

144-01-BZ

CEQR #01-BSA-132K

APPLICANT - Joseph P. Morsellino, Esq., for Alexander's Kings Plaza Center, Inc., owner; King Arcade Corp., lessee.

SUBJECT - Application April 17, 2001 - under Z.R. §73-35, to permit the proposed erection and maintenance of an amusement arcade within an existing shopping center (Use Group 15), which requires a special permit as per Z.R. §42-31.

PREMISES AFFECTED - 5100 Kings Plaza a/k/a 5102 Avenue U, 5102-5430 Avenue U, 2483-2671 Flatbush Avenue, Block 8470, Lots 1, 50 and 55, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES - None.

ACTION OF THE BOARD - Application denied.

THE VOTE TO GRANT -

Affirmative:0

Negative: Chairman Chin, Commissioner Korbey and Commissioner Caliendo.....3

THE RESOLUTION -

WHEREAS, the decision of the Department of Buildings, dated May 11, 2001, acting on Alt. Applic. No. 301155167 reads:

"As per ZR 73-03 & 73-11 and in accordance with the provisions contained in sections 73-35 of the zoning resolution in a M3-1 zoning district permission to operate an amusement/arcade (U.G. 15) this application referred to the Board of Standards and Appeals for a special permit use under section 73-35 of the Zoning Resolution and as per section 42-31 ZR."

WHEREAS, Community Board 18, the Brooklyn, unanimously voted to recommend disapproval of this application; and

WHEREAS, a public hearing was held on this application on June 5, 2001, after due notice by publication in *The City Record*, laid over to June 19, 2001 and then to June 27, 2001 for decision; and

WHEREAS, the premises and surrounding area had several site and neighborhood examinations by a committee of the Board consisting of Chairman James Chin, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. §73-35 to permit the proposed erection and maintenance of an amusement arcade within an existing shopping center (Use Group 15), which requires a special permit as per Z.R. §42-31; and

WHEREAS, Z.R.4 §73-35 permits the Board to issue a Special Permit for amusement arcades to be located within shopping centers for a term of one year; and

WHEREAS, in granting the permit, the Board must find that the proposed use will be beneficial to the other uses located within the shopping center; and

WHEREAS, Z.R. §73-35 requires the Board to look specifically at the impact of the permit on the other uses in the shopping center overall, not just the general land use impacts; and

WHEREAS, according to Z.R. §73-03, the Board shall make all the findings required under §73-35 with respect to use and shall find that the hazards or disadvantages to the community at large through the location of the use at the site are outweighed by the advantages to be derived by the community from the grant of the special permit; and

WHEREAS, this special permit empowers the Board to analyze the effects that such an arcade may have in specific locations; and

WHEREAS, in order to evaluate the impact of an arcade in a shopping center the Board has been given this special permit to minimize any adverse effects that such an operation may have on a shopping center or the community as a whole; and

WHEREAS, a special permit under Z.R. §73-35 for an amusement arcade in Kings Plaza, which existed from 1984 through 1988, was granted by the Board under Calendar Number 809-84 BZ and, as stated throughout the record by the community and the New York City Police Department (NYPD), the prior arcade negatively effected the surrounding uses in the shopping center and the community as a whole by intensifying the amount of youth violence in and around the area where the arcade was situated; and

WHEREAS, there is an established history that arcade use in the Kings Plaza Shopping Center has an extremely negative effect on the surrounding uses and the community because of the high amount of gang activity; and

WHEREAS, although the previous arcade in Kings Plaza was in a different location in the mall, the effect is as much as a concern because the change in location does not change the likelihood of the negative effect on the mall and the surrounding community;

WHEREAS, it has been demonstrated in the record by the NYPD that the presence of an arcade in this mall can only intensify an already volatile situation; and

WHEREAS, the Board can reasonably conclude under Z.R. §73-03 from the information in the record that this use, an arcade, in this location has hazards and disadvantages to the community at large which outweigh the advantages to be derived by the community from the grant of the special permit; and

WHEREAS, the Board finds under §73-35(b) that the proposed use will not be beneficial to the other uses located within the shopping center; and

WHEREAS, therefore, the application must be denied.

Resolved, that the decision of the Department of Buildings is affirmed and the application is denied.

Adopted by the Board of Standards and Appeals. June 27, 2001.

A true copy of resolution adopted by the Board of Standards and Appeals, June 27, 2001.
Printed in Bulletin No. 27, Vol. 86.

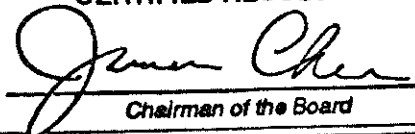
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To Applicant

Fire Com'r.

Borough Com'r.

CERTIFIED RESOLUTION


Chairman of the Board