the ground-floor of mixed buildings.

If approved, the applicant proposes to develop the approximately 98,900 square-foot site with a seven-story mixed-use building to be constructed as three attached buildings. Each of the three buildings are proposed to contain approximately 93 condominium units, with accessory underground parking, and ground-level commercial and community facility uses. Front and back building cores off a common open space are utilized in the building design to cover the 200-foot deep lot and maximize access to light and air. The three buildings would have separate entrances from Clarkson Avenue and lobbies with access to circulation cores in the front and back. Garden plaza open space for residents of the buildings would be located on the second level.

Mass transit to the project site is available via IRT 2 and 5 subway lines at the Winthrop Street Station on Nostrand Avenue two blocks north of the site. The B12 bus runs east and west on Clarkson Avenue, and the Brooklyn B44 bus runs north and south Nostrand Avenue.

ENVIRONMENTAL REVIEW

This application (C 070396 ZMK) 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 Procedures of 1991 and Executive Order No. 91 of 1977. This application was determined to be an Unlisted action. The designated CEQR number is CEQR #07DCP056K. The City Planning Commission is the lead agency.

The conditional negative declaration included (E) designations. The placement of (E) designations (E-224) on the zoning map would eliminate the potential for significant adverse impact on the sites and would ensure that appropriate testing, remediation and corrective action, if needed, would be undertaken. The proposed rezoning includes (E) designations for noise and

air quality on the project site (Block 4837, Lots 22, 23, 27, 29, 31, 33, and 38) and (E) designations for noise, air quality, and hazardous materials on an adjacent lot (Block 4837, Lot 44) , as described below. In addition, the applicant has entered into a restrictive declaration for the project site to ensure that the appropriate hazardous materials sampling protocols, including health and safety plans, will occur prior to construction, which would be submitted to the Department of Environmental Protection (DEP) for approval.

The (E) designation for noise would be mapped on Block 4837, Lots 22, 23, 27, 29, 31, 33, 38 and 44. The text of the (E) designation is as follows:

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 30 dB(A) window/wall attenuation on all facades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

With the implementation of the above (E) designation, no significant adverse impacts related to noise would occur.

The (E) designation for hazardous materials would be placed on Block 4837, Lot 44. The (E) designation would require that the fee owner of the sites conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of the NYCDEP before the issuance of a building permit by the Department of Buildings pursuant to the provisions of Section 11-15 of the Zoning Resolution (Environmental Requirements). The (E) designation will also include a mandatory construction-related health and safety plan which must be approved by NYCDEP. The text of the (E) designation is as follows:

Task 1

The fee owner(s) of the lot(s) restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to DEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.

No sampling program may begin until written approval of a work plan and sampling protocol is received from DEP. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is

necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by DEP upon request.

Task 2

A written report with findings and a summary of the data must be presented to DEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by DEP if the results indicate that remediation is necessary.

If DEP determines that no remediation is necessary, written notice shall be given by DEP.

If remediation is necessary according to test results, a proposed remediation plan must be submitted to DEP for review and approval. The fee owner(s) of the lot(s) restricted by this (E) designation must perform such remediation as determined necessary by DEP. After completing the remediation, the fee owner(s) of the lot restricted by this (E) designation should provide proof that the work has been satisfactorily completed.

A DEP-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to DEP for review and approval prior to implementation.

With the implementation of the above (E) designation, no significant adverse impacts related to hazardous materials would occur.

The project also includes (E) designation for air quality on Block 4837, Lots 22, 23, 27, 29, 31, 33, 38 and 44. The text of the (E) designation is as follows:

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning systems use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

With the implementation of the above (E) designation, no significant adverse impacts related to air quality would occur.

After a study of the potential environmental impact of the proposed action (C 070396 ZMK), a Conditional Negative Declaration was issued. The lead agency has determined that the proposed action will have no significant effect on the quality of the environment.

The applicant signed the conditional negative declaration on 11/17/2008. The conditional negative declaration was published in the City Record on 12/3/08 and in the New York State Environmental Notice Bulletin on 12/10/08. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed. No comments were received and the conditional negative declaration was issued on 3/16/09.

UNIFORM LAND USE REVIEW

This application, C 070396 ZMK, was certified as complete by the Department of City Planning on November 17, 2008, and was duly referred to Community Board 17 and the Brooklyn Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 17 held a public hearing on this application on January 14, 2009, and on January 14, 2009, by a vote of 29 to 2 with 5 abstentions, adopted a resolution recommending approval of the application.

Borough President's Recommendation

This application was considered by the Borough President, who issued a recommendation on February 13, 2009 approving the application.

City Planning Commission Public Hearing

On February 4, 2009 (Calendar No.3), the City Planning Commission scheduled February 18, 2009, for a public hearing on this application (C 070396 ZMK). The hearing was duly held on February 18, 2009 (Calendar No. 29). There were three speakers in favor of the application and none in opposition.

The applicant, the applicant's urban designer, and the applicant's attorney spoke in support of the proposal. The applicant stated that his family planned to develop housing on the site after the failure of their light manufacturing business. The applicant's urban designer described the proposed development, and the phasing of its construction. The applicant's attorney described the neighborhood context and need for the proposed development, the population it would serve, and the uses it would provide.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the zoning map amendment (C 070396 ZMK) is appropriate.

The current M1-1 zoning allows light manufacturing and limited retail uses only. The proposed change from M1-1 to R7A with a C2-4 overlay would facilitate development which would be more compatible with the residential character of the East Flatbush neighborhood.

Establishing a C2-4 commercial district over the rezoning area would allow for much needed ground floor commercial uses, extending to the adjacent Nostrand Avenue Commercial corridor. The C2-4 zoning would allow the ground floor of the proposed development to contain retail, which would be in keeping with the mix of residential, commercial, and community facility uses characteristic of this portion of East Flatbush and Lefferts Gardens neighborhoods, and the proposed commercial uses would serve the residential uses nearby.

During its review the Commission had concerns about the proposed project's affordability, the staging of the three buildings and the provision of bicycle parking. In a letter dated February 27, 2009, the applicant stated:

Affordability

The applicant, ESP Group LLC ("ESP"), has spoken with the NYS Affordable Housing Corp (AHC), which provides New York State subsidies to homebuyers earning under 130% of Area Medium Income (AMI). ESP has also met with the Housing Partnership, which works with NYS AHC and other NYC agencies. If a private developer sets aside a significant portion of the development for affordable housing, the Housing Partnership

will provide financial incentives to the developer. It is ESP's intention to work with AHC and the Housing Partnership to make a significant portion of the proposed condominium units affordable to buyers earning from 100% to 130% of AMI.

ESP believes a significant portion of the East Flatbush homebuyers' market will qualify for the affordable housing subsidies. In addition, it is our opinion that the market-rate condo's in East Flatbush sell at a price close to what the affordable units will sell for. Accordingly, we believe our development will be a great success for the neighborhood.

Phasing Strategy

ESP has designed the project so that it can be built in three separate phases to allow for maximum flexibility. ESP intends to build lot 38 first. This will be Phase I, and consists of 65 units, along with underground parking for 115 cars. Phase II will be built on lots 29, 31 & 33, and will consist of 115 units, along with underground parking for 115 cars. Phase III will be built on lots 22, 23 & 27 and will consist of 100 units, along with underground parking for 115 cars.

During the phased construction, ESP intends to continue to operate the existing public parking garage and make improvements to the site. ESP intends to work on the construction documents after the project is approved and anticipates construction will start in

2011 for Phase I. Barring unforeseen circumstances, we anticipate that Phase I will be completed by the end of 2013. Phase II will start in 2014 and be completed in 2016, and Phase III will start in 2016 and be completed in 2018.

Bicycle Parking Requirements

Pursuant to the proposed "Bicycle Parking" Zoning Text Amendment, ESP intends to comply with the current proposed requirements as follows:

ESP will provide required bike racks in a fully enclosed weather protected area located in the cellar garage space of each of the three phases. The space will be designated with an appropriate sign. Based on our interpretation, Phase I of the development will provide space for 40 bicycles, Phase II will provide space for 61 bicycles, and Phase III will provide space for 54 bicycles.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment, subject to the following condition(s):

1. The applicant agrees via restrictive declarations to prepare hazardous materials sampling protocols, including a health and safety plans, which would be submitted to the

Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocols and, if any such impact is found, submit hazardous material remediation plans including health and safety plans to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plans. ; and be it further

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 the consideration described in this report, 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. 17b:

1. changing from an M1-1 District to an R7A District property bounded by Clarkson Avenue, a line 100 feet westerly of New York Avenue, a line midway between Clarkson Avenue and Lenox Avenue, and a line 100 feet easterly of Nostrand Avenue; and
2. establishing within the proposed R7A District a C2-4 District bounded by Clarkson Avenue, a line 100 feet westerly of New York Avenue, a line midway between Clarkson Avenue and Lenox Avenue, and a line 100 feet easterly of Nostrand Avenue;

Borough of Brooklyn, Community District 17 as shown on a diagram (for illustrative purposes only) dated November 17, 2008 and which includes CEQR Designation E-224.

The above resolution (C 070396 ZMK), duly adopted by the City Planning Commission on March 18, 2009 (Calendar No. 7), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chair
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA CAVALUZZI, AIA,
ALFRED C. CERULLO, III, BETTY Y. CHIN, RICHARD W. EADDY,
NATHAN LEVENTHAL, SHIRLEY A. McRAE, JOHN MEROLO,
KAREN A. PHILLIPS, Commissioners

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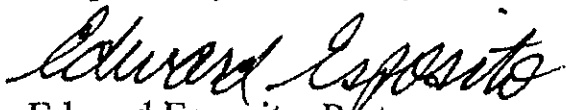
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If you have any further questions or require additional clarification or information, please let me know.

Respectfully submitted,


Edward Esposito, Partner



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M. Burden, FAICP, *Director*
Department of City Planning

March 26, 2009

ESP Group of NY, Inc.
c/o Mark London
M.D. London Associates, LLC
Flanders, NJ 07836

Re: **308-366 Clarkson Avenue Zoning Map Amendment**
CEQR No. 07DCP056K

Dear Mr. London:

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may or will not have a significant effect on the environment. In accordance with this regulation, the City Planning Commission has determined that the proposed action will not have a significant effect on the environment.

Enclosed is the Conditional Negative Declaration for CEQR No. 07DCP056K, 308-366 Clarkson Avenue Zoning Map Amendment, including supporting statements for the finding that the proposed action will not have a significant effect.

The applicant, ESP Group of NY, Inc., is seeking a zoning map amendment from M1-1 and R7-1/C2-3 to R7A/C2-4 for a portion of the block bounded by Nostrand, Clarkson, and New York Avenues, and Lenox Road, in the Rugby/Flatbush section of Brooklyn. The project site includes properties at 308, 312 (312-330), 318 (318-320), 324 (322-328), 326, 350 and 354 (354-366) Clarkson Street (Block 4837, Lots 21, 22, 23, 27, 29, 31, 33, 38, 44 and 52), and is currently comprised of a variety of uses including public parking garages and lots and a manufacturing facility. The proposed re-zoning would facilitate a proposal by the applicant to construct three seven-story mixed-use residential, commercial and community facility structures, including a medical facility and lab, with private open space, accessory and public garages.

The proposed rezoning includes (E) designations for noise and air quality on the project site (Block 4837, Lots 22, 23, 27, 29, 31, 33, and 38) and (E) designations for noise, air quality, and hazardous materials on an adjacent lot (Block 4837, Lot 44), as described below. In addition, the applicant has entered into a restrictive declaration for the project site to ensure that the appropriate hazardous materials sampling protocols, including health and safety plans, will occur

Robert Dobruskin, AICP, *Director*
James P. Merani, R.A., *Deputy Director*
22 Reade Street, New York, N.Y. 10007-1216 Room 4E (212) 720-3420
FAX (212) 720-3495
rdobrus@planning.nyc.gov

prior to construction, which would be submitted to the Department of Environmental Protection (DEP) for approval.

The (E) designation for noise would be mapped on Block 4837, Lots 22, 23, 27, 29, 31, 33, 38 and 44. The text of the (E) designation is as follows:

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With the implementation of the above (E) designation, no significant adverse impacts related to noise would occur.

The (E) designation for hazardous materials would be placed on Block 4837, Lot 44. The (E) designation would require that the fee owner of the sites conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of the NYCDEP before the issuance of a building permit by the Department of Buildings pursuant to the provisions of Section 11-15 of the Zoning Resolution (Environmental Requirements). The (E) designation will also include a mandatory construction-related health and safety plan which must be approved by NYCDEP. The text of the (E) designation is as follows:

Task 1

The fee owner(s) of the lot(s) restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to DEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.

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Task 2

A written report with findings and a summary of the data must be presented to DEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by DEP if the results indicate that remediation is necessary.

If DEP determines that no remediation is necessary, written notice shall be given by DEP.

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A DEP-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to DEP for review and approval prior to implementation.

With the implementation of the above (E) designation, no significant adverse impacts related to hazardous materials would occur.

The project also includes (E) designation for air quality on Block 4837, Lots 22, 23, 27, 29, 31, 33, 38 and 44. The text of the (E) designation is as follows:

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning systems use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

With the implementation of the above (E) designation, no significant adverse impacts related to air quality would occur.

Sincerely,



Robert Dobruskin, AICP, Director
Environmental Assessment and Review Division

cc: Amanda M. Burden, FAICP
City Planning Commissioners
Brooklyn Community Board 12
Gail Benjamin
Robert Kulikowski
Celeste Evans

Pat Bussey
David Karnovsky
Robert Dobruskin
Laurence Farnes
Phil Sperling
Susan Wong
Purnimar Kapur



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

OFFICE OF THE CHAIR

CONDITIONAL NEGATIVE DECLARATION

Project Identification

CEQR No. 07DCP056K
ULURP No.070396 ZMK
SEQRA Classification: Unlisted

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

308-366 Clarkson Avenue Zoning Map Amendment

The applicant, ESP Group of NY, Inc., is seeking a zoning map amendment from M1-1 and R7-1/C2-3 to R7A/C2-4 for a portion of the block bounded by Nostrand, Clarkson, and New York Avenues, and Lenox Road, in the Rugby/Flatbush section of Brooklyn. The project site includes properties at 308, 312 (312-330), 318 (318-320), 324 (322-328), 326, 350 and 354 (354-366) Clarkson Street (Block 4837, Lots 21, 22, 23, 27, 29, 31, 33, 38, 44 and 52), and is currently comprised of a variety of uses including public parking garages and lots and a manufacturing facility. The proposed re-zoning would facilitate a proposal by the applicant to construct three seven-story mixed-use residential, commercial and community facility structures, including a medical facility and lab, with private open space, accessory and public garages.

The proposed rezoning includes (E) designations for noise and air quality on the project site (Block 4837, Lots 22, 23, 27, 29, 31, 33, and 38) and (E) designations for noise, air quality, and hazardous materials on an adjacent lot (Block 4837, Lot 44), as described below. In addition, the applicant has entered into a restrictive declaration for the project site to ensure that the appropriate hazardous materials sampling protocols, including health and safety plans, will occur prior to construction, which would be submitted to the Department of Environmental Protection (DEP) for approval.

The (E) designation for noise would be mapped on Block 4837, Lots 22, 23, 27, 29, 31, 33, 38 and 44. The text of the (E) designation is as follows:

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 30 dB(A) window/wall attenuation on all facades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation

Amanda M. Burden, FAICP, *Chair*
22 Reade Street, New York, N.Y. 10007-1216
(212) 720-3200 FAX (212) 720-3219
<http://www.nyc.gov/planning>

must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

With the implementation of the above (E) designation, no significant adverse impacts related to noise would occur.

The (E) designation for hazardous materials would be placed on Block 4837, Lot 44. The (E) designation would require that the fee owner of the sites conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of the NYCDEP before the issuance of a building permit by the Department of Buildings pursuant to the provisions of Section 11-15 of the Zoning Resolution (Environmental Requirements). The (E) designation will also include a mandatory construction-related health and safety plan which must be approved by NYCDEP. The text of the (E) designation is as follows:

Task 1

The fee owner(s) of the lot(s) restricted by this (E) designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to DEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.

No sampling program may begin until written approval of a work plan and sampling protocol is received from DEP. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by DEP upon request.

Task 2

A written report with findings and a summary of the data must be presented to DEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by DEP if the results indicate that remediation is necessary.

If DEP determines that no remediation is necessary, written notice shall be given by DEP.

If remediation is necessary according to test results, a proposed remediation plan must be submitted to DEP for review and approval. The fee owner(s) of the lot(s) restricted by this (E) designation must perform such remediation as determined necessary by DEP. After completing the remediation, the fee owner(s) of the lot restricted by this (E) designation should provide proof that the work has been satisfactorily completed.

A DEP-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to DEP for review and approval prior to implementation.

With the implementation of the above (E) designation, no significant adverse impacts related to hazardous materials would occur.

The project also includes (E) designation for air quality on Block 4837, Lots 22, 23, 27, 29, 31, 33, 38 and 44. The text of the (E) designation is as follows:

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning systems use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

With the implementation of the above (E) designation, no significant adverse impacts related to air quality would occur.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission (CPC), has completed its technical review of the Environmental Assessment Statement on November 17, 2008, prepared in connection with the ULURP Application (No.070396 ZMK). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

1. The applicant agrees via restrictive declarations to prepare hazardous materials sampling protocols, including a health and safety plans, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocols and, if any such impact is found, submit hazardous material remediation plans including health and safety plans to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plans.

Supporting Statement:

The above determination is based on an environmental assessment which finds that:

1. A Phase I Environmental Site Assessment (ESA) dated August 2006, available in the proposal's CEQR file, was prepared for the project site (Block 4837, Lots 22, 23, 27, 29, 31, 33, and 38). The Phase I ESA was reviewed by DEP's Office of Environmental Planning and Assessment, and pursuant to a letter dated May 18, 2007, Phase II testing was recommended by DEP due to the potential presence of hazardous materials on the site as a result of past and present adjacent land uses. As such, the restrictive declarations require that detailed Phase II testing would occur and is binding upon the property's successors and assigns. The declarations serve 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).

The restrictive declarations that have been prepared require the preparation of a hazardous materials sampling protocol, including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. A restrictive declaration has been executed and recorded against the property.

The recorded declarations establish an agreement to test and identify any potential hazardous materials impacts pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan, including an health and safety plan, to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan. The restrictive declarations also restrict the manner in which the property may be developed or redeveloped, by requiring the sampling protocol and remediation measures to serve as a condition precedent to any change of use in any such development or redevelopment of the property. These measures would ensure that no significant adverse impacts related to hazardous materials would occur.

2. No other significant adverse effects on the environment which would require an Environmental Impact Statement are foreseeable.

It is fully agreed and understood that if the foregoing conditions, modification, and alterations are not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

This Conditional Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Conditional Negative Declaration, you may contact Celeste Evans at (212) 720-3321.

Conditional Negative Declaration
308-366 Clarkson Avenue Zoning Map Amendment
CEQR No. 07DCP056K

I, the Undersigned, as the applicant or authorized representative for this proposal, hereby affix my signature in acceptance of the above conditions, modifications, and alteration to the proposed action.

Edward Esposito
Signature of Authorized Representative

Date: 11/17/08

ESP GROUP LLC
by: Edward Esposito, Partner
Name of the applicant or Authorized Representative (Print)

Date: 11/17/08

Robert Dobruskin
Robert Dobruskin, AICP, Director
Environmental Assessment & Review Division
Department of City Planning

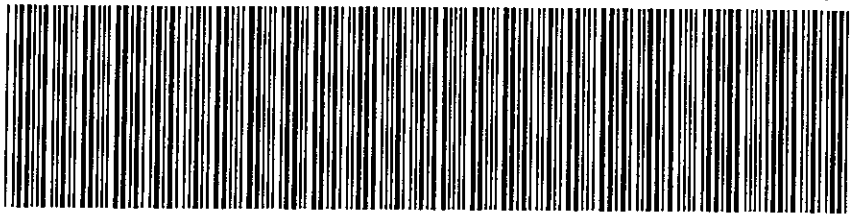
Date: 11/17/08

Amanda M. Burden
Amanda M. Burden, FAICP, Chair
City Planning Commission

Date: 3/16/09

**NYC DEPARTMENT OF FINANCE
OFFICE OF THE CITY REGISTER**

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2008100701316001001E7F72

RECORDING AND ENDORSEMENT COVER PAGE

PAGE 1 OF 24

Document ID: 2008100701316001

Document Date: 10-07-2008

Preparation Date: 10-07-2008

Document Type: SUNDRY AGREEMENT

Document Page Count: 22

PRESENTER:

PICK UP BRS/RSR
CHARTER ABSTRACT COMPANY
260 CHRISTOPHER LANE (CAC-7943)
STATEN ISLAND, NY 10314
718-983-7575
charterab@yahoo.com

RETURN TO:

EMILY SIMONS, ESQ.
LAW OFFICE OF HOWARD GOLDMAN, LLC
475 PARK AVENUE SOUTH, 28TH FLOOR
NEW YORK, NY 10016

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	4837	22	Entire Lot	308 CLARKSON AVENUE
Property Type: INDUSTRIAL BUILDING				

Borough	Block	Lot	Unit	Address
BROOKLYN	4837	23	Entire Lot	310 CLARKSON AVENUE
Property Type: INDUSTRIAL BUILDING				

x Additional Properties on Continuation Page

CROSS REFERENCE DATA

CRFN _____ or Document ID _____ or _____ Year _____ Reel _____ Page _____ or File Number _____

PARTIES

PARTY 1:
ESP GROUP, LLC
350 CLARKSON AVENUE
BROOKLYN, NY 11226

FEES AND TAXES

Mortgage		Filing Fee:	
Mortgage Amount:	\$ 0.00		\$ 0.00
Taxable Mortgage Amount:	\$ 0.00	NYC Real Property Transfer Tax:	
Exemption:			\$ 0.00
TAXES: County (Basic):	\$ 0.00	NYS Real Estate Transfer Tax:	
City (Additional):	\$ 0.00		\$ 0.00
Spec (Additional):	\$ 0.00		
TASF:	\$ 0.00		
MTA:	\$ 0.00		
NYCTA:	\$ 0.00		
Additional MRT:	\$ 0.00		
TOTAL:	\$ 0.00		
Recording Fee:	\$ 165.00		
Affidavit Fee:	\$ 0.00		

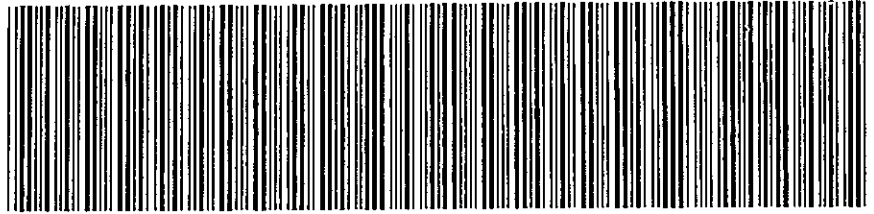


**RECORDED OR FILED IN THE OFFICE
OF THE CITY REGISTER OF THE
CITY OF NEW YORK**

Recorded/Filed 10-10-2008 10:30
City Register File No.(CRFN):
2008000401271

Annette McMill

City Register Official Signature



2008100701316001001C7DF2

RECORDING AND ENDORSEMENT COVER PAGE (CONTINUATION) PAGE 2 OF 24

Document ID: 2008100701316001

Document Date: 10-07-2008

Preparation Date: 10-07-2008

Document Type: SUNDRY AGREEMENT

PROPERTY DATA

Borough	Block	Lot	Unit	Address
BROOKLYN	4837	27	Entire Lot	318 CLARKSON AVENUE
Property Type: INDUSTRIAL BUILDING				
Borough	Block	Lot	Unit	Address
BROOKLYN	4837	29	Entire Lot	324 CLARKSON AVENUE
Property Type: INDUSTRIAL BUILDING				
Borough	Block	Lot	Unit	Address
BROOKLYN	4837	31	Entire Lot	326 CLARKSON AVENUE
Property Type: INDUSTRIAL BUILDING				
Borough	Block	Lot	Unit	Address
BROOKLYN	4837	33	Entire Lot	350 CLARKSON AVENUE
Property Type: INDUSTRIAL BUILDING				
Borough	Block	Lot	Unit	Address
BROOKLYN	4837	38	Entire Lot	354 CLARKSON AVENUE
Property Type: OTHER				

DECLARATION

This DECLARATION made as of the 17th day of October, 2008, by ESP Group, LLC having an office located at 350 Clarkson Avenue, Brooklyn, NY 11226 (hereinafter referred to as "Declarant");

WITNESSETH

WHEREAS, Declarant is the fee owner of certain real property located in the County of Kings, City and State of New York, designated for real property tax purposes as Lots 22, 23, 27, 29, 31, 33 and 38 of Tax Block 4837 commonly known by the street address as 350 Clarkson Avenue, Brooklyn, New York (the "Subject Property") and is more particularly described in Exhibit A, annexed hereto and made part hereof; and

WHEREAS, First American Title Insurance Company of New York has issued a Certification of Parties in Interest, annexed hereto as Exhibit B and made a part hereof, that as of the 6th, day of October, 2008, Declarant, herein after also referred to as a "Party-in-Interest", is the only Party-in-Interest (as defined in subdivision (c) of the definition of "zoning lot" set forth in Section 12-10 of the Zoning Resolution of the City of New York) in the Subject Property; and

WHEREAS, all Parties-in-Interest to the Subject Property have executed this Declaration; and

WHEREAS, Declarant has applied to the New York City Planning Commission (the "CPC"), through the Department of City Planning ("DCP") for a zoning map amendment in connection with the Subject Property to change the current zoning district from an M1-1 zoning district to an R7A/C2-4 zoning district and has submitted to the CPC an application numbered 070396ZMX (the "Application") for review pursuant to the Rules of Practice and Procedure for the CPC, the requirements set forth in the New York City Charter, sections 197-c, 197-d, 200 and 201 for zoning map amendments, and the procedures set forth in the paragraph immediately following; and

WHEREAS, an environmental assessment of the Subject Property pursuant to the State Environmental Quality Review Act (the "SEQRA") and the City Environmental Quality Review (the "CEQR") is under review in connection with the Application (CEQR # 07DCP056K) and, pursuant to the SEQRA and CEQR, the Department of Environmental Protection (the "DEP") has reviewed the environmental assessment, including the historic land use of the Subject Property; and

WHEREAS, the results of such review as documented in DEP's May 17, 2007 letter attached hereto as Exhibit C and made a part hereof, indicate the potential presence of hazardous materials; and

WHEREAS, Declarant desires to identify the existence of any potential hazardous materials and remediate any such hazardous materials found in connection with the development or redevelopment of the Subject Property and has agreed to submit a hazardous materials sampling protocol prepared by a qualified consultant and including a health and safety plan, (as approved by DEP the "Sampling Protocol"), which shall be submitted for the approval of DEP and to test and identify any potential hazardous materials pursuant to the approved Sampling Protocol and, if such hazardous materials are found, to submit a hazardous materials remediation plan, including a health and safety plan, (as approved by DEP the "Remediation Plan") and upon the approval of the Remediation Plan by DEP, the Declarant shall provide for the remediation of such hazardous materials; and

WHEREAS, Declarant agrees to implement the Sampling Protocol and all hazardous material remediation required by the Remediation Plan, if any, and desires to restrict the manner in which the Subject Property may be developed or redeveloped by having the implementation of the Sampling Protocol and Remediation Plan, if any, performed to the satisfaction of DEP, as evidenced by a writing as set forth herein, be a condition precedent to any change of use or soil disturbance for any such development or redevelopment; and

WHEREAS, Declarant intends this Declaration to be binding upon all successors and assigns; and

WHEREAS, Declarant intends this Declaration to benefit all land owners and tenants including the City of New York ("the City") without consenting to the enforcement of this Declaration by any party or entity other than the City.

NOW, THEREFORE, Declarant does hereby declare and agree that the Subject Property shall be held, sold, transferred, and conveyed, subject to the restrictions and obligations which are for the purpose of protecting the value and desirability of the Subject Property and which shall run with the land, binding the successors and assigns of Declarant so long as they have any right, title or interest in the Subject Property or any part thereof:

1. (a) Declarant covenants and agrees that no application for grading, excavation, foundation, alteration, building or other permit respecting the Subject Property which permits soil disturbance shall be submitted to or accepted from the Department of Buildings (the "DOB") by the Declarant until DEP has issued to DOB, as applicable, either a Notice of No Objection as set forth in Paragraph 2(a), a Notice to Proceed as set forth in Paragraph 2(b), a Notice of Satisfaction as set forth in Paragraph 2(c) or a Final Notice of Satisfaction as set forth in Paragraph 2(d). Declarant shall submit a copy of the Notice of No Objection, Notice to Proceed, Notice of Satisfaction or Final Notice of Satisfaction to the DOB at the time of filing of any application set forth in this Paragraph 1(a).

(b) Declarant further covenants and agrees that no application for a temporary or permanent Certificate of Occupancy that reflects a change in use group respecting the Subject

Property shall be submitted to or accepted from DOB by the Declarant until DEP has issued to DOB, as applicable, either a Notice of No Objection as set forth in Paragraph 2(a), a Notice of Satisfaction as set forth in Paragraph 2(c) or a Final Notice of Satisfaction as set forth in Paragraph 2(d). Declarant shall submit a copy of the Notice of No Objection, Notice of Satisfaction or Final Notice of Satisfaction to the DOB at the time of filing of any application set forth in this Paragraph 1(b).

2. (a) Notice of No Objection - DEP shall issue a Notice of No Objection after the Declarant have completed the work set forth in the DEP approved Sampling Protocol and DEP has determined in writing that the results of such sampling demonstrate that no hazardous materials remediation is required for the proposed project.

(b) Notice to Proceed - DEP shall issue a Notice to Proceed after it determines that: (i) the Remediation Plan has been approved by DEP and (ii) the permit(s) respecting the Subject Property that permit grading, excavation, foundation, alteration, building or other permit respecting the Subject Property which permits soil disturbance or construction of the superstructure are necessary to further the implementation of the DEP approved Remediation Plan.

(c) Notice of Satisfaction - DEP shall issue a Notice of Satisfaction after the Remediation Plan has been prepared and accepted by DEP and DEP has determined in writing that the Remediation Plan has been completed to the satisfaction of DEP.

(d) Final Notice of Satisfaction - DEP shall issue a Final Notice of Satisfaction after the Remediation Plan has been prepared and accepted by DEP and DEP has set forth in writing, that the Remediation Plan has been completed to the satisfaction of DEP and all potential hazardous materials have been removed or remediated and no further hazardous remediation is required on the Subject Property as determined by DEP.

3. Declarant represents and warrants with respect to the Subject Property, that no restrictions of record, nor any present or presently existing estate or interest in the Subject Property nor any lien, encumbrance, obligation, covenant of any kind preclude, presently or potentially, the imposition of the obligations and agreements of this Declaration.

4. Declarant acknowledges that the City is an interested party to this Declaration and consents to the enforcement of this Declaration solely by the City, administratively or at law or at equity, of the obligations, restrictions and agreements pursuant to this Declaration.

5. The provisions of this Declaration shall inure to the benefit of and be binding upon the respective successors and assigns of the Declarant, and references to the Declarant shall be deemed to include such successors and assigns as well as successors to their interest in the Subject Property. References in this Declaration to agencies or instrumentalities of the City shall be deemed to include agencies or instrumentalities succeeding to the jurisdiction thereof.

6. Declarant shall be liable in the performance of any term, provision, or covenant in this Declaration, subject to the following provisions:

The City and any other party relying on this Declaration will look solely to the fee estate interest of the Declarant in the Subject Property for the collection of any money judgment recovered against Declarant, and no other property of the Declarant shall be subject to levy, execution, or other enforcement procedure for the satisfaction of the remedies of the City or any other person or entity with respect to this Declaration. The Declarant including its officers, managers and members, shall have no personal liability under this Declaration.

7. The obligations, restrictions and agreements herein shall be binding on the Declarant or other parties in interest only for the period during which the Declarant and any such Party-in-Interest holds an interest in the Subject Property; provided, however, that the obligations, restrictions and agreements contained in this Declaration may not be enforced against the holder of any mortgage unless and until such holder succeeds to the fee interest of the Declarant by way of foreclosure or deed in lieu of foreclosure.

8. Declarant shall indemnify the City, its respective officers, employees and agents from all claims, actions, or judgments for loss, damage or injury, including death or property damage of whatsoever kind or nature, arising from Declarant's obligations under this Declaration, including without limitation, the negligence or carelessness of the Declarant, its agents, servants or employees in undertaking such obligations; provided, however, that should such a claim be made or action brought, Declarant shall have the right to defend such claim or action with attorneys reasonably acceptable to the City and no such claim or action shall be settled without the written consent of the City.

9. If Declarant is found by a court of competent jurisdiction to have been in default in the performance of its obligations under this Declaration, and such finding is upheld on a final appeal by a court of competent jurisdiction or by other proceeding or the time for further review of such finding or appeal has lapsed, Declarant shall indemnify and hold harmless the City from and against all reasonable legal and administrative expenses arising out of or in connection with the enforcement of Declarant's obligations under this Declaration as well as any reasonable legal and administrative expenses arising out of or in connection with the enforcement of any judgment obtained against the Declarant, including but not limited to the cost of undertaking the Remediation Plan, if any.

10. Declarant shall cause every individual or entity that between the date hereof and the date of recordation of this Declaration, becomes a Party-in-Interest (as defined in subdivision (c) of the definition of "zoning lot" set forth in Section 12-10 of the Zoning Resolution of the City of New York) to all or a portion of the Subject Property to waive its right to execute this Declaration and subordinate its interest in the Subject Property to this Declaration. Any mortgage or other lien encumbering the Subject Property in effect after the recording date of this

Declaration shall be subject and subordinate hereto as provided herein. Such waivers and subordination shall be attached to this Declaration as Exhibits and recorded in the Office of the County or City Register.

11. This Declaration and the provisions hereof shall become effective as of the date of this Declaration. Within five (5) business days of the date hereof, Declarant shall submit this Declaration for recording or shall cause this Declaration to be submitted for recording in the Office of the County or City Register, where it will be indexed against the Subject Property. Declarant shall promptly deliver to the DEP and the Department of City Planning proof of recording in the form of an affidavit of recording attaching the filing receipt and a copy of the Declaration as submitted for recording. Declarant shall also provide a certified copy of this Declaration as recorded to DEP and DCP as soon as a certified copy is available.

12. This Declaration may be amended or modified by Declarant only with the approval of DEP or the agency succeeding to its jurisdiction and no other approval or consent shall be required from any other public body, private person or legal entity of any kind. A statement signed by the Deputy Commissioner of the Bureau of Environmental Planning and Assessment of DEP, or such person as authorized by the Deputy Commissioner, certifying approval of an amendment or modification of this Declaration shall be annexed to any instrument embodying such amendment or modification.

13. Any submittals necessary under this Declaration from Declarant to DEP shall be addressed to the Deputy Commissioner of the Bureau of Environmental Planning and Assessment of DEP, or such person as authorized by the Deputy Commissioner. As of the date of this Declaration DEP's address is:

New York City Department of Environmental Protection
59-17 Junction Blvd
Flushing, New York 11373

14. Declarant expressly acknowledges that this Declaration is an essential element of the SEQRA review conducted in connection with the Application and as such the filing and recordation of this Declaration may be a precondition to the determination of significance pursuant to the SEQRA Regulations, Title 6 New York Code of Rules and Regulations ("NYCRR") Part 617.7.

15. Declarant acknowledges that the satisfaction of the obligations set forth in this Declaration does not relieve Declarant of any additional requirements imposed by Federal, State or Local laws.

16. This Declaration shall be governed by and construed in accordance with the laws of the State of New York.

17. Wherever in this Declaration, the certification, consent, approval, notice or other action of Declarants, DEP or the City is required or permitted, such certification, consent, approval, notice or other action shall not be unreasonably withheld or delayed.

18. In the event that any provision of this Declaration is deemed, decreed, adjudged or determined to be invalid or unlawful by a court of competent jurisdiction, such provision shall be severable and the remainder of this Declaration shall continue to be in full force and effect.

19. This Declaration and its obligations and agreements are in contemplation of Declarant receiving approvals or modified approvals of the Application. In the event that the Declarant withdraws the Application before a final determination or the Application is not approved, the obligations and agreements pursuant to this Declaration shall have no force and effect and this Declaration shall be cancelled.

20. Notice of Cancellation - Declarant may request that DEP issue a Notice of Cancellation upon the occurrence of the following steps: (i) Declarant has withdrawn the Application in writing before a final determination on the Application; (ii) the Application was not approved by the City Planning Commission ; or (iii) DEP has issued a Final Notice of Satisfaction indicating that all potential hazardous materials have been removed or remediated and no further hazardous remediation is required on the Subject Property. Upon such request, DEP shall issue a Notice of Cancellation after it has determined, to DEP's own satisfaction, that the above referenced steps, as applicable, have occurred. Upon receipt of a Notice of Cancellation from DEP, Declarant shall cause such Notice to be recorded in the same manner as the Declaration herein, thus rendering this Restrictive Declaration null and void. Declarant shall promptly deliver to DEP and the DCP a certified copy of such Notice of Cancellation as recorded.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the day and year first above written.

ESP Group, LLC

By:


Edward Esposito

Title: President

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF NEW YORK)
).ss.:
COUNTY OF Richmond

On the 7th day of Oct in the year 2008 before me, the undersigned, personally appeared Edward Esposito, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Rhonda J. Smith
Notary Public

RHONDA J. SMITH
NOTARY PUBLIC STATE OF NEW YORK
NO. 01SM4967606
QUALIFIED IN RICHMOND COUNTY
TERM EXPIRES JUNE 4, 2010

SEAL

**First American Title Insurance Company
Of New York**

EXHIBIT A
Block 4837 Lot 22

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, and the City and State of New York, bounded and described as follows:

BEGINNING at a point on the southerly side of Clarkson Avenue (formerly Clarkson Street) distant 2785 feet easterly from the Main Street in Flatbush, as laid down on a certain map entitled "Map of land, situated in the Town of Flatbush, Kings County, belonging to Aaron S. Robbins, surveyed by William H. Story, September 1867" and filed in the Office of the Register of the County of Kings on February 8, 1858;

RUNNING THENCE southerly at right angles to Clarkson Avenue 200 feet;

THENCE easterly parallel with Clarkson Avenue 25 feet to the center of section 26 on said map;

THENCE northerly at right angles with Clarkson Avenue and through the center of said section, 200 feet to the southerly side of Clarkson Street;

THENCE westerly along the southerly side of Clarkson Street 25 feet to the point or place of BEGINNING.

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, and the City and State of New York, bounded and described as follows:

BEGINNING at a point in a line drawn at right angles to Clarkson Avenue (formerly Clarkson Street), distant 125 feet southerly from the southerly side of Clarkson Avenue at a point in the southerly side of Clarkson Avenue, distant 80 feet 9 ¼ inches easterly side of Nostrand Avenue;

THENCE southerly at right angles to Clarkson Avenue, 75 feet;

THENCE easterly parallel with Clarkson Avenue, 25 feet;

THENCE northerly at right angles to Clarkson Avenue, 75 feet;

THENCE westerly parallel with Clarkson Avenue, 25 feet to the point or place of BEGINNING.

**First American Title Insurance Company
Of New York**

EXHIBIT A
Block 4837 Lot 23 & 27

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, being more particularly described as follows:

BEGINNING at a point on the southerly side of Clarkson Street, distant 2810 feet easterly from the corner formed by the intersection of the southerly side of Clarkson Street with the easterly side of Main Street in the Village of Flatbush, as said streets are laid down on said map;

RUNNING THENCE southerly at right angles to Clarkson Street and through the center line of Section 26 on said Map 200 feet;

THENCE easterly parallel with Clarkson Street 150 feet;

THENCE northerly again at right angles to Clarkson Street, 200 feet to the southerly side of Clarkson Street;

THENCE westerly along the southerly side of Clarkson Street, 150 feet to the point or place of **BEGINNING**.

**First American Title Insurance Company
Of New York**

EXHIBIT A

Block 4837 Lot 29 & 31

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, being more particularly described as follows:

BEGINNING at a point on the southerly side of Clarkson Avenue, distant 2960 feet easterly from the corner formed by the intersection of the southerly side of Clarkson Avenue with the easterly side of Main Street leading from the Village of Flatbush as said streets are laid down on said map;

RUNNING THENCE easterly along the southerly side of Clarkson Avenue, 100 feet to the westerly side of section 29 as shown on said map;

THENCE southerly along the westerly side of section 29, 200 feet the center line of the block between Clarkson Avenue and Diamond Street (now Lenox Road) as shown on said map;

THENCE westerly along said center line of the Block, 100 feet to the easterly side of section 27 as shown on said map;

THENCE northerly along the easterly side of section 27 as shown on said map, 200 feet to the southerly side of Clarkson Avenue, at the point or place of **BEGINNING**.

**First American Title Insurance Company
Of New York**

EXHIBIT A
Block 4837 Lot 33

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, being more particularly described as follows:

BEGINNING at a point on the southerly side of Clarkson Avenue, distant 3060 feet the southeasterly corner of Clarkson Avenue and Main Street in the Village of Flatbush as laid down on said map;

RUNNING THENCE southerly at right angles to Clarkson Avenue, along the boundary line between sections 29 and 30 as shown on said map, 200 feet;

THENCE easterly parallel with Clarkson Avenue, 110 feet;

THENCE northerly at right angles to Clarkson Avenue, 200 feet to the southerly side of Clarkson Avenue, and

THENCE westerly along the southerly side of Clarkson Avenue, 100 feet to the point or place of BEGINNING.

**First American Title Insurance Company
Of New York**

EXHIBIT A
Block 4837 Lot 38

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, being more particularly described as follows:

BEGINNING at a point on the southerly side of Clarkson Street, now known as Clarkson Avenue, 3160 feet easterly from the corner formed by the intersection of the easterly side of Main Street now known as Flatbush Avenue, in the Village of Flatbush with the southerly side of Clarkson Avenue;

RUNNING THENCE southerly at right angles to Clarkson Avenue, along the boundary line between sections 29 and 30 as shown on said map, 200 feet;

THENCE easterly parallel with Clarkson Avenue, 110 feet;

THENCE northerly at right angles to Clarkson Avenue, 200 feet to the southerly side of Clarkson Avenue, and

THENCE westerly along the southerly side of Clarkson Avenue, 100 feet to the point or place of **BEGINNING**.

**First American Title Insurance Company
Of New York**

ZONING LOT CERTIFICATION

EXHIBIT B

**CERTIFICATION OF PARTIES IN INTEREST
CERTIFICATION PURSUANT TO ZONING LOT SUBDIVISION C
OF SECTION 12-10 OF THE ZONING RESOLUTION OF
DECEMBER 15, 1961 OF THE CITY OF NEW YORK
AS AMENDED - EFFECTIVE AUGUST 18, 1977**

FIRST AMERICAN TITLE INSURANCE COMPANY OF NEW YORK, a title insurance company licensed to do business in the State of New York and having its principal office at **633 Third Avenue, New York, New York**, hereby certifies that as to the land hereafter described being a tract of land, either subdivided or consisting of two or more lots of record, contiguous for a minimum of ten linear feet, located with a single block, in the ownership of **SEE BELOW** with all parties in interest constituting a "party in interest" as defined in Section 12-10, Subdivision C of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, are the following:

<u>NAME & ADDRESS</u>	<u>NATURE OF INTEREST</u>
ESP Group LLC, 350 Clarkson Avenue Brooklyn, NY 11226	Owner (Lot 22)
ESP Group LLC, 350 Clarkson Avenue Brooklyn, NY 11226	Owner (Lot 23)
ESP Group LLC, 350 Clarkson Avenue Brooklyn, NY 11226	Owner (Lot 27)
ESP Group LLC, 350 Clarkson Avenue Brooklyn, NY 11226	Owner (Lot 29)
ESP Group LLC, 350 Clarkson Avenue Brooklyn, NY 11226	Owner (Lot 31)
ESP Group LLC, 350 Clarkson Avenue Brooklyn, NY 11226	Owner (Lot 33)
ESP Group LLC, 350 Clarkson Avenue Brooklyn, NY 11226	Owner (Lot 38)

EXHIBIT B

The subject tract of land with respect to which the foregoing parties are the parties in interest as aforesaid, is presently known as Tax Lots 22, 23, 27, 29, 31, 33 and 38 in Block 4837, as shown on the current Tax Map of the City of New York, Kings County attached hereto as Attachment "T", and is more particularly described in the Exhibit(s) "A" attached hereto.

**First American Title Insurance Company
Of New York**

EXHIBIT B

That the ZONING LOT DESCRIPTION AND OWNERSHIP STATEMENT containing the above description is being recorded simultaneously herewith in the Office of the Clerk of the County of Kings.

NOTE: A Zoning Lot may or may not coincide with a lot as shown on the Official Tax Map of the City of New York, or on any recorded subdivision plot or deed. A Zoning Lot may be subdivided into two or more zoning lots provided all the resulting zoning lots and all the buildings thereon shall comply with the applicable provisions of the zoning lot resolution.

CERTIFIED the 6th day of October, 2008, to the applicants for this certification.

THIS CERTIFICATION IS MADE FOR AND ACCEPTED BY THE APPLICANT UPON THE EXPRESS UNDERSTANDING THAT LIABILITY HEREUNDER IS LIMITED TO ONE THOUSAND (\$1,000.00) DOLLARS.

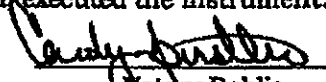
FIRST AMERICAN TITLE INSURANCE
COMPANY OF NEW YORK

by: 
ALBERT L. RISI

STATE OF NEW YORK)
COUNTY OF Richmond) ss.:

On the 6th day of October, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared ALBERT L. RISI, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

SEAL


Notary Public

CAROLYN M. BIRSTLER
Notary Public, State of New York
No. 01814770384
Qualified in Richmond County
Commission Expires Sept. 30, 2010

**First American Title Insurance Company
Of New York**

EXHIBIT A
Block 4837 Lot 22

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, and the City and State of New York, bounded and described as follows:

BEGINNING at a point on the southerly side of Clarkson Avenue (formerly Clarkson Street) distant 2785 feet easterly from the Main Street in Flatbush, as laid down on a certain map entitled "Map of land, situated in the Town of Flatbush, Kings County, belonging to Aaron S. Robbins, surveyed by William H. Story, September 1867" and filed in the Office of the Register of the County of Kings on February 8, 1858;

RUNNING THENCE southerly at right angles to Clarkson Avenue 200 feet;

THENCE easterly parallel with Clarkson Avenue 25 feet to the center of section 26 on said map;

THENCE northerly at right angles with Clarkson Avenue and through the center of said section, 200 feet to the southerly side of Clarkson Street;

THENCE westerly along the southerly side of Clarkson Street 25 feet to the point or place of BEGINNING.

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, and the City and State of New York, bounded and described as follows:

BEGINNING at a point in a line drawn at right angles to Clarkson Avenue (formerly Clarkson Street), distant 125 feet southerly from the southerly side of Clarkson Avenue at a point in the southerly side of Clarkson Avenue, distant 80 feet 9 ½ inches easterly side of Nostrand Avenue;

THENCE southerly at right angles to Clarkson Avenue, 75 feet;

THENCE easterly parallel with Clarkson Avenue, 25 feet;

THENCE northerly at right angles to Clarkson Avenue, 75 feet;

THENCE westerly parallel with Clarkson Avenue, 25 feet to the point or place of BEGINNING.

**First American Title Insurance Company
Of New York**

EXHIBIT A

Block 4837 Lot 23 & 27

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, being more particularly described as follows:

BEGINNING at a point on the southerly side of Clarkson Street, distant 2810 feet easterly from the corner formed by the intersection of the southerly side of Clarkson Street with the easterly side of Main Street in the Village of Flatbush, as said streets are laid down on said map;

RUNNING THENCE southerly at right angles to Clarkson Street and through the center line of Section 26 on said Map 200 feet;

THENCE easterly parallel with Clarkson Street 150 feet;

THENCE northerly again at right angles to Clarkson Street, 200 feet to the southerly side of Clarkson Street;

THENCE westerly along the southerly side of Clarkson Street, 150 feet to the point or place of **BEGINNING**.

**First American Title Insurance Company
Of New York**

EXHIBIT A

Block 4837 Lot 29 & 31

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, being more particularly described as follows:

BEGINNING at a point on the southerly side of Clarkson Avenue, distant 2960 feet easterly from the corner formed by the intersection of the southerly side of Clarkson Avenue with the easterly side of Main Street leading from the Village of Flatbush as said streets are laid down on said map;

RUNNING THENCE easterly along the southerly side of Clarkson Avenue, 100 feet to the westerly side of section 29 as shown on said map;

THENCE southerly along the westerly side of section 29, 200 feet the center line of the block between Clarkson Avenue and Diamond Street (now Lenox Road) as shown on said map;

THENCE westerly along said center line of the Block, 100 feet to the easterly side of section 27 as shown on said map;

THENCE northerly along the easterly side of section 27 as shown on said map, 200 feet to the southerly side of Clarkson Avenue, at the point or place of BEGINNING.

**First American Title Insurance Company
Of New York**

EXHIBIT A

Block 4837 Lot 33

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, being more particularly described as follows:

BEGINNING at a point on the southerly side of Clarkson Avenue, distant 3060 feet the southeasterly corner of Clarkson Avenue and Main Street in the Village of Flatbush as laid down on said map;

RUNNING THENCE southerly at right angles to Clarkson Avenue, along the boundary line between sections 29 and 30 as shown on said map, 200 feet;

THENCE easterly parallel with Clarkson Avenue, 110 feet;

THENCE northerly at right angles to Clarkson Avenue, 200 feet to the southerly side of Clarkson Avenue, and

THENCE westerly along the southerly side of Clarkson Avenue, 100 feet to the point or place of **BEGINNING**.

**First American Title Insurance Company
Of New York**

EXHIBIT A
Block 4837 Lot 38

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, being more particularly described as follows:

BEGINNING at a point on the southerly side of Clarkson Street, now known as Clarkson Avenue, 3160 feet easterly from the corner formed by the intersection of the easterly side of Main Street now known as Flatbush Avenue, in the Village of Flatbush with the southerly side of Clarkson Avenue;

RUNNING THENCE southerly at right angles to Clarkson Avenue, along the boundary line between sections 29 and 30 as shown on said map, 200 feet;

THENCE easterly parallel with Clarkson Avenue, 110 feet;

THENCE northerly at right angles to Clarkson Avenue, 200 feet to the southerly side of Clarkson Avenue, and

THENCE westerly along the southerly side of Clarkson Avenue, 100 feet to the point or place of **BEGINNING**.

May 18, 2007

Mr. Robert Dobruskin
Director, Environmental Assessment and Review
New York City Department of City Planning
22 Reade Street, Room 4E
New York, NY 10007

Re: **Clarkson Avenue Zoning Map Amendment**
07DEPTECH297K
07DCP056K

Dear Mr. Dobruskin:

The New York City Department of Environmental Protection, Bureau of Environmental Planning and Analysis (DEP) has reviewed the March 2007 Environmental Assessment Statement (EAS) prepared by MD London and Associates, LLC and the August 2006 Phase I Environmental Site Assessment (Phase I) prepared by Impact Environment for the above mentioned project. The subject site is located at 308-366 Clarkson Avenue on a block bound by Nostrand Avenue, Clarkson Avenue, New York Avenue and Lenox Road in the Rugby/Flatbush section of Brooklyn. The site is currently occupied by a several residential buildings and parking lots in an M1-1 zoning district.

It is our the understanding that, the applicant, ESP Group of NY, Inc., is seeking a zoning map amendment for a portion of the block from M1-1 and R7-1/C2-3 to R7A/C2-4 to facilitate construction of three seven story mixed used residential, commercial and community facility structure, with a medical facility and laboratory and private open space, accessory and public garages.

The August 2006 Phase I revealed historical on-site and off-site uses including auto repair, filling station, metal products manufacturing and paper carton manufacturing. According to the Phase I, several underground storage tanks may have been improperly abandoned on site. A site survey identified fourteen 55-gallon drums of unknown chemicals. Based on age of the building, asbestos containing material (ACM) and lead based paint could be present within the on-site structure.

As a result of the historical and adjacent uses that may have impacted the site, a Phase II Environmental Site Assessment subsurface investigation is necessary to determine subsurface conditions at the site. An investigative Phase II Workplan summarizing the proposed soil/groundwater sampling activities should be submitted to DEP for review and approval. The Phase II Workplan should include a site map depicting the proposed soil and groundwater boring locations. At least two soil samples (1 from the 0-2' below ground surface interval and 1 from the subsurface interval exhibiting



ESTABLISHED 1978

the highest photoionization detector (PID) reading or at the soil/groundwater interface) should be collected from each of the test borings.

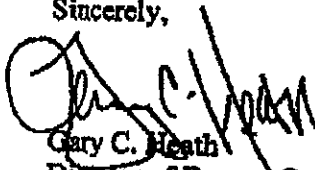
The soil and groundwater samples must be analyzed by for the presence of Target Compound List volatile organic compounds, semi-volatile organic compounds, Pesticides/Poly Chlorinated Biphenyls (PCBs) and Target Analyte List Metals. An Investigative Health and Safety Plan (HASP) must also be submitted to DEP for review and approval.

As a result of suspect ACM and lead-based paint within the on-site structure, an appropriate Workplan and HASP for the handling and removal, and/or management of these materials must be implemented during the demolition/renovation phase of the project. Lighting fixtures containing PCB components must be removed and/or managed in accordance to all applicable local, federal and state regulations.

A geophysical survey must be conducted on site to aid in locating any buried underground storage tanks (USTs). All found USTs must be removed and/or closed in accordance to all applicable federal, state and local regulations.

Soil disturbance should not occur without DEP's written approval of the Investigative Workplan and HASP. Please include DEP tracking number 07DEPTECH297K on all future submissions and correspondence for this project. If you have any questions or comments, please contact Mr. Mitchell Wimbish at 718-595-4451.

Sincerely,



Gary C. Heath
Director of Bureau Operations and Environmental Analysis

cc: J. Wuthenow, M. Wimbish, I. Taziva

ESP Group LLC

350 Clarkson Ave.
Brooklyn, NY 11226

Tel: 917-796-6845

Fax: 917-621-3115

Email: ed.espo@mac.com

February 27, 2009

City Planning Commission
New York City Department of City Planning
22 Reade Street-2nd Floor
New York, New York 10007

Re: Application No. 070396 ZMK
354 Clarkson Avenue, Brooklyn

Dear Chair Burden and City Planning Commissioners:

At the City Planning Commission Public Hearing on February 18, 2009, the Commission asked that the applicant provide a written response to the following three issues:

1. Describe proposed residential affordability at the proposed project;
2. In connection with the phasing of the development, describe applicant's strategy for development or alternatively, what the applicant's plans are in the event that all three of the proposed phases cannot be built; and
3. How the development will accommodate the propose zoning bicycle parking requirements currently under public review.

The applicant's response is as follows:

Affordability

The applicant, ESP Group LLC ("ESP"), has spoken with the NYS Affordable Housing Corp (AHC), which provides New York State subsidies to homebuyers earning under 130% of Area Medium Income (AMI). ESP has also met with the Housing Partnership, which works with NYS AHC and other NYC agencies. If a private developer sets aside a significant portion of the development for affordable housing, the Housing Partnership will provide financial incentives to the developer. It is ESP's intention to work with AHC and the Housing Partnership to make a significant portion of the proposed condominium units affordable to buyers earning from 100% to 130% of AMI.

ESP believes a significant portion of the East Flatbush homebuyers' market will qualify for the affordable housing subsidies. In addition, it is our opinion that the market-rate condo's in East Flatbush sell at a price close to what the affordable units will sell for. Accordingly, we believe our development will be a great success for the neighborhood.

North Flushing Study: Issues

EXISTING ZONING DOES NOT REINFORCE
ESTABLISHED BUILDING PATTERNS



Low-scale detached houses in
an existing R2 district



2-family detached houses in
an existing R3-2 district

NEW DEVELOPMENT OUT-OF-CONTEXT
WITH EXISTING RESIDENTIAL CHARACTER

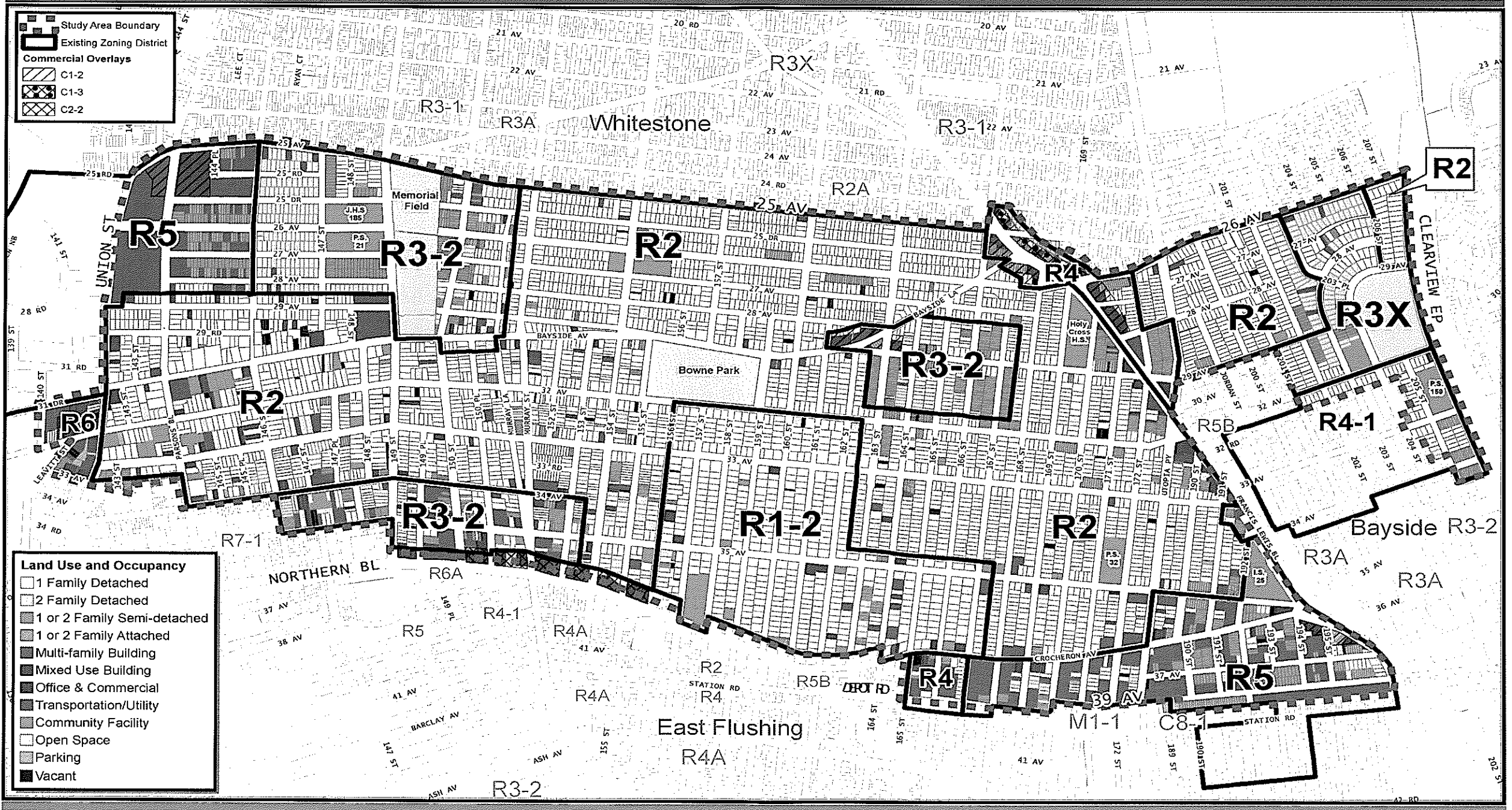


Out-of-scale detached house in
an existing R2 district

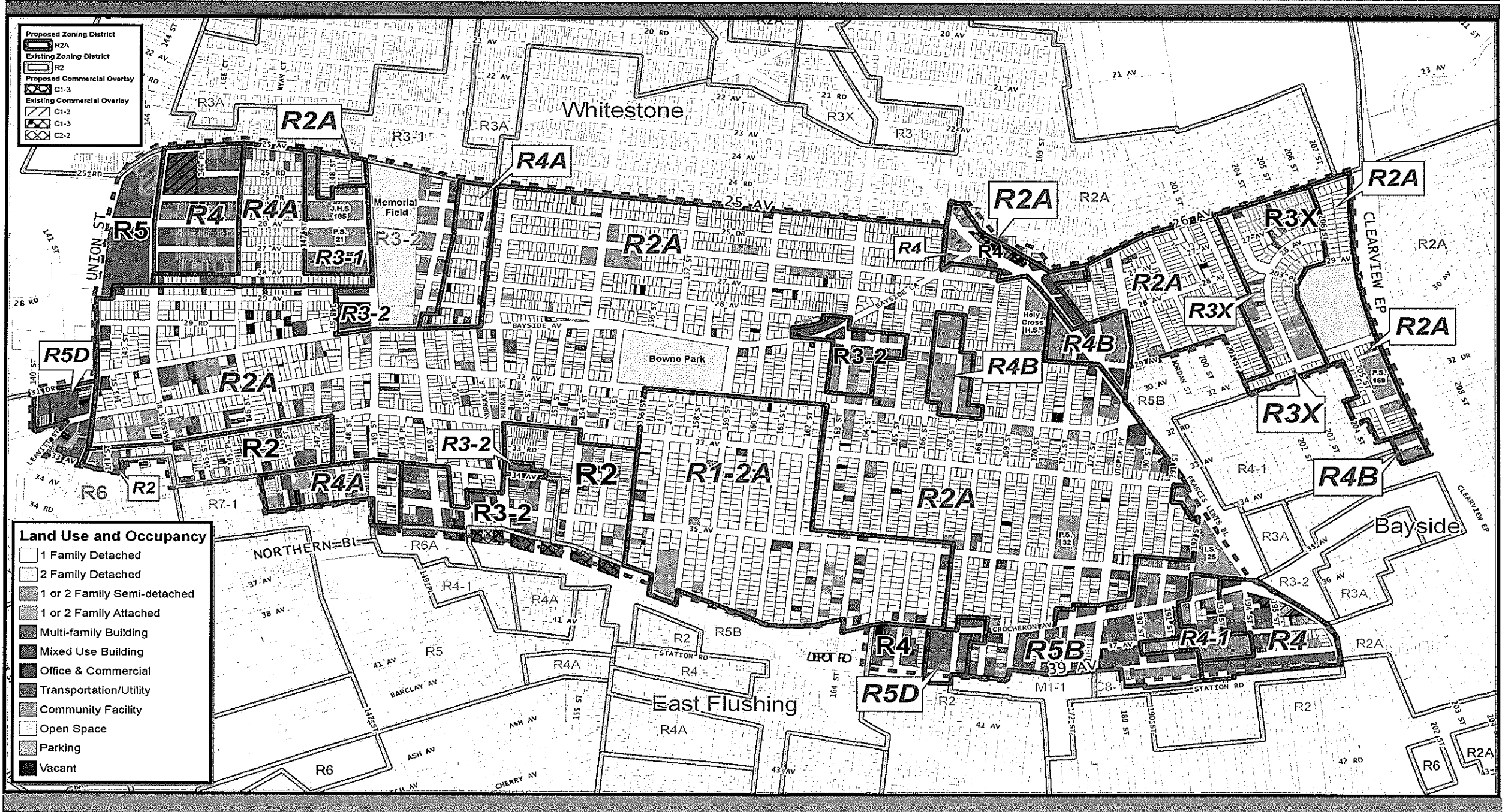


Out-of-character semi-detached house in
an existing R3-2 district

Existing Zoning and Land Use



Proposed Zoning and Land Use

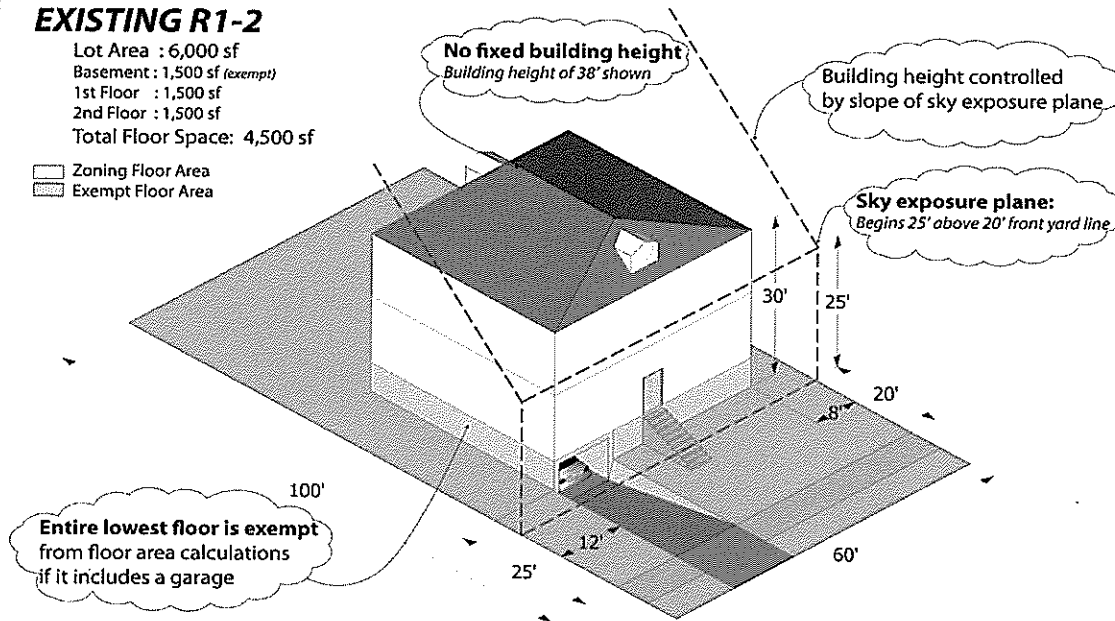


CITYWIDE TEXT CHANGE: R1-2A ZONE

EXISTING R1-2

Lot Area : 6,000 sf
 Basement : 1,500 sf (exempt)
 1st Floor : 1,500 sf
 2nd Floor : 1,500 sf
 Total Floor Space: 4,500 sf

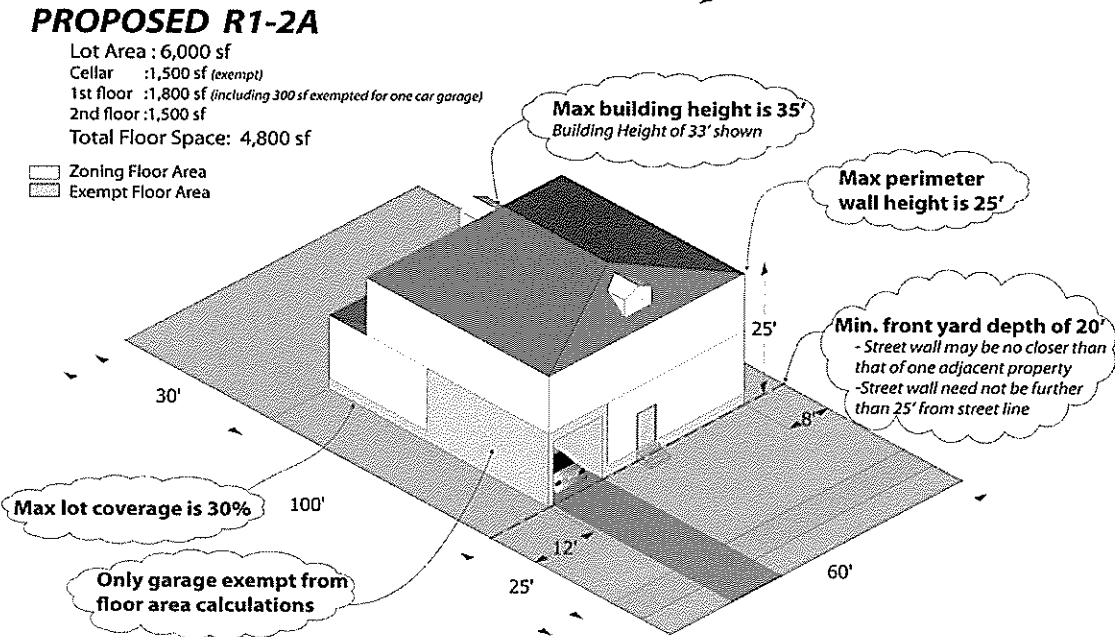
□ Zoning Floor Area
 ■ Exempt Floor Area



PROPOSED R1-2A

Lot Area : 6,000 sf
 Cellar : 1,500 sf (exempt)
 1st floor : 1,800 sf (including 300 sf exempt for one car garage)
 2nd floor : 1,500 sf
 Total Floor Space: 4,800 sf

□ Zoning Floor Area
 ■ Exempt Floor Area



Illustrative Diagram Only

R1-2 REGULATIONS

- EXEMPTS ENTIRE LOWEST STORY WITH A GARAGE FROM FLOOR AREA
- NO FIRM WALL AND BUILDING HEIGHT LIMITS
- NO FRONT YARD LINE UP REQUIREMENT

R1-2A REGULATIONS

- REVISED FLOOR AREA ALLOWANCES:

Exempts only a maximum 300 s.f. for one-car garage and 500 s.f. for two-car garage

- NEW HEIGHT LIMITS:

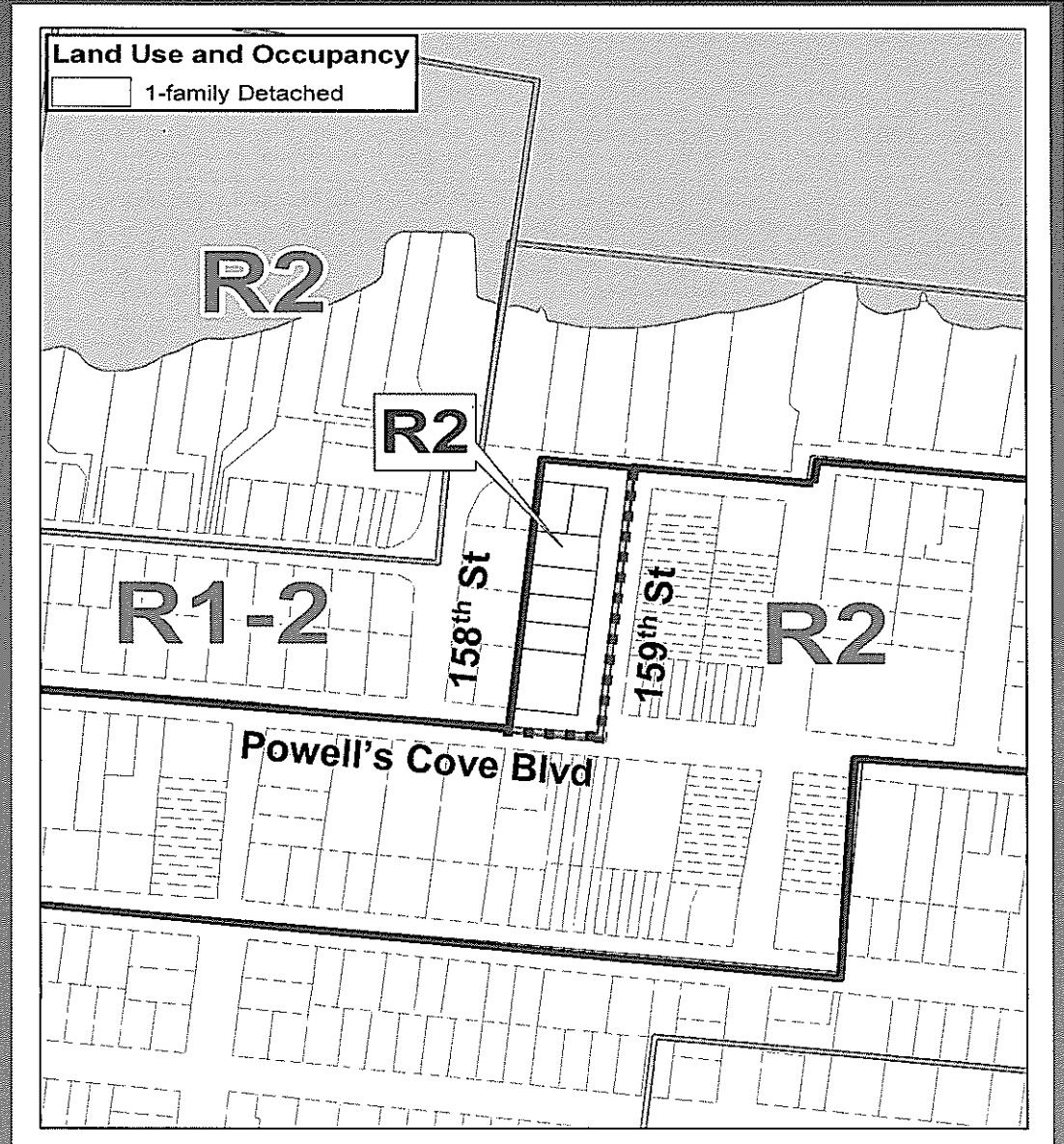
25' Building wall height

35' Building roof height

- MAXIMUM LOT COVERAGE OF 30%
- FRONT YARD LINE UP REQUIREMENT
- REVISED VESTING STANDARDS FOR EXTENSIONS

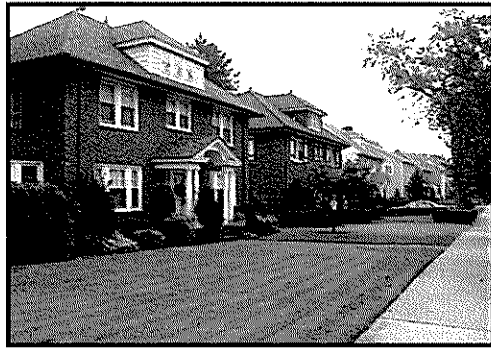
- 1 family only
- Detached only
- FAR 0.5
- Min. lot width: 40'
- Min. lot area: 3,800 sq ft

Proposed Zoning: R2



North Flushing Rezoning Proposed Lower Density and Contextual Zoning

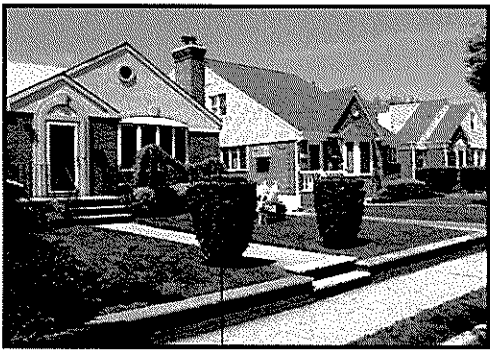
R1-2A



Existing – R1-2
Proposed – R1-2A on 24 Blocks

- 1 family detached only
- 0.5 residential FAR
- Wall Height = 25' Max Height = 35'
- 20' front yard with lineup

R2A



Existing – R2, R3X, R3-2, R4, R4-1 and R5
Proposed – R2A on 165 Blocks

- 1 family detached only
- 0.5 residential FAR
- Wall Height = 21' Max Height = 35'
- 15' front yard with lineup

R3X



Existing – R2 and R4-1
Proposed – R3X on 4 Blocks

- 1-2 family detached only
- 0.6 residential FAR w/ attic allowance
- Wall Height = 21' Max Height = 35'
- 15' front yard with lineup

R3-1



Existing – R3-2
Proposed – R3-1 on 5 Blocks

- 1-2 family detached and semi-detached only
- 0.6 residential FAR w/ attic allowance
- Wall Height = 21' Max Height = 35'
- 15' front yard with lineup

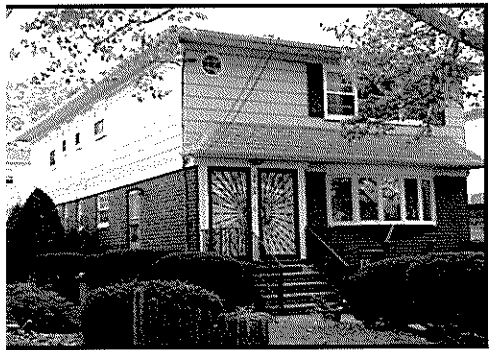
R3-2



Existing – R2
Proposed – R3-2 on 3 Blocks

- All housing types
- 0.6 residential FAR w/ attic allowance
- Wall Height = 21' Max Height = 35'
- 15' front yard

R4A



Existing – R3-2
Proposed – R4A on 18 Blocks

- 1-2 family detached only
- 0.9 residential FAR w/ attic allowance
- Wall Height = 21' Max Height = 35'
- 15' front yard with lineup

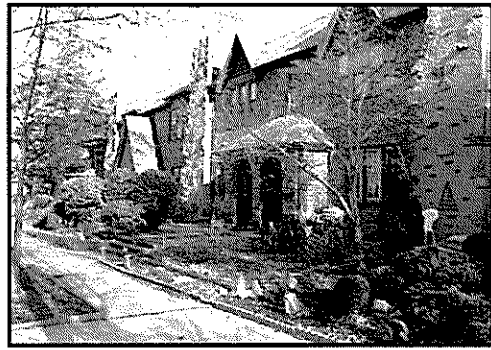
R4-1



Existing – R3-2 and R5
Proposed – R4-1 on 6 Blocks

- 1-2 family detached and semi-detached only
- 0.9 residential FAR w/ attic allowance
- Wall Height = 25' Max Height = 35'
- 10' front yard with lineup

R4B



Existing – R2 and R3-2
Proposed – R4B on 11 Blocks

- All housing types
- 0.9 residential FAR
- Max Height = 24'
- 5' front yard with lineup

R4



Existing – R2 and R5
Proposed – R4 on 12 Blocks

- All housing types
- 0.9 residential FAR w/ attic allowance
- Wall Height = 25' Max Height = 35'
- 10' front yard

R5B



Existing – R2 and R5
Proposed – R5B on 19 Blocks

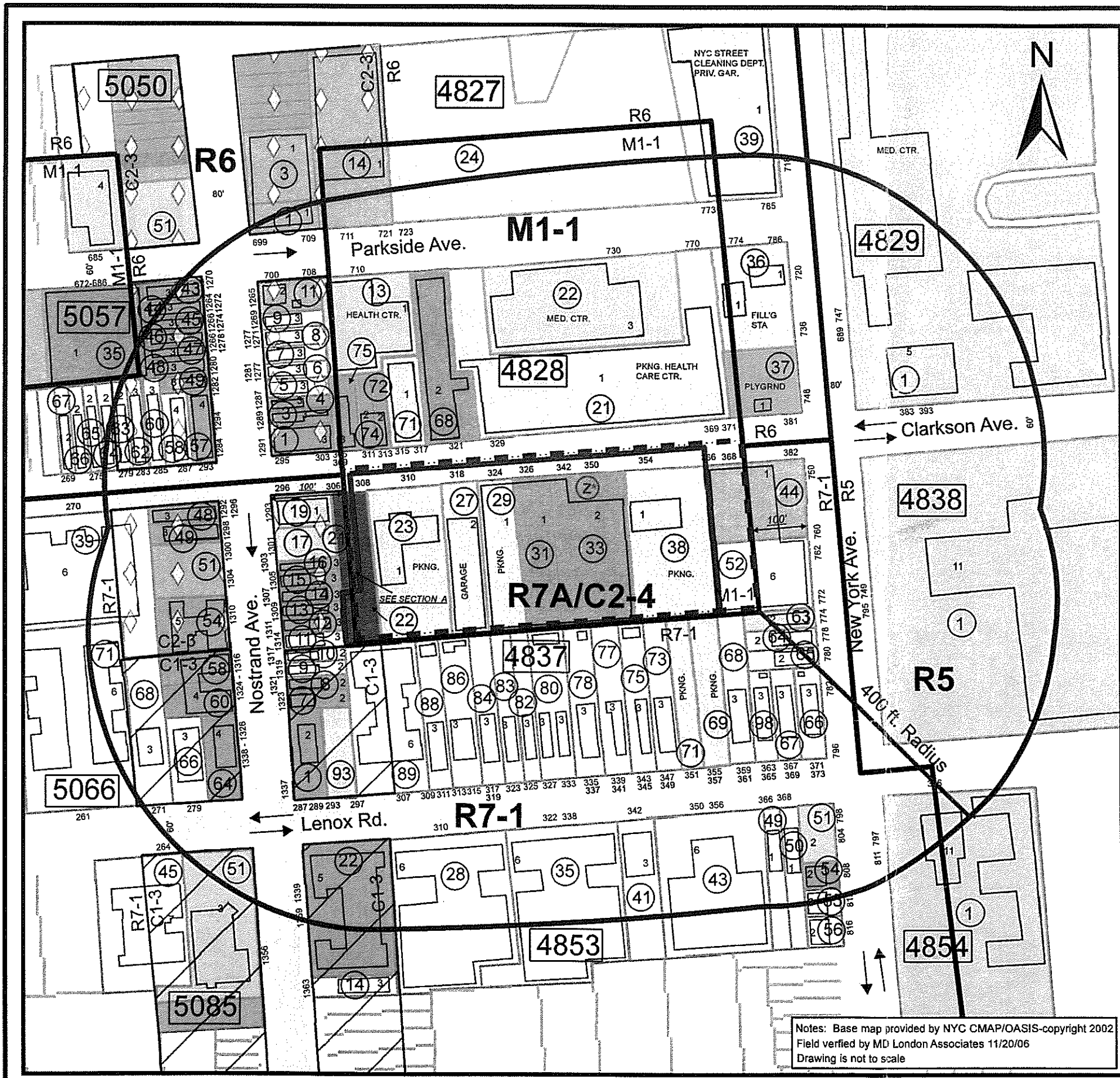
- All housing types
- 1.35 residential FAR
- Wall Height = 30' Max Height = 33'
- 5' front yard with lineup

R5D

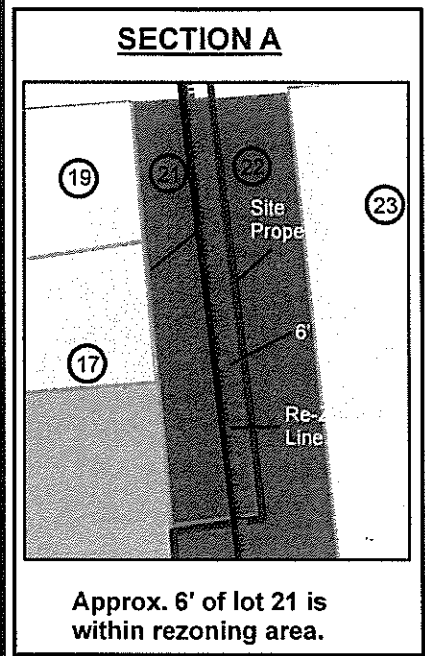
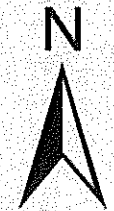


Existing – R2, R5 and R6
Proposed – R5D on 5 Blocks

- All housing types
- 2.0 residential FAR
- Max Height = 40'
- 5' front yard with lineup



Notes: Base map provided by NYC CMAP/OASIS-copyright 2002
 Field verified by MD London Associates 11/20/06
 Drawing is not to scale



Approx. 6' of lot 21 is within rezoning area.

(Z*) Block 4837 Lots 31 & 32 were formerly vacant / manufacturing and are currently utilized for interim parking.

LEGEND

- SITE BOUNDARY
- ZONING BOUNDARY
- LOT LINES
- 1715** TAX BLOCK NUMBER
- (21) TAX LOT NUMBER
- 3** BUILDING LOCATION (NUMBER OF STORIES)
- OUTDOOR RECREATION & OPEN SPACE
- RESIDENTIAL- 1 & 2 FAMILY
- RESIDENTIAL-MULTIPLE FAMILIES
- MIXED COMMERCIAL & RESIDENTIAL
- COMMERCIAL
- PUBLIC FAC. & INSTIT.
- INDUSTRIAL & MANUFACTURING
- TRANSPORTATION & PARKING
- VACANT LAND
- M1-1** EXISTING ZONING
- R7-1** EXISTING ZONING
- [Hatched Box] ZONING OVERLAY (C1-3)
- [Dotted Box] ZONING OVERLAY (C2-3)
- [Dashed Box] PROPOSED ZONING CHANGE FROM M1-1 to R7-A w/ C2-4 OVERLAY ("C2-4(R7-A)")
- 20' STREET WIDTH
- ← TRAFFIC DIRECTION

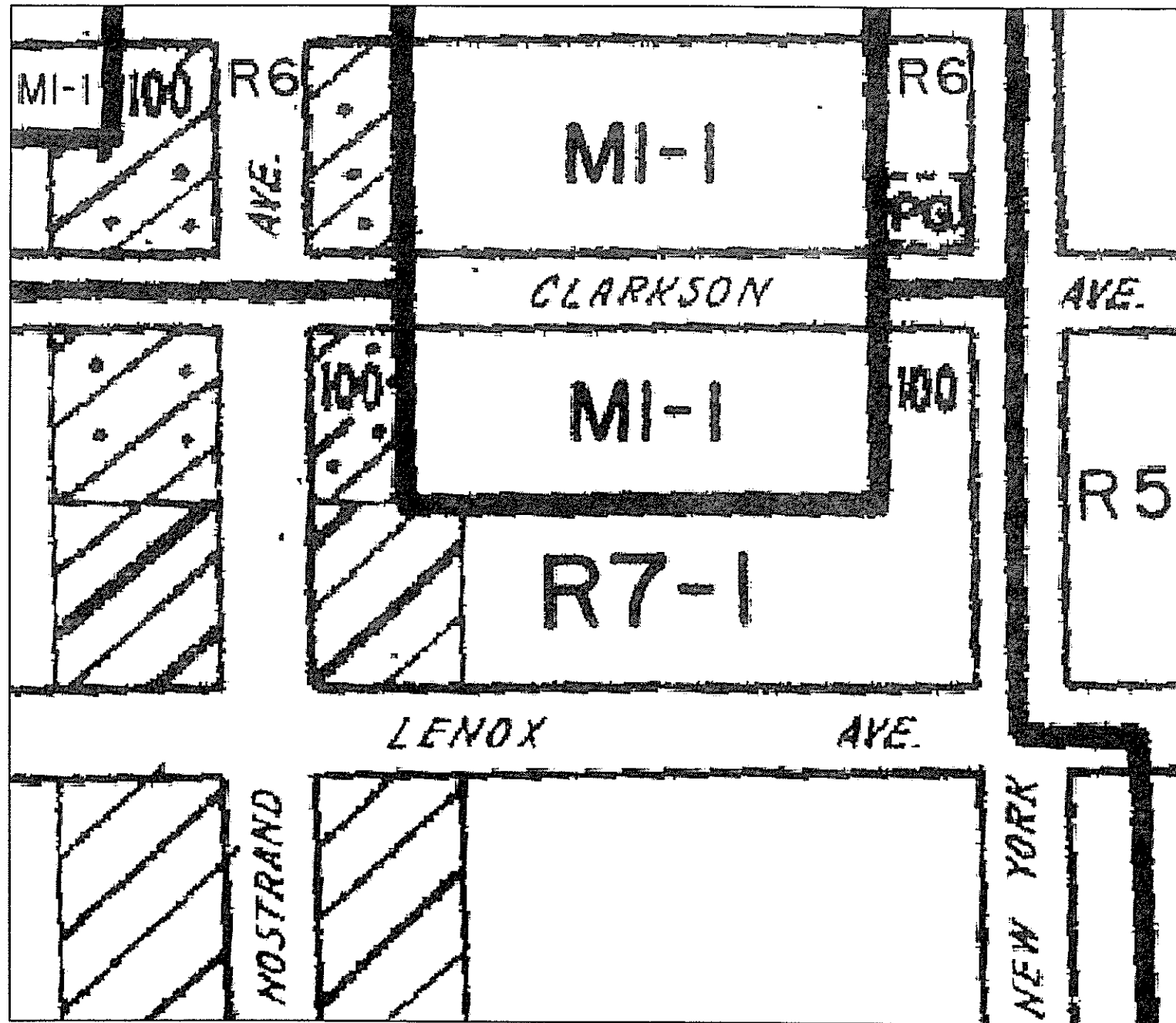
AREA MAP

Clarkson Avenue Rezoning
 308 - 360 Clarkson Avenue
 Brooklyn, NY 10035
 Block 4837; Lots 22 to 38

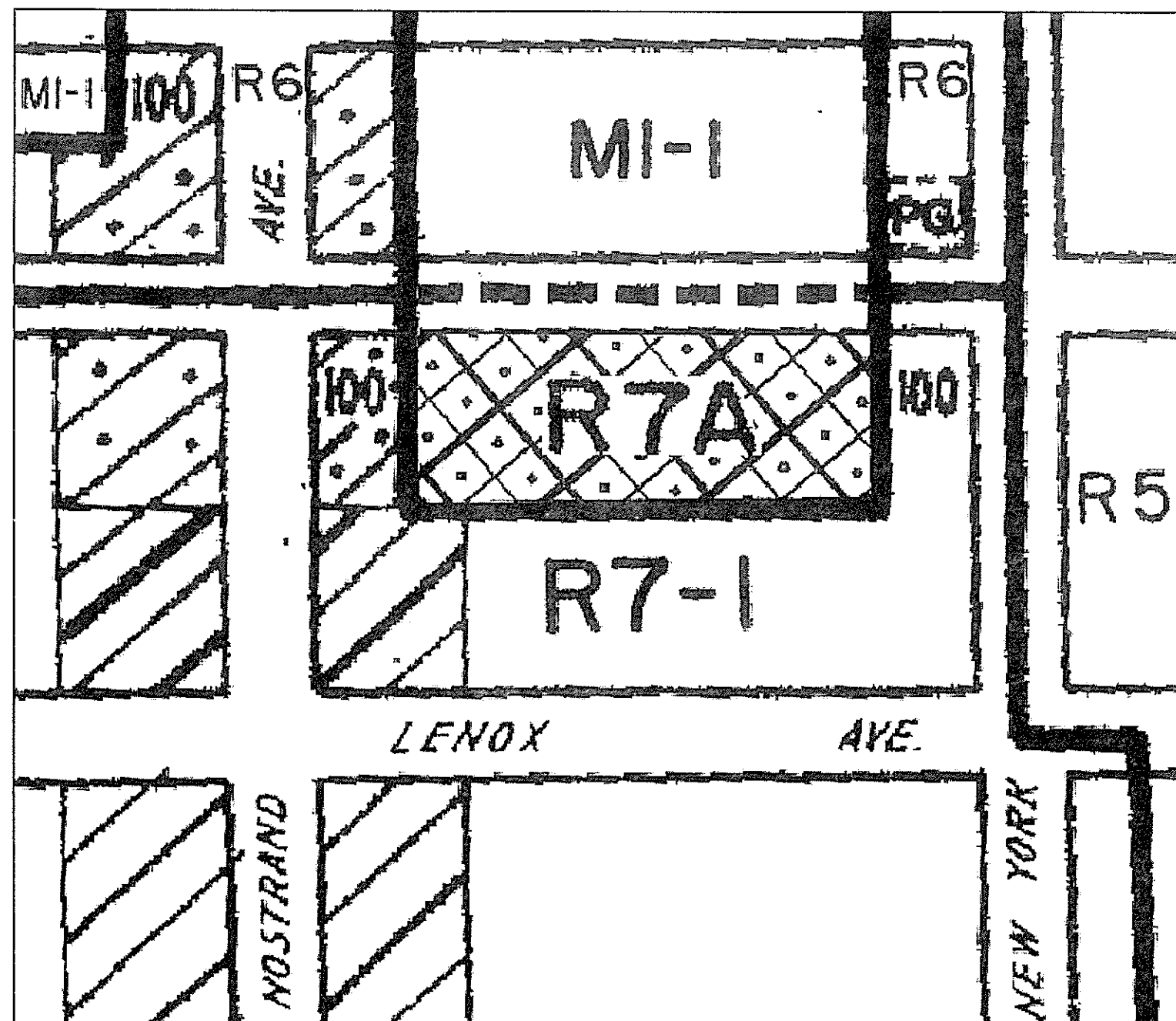
PREPARED BY
Equity Environmental Engineering LLC
 4 Gold Mine Rd. Flanders, NJ 07836 (973) 527-7451

FOR
M.D.London Associates L.L.C.

DRAWN BY/ DATE	CHKDATE	DRAWING NUMBER
TAF/19-22-08		2208010-Clarkson

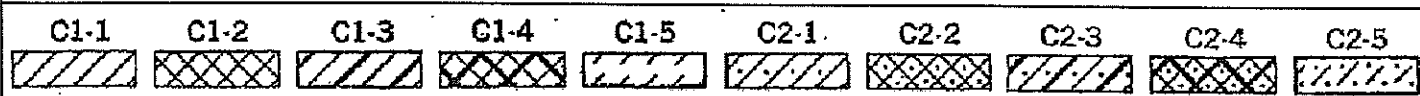


EXISTING ZONING DISTRICTS (EXERPT OF MAP 17b)



PROPOSED ZONING DISTRICTS

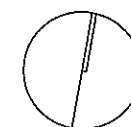
ZONING OVERLAY LEGEND:



0.1

CLARKSON AVENUE DEVELOPMENT

ZONING: R7A w/ C2-4 OVERLAY



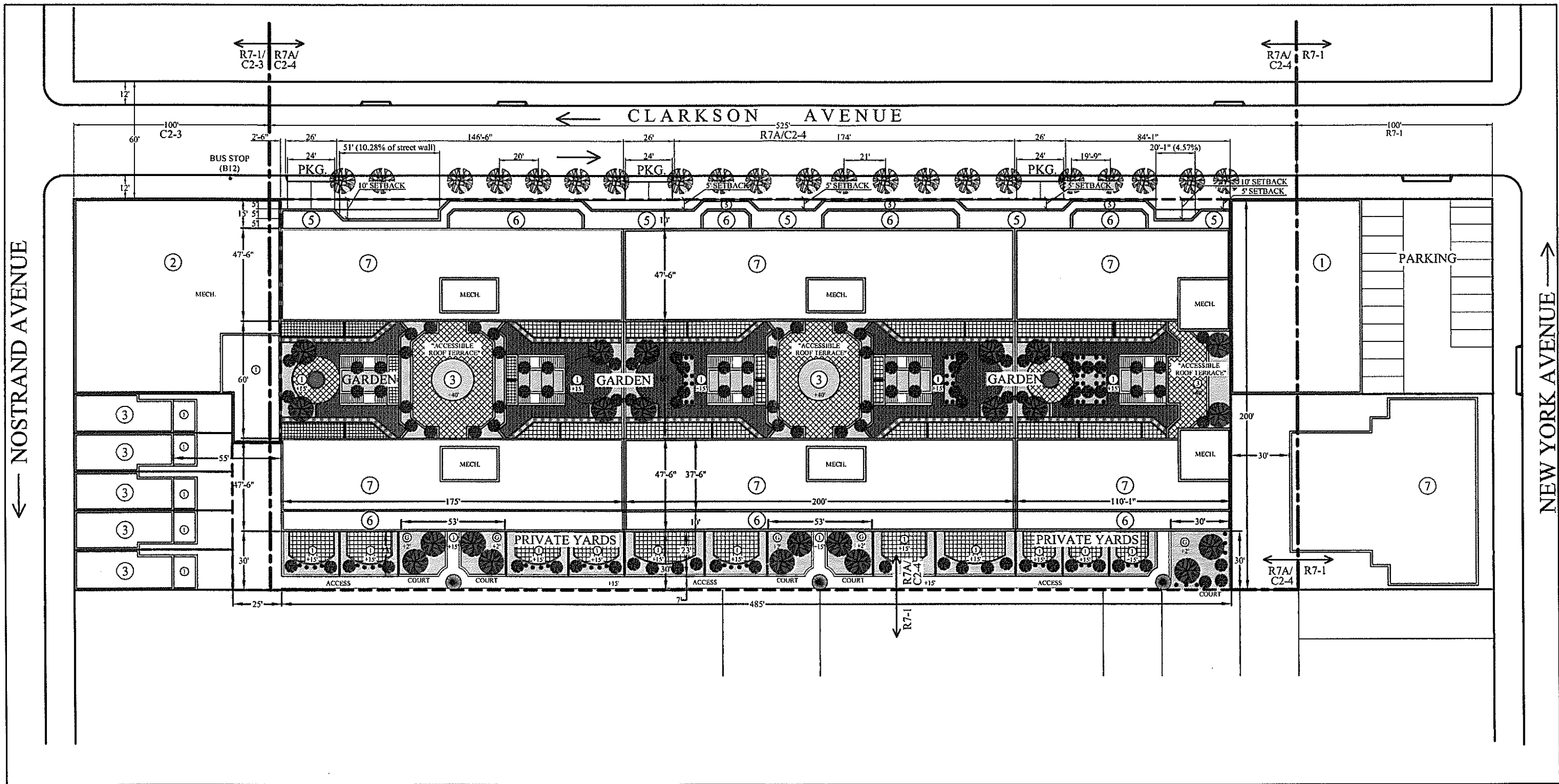
0 NTS X
NOT TO SCALE
June 4th, 2008

**Raquel Ramati
Associates, Inc.**

14 East 60th Street
New York, NY 10022
Ph [212] 751.9042
Fx [212] 371.7976

EXISTING AND PROPOSED REZONING MAPS

Urban Design,
Development and
Planning



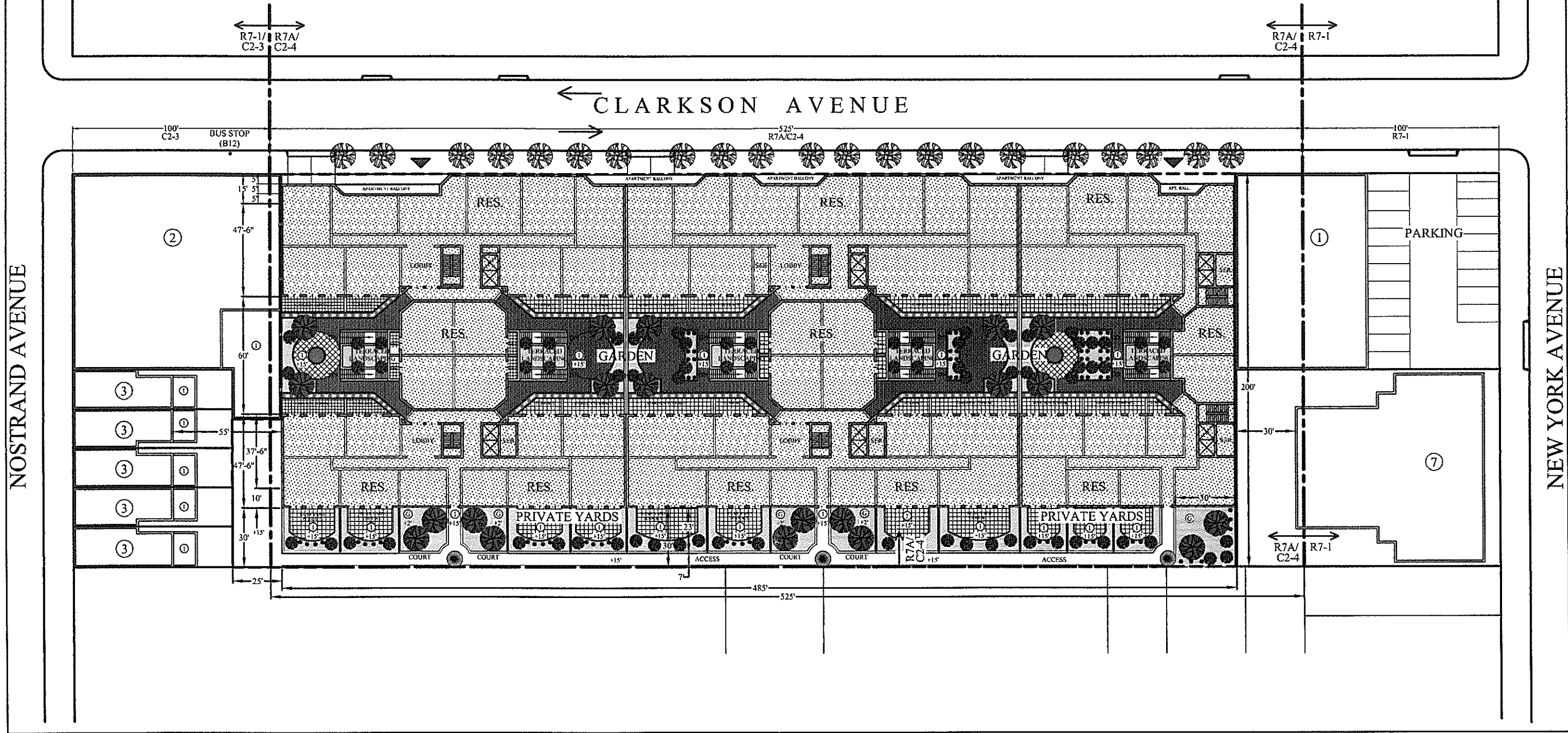
SITE PLAN

<h1>1.0</h1>	<p>CLARKSON AVENUE DEVELOPMENT</p>	<p>ZONING: R7A w/ C2-4 OVERLAY</p>	<p>Scale: 1" = 50'-0" May 30th, 2008</p>	<p>Raquel Ramati Associates, Inc.</p> <p>14 East 60th Street New York, NY 10022 Ph [212] 751.9042 Fx [212] 371.7976</p>	<p>Urban Design, Development and Planning</p>
	<p>SITE PLAN</p>	<p>NOTE: DRAWINGS ARE FOR ILLUSTRATIVE PURPOSES ONLY</p>			

NOSTRAND AVENUE

NEW YORK AVENUE

CLARKSON AVENUE



SECOND LEVEL FLOOR PLAN

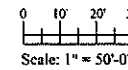
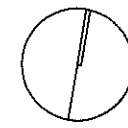
1.2

CLARKSON AVENUE DEVELOPMENT

ZONING: R7A w/ C2-4 OVERLAY

SECOND LEVEL FLOOR PLAN

NOTE: DRAWINGS ARE FOR ILLUSTRATIVE PURPOSES ONLY



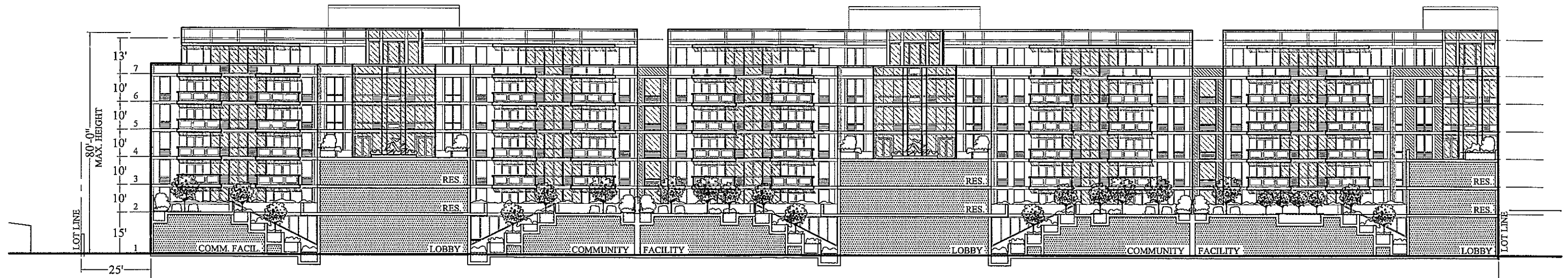
Scale: 1" = 50'-0"

May 30th, 2008

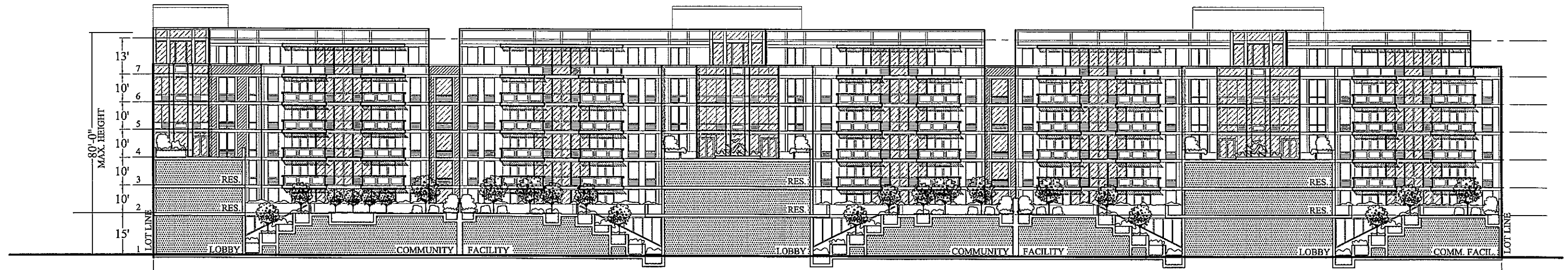
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INTERIOR GARDEN ELEVATION LOOKING NORTH



INTERIOR GARDEN ELEVATION LOOKING SOUTH

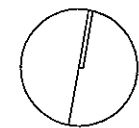
CLARKSON AVENUE DEVELOPMENT

ZONING: R7A w/ C2-4 OVERLAY

2.1

INTERIOR GARDEN ELEVATIONS

NOTE: DRAWINGS ARE FOR ILLUSTRATIVE PURPOSES ONLY



0 10' 20'
Scale: 1" = 40'-0"
June 4th, 2008

**Raquel Ramati
Associates, Inc.**

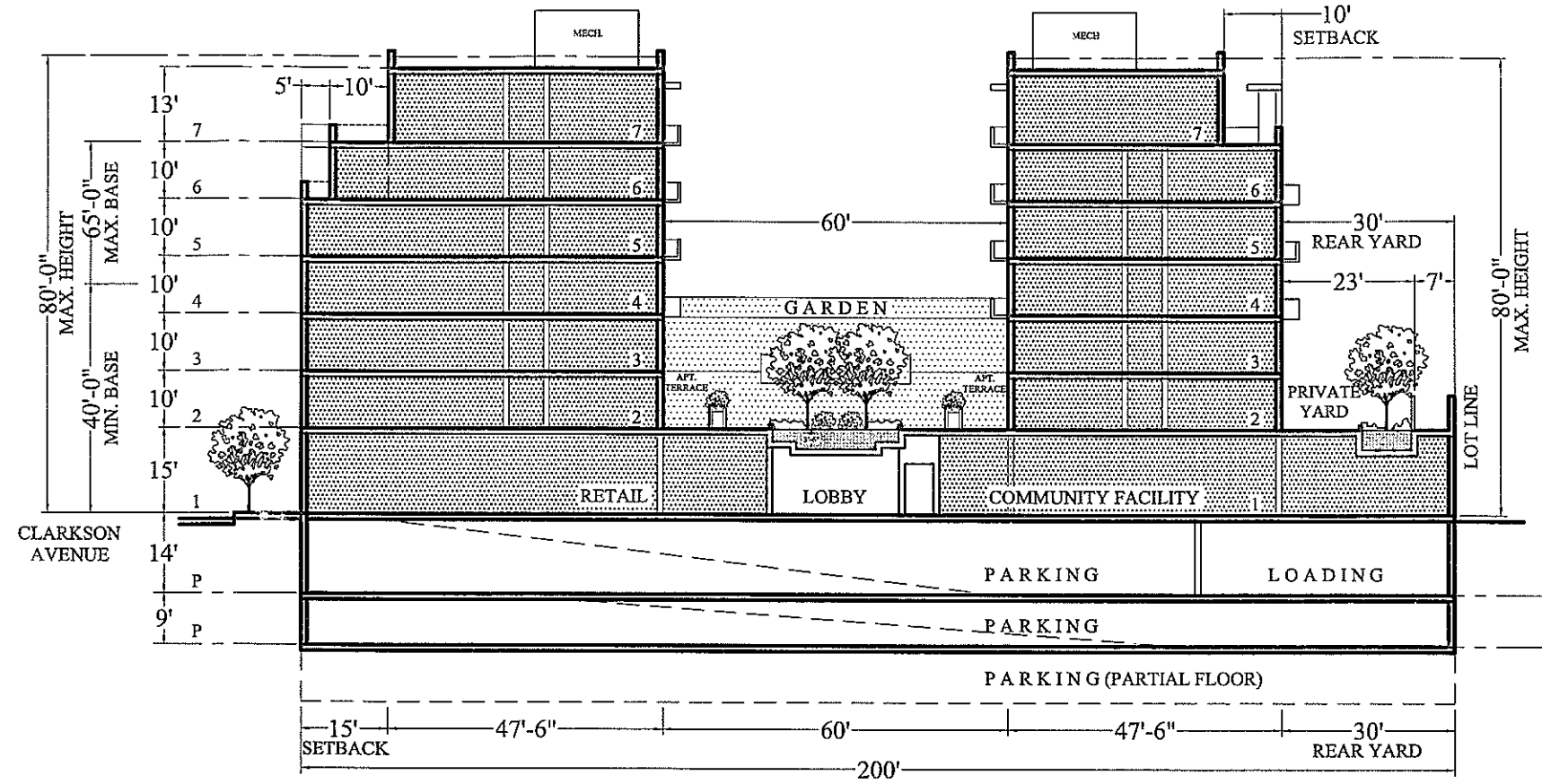
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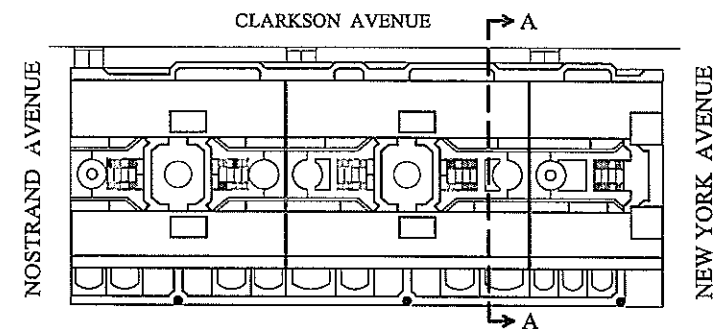
Zoning Analysis

Block: 4837
 Lots: 22, 23, 27, 29, 31 and 33
 Borough: Brooklyn
 Zoning: R7A/C2-4
 Lot Size: 98,895 sf

	Zoning Section	Permitted/ Required	Proposed	Compliance
FAR				
Residential	ZR §23-145	4.0	3.19	Yes
Comm.Facility	ZR §24-11	4.0	.32	Yes
Commercial	ZR §33-121	2.0	.29	Yes
Height	ZR §23-633	80'	80'	Yes
Setback				
Front	ZR §23- 633	15'@65'	15'@ 65'	Yes
Rear	ZR §23- 663	10'@65'	10'@ 65'	Yes
Yard-Res.				
Front	ZR §23-45	Not Required	0'	Yes
Side	ZR §23-462(c)	Not Required	0'	Yes
Rear	ZR §23-47	30' min.	30'	Yes
Yards-Comm. Facility				
Side	ZR §33-25	0'	0'	Yes
Rear	ZR §33-36	20'	30'	Yes
Courts - Comm. Facil.	ZR §24-641	20' min dim. 600 sf min.	20' (23'x 27') 621 sf	Yes Yes
Lot Coverage	ZR §23-145	65%	61%	Yes
Parking				
Residential	ZR §25-23	1/ 50% of Units	140	Yes
Comm.Facility	ZR §25-31	1/1000 SF FA	34	Yes
Commercial	ZR §36-21	1/1000 SF FA	33	Yes
Loading	ZR 36-62	1/25-40,000 SF FA	1	Yes



SECTION A-A THRU GARDEN COURT LOOKING EAST



KEY PLAN

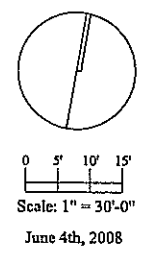
3.0

CLARKSON AVENUE DEVELOPMENT

SECTION THRU GARDEN COURT
 LOOKING EAST &
 ZONING TABLE

ZONING: R7A w/ C2-4 OVERLAY

NOTE: DRAWINGS ARE FOR ILLUSTRATIVE PURPOSES ONLY



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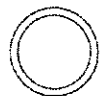
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 Planning



**CLARKSON AVENUE
CONCEPT
RENDERING**

NOT TO SCALE
05/30/08



**Raquel Ramati
Associates, Inc.**

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New York, NY 10022
Tel: 212-751-9042
Fax: 212-371-7976
Email: ramati@aol.com
www.raquelramati.com

CONCEPT RENDERING -- VIEW DOWN CLARKSON AVENUE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 090 239 Res. No. _____

in favor in opposition

Date: 4/20/09

(PLEASE PRINT)

Name: HOWARD SLOTKIN

Address: _____

I represent: DEP DIR STRATEGIC PLANNING, DEPT OF CITY PLANNING

Address: 22 READE ST

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. 111 1051 Res. No. 090132

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: NICK HOCKENS

Address: GREENBERG TRAWIG 200 PARK AVE NY 10166

I represent: 150 AMSTERDAM HOLDINGS LLC

Address: 600 LEXINGTON AVE NY NY 10022

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. 090281 090282 Res. No. _____

in favor in opposition

Date: 4/20/09

(PLEASE PRINT)

Name: BRENDAN PILLAR

Address: _____

I represent: PROJECT MGR, DEPC. OF CITY PLANNING

Address: 22 READE ST

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 090239 Res. No. _____

in favor in opposition

Date: 4/20/09

(PLEASE PRINT)

Name: CLAUDIA HERASME

Address: _____

I represent: SR PROJECT MGR, DEPC. OF CITY PLANNING

Address: 22 READE ST NY NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 090239 Res. No. _____

in favor in opposition

Date: 4/20/09

(PLEASE PRINT)

Name: THOMAS WARGO

Address: _____

I represent: DIR, ZONING DEPC. OF CITY PLANNING

Address: 22 READE ST

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. 1051 Res. No. 090132
 in favor in opposition ZMM

Date: _____

(PLEASE PRINT)

Name: BRENDA LEVIN NY, NY
Address: 301 E. 48th St. - 8E 10017
I represent: 150 Amsterdam Holdings
Address: 600 Lexington Ave. NY, NY
10022

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 090281 Res. No. 0902812A
 in favor in opposition 0902822K

Date: 4/24/09

(PLEASE PRINT)

Name: Henry Euler
Address: 204-05 43 Ave. Bayside 11361
I represent: Alburlandale Improvement Assoc, Inc
Address: P.O. Box 580 331 Station A, Flushing 11358

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1051 Res. No. 090132
 in favor in opposition ZMM

Date: _____

(PLEASE PRINT)

Name: FARSHIO STEVE SHOKOUHI
Address: 600 Lexington Avenue 14TH FL
I represent: 150 AMSTERDAM HOLDINGS LLC
Address: 600 Lexington Avenue NY NY
10022

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. 090282 Res. No. _____

in favor in opposition

Date: 4/20/09

(PLEASE PRINT)

Name: JOHN YOUNG

Address: _____

I represent: DIR. GUGENS OFFICE, DEPT. OF CITY PLANNING

Address: 22 READE ST

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. L01052 Res. No. _____

in favor in opposition

Date: 4-20-09

(PLEASE PRINT)

Name: HOWARD GOLDMAN

Address: 475 PAs, NYC

I represent: OWNER / APPLICANT

Address: CLARKSON AVE.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1047-50 Res. No. Clinton Park

in favor in opposition

Date: 4/20/09

(PLEASE PRINT)

Name: SETH ROBERT BERLINER

Address: 322 8th Ave, Ste. 1700, New York, NY 10001

I represent: NY State Sen. Tom Duane

Address: 322 8th Ave, Ste 1700, NY, NY 10001

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. 1046-50 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: EMILIE WARTEN

Address: 23 W 19 ST

I represent: TEN ARCHITECTS / 1 MASS -

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. LU 1040 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: STEVE WYGODA, ARCHITECT

Address: 190 E. Main St. Huntington N.Y.

I represent: SIDEWALK BAR & REST.

Address: 94 AVE A. MAN.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 090281 Res. No. 090281 2 mg

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Tyler Cassell

Address: 30-23 143 St. Flushing, NY 11354

I represent: North Flushing Civic Assn.

Address: P.O. Box 54142 Flushing, NY 11354

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. 1048-50 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: IRYKONIA LEVIN

Address: 116 E 59 ST

I represent: 2 PAGES / APPLICANT

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1048-50 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JED WALENTAS

Address: 45 MAIN ST, BROOKLYN, NY

I represent: TWO TREES

Address: 45 MAIN ST, BROOKLYN, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. W1047-

in favor in opposition

Date: 4/20/09 1050
Lincoln
Park

(PLEASE PRINT)

Name: Anne Levin

Address: _____

I represent: Manhattan Commun. Bd No. 4

Address: 330 W 42nd St

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 1097-1050

Date: 7/2/09

(PLEASE PRINT)

Name: Joe Nestuccia

Address: _____

I represent: MAN Comm Bd #4

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. ⁰⁹⁰²⁸¹⁴ 090282 Res. No. _____

in favor in opposition

Date: April 20th 2009

(PLEASE PRINT)

Name: PAUL GRAZIANO

Address: 146-18 32ND AVENUE FLUSHING, NY 11354

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 090281 Res. No. 090282

in favor in opposition

Date: April 20, 2009

(PLEASE PRINT)

Name: Mel Siegel

Address: 35-25 160TH Street Flushing, NY 11354

I represent: Boro-Wing Flushing American Association

Address: _____

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