

## **CITY PLANNING COMMISSION**

August 8, 2007/Calendar No. 21

N 760098(A)MMK

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**IN THE MATTER OF** a resolution pursuant to Section 5-430 *et seq.* of the New York City Administrative Code involving the discontinuance and closing of a portion of Canarsie Lane between East 87<sup>th</sup> Street and Foster Avenue, Community District 18, Borough of Brooklyn, in accordance with Map No. V-2696 dated May 16, 2007 and signed by the Borough President.

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**WHEREAS**, at its meeting held on November 9, 1977, in order to consolidate the applicant's property to facilitate a residential development, the City Planning Commission (the "Commission") adopted a resolution which approved the discontinuance and closing of the entire length of Canarsie Lane from Foster Avenue to East 87<sup>th</sup> Street (C760098 MMK, Cal. No. 21) (the "Original Approval") ;

**WHEREAS**, in conjunction with the Original Approval, the Commission approved Map No. V-2255, dated April 27, 1977, showing the discontinuance and closing of Canarsie Lane from Foster Avenue to East 87<sup>th</sup> Street, Brooklyn; and

**WHEREAS**, the Original Approval also provided that Map No. V-2255, showing the discontinuance and closing of Canarsie Lane from Foster Avenue to East 87<sup>th</sup> Street, shall not be filed until the private applicant has executed an agreement protecting the City's interests and accepted by the Commission (the Mapping Agreement Requirements); and

**WHEREAS**, the applicant was unable to obtain consent of, and waiver of damages by, the other property owners affected by the closing of the entire length of Canarsie Lane between Foster Avenue and East 87<sup>th</sup> Street which was needed to satisfy the Mapping Agreement Requirements; and

**WHEREAS**, the applicant currently proposes to discontinue and close only the portion of Canarsie Lane abutting his property which is needed for the proposed residential development and discontinuance and closing of this portion only will allow the owner of lot 40 continued access to his garage; and

**WHEREAS**, the Topographical Bureau of the Borough President has reviewed and submitted to the Commission Map No. V-2696 (N760098(A) MMK) dated, May 16, 2007, providing for the partial discontinuance and closing of Canarsie Lane, between East 87<sup>th</sup> Street and Foster Avenue; and

**WHEREAS**, the partial discontinuance and closing and conveyance pursuant thereto is consistent with the Original Approval; and

**WHEREAS**, by memorandum dated July 30, 2007, the New York City Law Department advised that the Commission may adopt a resolution which provides for the partial discontinuance and closing of Canarsie Lane; and

**WHEREAS**, this resolution may be adopted by the Commission pursuant to Section 5-430 et seq. of the New York City Administrative Code; and

**WHEREAS**, the Law Department has further advised that the Map (V-2255) adopted pursuant to the Original Approval is not being rescinded or amended and that the Map may be filed at a later date if the Mapping Agreement Requirements are satisfied.

**NOW THEREFORE**, the Commission adopts the following resolution:

**RESOLVED**, by the City Planning Commission, pursuant to Section 5-430 et seq. of the New York City Administrative Code, based on the considerations described in this report, that the discontinuance and closing of a portion of Canarsie Lane, between East 87<sup>th</sup> Street and Foster Avenue, Brooklyn, in accordance with Map No. V-2696 (N760098(A) MMK) dated, May 16, 2007 and signed by the Borough President, is approved; and be it further

**RESOLVED** that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

**RESOLVED** that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts three (3) counterparts of Map No. V-2696 dated May 16, 2007, providing for the discontinuance and closing of a portion of Canarsie Lane, between East 87<sup>th</sup> Street and Foster Avenue, more particularly described as follows:

BEGINNING at a point formed by the intersection of the southwesterly line of East 87<sup>th</sup> Street with the southeasterly line of Foster Avenue, as those streets were hereinbefore laid out on the City Map, thence in a southeasterly direction along the southwesterly line of East 87<sup>th</sup> Street a distance of 195.95 feet to the Point of Beginning:

- 1) Running thence in a southeasterly direction, along the southwesterly line of East 87<sup>th</sup> Street, 81.03 feet to a point coinciding with the southerly line of Canarsie Lane (discontinued and closed);
- 2) Running thence westerly, deflecting 142°-21'-20" to the right, along the southerly line of Canarsie Lane (discontinued and closed), 197.46 feet to a point;
- 3) Running thence northerly, deflecting 90°-00'-00" to the right, along the southerly line of Canarsie Lane (discontinued and closed), 7.59 feet to a point;
- 4) Running thence northeasterly, deflecting 37°-38'-40" to the right, along a line, 27.23 feet to a point;

- 5) Running thence northwesterly, deflecting 90°-00'-00" to the left, along a line, 21.00 feet to a point;
- 6) Running thence northeasterly, deflecting 90°-00'-00" to the right, along a line, 9.49 feet to a point on the northerly line of Canarsie Lane (discontinued and closed);
- 7) Running thence easterly, deflecting 52°-21'-20" to the right, along the northerly line of Canarsie Lane (discontinued and closed), 127.49 feet to the point or place of BEGINNING.

All such approvals shall be subject to the following conditions:

- a. The subject portion of Canarsie Lane to be discontinued and closed shall be discontinued and closed on the day following the day on which certified counterparts of Map No. V-2696 are filed with the appropriate agencies in accordance with Section 5-435 of the New York City Administrative Code.
- b. The subject Map shall not be filed with the appropriate agencies in accordance with condition (a) above until the applicant or his successors and assigns, shall have executed an agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission. If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved map may be returned to the City Planning Commission for rescission.

**AMANDA M. BURDEN, AICP Chair**  
**KENNETH J. KNUCKLES, Esq. Vice Chair**

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,**  
**BETTY CHEN, LISA A. GOMEZ, JOHN MEROLO, DOLLY WILLIAMS Commissioners**