



City Environmental Quality Review

ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) SHORT FORM

FOR UNLISTED ACTIONS ONLY • Please fill out and submit to the appropriate agency ([see instructions](#))

Part I: GENERAL INFORMATION

1. Does the Action Exceed Any Type I Threshold in 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)? YES NO

If "yes," STOP and complete the [FULL EAS FORM](#).

2. Project Name Hamilton Plaza

3. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency) 16DCP019K		BSA REFERENCE NUMBER (if applicable) 184-14-BZ (approved January 13, 2015)	
ULURP REFERENCE NUMBER (if applicable) 780389BZSK; 160026ZCK		OTHER REFERENCE NUMBER(S) (if applicable) (e.g., legislative intro, CAPA)	
4a. Lead Agency Information NAME OF LEAD AGENCY Department of City Planning		4b. Applicant Information NAME OF APPLICANT Hamilton Plaza Associates	
NAME OF LEAD AGENCY CONTACT PERSON Robert Dobruskin		NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON James Heineman, Equity Environmental Engineering	
ADDRESS 22 Reade Street, 4 th Floor		ADDRESS 227 Route 206, Suite 6	
CITY New York	STATE NY	ZIP 10007	CITY Flanders
TELEPHONE 212-720-3423	EMAIL rdobrus@planning.nyc.gov	TELEPHONE 973-527-7451	STATE NJ
			ZIP 07836
			EMAIL jim.heineman@equityenvironmental.com

5. Project Description

The applicant, Hamilton Plaza Associates, is seeking the following actions affecting Block 107, Lot 172 and Block 1025, Lots 1, 16, 18, 20, and 200 (the 'Development Site'): Modification to the previously approved special permit and restrictive declaration ('RD') to remove the Development Site from the conditions of the RD; and a waterfront certification pursuant to ZR Section 62-811(a)(1) that no Visual Corridor or Waterfront Public Access Area ("WPAA") is required as the proposed development is exempt pursuant to ZR Section 62-511(c)(2) and 62-52(a).

The proposed action would facilitate conversion of the 13,994-square foot third floor, and development of a 2,364-square foot third floor mezzanine, for use as a health club (Physical Culture Establishment) at the existing four-story building located at 1-37 12th Street in the Gowanus section of Brooklyn Community District 6.

Project Location

BOROUGH Brooklyn	COMMUNITY DISTRICT(S) 6	STREET ADDRESS 1-37 12 th Street
TAX BLOCK(S) AND LOT(S) Block 1007; Lot 172 and Block 1025, Lots 1, 16, 18, 20, and 200		ZIP CODE 11215
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Area between 9 th Street and 13 th Street between Hamilton Place and the Gowanus Canal		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY M1-2		ZONING SECTIONAL MAP NUMBER 16c

6. Required Actions or Approvals (check all that apply)

<input checked="" type="checkbox"/> CITY MAP AMENDMENT	<input type="checkbox"/> ZONING CERTIFICATION	<input checked="" type="checkbox"/> UNIFORM LAND USE REVIEW PROCEDURE (ULURP)
<input type="checkbox"/> ZONING MAP AMENDMENT	<input type="checkbox"/> ZONING AUTHORIZATION	<input type="checkbox"/> CONCESSION
<input type="checkbox"/> ZONING TEXT AMENDMENT	<input type="checkbox"/> ACQUISITION—REAL PROPERTY	<input type="checkbox"/> UDAAP
<input type="checkbox"/> SITE SELECTION—PUBLIC FACILITY	<input type="checkbox"/> DISPOSITION—REAL PROPERTY	<input type="checkbox"/> REVOCABLE CONSENT
<input type="checkbox"/> HOUSING PLAN & PROJECT	<input checked="" type="checkbox"/> OTHER, explain: Cancellation of Restrictive Declaration	<input type="checkbox"/> FRANCHISE
<input checked="" type="checkbox"/> SPECIAL PERMIT (if appropriate, specify type: <input checked="" type="checkbox"/> modification; <input type="checkbox"/> renewal; <input type="checkbox"/> other); EXPIRATION DATE:		
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION 74-922; 62-811		

Board of Standards and Appeals: YES NO

VARIANCE (use)
 VARIANCE (bulk)
 SPECIAL PERMIT (if appropriate, specify type: modification; renewal; other); EXPIRATION DATE:
 SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION 73-35 (approved January 13, 2015).

 note: The PCE requires a special permit from the Board of Standards and Appeals (the "BSA") pursuant to ZR § 73-36. This Special Permit was granted by the BSA on January 13, 2015 as 184-14-BZ. The granting of a PCE Special Permit pursuant to ZR Section 73-36 for physical culture or health establishments up to 20,000 square feet is a Type II action that is not subject to CEQR.

Department of Environmental Protection: YES NO If "yes," specify:

Other City Approvals Subject to CEQR (check all that apply)

<input type="checkbox"/> LEGISLATION	<input type="checkbox"/> FUNDING OF CONSTRUCTION, specify:
<input type="checkbox"/> RULEMAKING	<input type="checkbox"/> POLICY OR PLAN, specify:
<input type="checkbox"/> CONSTRUCTION OF PUBLIC FACILITIES	<input type="checkbox"/> FUNDING OF PROGRAMS, specify:
<input type="checkbox"/> 384(b)(4) APPROVAL	<input type="checkbox"/> PERMITS, specify:
<input type="checkbox"/> OTHER, explain:	

Other City Approvals Not Subject to CEQR (check all that apply)

<input type="checkbox"/> PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)	<input type="checkbox"/> LANDMARKS PRESERVATION COMMISSION APPROVAL
	<input type="checkbox"/> OTHER, explain:

State or Federal Actions/Approvals/Funding: YES NO If "yes," specify:

7. Site Description: *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*

Graphics: *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

<input checked="" type="checkbox"/> SITE LOCATION MAP	<input checked="" type="checkbox"/> ZONING MAP	<input checked="" type="checkbox"/> SANBORN OR OTHER LAND USE MAP
<input checked="" type="checkbox"/> TAX MAP	<input type="checkbox"/> FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)	
<input checked="" type="checkbox"/> PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP		

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 29,115	Waterbody area (sq. ft) and type:
Roads, buildings, and other paved surfaces (sq. ft.): 29,115	Other, describe (sq. ft.): 3 rd and 4 th floors of existing building

8. Physical Dimensions and Scale of Project (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 16,358	GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 118,945 including 13,994 to be converted and 2,364 to be built.
NUMBER OF BUILDINGS: third floor and new third floor mezzanine of one building	NUMBER OF STORIES OF EACH BUILDING: third floor and new third floor mezzanine of a four-floor building
HEIGHT OF EACH BUILDING (ft.): approx. 70	

Does the proposed project involve changes in zoning on one or more sites? YES NO
 If "yes," specify: The total square feet owned or controlled by the applicant:
 The total square feet not owned or controlled by the applicant:

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? YES NO
 If "yes," indicate the estimated area and volume dimensions of subsurface permanent and temporary disturbance (if known):

AREA OF TEMPORARY DISTURBANCE:	sq. ft. (width x length)	VOLUME OF DISTURBANCE:	cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE:	sq. ft. (width x length)		

Description of Proposed Uses (please complete the following information as appropriate)

	Residential	Commercial	Community Facility	Industrial/Manufacturing
Size (in gross sq. ft.)		75,524	30,191	13,230
Type (e.g., retail, office, school)	units	existing retail	existing 13,593-square foot medical	existing warehouse

			offices and proposed 16,598-square foot health club.	
Does the proposed project increase the population of residents and/or on-site workers? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: NUMBER OF ADDITIONAL WORKERS: 8 Provide a brief explanation of how these numbers were determined: health club patrons				
Does the proposed project create new open space? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If "yes," specify size of project-created open space: sq. ft.				
Has a No-Action scenario been defined for this project that differs from the existing condition? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If "yes," see Chapter 2 , "Establishing the Analysis Framework" and describe briefly:				
9. Analysis Year CEQR Technical Manual Chapter 2				
ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2018				
ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 12-18 months for construction of mezzanine and conversion of existing floor area				
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF MULTIPLE PHASES, HOW MANY?				
BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:				
10. Predominant Land Use in the Vicinity of the Project (check all that apply) <input type="checkbox"/> RESIDENTIAL <input checked="" type="checkbox"/> MANUFACTURING <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> PARK/FOREST/OPEN SPACE <input type="checkbox"/> OTHER, specify:				

Part II: TECHNICAL ANALYSIS

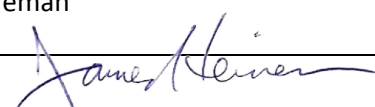
INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project’s impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the “no” box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the “yes” box.
- For each “yes” response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a “yes” answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Short EAS Form. For example, if a question is answered “no,” an agency may request a short explanation for this response.

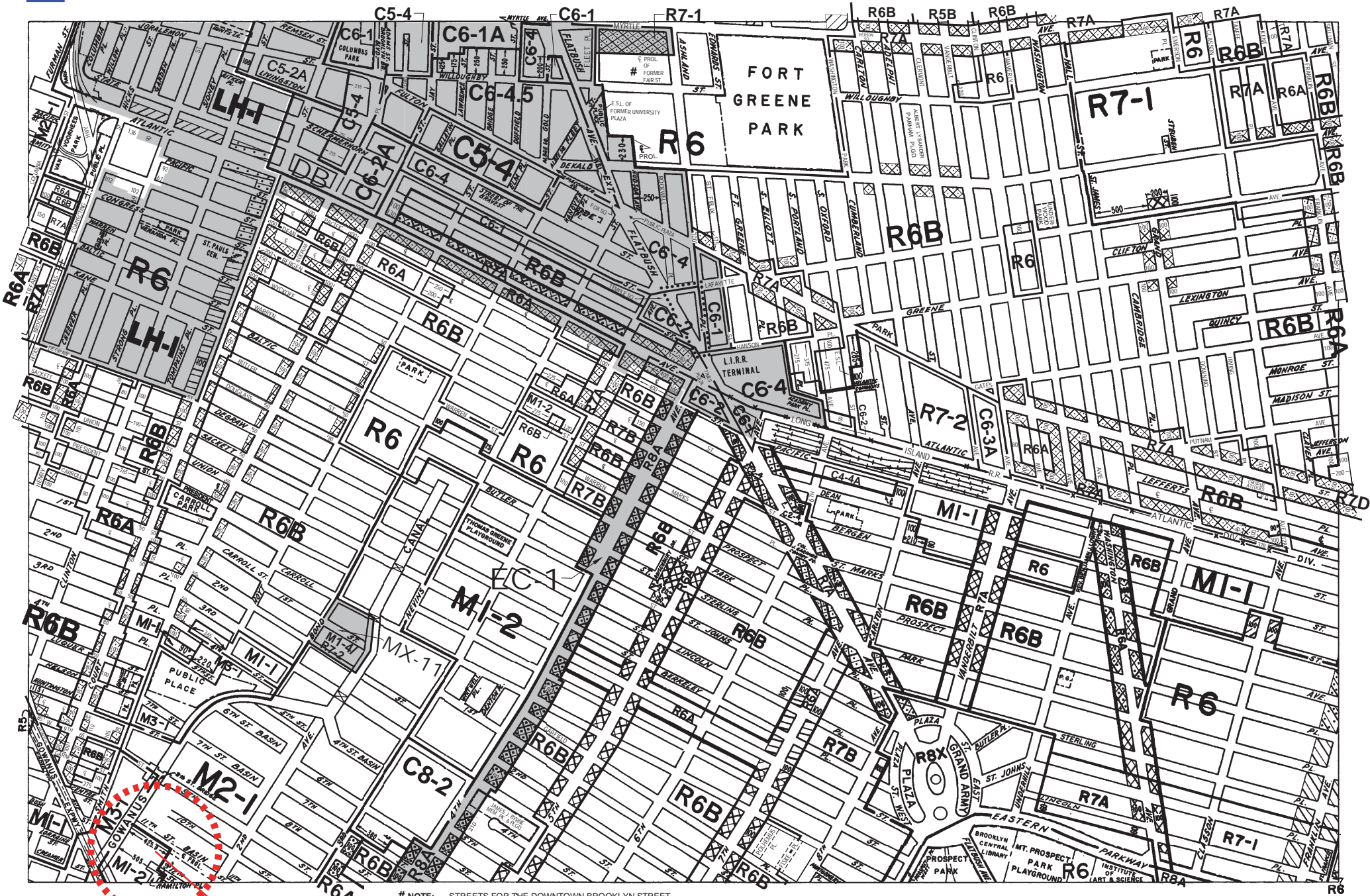
	YES	NO
1. LAND USE, ZONING, AND PUBLIC POLICY: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is there the potential to affect an applicable public policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If “yes,” to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City’s Waterfront Revitalization Program boundaries ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If “yes,” complete the Consistency Assessment Form .		
2. SOCIOECONOMIC CONDITIONS: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
o Generate a net increase of 200 or more residential units?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Generate a net increase of 200,000 or more square feet of commercial space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Directly displace more than 500 residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Directly displace more than 100 employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Affect conditions in a specific industry?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. COMMUNITY FACILITIES: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Indirect Effects		
o Child Care Centers: Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Libraries: Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Public Schools: Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Health Care Facilities and Fire/Police Protection: Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. OPEN SPACE: CEQR Technical Manual Chapter 7		
(a) Would the proposed project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Is the project located within an under-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” would the proposed project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(c) Is the project located within a well-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” would the proposed project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(d) If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
5. SHADOWS: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. HISTORIC AND CULTURAL RESOURCES: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources.		
7. URBAN DESIGN AND VISUAL RESOURCES: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. NATURAL RESOURCES: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete the Jamaica Bay Watershed Form , and submit according to its instructions .		
9. HAZARDOUS MATERIALS: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Has a Phase I Environmental Site Assessment been performed for the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: soil contamination based on past MGP use on the site. The proposed action affects upper floor uses and would not result in soil disturbance.	<input type="checkbox"/>	<input type="checkbox"/>
10. WATER AND SEWER INFRASTRUCTURE: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If the proposed project located in a separately sewered area , would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas , including Bronx River, Coney	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input type="checkbox"/>
(f) Would the proposed project be located in an area that is partially sewerred or currently unsewerred?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. SOLID WASTE AND SANITATION SERVICES: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14 , the project's projected operational solid waste generation is estimated to be (pounds per week): 660		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. ENERGY: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15 , the project's projected energy use is estimated to be (annual BTUs): 3,435,925.5		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. TRANSPORTATION: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16 ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? <i>**It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.</i>	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	<input type="checkbox"/>	<input type="checkbox"/>
14. AIR QUALITY: CEQR Technical Manual Chapter 17		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in Chapter 17 ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17 ? (Attach graph as needed)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. GREENHOUSE GAS EMISSIONS: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project fundamentally change the City's solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18 ?	<input type="checkbox"/>	<input type="checkbox"/>
16. NOISE: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		YES	NO
17. PUBLIC HEALTH: CEQR Technical Manual Chapter 20			
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20 , "Public Health." Attach a preliminary analysis, if necessary.			
18. NEIGHBORHOOD CHARACTER: CEQR Technical Manual Chapter 21			
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21 , "Neighborhood Character." Attach a preliminary analysis, if necessary. No adverse impacts related to any of the constituent elements of Neighborhood Character would occur. Allowing a commercial health club in an area dominated by retail activity and community facilities would not significantly affect the area's neighborhood character.			
19. CONSTRUCTION: CEQR Technical Manual Chapter 22			
(a) Would the project's construction activities involve:			
o Construction activities lasting longer than two years?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
o The operation of several pieces of diesel equipment in a single location at peak construction?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closure of a community facility or disruption in its services?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Activities within 400 feet of a historic or cultural resource?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Disturbance of a site containing or adjacent to a site containing natural resources?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22 , "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination. Construction associated with the proposed action would be limited to interior work to construct a third floor mezzanine and convert existing third floor space for use as a health club.			
20. APPLICANT'S CERTIFICATION			
I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.			
Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.			
APPLICANT/REPRESENTATIVE NAME James Heineman		DATE August 13, 2015	
SIGNATURE 			
PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.			

Click blue box on map to view sketch map of proposed map change



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:
 The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R – RESIDENTIAL DISTRICT
- C – COMMERCIAL DISTRICT
- M – MANUFACTURING DISTRICT
- SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.
- AREA(S) REZONED

Effective Date(s) of Rezoning:
 06-17-2013 C 130116 ZMK

Special Requirements:
 For a list of lots subject to CEQR environmental requirements, see APPENDIX C.
 For a list of lots subject to "D" restrictive declarations, see APPENDIX D.
 For Inclusionary Housing designated areas on this map, see APPENDIX F.

MAP KEY

12b	12d	13b
16a	16c	17a
16b	16d	17b

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NOTE: STREETS FOR THE DOWNTOWN BROOKLYN STREET MAP CHANGES (C 030514MMK - C 030516MMK) ARE SHOWN ON THIS MAP PRIOR TO BECOMING EFFECTIVE IN ORDER TO LOCATE ZONING DISTRICT BOUNDARIES.

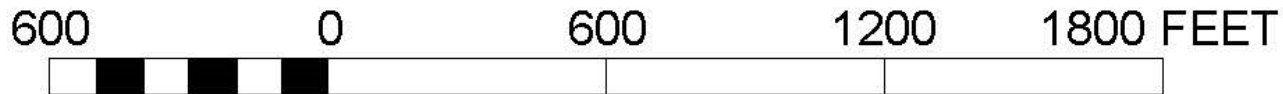
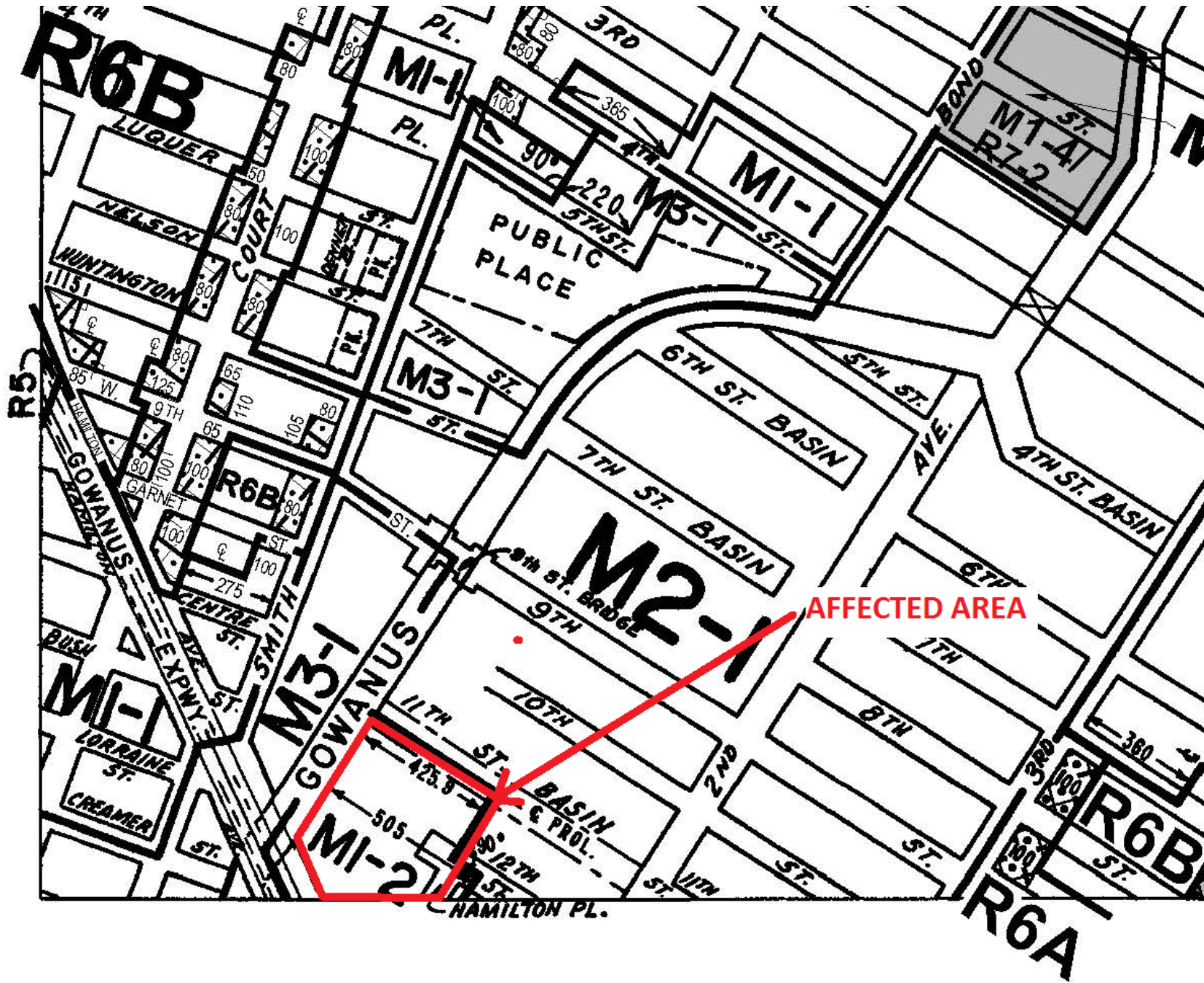
C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

PROPOSED DEVELOPMENT SITE

ZONING MAP 16c

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: www.nyc.gov/planning or contact the Zoning Information Desk at (212) 720-3291.



ZONING MAP - DETAIL



NYC Digital Tax Map

Effective Date : 01-07-2015 11:43:29
End Date : Current
Brooklyn Block: 1007

Legend

- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon
- Proposed Development Site



TAX MAP - BLOCK 1007



NYC Digital Tax Map

Effective Date : 11-14-2014 11:12:06
End Date : Current
Brooklyn Block: 1025



Legend

- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon
- Proposed Development Site



TAX MAP - BLOCK 1025

Area Map

1-37 12th Street, Brooklyn

Project Information

- 600' Buffer
- Proposed Development Site

Existing Zoning Districts

- M1-1
- M1-2
- M2-1
- M3-1
- P6B

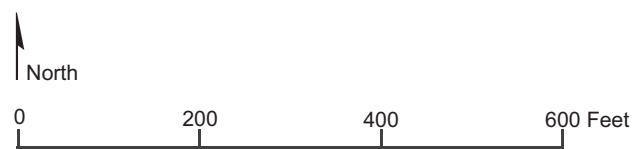
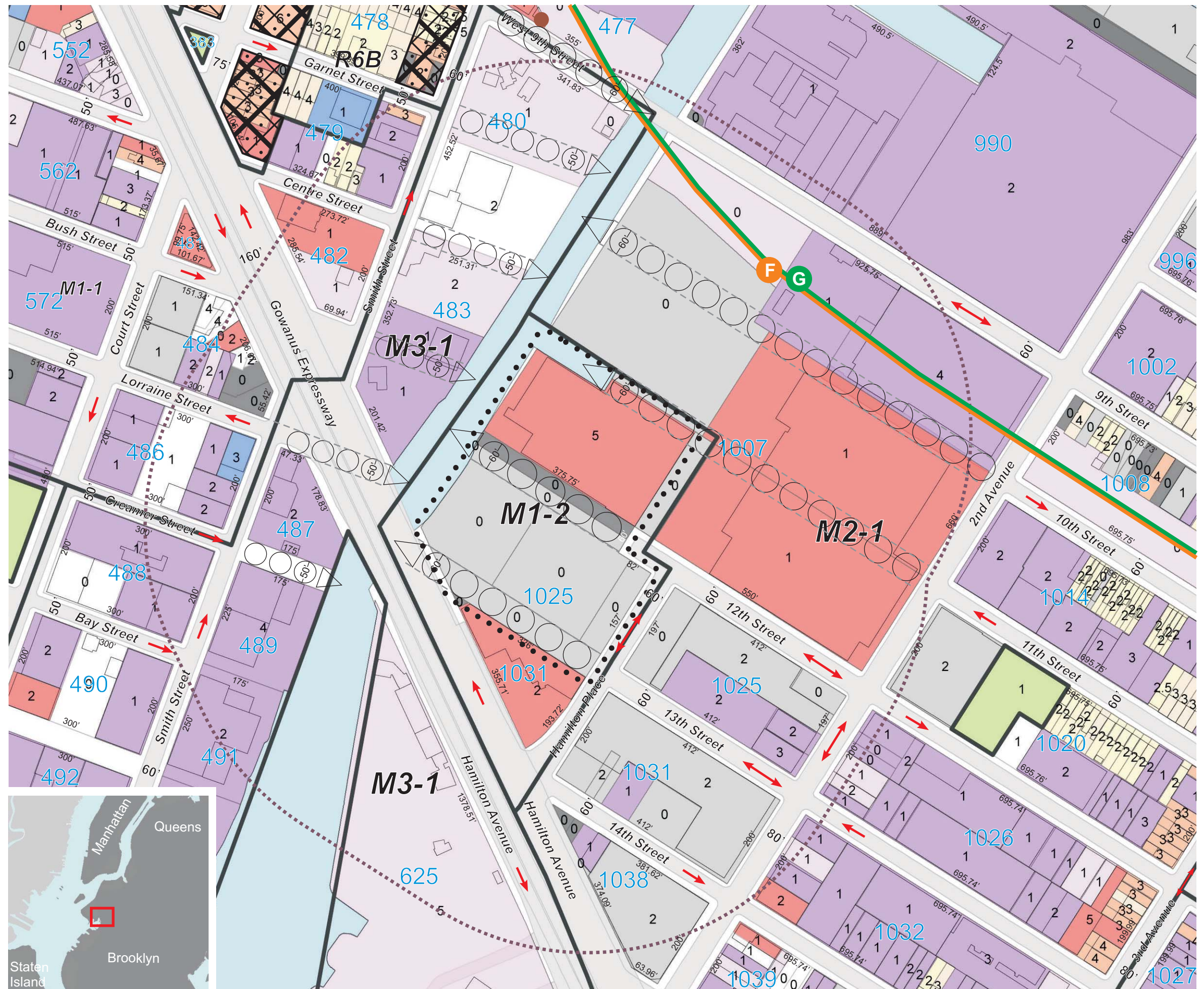
Existing Commercial Overlays

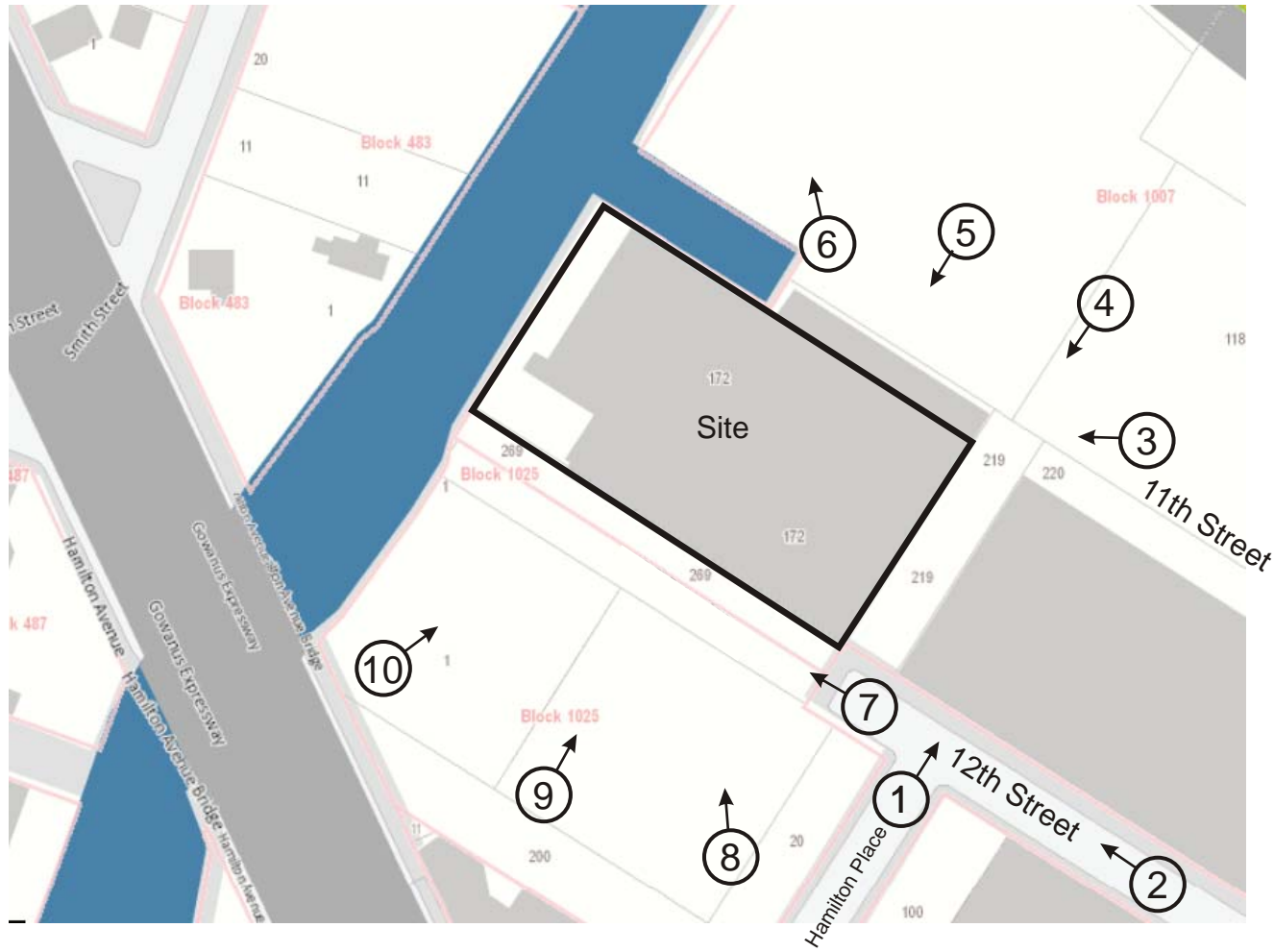
- C1-1
- C1-2
- C1-3
- C1-4
- C1-5
- C2-1
- C2-2
- C2-3
- C2-4
- C2-5

Upland Connection and Visual Corridor
 Subway Entries
 Block Numbers
 Property Lines
 Number of Floors

Land Uses

- One & Two Family Residential Buildings
- Multi-Family Residential Buildings
- Mixed Residential & Commercial Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land

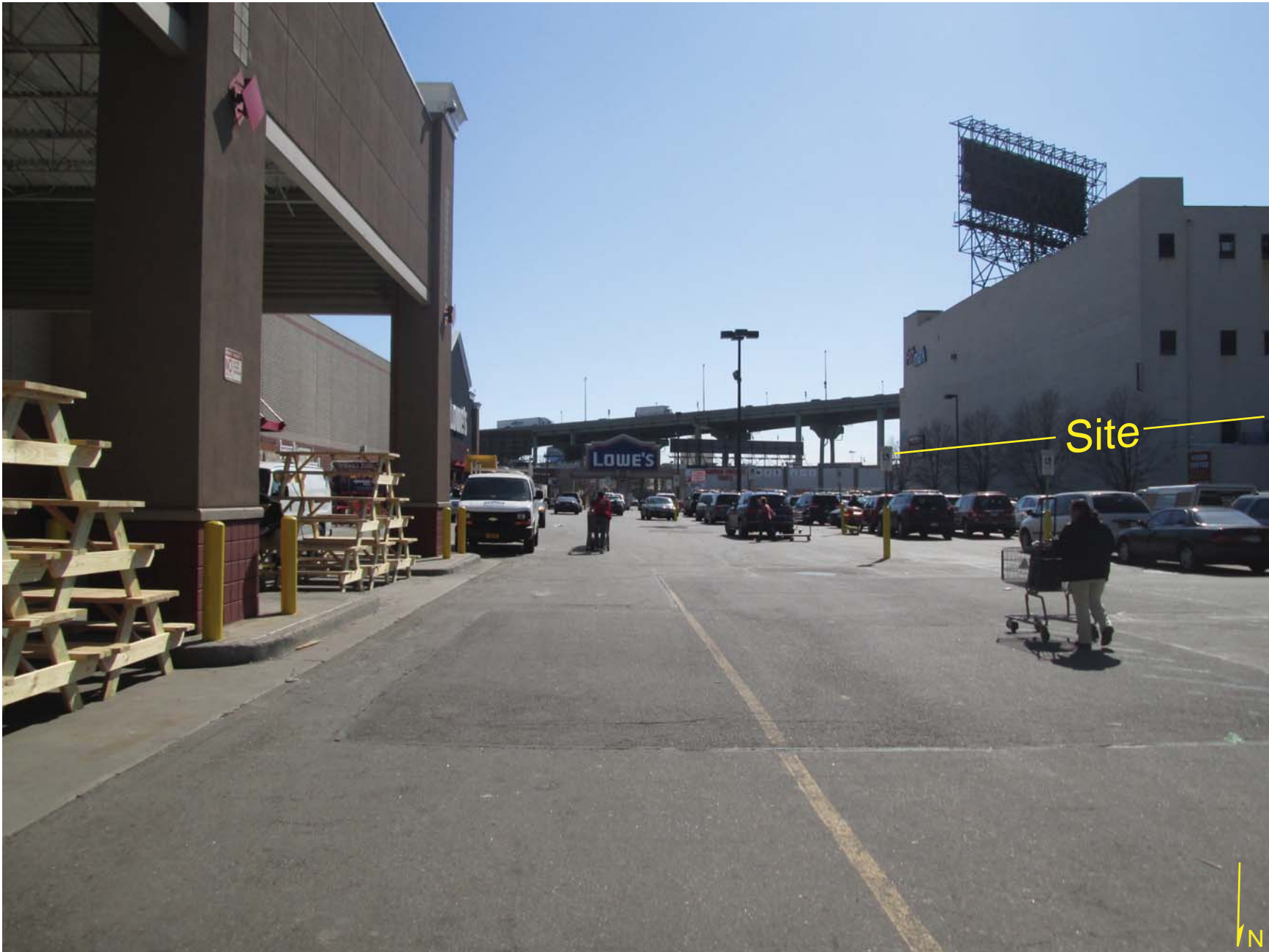
























ZD2 - ZONING DIAGRAM
ZONING LOT SITE PLAN

Orient and affix BIS
job number label here

Submitted to resolve objections stated in a notice
of intent to revoke issued pursuant to rule 101-15

Yes No

Location Information

House No(s) _____
Street Name _____

Borough _____
Block _____
Lot _____
BIN _____

Falsification of any statement is a misdemeanor
and is punishable by a fine or imprisonment, or
both. It is unlawful to give to a city employee, or
for a city employee to accept, any benefit,
monetary or otherwise, either as a gratuity for
properly performing the job or in exchange for
special consideration. Violation is punishable by
imprisonment or fine or both. I understand that if
I am found after hearing to have knowingly or
negligently falsified or allowed to be falsified any
certificate, form, signed statement, application,
report or certification of the correction of a
violation required under the provisions of this
code or of a rule of any agency, I may be barred
from filing further applications or documents with
the Department.

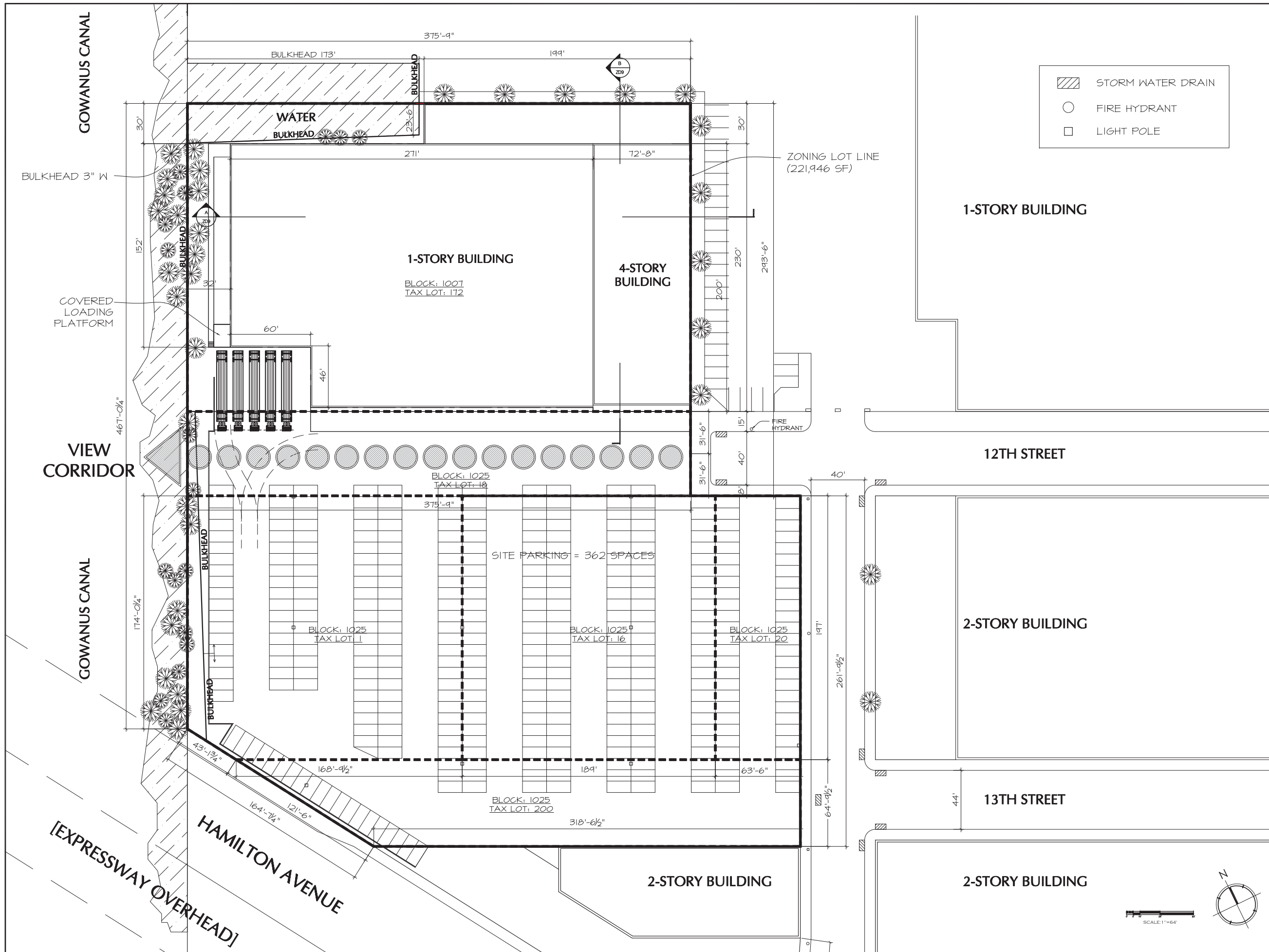
Christopher Stienon
Name (please print)

Signature
Date May 19, 2015



DRAWN BY: JAE JANG
REVIEWED BY: CHRISTOPHER STIENON
Internal Use Only _____
BIS Doc # _____

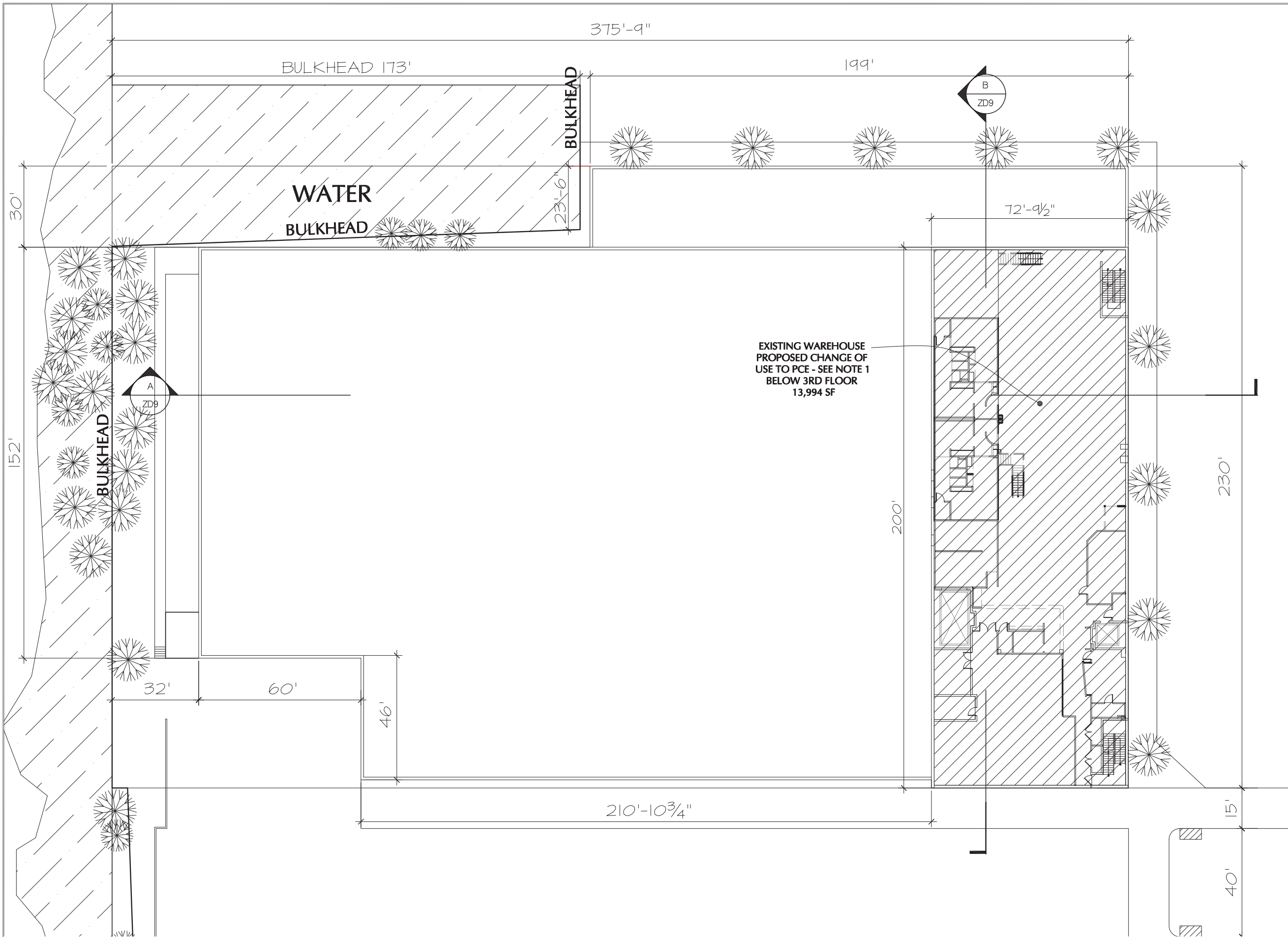
PLAN EXAMINER SIGN AND DATE



STORM WATER DRAIN
 FIRE HYDRANT
 LIGHT POLE

SCALE: 1"=64'

NOTE: THESE DRAWINGS ARE FOR ILLUSTRATIVE PURPOSES ONLY.



NOTE:
1. PCE OR PHYSICAL CULTURAL ESTABLISHMENT FILED SEPARATELY AT THE BOARD OF STANDARDS AND APPEALS UNDER CAL. NO 184-14-BZ

A PLAN - 3RD FLOOR (NO CHANGE)

1/16" = 1'-0"

NOTE: THESE DRAWINGS ARE FOR ILLUSTRATIVE PURPOSES ONLY.

URBAN MATRIX

ARCHITECTURE AND PLANNING

136 Fort Greene Place
Brooklyn, NY 11217 USA

ZD6 - ZONING DIAGRAM 3RD FLOOR PLAN

Orient and affix BIS
job number label here

Submitted to resolve objections stated in a notice
of intent to revoke issued pursuant to rule 101-15

Yes No

Location Information

House No(s) _____
Street Name _____

Borough _____
Block _____
Lot _____
BIN _____

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properly performing the job or in exchange for
special consideration. Violation is punishable by
imprisonment or fine or both. I understand that if
I am found after hearing to have knowingly or
negligently falsified or allowed to be falsified any
certificate, form, signed statement, application,
report or certification of the correction of a
violation required under the provisions of this
code or of a rule of any agency, I may be barred
from filing further applications or documents with
the Department.

Christopher Stienon
Name (please print)

Signature
Date May 19, 2015



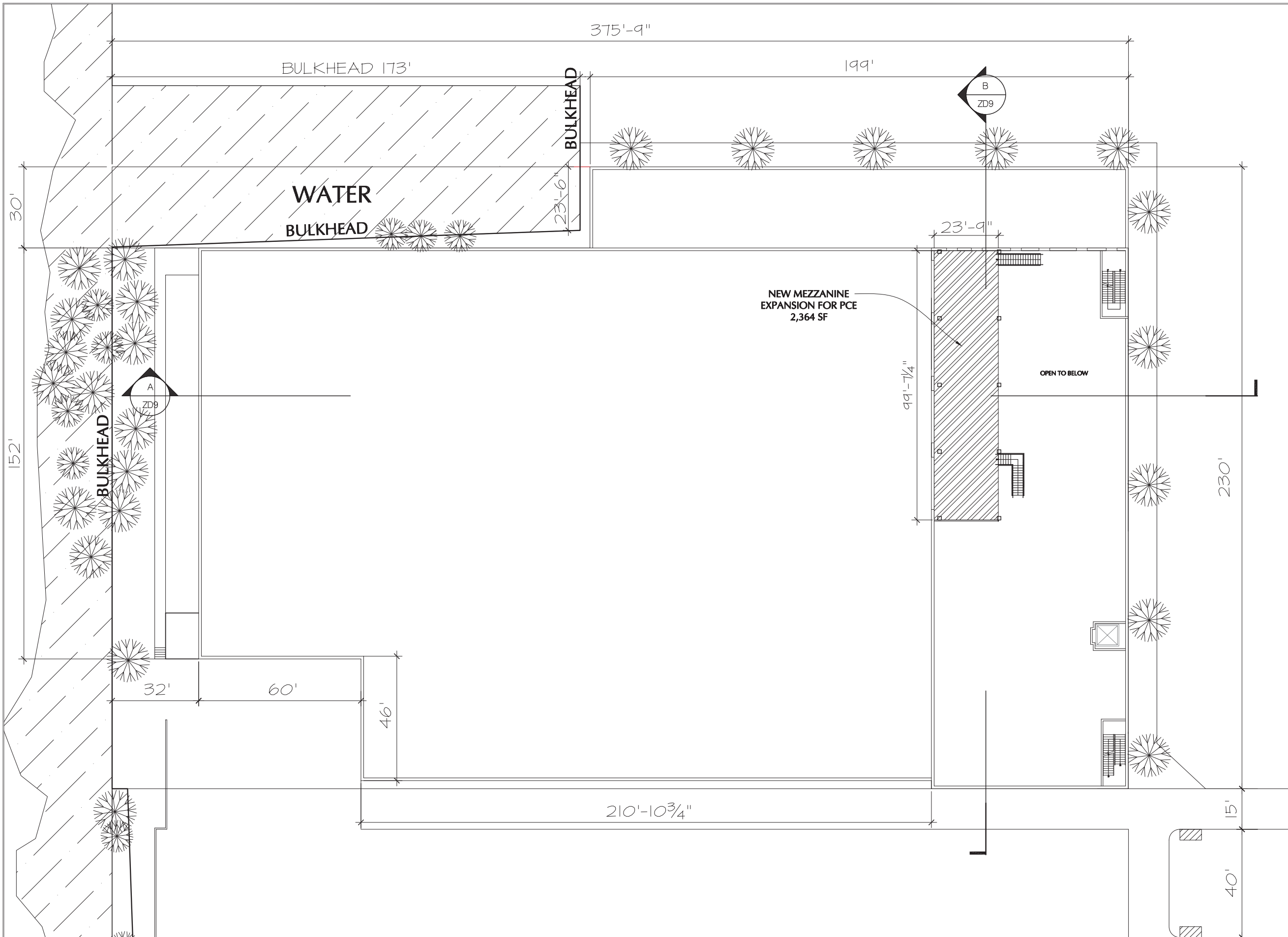
DRAWN BY: JAE JANG

REVIEWED BY: CHRISTOPHER STIENON

Internal Use Only

BIS Doc # _____

PLAN EXAMINER SIGN AND DATE



NOTE:
1. PCE OR PHYSICAL CULTURAL ESTABLISHMENT FILED SEPARATELY AT THE BOARD OF STANDARDS AND APPEALS UNDER CAL. NO 184-14-BZ

A PLAN - 3RD FLOOR MEZZANINE (PROPOSED EXPANSION)

1/16" = 1'-0"

NOTE: THESE DRAWINGS ARE FOR ILLUSTRATIVE PURPOSES ONLY.

URBAN MATRIX

ARCHITECTURE AND PLANNING

136 Fort Greene Place
Brooklyn, NY 11217 USA

**ZD7 - ZONING DIAGRAM
3RD FLOOR MEZZANINE PLAN**

Orient and affix BIS
job number label here

Submitted to resolve objections stated in a notice
of intent to revoke issued pursuant to rule 101-15

Yes No

Location Information

House No(s) _____
Street Name _____
Borough _____
Block _____
Lot _____
BIN _____

Falsification of any statement is a misdemeanor
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violation required under the provisions of this
code or of a rule of any agency, I may be barred
from filing further applications or documents with
the Department.

Christopher Stienon
Name (please print)

Signature
Date May 19, 2015



DRAWN BY: JAE JANG

REVIEWED BY: CHRISTOPHER STIENON

Internal Use Only

BIS Doc # _____

PLAN EXAMINER SIGN AND DATE

ZD9 - ZONING DIAGRAM
BUILDING SECTIONS

Orient and affix BIS
job number label here

Submitted to resolve objections stated in a notice
of intent to revoke issued pursuant to rule 101-15

Yes No

Location Information

House No(s) _____
Street Name _____
Borough _____
Block _____
Lot _____
BIN _____

Falsification of any statement is a misdemeanor
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from filing further applications or documents with
the Department.

Christopher Stienon
Name (please print)

Signature
Date May 19, 2015



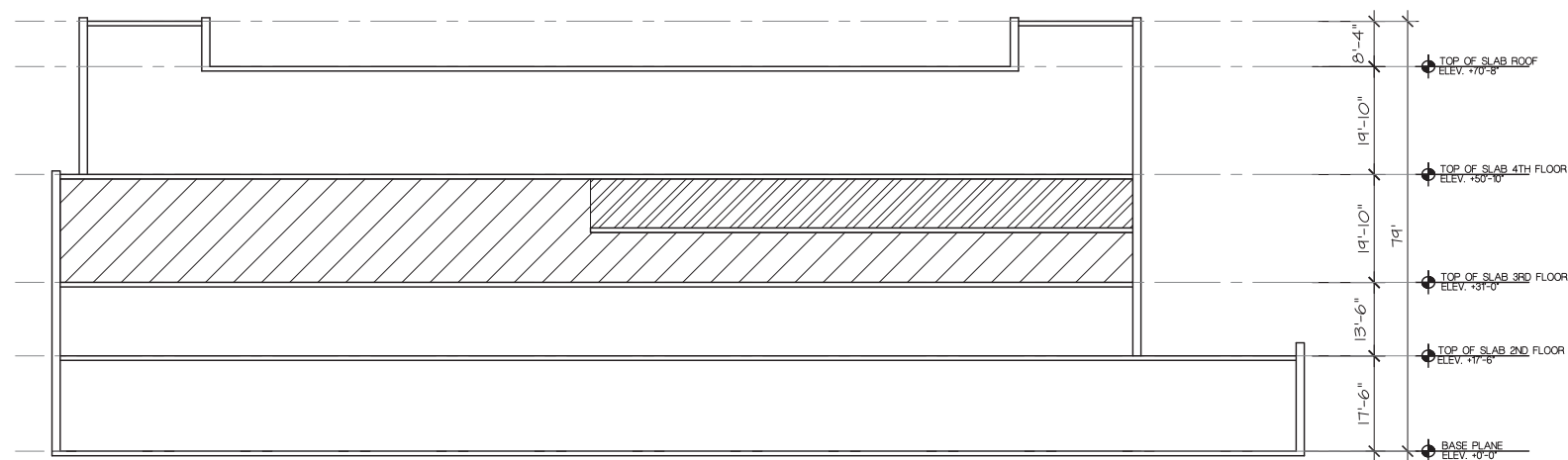
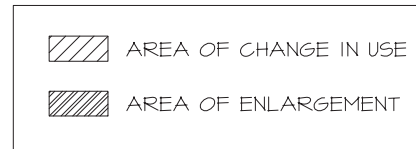
DRAWN BY: JAE JANG

REVIEWED BY: CHRISTOPHER STIENON

Internal Use Only

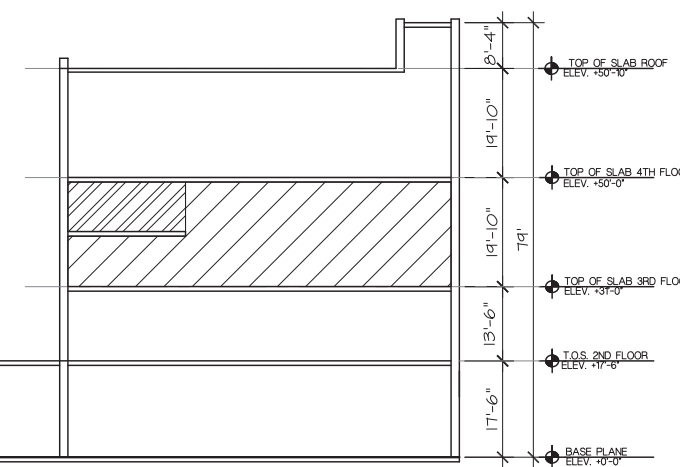
BIS Doc # _____

PLAN EXAMINER SIGN AND DATE



B SECTION B-B

1/16" = 1'-0"



A SECTION A-A

1/16" = 1'-0"

NOTE: THESE DRAWINGS ARE FOR ILLUSTRATIVE PURPOSES ONLY.

Introduction

Project Description

The applicant, Hamilton Plaza Associates, is seeking the following actions:

- (1) a modification to the previously approved special permit and Restrictive Declaration (“RD”) to remove the Proposed Development Site from the conditions of the RD, and
- (2) a waterfront certification that no visual corridor (“VC”) or waterfront public access area (“WPAA”) is required pursuant to ZR § 62-811(a)(1) as the proposed development is exempt pursuant to ZR §§ 62-511(c)(2) and 62-52(a) (together hereinafter collectively referred to as the “Modification and Certification”)

The proposed actions would facilitate conversion of the 13,994-square foot third floor, and development of a 2,364-square foot third floor mezzanine, for use as a health club (Physical Culture Establishment) with total floor area of 16,358 square feet at the existing four-story building located at 1-37 12th Street in the Gowanus section of Brooklyn Community District 6. The proposed PCE tenant, Retro Fitness, has signed a lease for the space.

The Development Site is Block 1007, Lot 172 and Block 1025, Lots 1, 16, 18, 20, and 200. Block 1007 is bounded by 2nd Avenue to the east, 12th Street and the westerly extension of 12th Street to the south, 9th Street to the north, and the Gowanus Canal to the west. Block 1025 is bounded by 2nd Avenue to the east, 13th Street and the westerly extension of 13th Street to the south, 12th Street and the westerly extension of 12th Street to the north, and the Gowanus Canal to the west.

The affected property containing the area proposed for health club use is on Block 1007, Lot 172. The building’s accessory parking lot is located on Block 1025, Lots 1, 16, 18, 20, and 200. The PCE requires a special permit from the Board of Standards and Appeals (the “BSA”) pursuant to ZR § 73-36. The BSA granted this Special Permit on January 13, 2015 as 184-14-BZ. The granting of a PCE Special Permit pursuant to ZR Section 73-36 for physical culture or health establishments of up to 20,000 square feet is a Type II action that is not subject to CEQR.

The proposed minor modification involves cancelling a condition to the existing special permit as it relates to the Development Site. The relevant condition states that any uses on the third and fourth floors of the existing building at the Development Site, other than office or warehouse uses, shall only be allowed by written authorization of the City (by recommendation of the City Planning Commission (“CPC”) and final approval by the City Council (f/k/a the Board of Estimate [the “BOE”])), after consultation with the community including local merchants.

Since the Development Site is located on a waterfront block, a waterfront certification pursuant to ZR Section 62-811 (Waterfront Access and Visual Corridors) is also required. The applicant seeks a certification that no waterfront public access area (“WPAA”) is required pursuant to ZR Section 62-811(a)(1) as the proposed development is exempt pursuant to ZR Section 62-52.

Although waterfront blocks are generally defined in ZR Section 12-10 as blocks along waterways with a minimum width of 100 feet with no portion downstream less than 100 feet, ZR Section 62-11 indicates that any block in the waterfront area having a boundary within or coincident with the boundaries of the Gowanus Canal, as is the case with the lot containing the Development Site, shall be a waterfront block.

Affected Area

The proposed actions would affect occupancy of the third and fourth floors of an existing building. The Development Site is identified as 1-37 12th Street (Block 1007, Lot 172 and Block 1025, Lots 1, 16, 18, 20, and 200). It is located in the southern end of the Gowanus neighborhood on the eastern edge of the Gowanus Canal within Brooklyn Community District 6. The Development Site has a lot area of 221,946 square feet. Block 1007, Lot 172 is improved with a 4-story, 111,091-square foot, 70’ 8” tall commercial and manufacturing building. The ground floor is occupied by Pathmark, Dunkin Donuts/Baskin Robbins, an eyeglass store, and Big J’s Wines and Liquors. Medical offices occupy the second floor. The third floor is vacant, and the fourth floor is used as a light bulb warehouse facility. The proposed actions are not expected to affect remaining occupants of the building.

Block 1025, Lots 1, 16, 20, and 200 contains a 362-space accessory parking lot serving the uses on the Development Site.

Description of the Proposed Development:

The Applicant seeks (1) a modification to the previously approved special permit and Restrictive Declaration ("RD") to remove the Proposed Development Site from the conditions of the RD; (2) a change of use and an enlargement of the third floor of the existing building located at the Proposed Development Site by adding a 2,364 square foot mezzanine; and (3) a waterfront certification that no visual corridor ("VC") or waterfront public access area ("WPAA") is required pursuant to ZR § 62-811(a)(1) as the proposed development is exempt pursuant to ZR §§ 62-511(c)(2) and 62-52

Site History

The Proposed Development Site is located in the southern end of the Gowanus neighborhood on the eastern edge of the Gowanus Canal. The area was rezoned from an M2-1 to M1-2 (C 760033 ZMK) at the time of the 1977 special permit approval to allow a grocery store in excess of 10,000 square feet, pursuant to ZR § 74-922, to occupy the ground floor of the former Goya factory (C 760044 ZSK). As a condition to the approval of the special permit, the CPC and BOE required the filing of a street mapping action consistent with the special permit. This mapping action (770381 MMK) applied to the portions of 12th and 13th Streets that separated the Goya building from its adjacent parking lot located between the Gowanus Canal and Hamilton Place.

In conjunction with the special permit, a RD was recorded on October 21, 1977, at Reel 952, Page 1344. It reflected the CPC's approval, as modified by the BOE, including the site plan. The RD imposed two primary limitations on the Proposed Development Site: (i) a restriction for a period of 20 years on the total number of retail stores on the 1st and 2nd floors to a maximum of eight (8) within the 23,000 square foot of net retail space on those floors, which limitation expired in 1997, and (ii) a restriction that any uses on the 3rd and 4th floors, other than office and warehouse uses, would be permitted only by written authorization of the City upon recommendation of the CPC and final approval of the BOE, after consultation with the community including local merchants. The RD was also binding against other properties in the vicinity of the Proposed Development Site.

In 1979 a new special permit pursuant to ZR § 74-922 (C 780389 ZSK) replaced the expired 1977 special permit (C 760044 ZSK) to allow a 45,000 square foot supermarket and 23,000 square foot of accompanying retail space with 406 parking spaces to be located in the former Goya industrial building and adjoining properties.

There were no changes to the RD in connection with the 1979 special permit (C 780389 ZSK). There was a minor modification to the special permit and related RD in 1981 (C 780389(A) ZSK). This first modification to the declaration updated the site plan which reduced the parking requirement to 361 parking spaces.

The proposed PCE tenant, Retro Fitness, would occupy a 16,358 gsf space on the third floor (13,994 gsf) plus the proposed third floor mezzanine space (2,364 gsf) within the existing building at the Development Site. The minor modification of the special permit would cancel the condition within the RD which limits as-of-right uses to office or warehouse on the third and fourth floors. Although this action would cancel the restriction as it relates to the third and fourth floors of the Development Site, the proposed change in use to a PCE will only take place on the third floor and new third floor mezzanine level. No change in use is proposed or anticipated for the fourth floor. The existing fourth floor lightbulb warehouse facility is expected to remain under the proposed actions. The fourth floor's limited accessibility and visibility, and lack of large windows, limit its marketability for other commercial uses, and no potential changes of use are known or anticipated for the fourth floor.

Build Year:

Factoring the ULURP process, closing for financing sources, and a 12-month construction schedule, the projected build year will be 2018.

Purpose and Need:

The Development Site is within an M1-2 zoning district. This district permits light industrial and commercial development at a Floor Area Ratio of 2.0, and community facility development at a Floor Area Ratio of 4.8. Some retail uses are limited to 10,000 square feet within the M1-2 zoning district. The Development Site is governed by a Restrictive Declaration that restricts any uses on the 3rd and 4th floors to office and warehouse uses, except by written authorization of the City upon recommendation of the City Planning Commission and final approval of the Board of Estimate, after consultation with the community including local merchants

Eliminating the condition restricting the use of the third and fourth floors of the Development Site to office or warehouse uses will facilitate occupancy of the vacant third floor by a health club that the applicant believes would serve local residents and workers. It would allow for productive reuse of space that is currently vacant. Because of the upper floor location and small size, the third and fourth floors are of limited appeal to warehouse uses which typically require direct access from loading berths and large, column-free space. In addition, the applicant believes that the limitation to warehouse and office use may limit the ability to find viable tenants since other potential commercial tenants would be barred from occupying the space. Moreover, the Hamilton Plaza location is already a significant commercial non-industrial node, containing a Pathmark, Vision Center, Dunkin Donuts/Baskin Robbins, Big J's Wines and Liquors, and in close proximity to Lowe's and Harbor Freight. The fourth floor of the Hamilton Plaza building is occupied by a light bulb warehouse and distribution facility.

No-Action Scenario:

Under the site's existing Special Permit and Restrictive Declaration, occupancy of the third and fourth floors would continue to be limited to office or warehouse use. The 13,994-square foot third floor, which is currently vacant, could be occupied by an office use or remain vacant. For analysis purposes, it is assumed that this space would remain in its current condition as vacant space. The warehouse use that currently occupies the 13,230-square foot fourth floor is expected to remain. No other changes in land use are anticipated. Therefore in the no-action condition the existing conditions would remain.

With-Action Scenario:

The proposed project as envisioned constitutes a Reasonable Worst-Case Development Scenario for the third floor of the Development Site, under the Special Permit from the Board of Standards and Appeals pursuant to ZR § 73-36 which was granted on January 13, 2015 as 184-14-BZ. Under this Special Permit, the proposed actions would facilitate conversion of the 13,994-square foot third floor, and development of a 2,364-square foot third floor mezzanine, for use as a PCE. The proposed actions would also eliminate the current restriction of fourth floor use to office and warehouse uses.

Any conversion of the fourth floor to a commercial use which triggers the requirement for a Waterfront Public Access Area would be infeasible because of the impracticality of providing such an area. As described above, the proposed actions would result in the creation of a 16,358 square foot PCE. Under the provisions of Section 62-52, conversion of use from exempt to non-exempt uses triggers a WPAA requirement except when the aggregate amount of floor area of floor area or lot area involved is less than 50 percent of the amount existing on October 25, 1993, and not more than 20,000 sf. The relevant calculations are:

Amount of floor area existing on October 25, 1993 = 116,664 sf
50% of 116,664 sf = 58,332 sf

Third floor (13,994 sf) + mezzanine (2,364 sf) = 16,358 sf, which is less than 58,332 sf and less than 20,000 sf.

Because the fourth floor contains 13,230 square feet of floor area, conversion of this space to a non-exempt use would result in total converted area in excess of 20,000 square feet, triggering the WPAA requirement. While the existing warehouse use is exempt from triggering a WPAA requirement, most non-water dependent commercial uses are non-exempt, and therefore their occupancy of the fourth floor would trigger the WPAA requirement.

Providing required Waterfront Public Access to the Gowanus Canal would be impractical, according to the applicant. The WPAA would occupy space on the lot that is needed to provide required accessory parking. The lot provides 362 accessory parking spaces. Under the proposed actions, uses on the lot would generate an accessory parking requirement of 360 spaces, so that any WPAA that reduced the size of the parking lot would

not be permitted. Additionally, the 1981 modification to the Special Permit governing the site requires 361 accessory parking spaces.

For these reasons, the site's existing conditions and the requirements of Waterfront Zoning preclude any conversion of the Fourth Floor from its existing warehouse use.

The incremental development attributable to the proposed actions, which forms the basis for environmental review, is presented in the following table:

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
LAND USE				
Residential	YES <input checked="" type="checkbox"/> NO	YES <input checked="" type="checkbox"/> NO	YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Describe type of residential structures				
No. of dwelling units				
No. of low- to moderate-income units				
Gross floor area (sq. ft.)				
Commercial	<input checked="" type="checkbox"/> YES NO	<input checked="" type="checkbox"/> YES NO	<input checked="" type="checkbox"/> YES NO	
If "yes," specify the following:				
Describe type (retail, office, other)	Retail and vacant office	Retail and vacant office	Retail and Health Club	
Gross floor area (sq. ft.)	71,919 gsf retail and 13,594 gsf vacant office	71,919 gsf retail and 13,594 gsf vacant office	71,919 gsf retail and 16,358 gsf health club*	2,354 gsf new mezzanine
Manufacturing/Industrial	<input checked="" type="checkbox"/> YES NO	<input checked="" type="checkbox"/> YES NO	<input checked="" type="checkbox"/> YES NO	
If "yes," specify the following:				
Type of use	Warehouse	Warehouse	Warehouse	
Gross floor area (sq. ft.)	13,230 gsf	13,230 gsf	13,230 gsf	
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
Community Facility	<input checked="" type="checkbox"/> YES NO	<input checked="" type="checkbox"/> YES NO	<input checked="" type="checkbox"/> YES NO	
If "yes," specify the following:				
Type	Medical office	Medical office	Medical office	
Gross floor area (sq. ft.)	13,593	13,593	13,593	
Vacant Land	YES <input checked="" type="checkbox"/> NO	YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
Other Land Uses	YES <input checked="" type="checkbox"/> NO	YES <input checked="" type="checkbox"/> NO	YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
PARKING				
Garages	YES <input checked="" type="checkbox"/> NO	YES <input checked="" type="checkbox"/> NO	YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Lots	<input checked="" type="checkbox"/> YES NO	<input checked="" type="checkbox"/> YES NO	<input checked="" type="checkbox"/> YES NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces	362	362	362	
ZONING				
Zoning classification	M1-2	M1-2	M1-2	
Maximum amount of floor area that can be developed	2.0 FAR of manufacturing or commercial, 4.8 FAR of community facility	2.0 FAR of manufacturing or commercial, 4.8 FAR of community facility	2.0 FAR of manufacturing or commercial, 4.8 FAR of community facility	No change
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	M1-2, M2-1, M3-1; local and destination retail, manufacturing	M1-2, M2-1, M3-1; local and destination retail, manufacturing	M1-2, M2-1, M3-1; local and destination retail, manufacturing	No change

*note: Health Club (Physical Culture Establishment) is only allowed by Special Permit and is not identified in any residential, community facility, commercial, or manufacturing use group in the Zoning Resolution.

The proposed actions would facilitate the occupancy of the third floor of Hamilton Plaza by a Physical Culture Establishment. This use is permitted within the site's M1-2 zoning district by Special Permit, which has been granted by the Board of Standards and Appeals (184-14-BZ). The granting of a special permit for a health club below 20,000 square feet in size is a Type II action that is not subject to CEQR.

Based on the answers to the questions contained in the attached Environmental Assessment Statement (EAS) Form, the following issues were found to require additional information and analysis: Land Use, Zoning, and Public Policy, Hazardous Materials, Noise, Public Health, and Neighborhood Character.

- **Land Use, Zoning and Public Policy:** The proposed Special Permit modification and cancellation of the Restrictive Declaration governing permitted uses on the third and fourth floors of the Development Site would allow new commercial development in floor area where current regulations restrict development to office and warehouse, unless by written authorization of the City. The proposed Special Permit modification and cancellation of the Restrictive Declaration would allow commercial use, specifically a health club, which is consistent with the commercial retail nature of surrounding land uses and is permitted by BSA Special Permit under the site's underlying zoning. The Development Site is located within the Coastal Management Zone and has been determined to be consistent with the goals and policies of the Waterfront Revitalization Program. It would permit the productive reuse of vacant space in a site that is well situated for such commercial activity and would not adversely affect policies calling for the integration of projections of climate change and sea level rise into the planning and design of projects in the city's Coastal Zone. Therefore no impact on Land Use, Zoning, and Public Policy would occur.
- **Hazardous Materials:** The proposed actions would result in conversion and enlargement of floor area within an existing building in an M1-2 zoning district. The affected area consists of third and fourth floor space within a four-story building. A Phase I Environmental Assessment Statement was prepared in June 2014 by AEI Consultants. While this document identified the potential for soil contamination from past industrial uses, the proposed actions would affect third and fourth floor space in an existing building and would not result in soil disturbance or increase potential pathways to human exposure to contaminants. An asbestos survey was conducted in July 2014, which reported that no asbestos-containing materials were found. It was observed that the entire building was abated and renovated in the 1980s according to the building owner's records. Based on the results of this recent asbestos survey, there is no potential for significant adverse impacts related to Hazardous Materials as a result of the proposed actions.
- **Transportation:** A trip generation assessment of the proposed 16,358-square foot health club was conducted, based on trip generation factors for 'Health Club' as contained in the 2014 CEQR Technical Manual, and local data on travel mode. Based on this analysis, the proposed development would not generate in excess of 50 vehicular, 200 transit, or 200 pedestrian trips during any hour. Therefore no impacts related to Transportation would occur.
- **Air Quality:** The proposed actions would result in the creation of 2,354 square feet of new floor area, and conversion of 13,994 square feet of existing floor area. A screening analysis conducted using Figure 17-3 of the CEQR Technical Manual indicates that emissions associated with HVAC use at the Development Site does not have the potential to create adverse impacts related to air quality.
- **Noise:** The proposed actions would result in the creation of 2,354 square feet of new floor area, and conversion of 13,994 square feet of existing floor area. This new activity would generate vehicular traffic but would not result in a doubling of traffic and therefore would not result in a significant increase in mobile-source noise. The proposed use is not considered a sensitive noise receptor, nor would it generate noise that would adversely affect surrounding land uses.
- **Public Health:** Based on the analysis of Hazardous Materials and Air Quality, neither of these aspects of the environment would have the potential to result in conditions that could adversely affect public health.

- **Neighborhood Character:** No adverse impacts related to any of the constituent elements of Neighborhood Character would occur. Allowing a commercial health club to operate in an area that contains predominantly commercial retail uses would not significantly affect the area's neighborhood character.

Purpose and Need

Eliminating the condition restricting the use of the third and fourth floors to office or warehouse uses will facilitate occupancy of the vacant third floor by a health club that the applicant believes would serve local residents and workers. It would allow for productive reuse of space that is currently vacant. Because of the upper floor location and small size, the third and fourth floors are of limited appeal to warehouse uses that typically require direct access from loading berths and large, column-free space. In addition, the applicant believes that the limitation to warehouse and office use may limit the ability to find viable tenants since other potential commercial tenants would be barred from occupying the space. Moreover, the Hamilton Plaza location is already a significant commercial non-industrial node, containing a Pathmark, Vision Center, Dunkin Donuts, Big J's Wines and Liquors, Lowe's, and Harbor Freight. The applicant believes that eliminating the use condition in the Restrictive Declaration would promote further economic development of the area and allow for provision of local services for the surrounding community.

Land Use, Zoning and Public Policy

Land Use

Existing Conditions

Development Site

The Development Site is identified as 1-37 12th Street (Block 1007, Lot 172 and Block 1025, Lots 1, 16, 18, 20, and 200). It is located in the southern end of the Gowanus neighborhood on the eastern edge of the Gowanus Canal within Brooklyn Community District 6. The Development Site includes Block 1007, Lot 172, which has a lot area of 86,423 square feet and is improved with a 111,091-square foot 70'-8" tall commercial and manufacturing building. The 4-story building is occupied by Pathmark, Dunkin Donuts/Baskin Robbins, an eyeglass store, and Big J's Wines and Liquors on the first floor, and medical offices on the second floor. The third floor is vacant, and the fourth floor is used as a light bulb warehouse facility. The Development Site also includes a 362-space accessory parking lot located on Block 1025, Lots 1, 16, 20, and 200, immediately to the south of Block 1007, Lot 172.

Surrounding Area

The Gowanus Canal is located to the northwest and Hamilton Place is located immediately southeast of the Development Site. The existing land uses within 600' of the Development Site (the "Surrounding Area") include mixed-use commercial and manufacturing uses. The building type in the Surrounding Area is primarily one-, two-, and three-story buildings, which are predominantly manufacturing buildings with ground floor commercial use. The Development Site is located within the Southwest Brooklyn Industrial Business Zone ("IBZ"), which was founded in 1978 and includes portions of the neighborhoods of Sunset Park, Red Hook and Gowanus.

The subway lines that serve the Development Site include the F and G lines at the Smith - 9th Street Subway Station and the R line at the 9th Street Station. The area is also served by the B37 bus, which makes stops at 3rd Avenue and 10th Street.

The portion of Hamilton Place in front of the Development Site is a narrow street measuring 56 feet wide and carries two-way traffic. 12th Street is a narrow street measuring 63 feet and carries only southbound traffic. The portion of 12th Street west of Hamilton Place was demapped in 1977 and is now Block 1025, Lot 18 (part of the Development Site), as described in the Site History section below.

Future Without the Proposed Action

Under the site's existing Special Permit and Restrictive Declaration, occupancy of the third and fourth floors would continue to be limited to office or warehouse use. The 13,593-square foot third floor, which is currently vacant, could be occupied by an office use or remain vacant. For analysis purposes, it is assumed that this space would remain in its current condition as vacant space. The warehouse use that currently occupies the 13,230-square foot fourth floor is expected to remain. Therefore in the no-action condition the existing conditions within the Development Site would remain.

No significant land use changes are anticipated in the project vicinity. The surrounding area contains several destination retail uses - Pathmark supermarket, Lowe's, and Harbor Freight - along with light industrial and storage and distribution uses, and smaller local-serving retail and service uses.

Future With the Proposed Actions

The proposed actions would not adversely affect land use. It would bring the third and fourth floor use regulations of the Development Site into consistency with the zoning regulations that apply within the area and would permit development of a commercial service that the project sponsor believes would serve the local community. The proposed health club would be consistent with the existing commercial activity at the Development Site and its vicinity.

Zoning***Existing Conditions***

The Development Site and the area to the south of the Development Site is zoned M1-2, permitting most commercial and manufacturing uses, and limited community facility uses. The maximum permitted FAR in M1-2 districts is 2.0. Building height and setbacks are controlled by a sky exposure plane which may be penetrated by a tower in certain districts. Except along district boundaries, no side yards are required. Rear yards at least 20 feet deep are generally required.

The area to the east of the Development Site is zoned M2-1. The maximum permitted FAR in M2-1 districts is 2.0. The area farther south and west of the Development Site is zoned M3-1, a district that permits heavy industrial uses and open uses at an FAR of 2.0.

The Development Site is on waterfront blocks. Although waterfront blocks are generally defined in ZR Section 12-10 as blocks along waterways with a minimum width of 100 feet with no portion downstream less than 100 feet, ZR Section 62-11 indicates that any block in the waterfront area having a boundary within or coincident with the boundaries of the Gowanus Canal, shall be a waterfront block. Therefore the provisions of Waterfront Zoning apply to the Development Site. The proposed development's compliance with waterfront zoning is discussed in the Future With the Proposed Action section below.

Future Without the Proposed Actions

There are no known proposals for changes to the zoning pattern in the vicinity of the Development Site that would affect the proposed project in the future without the proposed actions.

Future With the Proposed Action

The proposed actions would not alter the zoning pattern in the vicinity of the Development Site. By eliminating the existing restrictions on 3rd and 4th floor occupancy at the Development Site, the proposed actions would allow development that is consistent with the site's M1-2 zoning. The M1-2 zoning's provisions include the availability of a Special Permit pursuant to ZR § 73-36 to allow a Physical Culture Establishment. The BSA granted this Special Permit on January 13, 2015 as 184-14-BZ.

Public Policy***Existing Conditions***

Public policy for land use development for the Development Site is embodied in the Special Permit governing the site, the NYC Zoning Resolution, and the Waterfront Revitalization Program. The area's zoning allows a wide range of community facility, commercial, and light industrial uses, and includes the availability of a Special Permit for health club (Physical Culture Establishment) use. Surrounding uses include larger retail establishments - Pathmark, Lowe's, Harbor Freight - as well as local-serving retail and service businesses and light industrial warehouse and distribution uses.

Future Without the Proposed Action

A revision to the Waterfront Revitalization Program has been proposed and is currently under review. This revision is proposed in order to proactively advance the long term goals laid out in the City's Vision 2020: The New York City Comprehensive Waterfront Plan to address sustainability, climate resilience planning, and other public policy objectives.

Future With the Proposed Action

The Development Site is within the boundaries of the Coastal Management Zone. Based on the answers to the questions in the attached Waterfront Revitalization Program (WRP) Consistency Assessment Form (CAF), the proposed actions requires assessment for consistency with Policy 1.1 and Policy 6.2 of the existing and proposed Waterfront Revitalization Program.

The project site, consisting of the vacant third floor at 1-37 12th Street, is appropriate for commercial redevelopment. The space would be occupied by a health club that would serve local residents and workers. It would be compatible with surrounding commercial land uses and would reactivate currently vacant space within Hamilton Plaza. The proposed actions would affect occupancy of the third floor of an existing building and therefore would not be affected by Policy 6.2, which calls for the integration of projections of climate change and sea level rise into the planning and design of projects in the city's Coastal Zone. Therefore the proposed actions are consistent with the policies and goals of the Waterfront Revitalization Program.

No conflicts with established land use, zoning, or public policy in the area would occur as a result of the proposed actions and no further assessment is warranted.

Hazardous Materials

The affected area consists of the third and fourth floors of a building that was constructed in the 1960s for use by Goya for food packaging, and was converted to a supermarket and other commercial and community facility uses in the 1970s. Because the proposed actions would allow commercial use in an area that was historically a manufacturing area, and would result in renovation of interior space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources, or the presence of asbestos, PCBs, mercury, or lead-based paint, an assessment of hazardous materials may be warranted. However, development resulting from the proposed actions would not involve any soil disturbance, and therefore does not have the potential to increase pathways to exposure of any soil contamination that may exist on site. The site would not introduce a new sensitive land use to the site, which contains commercial and community facility uses. Existing regulations permit office or warehouse use of the affected third floor area, and retail and medical facility uses occupy first and second floor space within the building.

An asbestos survey of the building was conducted on July 28, 2014. The inspection report concluded that no asbestos-containing materials (ACM) were identified in the building. This report further noted that the entire building was abated and reinsulated in the 1980s, according to owner's records. The construction of the proposed mezzanine therefore would not have the potential to disturb ACM. Based on this information, the proposed actions does not have the potential for significant adverse impacts related to hazardous materials, and no further assessment is warranted.

Transportation

Trip Generation

The proposed actions would allow development of a 16,358-square foot health club within existing vacant office space, and a new 2,293-square foot mezzanine. To assess the potential for this induced development to create impacts related to transportation, a Level 1 trip generation analysis was performed pursuant to 2014 CEQR Technical Manual methodology.

Trip generation rates and temporal distribution for Health Club peak weekday and weekend periods are presented in Table 16-2 of the 2014 CEQR Technical Manual. A projection of travel mode for health club patrons and employees was made based on data from the U.S. Census American Community Survey 2006-2010, for Reverse Journey to Work for the census tract containing the Development Site as well as surrounding census tracts. The transportation planning assumptions are presented in the following table.

Based on these transportation planning assumptions, the Proposed Development of a 15,885-square foot health club would result in the following trip generation:

Project size	16.358	k ft2
daily trip rate	44.7	per k ft2
Sat. trip rate	26.1	per k ft2
AM Peak	4%	
Midday Peak	9%	
PM Peak	5%	
Sat. Peak	9%	
Daily trips	731	
Saturday trips	427	
AM trips	29	
Midday trips	66	
PM trips	37	
Sat peak trips	38	

Source: 2014 CEQR Technical Manual; Table 16-2

Travel by automobile:	44.7%
Automobile Occupancy:	1.1 persons/vehicle
Travel by taxi	1.0%
Travel by bus	12.5%
Travel by subway	29.9%
Travel by bicycle	1.5%
Travel by foot	8.2%
Work at home	1.7%

Source: American Community Census;
Brooklyn Census Tracts 18, 53, 77, 117, 119, 121

Based on these assumptions and data sources, travel associated with the proposed development would be as follows:

Table Transportation 2: Project Trip Generation

Health Club Trip Generation									
Floor area (1000 square foot)	16.384		Peak Hour Trips	Percent Auto Use =		44.7%			
Daily visitors (per 1000 ft)	44.7		a.m.	4.0%		Auto Occupancy =		1.1	
Daily visitors	732		midday	9.0%		Percent Taxi Use=		1.0%	
Saturday visitors (per 1000 ft)	26		p.m.	5.0%		Taxi Occupancy=		1.2	
Saturday visitors	428		Sat.	9.0%		Percent Bus Use=		6%	
						Percent Subway Use=		30%	
						Percent Walk=		8%	
						Directional Distributor		50%/50%	
						(all periods)			
Peak Hour Person Trips					Peak Hour Auto Trips				
	Inbound	Outbound	Total		Arriving	Departing	Total		
AM	15	15	29	AM	6	6	12		
Midday	33	33	66	Midday	13	13	27		
PM	18	18	37	PM	7	7	15		
Saturday	19	19	38	Saturday	8	8	16		
Peak Hour Person Trips by Auto					Peak Hour Taxi Trips				
	Arriving	Departing	Total		Arriving	Departing	Total		
AM	7	7	13	AM	0	0	0		
Midday	15	15	29	Midday	1	1	2		
PM	8	8	16	PM	0	0	0		
Saturday	9	9	17	Saturday	0	0	0		
Peak Hour Person Trips by Taxi					Peak Hour Vehicle Trips auto, taxi, truck				
	Arriving	Departing	Total		Arriving	Departing	Total		
AM	0	0	0	AM	7	7	14		
Midday	1	1	2	Midday	14	14	29		
PM	0	0	0	PM	8	8	15		
Saturday	0	0	0	Saturday	8	8	16		
Daily Truck	0.35			Peak Hour Subway Trips					
Trip Gen.	(trips/1,000 gsf)			Arriving	Departing	Total			
Truck Trip	AM (8-9)		8%	AM	4	4	9		
Temporal	MD(12-1)		11%	Midday	10	10	20		
Distribution	PM(5-6)		2%	PM	5	5	11		
				Saturday	6	6	12		
Daily Truck Trips					Peak Hour Bus Trips				
				Arriving	Departing	Total			
6				AM	1	1	2		
				Midday	2	2	4		
				PM	1	1	2		
				Saturday	1	1	2		
Balanced Truck Trips					Peak Hour Walk-only Trips				
	Inbound	Outbound	Total	Arriving	Departing	Total			
AM	1	1	2	AM	1	1	2		
Midday	0	0	0	Midday	3	3	5		
PM	0	0	0	PM	2	2	3		
				Saturday	2	2	3		

Based on this trip generation analysis, the proposed project would not generate in excess of fifty hourly vehicle trips, 200 transit trips, or 200 pedestrian trips. Therefore the proposed actions would not have the potential for significant impacts related to transportation.

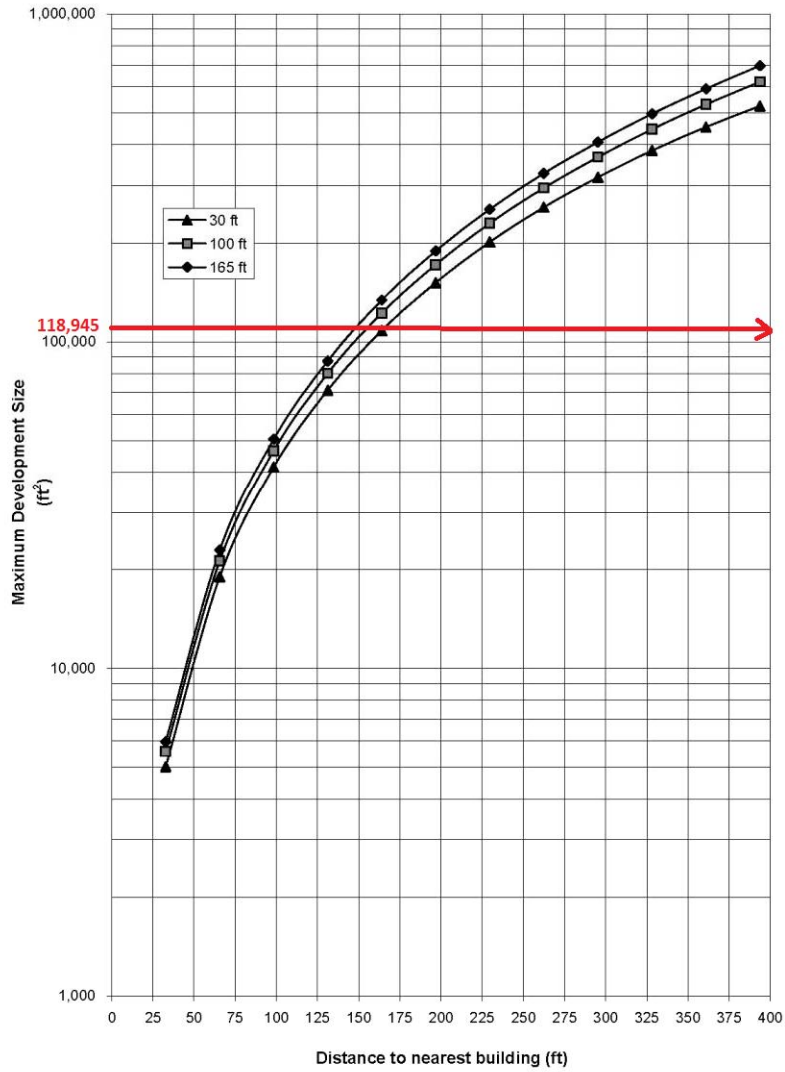
Parking

Because the proposed project would generate vehicular traffic that is below the 50-vehicle threshold warranting detailed analysis, no parking analysis is warranted and no impacts are anticipated.

Air Quality

The Proposed Actions would result in the conversion of existing floor area, and the development of a 2,364-square foot third floor mezzanine, for use as a health club. The proposed actions would not generate in excess of 170 hourly vehicles, as disclosed in the Transportation section above, nor would it introduce a new sensitive land use to the area. To determine the potential for this enlargement to result in adverse impacts related to HVAC emissions, a screening analysis was conducted using Figure 17-3 of the 2014 CEQR Technical Manual. With the proposed 2,364-square foot enlargement, the building occupying the Development Site would have a gross floor area of 118,945 square feet. The nearest building of similar or greater height to the building occupying the Development Site is a four-story residential building located at the southeast corner of 2nd Avenue and 9th Street, approximately 800 feet from the Development Site. Based on the screening using Figure 17-3 of the CEQR Technical Manual, the proposed actions do not have the potential for significant air quality impacts.

Figure 17-3:
Stationary Source Screen



Noise

The Development Site is located in a manufacturing district and within approximately 375 feet from a train line. There are no significant stationary noise sources in the area and the ambient noise environment is typical of an urban area with noise contributions from vehicular traffic and general background urban noise. The proposed health club is not considered a significant generator of stationary source noise and would not result in a doubling of vehicular traffic and therefore does not have the potential to contribute significantly to mobile source noise. Therefore the proposed actions do not have the potential for adverse impacts related to noise.

Public Health

Air quality, noise and hazardous materials are elements that can create the potential for adverse impacts related to public health. As described previously, the proposal to remove the Restrictive Declaration limits on occupancy of the third and fourth floors of the building occupying the Development Site would not increase the potential for adverse effects on any of the constituent elements of public health, and no further assessment is warranted.

Neighborhood Character

An assessment of neighborhood character is generally needed when a proposed project has the potential to result in significant adverse impacts on or moderate effects on a specific range of technical areas presented in the CEQR Technical Manual. These elements are believed to define a neighborhood's character, specifically:

- Land Use, Zoning, and Public Policy
- Socioeconomic Conditions
- Open Space
- Historic & Cultural Resources
- Urban Design and Visual Resources
- Shadows
- Transportation
- Noise

“Yes” responses were provided for the following elements of the CEQR assessment:

- Land Use, Zoning, and Public Policy: Yes, the proposed actions would allow a wider range of commercial uses within the affected area than is currently permitted, but this range of uses is permitted by the underlying zoning, and would be compatible with existing and future land uses in the area
- Transportation: Yes, the proposed actions would result in development requiring a Tier 1 trip generation analysis. Based on the trip generation analysis, and an assessment of capacity and demand for parking on-site, the proposed project would not adversely affect transportation conditions in the area.
- Noise: Yes, the proposed actions would result in new vehicular traffic. However vehicular traffic would not double as a result of the proposed actions, and no significant increase in traffic-related noise would occur.

A preliminary assessment determines if anticipated changes in these elements may affect one or more contributing elements of neighborhood character. The assessment should answer the following two questions:

1. *What are the defining features of the neighborhood?*
2. *Does the project have the potential to affect the defining features of the neighborhood, either through the potential for a significant adverse impact or a combination of moderate effects in relevant technical areas?*

The Hamilton Plaza area is a retail commercial node containing a supermarket and other retail and community facility uses. Other nearby sites are in retail use, including Lowe's and Harbor Freight. The surrounding area contains light industrial and warehouse/distribution uses. Eliminating the use restriction from the third and fourth floors at Hamilton Plaza would not have the potential to affect the defining features of the neighborhood.

The introduction of a health club on the third floor of Hamilton Plaza would be compatible with surrounding land use patterns in this mixed commercial, retail, and residential area.

No significant adverse neighborhood character impacts are anticipated and no additional assessment is warranted.

APPENDIX A
RESTRICTIVE DECLARATION

MODIFICATION OF DECLARATION

Handwritten notes and signatures on the left margin, including a checkmark and various scribbles.

THIS MODIFICATION of the Declaration (hereinafter defined) made by ZOLMAR REALTY CORP., a New York corporation having its offices at 100 Seaview Drive, Secaucus, New Jersey, and 12TH STREET REALTY ASSOCIATES, a partnership with offices at 589 Central Avenue, East Orange, New Jersey, consisting of Nathaniel Ratner, residing at 1016 Fifth Avenue, New York, New York, Gerald H. Genet, Leon M. Genet and Joan Spratford, all three of whom reside at 589 Central Avenue, East Orange, New Jersey (the aforesaid parties hereinafter referred to collectively as the "Declarants").

WITNESSETH

WHEREAS, Declarants are the fee owners of certain real property located in the Borough of Brooklyn, City and State of New York, designated Block 1007, Lot 172; Block 1025, Lots 1, 16, and part of Lot 26; and Block 1031, Lots 1, 9, 11, 75 through 82, which real property (hereinafter referred to as the "Subject Property") is further described in Exhibit A attached hereto; and

WHEREAS, the Subject Property is the subject of a special permit (the "Special Permit") designated C780389ZSK, as adopted by the City Planning Commission on March 5, 1979 (Cal. No. 1) and approved by the Board of Estimate on _____, 1979 (Cal. No. _____); and

REEL 1280 PAGE 1449

WHEREAS, the Special Permit replaced and restated the expired special permit (the "Expired Permit") designated C770044ZSK, as adopted by the City Planning Commission on May 16, 1977 (Cal. No. 3) and approved by the Board of Estimate on June 23, 1977 (Cal. No. 7); and

WHEREAS, a minor modification to the Special Permit was approved by the City Planning Commission on October 6, 1981; and

WHEREAS, Declarants executed a declaration (the "Declaration") dated July 28, 1977 and recorded on Reel 952, Page 1344 in the Office of the City Register for Kings County, which restricted the manner in which the Subject Property was to be developed, maintained, and operated in accordance with its terms and the terms of the Expired Permit; and

WHEREAS, it is the intention of the Declarants to modify the Declaration in order to reflect (i) the terms of the Special Permit, as modified, and (ii) certain other minor modifications.

NOW, THEREFORE, the Declarants do hereby further declare and covenant as follows:

1. Exhibit B to the Declaration is hereby deleted and replaced in its entirety by Exhibit B attached hereto.

2. The Declarants covenant that the Subject Property shall be developed in accordance with the revised plan attached hereto as Exhibit B and in conformance with the Special Permit, as modified. This paragraph 2 hereby replaces and supercedes paragraph 3 in the Declaration.

3. The Declarants covenant that Block 1031 (Lots 1, 9, 11, 75 through 82) of the Subject Property shall be developed in a manner consistent with the applicable regulations under the Zoning Resolution of The City of New York (the "Zoning Resolution"), however, any primary use in Use Groups 6 or 7 as defined in the Zoning Resolution shall be prohibited.

4. The Declarants covenant that the Declaration is in all other respects unmodified.

5. The Declarants covenant that immediately following the execution of this Modification, they shall file and record said Modification in the Office of the City Register for Kings County, indexing it against the Subject Property. Declarants further covenant to provide the City Planning Commission with a certified copy of this Modification as recorded. The City of New York shall also have the right to record this Modification, however, all costs of recordation and certification whether undertaken by the Declarants or by the City shall be borne by the Declarants.

IN WITNESS WHEREOF, the declarants have caused this Modification
to be signed this 7 day of Oct, 1981.

ZOLMAR REALTY CORP.

By: 
JOSEPH UNANUE, President

12TH STREET REALTY ASSOCIATES

By: 
NATHANIEL RAINIER

And By: 
GERALD H. GENET

And By: 
LEON M. GENET

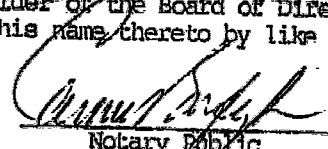
And By: 
JOAN STRATFORD

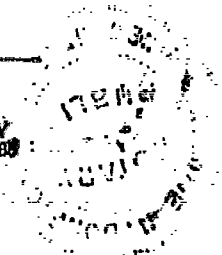
REF. 1280-1451

HEE 1280-1452

STATE OF NEW JERSEY)
) ss.:
COUNTY OF HUDSON)


On the 2 day of Oct., 1981 before me personally came JOSEPH UNANUE, to me known, who being by me duly sworn, did depose and say that he resides at 100 Seaview Drive, Secaucus, New Jersey, that he is the President of Zolmar Realty Corp., the corporation described in and which executed the foregoing instrument; that he ~~knows the seal of said corporation, that the seal affixed to said instrument is such corporate seal, that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.~~


Notary Public
CARMINE N. BONFIGLIO
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Feb. 16, 1982



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

On the 3 day of Oct, 1981 before me personally came Nathaniel Ratner, to me known, who being by me duly sworn, did depose and say that he resides at 1016 Fifth Avenue, New York, New York, that he is a partner of 12th Street Realty Associates, the company described in and who executed the foregoing instrument and acknowledged that he executed the same.


Notary Public
HERMAN J. GENSER
Notary Public, State of New York
No. 31-1395975
Qualified in New York County
Term Expires March 30, 1982

STATE OF NEW JERSEY)
) ss.:
COUNTY OF ESSEX)

On the 5th day of October, 1981 before me personally came Gerald H. Genet, to me known, who being by me duly sworn, did depose and say that he resides at 589 Central Avenue, East Orange, New Jersey, that he is a partner of 12th Street Realty Associates, the company described in and which executed the foregoing instrument and he acknowledged that he executed the same.

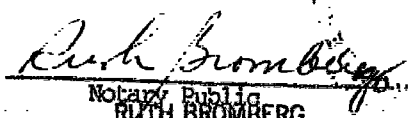

Notary Public
RUTH BROMBERG
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires July 17, 1983



EXHIBIT "A"

Parcel "A" (Zolmar Realty Corp.)

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

BEGINNING at a point on the Northerly side of 12th Street distant 550 feet Westerly from the corner formed by the intersection of the Northerly side of 12th Street and the Westerly side of Second Avenue; running thence Northerly parallel with Second Avenue 230 feet to the center line of 11th Street Basin;

thence Westerly along the center line of 11th Street Basin 375 feet 9 inches to the Easterly side of Gowanus Canal;

thence Southerly along the Easterly side of Gowanus Canal 230 feet to the Northerly side of 12th Street;

thence Easterly along the Northerly side of 12th Street 375 feet 9 inches to the point or place of BEGINNING.

Parcel "B" (Zolmar Realty Corp.)

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

BEGINNING at a point on the southerly side of 12th Street distant 420 feet 9 inches westerly from the corner formed by the intersection of the westerly side of 2nd Avenue and the southerly side of 12th Street; running thence westerly along the southerly side of 12th Street 505 feet to the easterly side of Gowanus Canal;

thence southerly along the easterly side of Gowanus Canal 177.43 feet;

thence still southerly 42.36 feet to the northerly side of 13th Street at a point therein distant 35.85 feet easterly from the easterly side of Gowanus Canal;

thence easterly along the northerly side of 13th Street 469.15 feet;

thence northerly parallel with the westerly side of 2nd Avenue 200 feet to the southerly side of 12th Street, the point or place of BEGINNING

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EXHIBIT "A" Continued

Parcel "C" (12th Street Realty Associates)

ALL those several lots or parcels of land, situate, lying and being in the City of New York, Borough of Brooklyn, County of Kings, State of New York, which taken together are more particularly bounded and described as follows:

BEGINNING at a corner formed by the intarsection of the easterly side of Hamilton Avenue with the north-easterly side of 14th Street; running thence northwesterly and along the easterly side of Hamilton Avenue 169 feet 7-3/4 inches; running

thence northeasterly and at right angles to Hamilton Avenue to the southwesterly side of 13th Street;

thence southeasterly and along the southwesterly side of 13th Street to a point on the southwesterly side thereof, distant 97 feet 10-1/2 inches northwesterly from the corner formed by the intersection of the southwesterly side of 13th Street with the northwesterly side of Second Avenue; running

thence southwesterly and at right angles to 13th Street 50 feet;

thence southeasterly and parallel with 13th Street 97 feet 10-1/2 inches to the northwesterly side of Second Avenue;

thence southwesterly and along the northwesterly side of Second Avenue 50 feet;

thence northwesterly and parallel to 13th Street and along the center line of block 341 feet 3 inches to a point therein; running thence southwesterly to a point in the northeasterly side of 14th Street, distant 342 feet 2 inches northwesterly from the corner formed by the intersection of the northeasterly side of 14th Street with the northwesterly side of Second Avenue;

thence running northwesterly and along the northeasterly side of 14th Street 125 feet 10 inches;

thence northeasterly and at right angles to 14th Street 100 feet;

thence northwesterly and parallel with 14th Street 48 feet;

thence southwesterly and at right angles to 14th Street 100 feet to the northeasterly side of 14th Street;

thence northwesterly and along the northeasterly side of 14th Street 111 feet 1 inch to the corner formed by the intersection of the easterly side of Hamilton Avenue with the northeasterly side of 14th Street and to the point or place of BEGINNING.

Excepting therefrom so much thereof which has been taken by the City of New York for the widening of Hamilton Avenue.

EXHIBIT "A"
Continued.

Parcel "D" (12th Street Realty Associates)

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

BEGINNING at a point on the northerly side of 14th Street distant 468 feet westerly from the corner formed by the intersection of the northerly side of 14th Street with the westerly side of 2nd Avenue; running

thence northerly parallel with 2nd Avenue 100 feet;

thence westerly parallel with 14th Street 25 feet;

thence southerly parallel with 2nd Avenue 100 feet to the northerly side of 14th Street;

thence easterly along the northerly side of 14th Street 25 feet to the point or place of BEGINNING.

Excepting and reserving from the above described premises so much as has been acquired by the City of New York for widening of Hamilton Avenue for the construction of a certain elevated parkway.

Parcel "E" (12th Street Realty Associates)

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

BEGINNING at a point on the northerly side of 14th Street distant 493 feet westerly from the corner formed by the intersection of the northerly side of 14th Street with the westerly side of 2nd Avenue; running

thence northerly parallel with 2nd Avenue 100 feet;

thence westerly parallel with 14th Street 23 feet;

thence southerly parallel with 2nd Avenue 100 feet to the northerly side of 14th Street at a point distant 111 feet 1 inch easterly from the easterly side of Hamilton Avenue;

thence easterly along the northerly side of 14th Street 23 feet to the point or place of BEGINNING.

Excepting and reserving from the above premises so much as has been acquired by the City of New York for widening of Hamilton Avenue for the construction of a certain elevated parkway.

REC 1280
PAGE 1457

EXHIBIT "A" Continued

Parcel "F" (12th Street Realty Associates)

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

BEGINNING at a point on the northeasterly side of Hamilton Avenue distant 296 feet 8-3/4 inches northerly from the corner formed by the intersection of the easterly side of Hamilton Avenue with the northerly side of fourteenth Street; running thence northeasterly at right angles to Hamilton Avenue 49 feet 7 inches to the southerly side of 13th Street; thence northwesterly along the southerly side of 13th Street 52 feet 2 inches; running thence southwesterly at right angles to Hamilton Avenue 21 feet 9 inches to the northeasterly side of Hamilton Avenue; thence southeasterly along the northeasterly side of Hamilton Avenue 44 feet 1-3/4 inches to the point or place of BEGINNING. and

BEGINNING at a point formed by the intersection of the center line of former 1st Avenue with the center line of 13th Street; running thence northeasterly along the center line of former 1st Avenue 260 feet to a point where center line of said former 1st Avenue intersects center line of 12th Street; thence northwesterly along center line of 12th Street 190 feet to the southeasterly side of Gowanus Canal; thence southwesterly along the southeasterly side of Gowanus Canal 302 feet 1 inch to the northeasterly side of Hamilton Avenue, as said existed prior to the widening of Hamilton Avenue; thence southeasterly along the said northeasterly side of Hamilton Avenue 139 feet 8-3/4 inches more or less to a point on said side of Hamilton Avenue distant 213 feet 1-3/4 inches northerly from the intersection of the said side of Hamilton Avenue and northeasterly side of 14th Street; thence northeasterly at right angles to Hamilton Avenue 102 feet 1 inch to the southwesterly side of 13th Street; thence northeasterly and diagonally across 13th Street to a point where center line of former 1st Avenue intersects center line of 13th Street being the point of BEGINNING.

EXCEPTING therefrom so much as has been taken by the City of New York for the opening and widening of Hamilton Avenue.

12TH

NOV 25 PM 3 24

T
APPROVED

105K 6265
Modification of Declaration

36538

Zobmax Realty Co
B-25 to
EXTRF
BLOCKS

12th St Realty Association

① BIK 10311

Lot. 1, 9, ~~10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82~~

80, 81, 82

Knigs Court 3/1/16

22

② BIK 1007

Lot 172

③ BIK 1025

Lot 1716

100. 1007

OFFICE OF CITY CLERK
KINGS COUNTY
RECORDED
WITNESSED BY DEACON
and official seal

John J. Foyett
CITY CLERK

100. 1007
100. 1007
100. 1007
100. 1007

1007
172

1025
116, 26

1031
1, 9, 11
75, 76, 77
78, 79, 80
81, 82

D E C L A R A T I O N

This DECLARATION made by Zolmar Realty Corp., a New York corporation having its offices at 100 Seaview Drive, Secaucus, New Jersey and 12th Street Realty Associates, a partnership with offices at 589 Central Avenue, East Orange, N. J., consisting of Nathaniel Ratner, residing at 1016 Fifth Avenue, New York, N. Y., Gerald H. Genet, Leon M. Genet and Joan Spratford, all three of whom reside at 589 Central Avenue, East Orange, New Jersey, hereinafter called the Declarants.

W I T N E S S E T H:

W H E R E A S, Declarants are the fee owners of certain real property located in the Borough of Brooklyn, City and State of New York, Block 1007, Lot 172; Block 1025, Lots 1, 16 and part of 26, and Block 1031 Lots 1, 9, 11, 75 through 82, which real property is further described in Exhibit "A" attached hereto and which is hereinafter called the "Subject Property", and

W H E R E A S, the Subject Property is the subject of a Special Permit designated C770044ZSK as adopted by the City Planning Commission on May 16, 1977 (Calendar #3) and as approved by the Board of Estimate on June 23, 1977 (Calendar #7) as modified by this Declaration, and

W H E R E A S, the Declarants desire to restrict the manner in which the Subject Property may be developed, maintained and operated intending these restrictions to benefit all City-owned land which is located within one-half mile of the Subject Property, and

W H E R E A S, the Declarants represent and warrant that no restrictions of record on the use of the Subject Property nor any present or presently existing future estate or interest in the Subject Property nor any lien, obligation, covenant,

REC-1344
952

limitation or encumbrance of any kind precludes, presently or potentially, the imposition of the restrictions, covenants, obligations, easements and agreements of this Declaration or the development of the Subject Property in accordance therewith.

N O W, T H E R E F O R E, the Declarants do hereby declare that the Subject Property shall be held, sold, conveyed and occupied subject to the following restrictions, covenants and agreements which are for the purpose of protecting the value and desirability of the Subject Property and which shall run with such real property, binding every party having any right, title or interest in the Subject Property or any part thereof and binding all heirs, successors and assigns.

1. The Declarants covenant that for a period of not less than 20 years from the effective date of this Declaration, that in addition to the supermarket, the total number of retail stores located on the first and second floors of the shopping mall to be located on the Subject Property shall not exceed eight (8) and shall be further limited to a total area of 23,000 square feet of net retail space located on these two floors as indicated on Exhibit B annexed hereto.

2. The Declarants covenant that any uses on the third and fourth floors above the shopping mall, other than office and warehousing uses shall only be permitted by written authorization of the Board of Estimate, upon recommendation by the City Planning Commission after consultation with the community, including local merchants.

3. The Declarants covenant that the Subject Property shall be developed in accordance with the plan attached hereto as Exhibit B and in conformance with the Special Permit granted pursuant to the application to the City Planning Commission

REC-952
1345

designated C770044ZSK.

4. The Declarants covenant to include a copy of this Declaration as part of any application pertinent to the Subject Property submitted to the New York City Department of Buildings or any agency succeeding to its jurisdiction.

5. Upon becoming effective, this Declaration runs with the land, binding the Declarants and their heirs, successors and assigns, and it shall be so construed.

6. The Declarants, recognizing that the City of New York is an interested party in this Declaration, consent to the City's enforcing the covenants, conditions, restrictions and agreements herein contained by whatever means may be appropriate to the situation.

7. This Declaration may be amended or cancelled only with the approval of the City Planning Commission and the Board of Estimate or the agencies succeeding to their jurisdiction and no other approval or consent shall be required from any public body, private person or legal entity of any kind. Minor modifications of this Declaration and the plans annexed hereto as Exhibit B may be made with the express written approval of the City Planning Commission, provided that the City Planning Commission at its sole discretion deems such modifications to be minor. Minor modifications shall not be deemed amendments of this Declaration.

8. Declarants covenant that they shall immediately file and record this Declaration in the Office of the Register of the ~~City of New York~~, County of Kings, indexing it against the Subject Property. Declarants further covenant to provide

REF 952-1341

the City Planning Commission with a copy of the Declaration as recorded, certified by the Registers Office of Kings County. The City of New York shall also have the right to record this Declaration. However all costs of recordation and certification whether undertaken by the Declarant or by the City, shall be borne by the Declarants.

I N W I T N E S S W H E R E O F, the Declarants have caused this Declaration to be signed this 22 day of July, 1977.

REC 952-1317

ZOLMAR REALTY CORP.
BY [Signature]
Joseph Unanue, President

S E A L

12TH STREET REALTY ASSOCIATES
BY [Signature]
Nathaniel Ratner

and BY [Signature]
Gerald H. Genet

and BY [Signature]
Leon M. Genet

and BY [Signature]
Joan Spratford

STATE OF NEW JERSEY)
 : ss:
COUNTY OF HUDSON)

On the 22 day of July 1977, before me personally came JOSEPH UNANUE to me known, who being by me duly sworn, did depose and say that he resides at 100 Seaview Drive, Secaucus, New Jersey, that he is the President of Zolmar Realty Corp., the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

[Signature]
Notary Public

CARMINE N. BONFIGLIO
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Jan. 22, 1980



STATE OF *N.Y.*)
COUNTY OF *Richmond*) :SS:

On the *23* day of *July* 1977, before me personally came NATHANIEL RATNER to me known, who being by me duly sworn, did depose and say that he resides at 1016 Fifth Avenue, New York, New York, that he is a partner of 12TH STREET REALTY ASSOCIATES the company described in and who executed the foregoing instrument and acknowledged that he executed the same

MILDRED P. GIVENTER
Notary Public, State of New York
No. 43 6532210
Qualified in Richmond County
Term Expires March 30, 1978

Mildred P. Giventer

Notary Public

FILE 952-1348

STATE OF *New Jersey*)
COUNTY OF *Essex*) :SS:

On the *23* day of *July* 1977, before me personally came GERALD H. GENET, LEON M. GENET and JOAN SPRATFORD to me known who being by me duly sworn, did depose and say that they reside at 589 Central Avenue, East Orange, New Jersey, that they are partners of 12TH STREET REALTY ASSOCIATES the company described in and who executed the foregoing instrument, and acknowledged that they executed the same.

Mildred P. Giventer

NOTARY PUBLIC OF NEW JERSEY
My Commission Expires July 17, 1978

EXHIBIT "A"

Parcel "A" (Zolmar Realty Corp.)

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

BEGINNING at a point on the Northerly side of 12th Street distant 550 feet Westerly from the corner formed by the intersection of the Northerly side of 12th Street and the Westerly side of Second Avenue; running thence Northerly parallel with Second Avenue 230 feet to the center line of 11th Street Basin;

thence Westerly along the center line of 11th Street Basin 375 feet 9 inches to the Easterly side of Gowanus Canal;

thence Southerly along the Easterly side of Gowanus Canal 230 feet to the Northerly side of 12th Street;

thence Easterly along the Northerly side of 12th Street 375 feet 9 inches to the point or place of BEGINNING.

Parcel "B" (Zolmar Realty Corp.)

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

BEGINNING at a point on the southerly side of 12th Street distant 420 feet 9 inches westerly from the corner formed by the intersection of the westerly side of 2nd Avenue and the southerly side of 12th Street; running thence westerly along the southerly side of 12th Street 505 feet to the easterly side of Gowanus Canal;

thence southerly along the easterly side of Gowanus Canal 177.43 feet;

thence still southerly 42.36 feet to the northerly side of 13th Street at a point therein distant 35.85 feet easterly from the easterly side of Gowanus Canal;

thence easterly along the northerly side of 13th Street 469.14 feet;

thence northerly parallel with the westerly side of 2nd Avenue 200 feet to the southerly side of 12th Street, the point or place of BEGINNING

FILE 952-1341

EXHIBIT "A" Continued

Parcel "C" (12th Street Realty Associates)

ALL those several lots or parcels of land, situate, lying and being in the City of New York, Borough of Brooklyn, County of Kings, State of New York, which taken together are more particularly bounded and described as follows:

BEGINNING at a corner formed by the intersection of the easterly side of Hamilton Avenue with the north-easterly side of 14th Street; running thence northwesterly and along the easterly side of Hamilton Avenue 169 feet 7-3/4 inches; running

thence northeasterly and at right angles to Hamilton Avenue to the southwesterly side of 13th Street;

thence southeasterly and along the southwesterly side of 13th Street to a point on the southwesterly side thereof, distant 97 feet 10-1/2 inches northwesterly from the corner formed by the intersection of the southwesterly side of 13th Street with the northwesterly side of Second Avenue; running

thence southwesterly and at right angles to 13th Street 50 feet;

thence southeasterly and parallel with 13th Street 97 feet 10-1/2 inches to the northwesterly side of Second Avenue;

thence southwesterly and along the northwesterly side of Second Avenue 50 feet;

thence northwesterly and parallel to 13th Street and along the center line of block 341 feet 3 inches to a point therein; running thence southwesterly to a point in the northeasterly side of 14th Street, distant 342 feet 2 inches northwesterly from the corner formed by the intersection of the northeasterly side of 14th Street with the northwesterly side of Second Avenue;

thence running northwesterly and along the northeasterly side of 14th Street 125 feet 10 inches;

thence northeasterly and at right angles to 14th Street 100 feet;

thence northwesterly and parallel with 14th Street 48 feet;

thence southwesterly and at right angles to 14th Street 100 feet to the northeasterly side of 14th Street;

thence northwesterly and along the northeasterly side of 14th Street 111 feet 1 inch to the corner formed by the intersection of the easterly side of Hamilton Avenue with the northeasterly side of 14th Street and to the point or place of BEGINNING.

Excepting therefrom so much thereof which has been taken by the City of New York for the widening of Hamilton Avenue.

REEL 952 (1351)

EXHIBIT "A"
Continued.

Parcel "D" (12th Street Realty Associates)

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

BEGINNING at a point on the northerly side of 14th Street distant 468 feet westerly from the corner formed by the intersection of the northerly side of 14th Street with the westerly side of 2nd Avenue; running

thence northerly parallel with 2nd Avenue 100 feet;

thence westerly parallel with 14th Street 25 feet;

thence southerly parallel with 2nd Avenue 100 feet to the northerly side of 14th Street;

thence easterly along the northerly side of 14th Street 25 feet to the point or place of BEGINNING.

Excepting and reserving from the above described premises so much as has been acquired by the City of New York for widening of Hamilton Avenue for the construction of a certain elevated parkway.

REEL 952
PAGE 1351

Parcel "E" (12th Street Realty Associates)

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

BEGINNING at a point on the northerly side of 14th Street distant 493 feet westerly from the corner formed by the intersection of the northerly side of 14th Street with the westerly side of 2nd Avenue; running

thence northerly parallel with 2nd Avenue 100 feet;

thence westerly parallel with 14th Street 23 feet;

thence southerly parallel with 2nd Avenue 100 feet to the northerly side of 14th Street at a point distant 111 feet 1 inch easterly from the easterly side of Hamilton Avenue;

thence easterly along the northerly side of 14th Street 23 feet to the point or place of BEGINNING.

Excepting and reserving from the above premises so much has been acquired by the City of New York for widening of Hamilton Avenue for the construction of a certain elevated parkway.

EXHIBIT "A" Continued

Parcel "F" (12th Street Realty Associates)

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

BEGINNING at a point on the northeasterly side of Hamilton Avenue distant 296 feet 8-3/4 inches northerly from the corner formed by the intersection of the easterly side of Hamilton Avenue with the northerly side of fourteenth Street; running thence northeasterly at right angles to Hamilton Avenue 49 feet 7 inches to the southerly side of 13th Street; thence northwesterly along the southerly side of 13th Street 52 feet 2 inches; running thence southwesterly at right angles to Hamilton Avenue 21 feet 9 inches to the northeasterly side of Hamilton Avenue; thence southeasterly along the northeasterly side of Hamilton Avenue 44 feet 1-3/4 inches to the point or place of BEGINNING. and

BEGINNING at a point formed by the intersection of the center line of former 1st Avenue with the center line of 13th Street; running thence northeasterly along the center line of former 1st Avenue 260 feet to a point where center line of said former 1st Avenue intersects center line of 12th Street; thence northwesterly along center line of 12th Street 190 feet to the southeasterly side of Gowanus Canal; thence southwesterly along the southeasterly side of Gowanus Canal 302 feet 1 inch to the northeasterly side of Hamilton Avenue, as said existed prior to the widening of Hamilton Avenue; thence southeasterly along the said northeasterly side of Hamilton Avenue 139 feet 8-3/4 inches more or less to a point on said side of Hamilton Avenue distant 213 feet 1-3/4 inches northerly from the intersection of the said side of Hamilton Avenue and northeasterly side of 14th Street; thence northeasterly at right angles to Hamilton Avenue 102 feet 1 inch to the southwesterly side of 13th Street; thence northeasterly and diagonally across 13th Street to a point where center line of former 1st Avenue intersects center line of 13th Street being the point of BEGINNING.

EXCEPTING therefrom so much as has been taken by the City of New York for the opening and widening of Hamilton Avenue.

REEL 952
PAGE 1352

FILE 952-1353

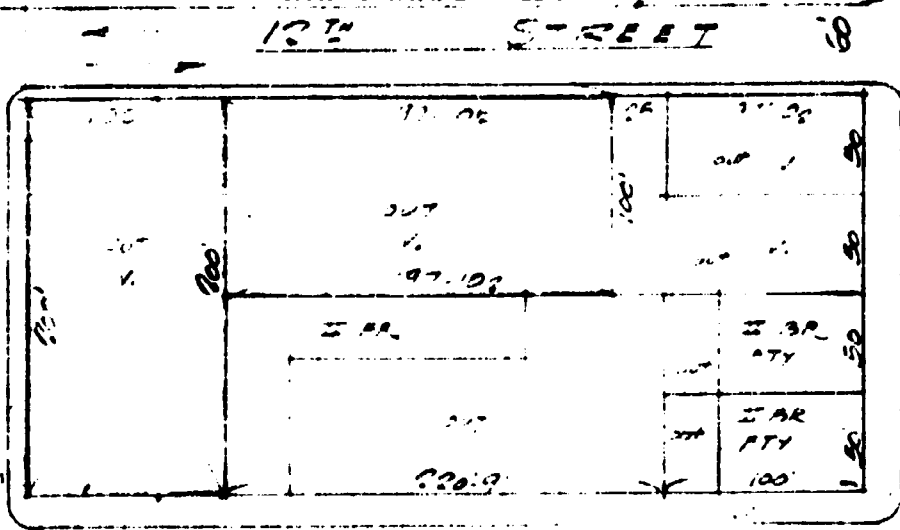
NO DATA 11TH STREET

LOT 1 31,416
 A 21,416 + 8 = 162,832

NOTE PROPOSED PARKING WILL EXCEED
 REQD PARKING BY 44 CARS
 CAR FEES: 44 x 9000 = \$396,000

RE 45000 = 200 - 225
 PER 92,192 = 200 - 107 = 362
 PARKING 400

AVENUE (fully improved)



13TH STREET

80

NOTE: 40" HIGH CHAIN LINK FENCING
 ON HERCULES TO BORDEN PARKING PUBLIC
 PUBLIC STREET
 PARKING AREAS TO BE MAINTAINED
 PARKING AREAS TO HAVE 100' DISTANCE
 PROVIDE 14' DISTANCE
 EXT. BE DIRECTED AS NOT TO GO
 INTO ADJACENT PROPERTY.
 NO EMPLOYEE VEHICLES OR TRUCKS
 IN THE AREAS TO BE MAINTAINED

SITE PLAN 1" = 50'



LOUIS LUBBERMAN, AIA

EXHIBIT B

REEL 952 PAGE 1351

GOWANUS CANAL

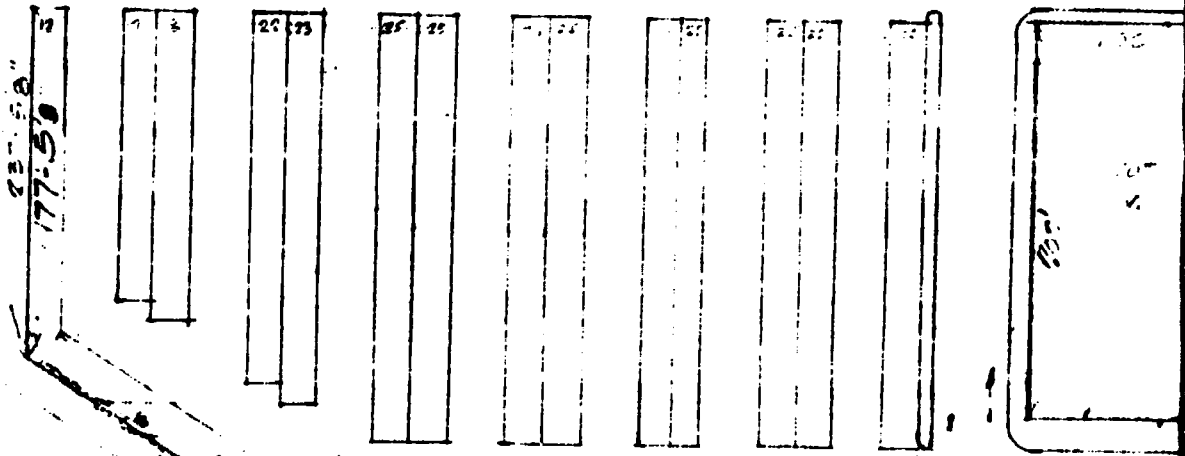
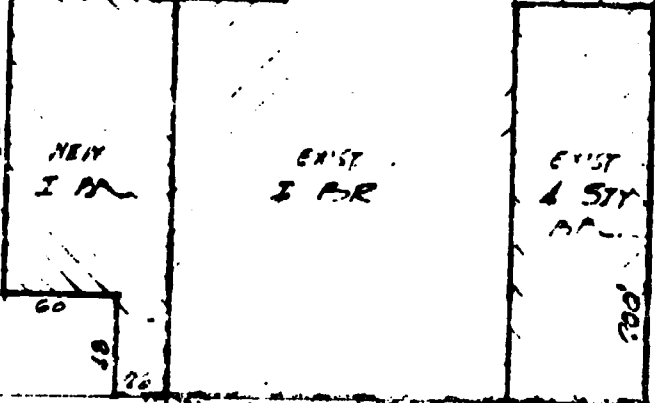
GOWANUS CANAL
168:3"

307:6"

ZONE DATA

AREA OF PLOT
 FROM P.A. 21,46 SQ.
 ACTUAL P.A.
 15 FL (517:15) = 27,140
 20 FL (378:20) = 38,000
 PROPOSED BUILDING AREA

REQD PARKING
 FOOD STORE 15000 ÷ 200 = 75
 RETAIL STORE 92,192 ÷ 300 = 107
 FACTORY & WAREHOUSE
 PROPOSED PARKING



HAMILTON AVE



LAND 80'
 OR HEDGE
 PUBLIC ST
 PARKING ARE
 PARKING ARE
 2 PROVIDED
 ETC ETC
 INTO AD.
 TO EMPLOYE
 IN THE 30'

CONDITIONS

33350

1977 OCT 21 PM 10:02
1977 OCT 21 PM 10:02

ZOLMAR REALTY CORP.

and

12TH STREET REALTY ASSOCIATES

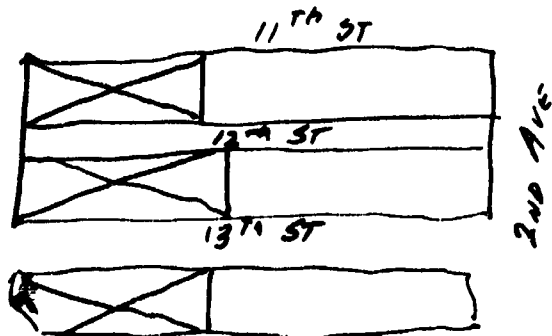
DECLARATION

TAX BLOCK 1007, Lot 172

Block 1025, Lots 1, 16 and part of 26

Block 1031, Lots 1, 9, 11, 75 through 82

GUNNARUS CANAL



Record and Return to:

LEONARD F. ROTHKRUG
ATTORNEY AT LAW
XXXXXXXXXXXXXX
XXXXXXXXXXXXXX
516 487-2282

20 Shorecliff Place, Great Neck, N. Y.
11023

OFFICE OF CITY REGISTER
Kings County
RECORDED
Witness by hand
and official seal

Matthew J. Dwyer
CITY REGISTER

1977 OCT 21 PM 10:02

APPENDIX B
LANDMARKS PRESERVATION COMMISSION
DETERMINATION

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 77DCP171K
Project: HAMILTON PLAZA
Address: 1 12 ST EXTENSION, **BBL:** 3010070172
Date Received: 11/17/2014

No architectural significance

Archaeological significance undetermined

Designated New York City Landmark or Within Designated Historic District

Listed on National Register of Historic Places

Site adjacent to Gowanus Canal HD, which appears to be eligible for National Register Listing

May be archaeologically significant; requesting additional materials

Comments:

The LPC is in receipt of the PAS of 1/6/14. The proposed action does not include any in-ground excavation. The project site is not architecturally significant, but is adjacent to the S/NR eligible Gowanus HD. No adverse impacts are anticipated as a result of this project.



11/17/2014

SIGNATURE
Gina Santucci, Environmental Review Coordinator

DATE

File Name: 30051_FSO_GS_11172014.doc

APPENDIX C
WATERFRONT REVITALIZATION PROGRAM
CONSISTENCY ASSESSMENT FORM

For Internal Use Only:

Date Received: August 13, 2015

WRP no. 14-007

DOS no. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the New York City Waterfront Revitalization Program (WRP). The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

A. APPLICANT

1. Name: James Heineman, Equity Environmental Engineering LLC
2. Address: 227 Route 206, Suite 6, Flanders NJ 07836
3. Telephone: 973-527-7451 Fax: 973-858-0280 E-mail: jim.heineman@equityenvironmental.com
4. Project site owner: Hamilton Plaza Associates

B. PROPOSED ACTIVITY

1. Brief description of activity:
Hamilton Plaza Associates is seeking the following actions: Modification of an existing special permit originally granted pursuant to Zoning Resolution Section 74-922 with a related cancellation of a Restrictive Declaration with respect to the applicant's property, and Waterfront Certification pursuant to ZR Section 62-811 that no Visual Corridor or Waterfront Public Access Area is required
2. Purpose of activity:
The proposed action would facilitate conversion of the 13,994-square foot third floor, and development of a 2,364-square foot third floor mezzanine, for use as a health club at the existing four-story building located at 1-37 12th Street in the Gowanus section of Brooklyn Community District 6. The health club requires a special permit from the Board of Standards and Appeals pursuant to ZR 73-36. This Special Permit was granted on January 13, 2015.
3. Location of activity: (street address/borough or site description):
1-37 12th Street, Brooklyn NY 11215

Proposed Activity Cont'd

- 4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:
none

- 5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).
none

- 6. Will the proposed project require the preparation of an environmental impact statement?
Yes _____ No _____ If yes, identify Lead Agency:

- 7. Identify **city** discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.
Modification of Special Permit pursuant to Z.R. 74-922
Waterfront Certification pursuant to Z.R. 62-811
Special Permit pursuant to Z.R. 73-36

C. COASTAL ASSESSMENT

Location Questions:	Yes	No
1. Is the project site on the waterfront or at the water's edge?	_____	<input checked="" type="checkbox"/>
2. Does the proposed project require a waterfront site?	_____	<input checked="" type="checkbox"/>
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?	_____	<input checked="" type="checkbox"/>

Policy Questions	Yes	No
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The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)	_____	<input checked="" type="checkbox"/>
5. Is the project site appropriate for residential or commercial redevelopment? (1.1)	<input checked="" type="checkbox"/>	_____
6. Will the action result in a change in scale or character of a neighborhood? (1.2)	_____	<input checked="" type="checkbox"/>

Policy Questions cont'd

Yes No

7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)		✓
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)		✓
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)		✓
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)		✓
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)		✓
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)		✓
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)		✓
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)		✓
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)		✓
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)		✓
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)		✓
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)		✓
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)		✓
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1and 9.2)		✓
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)		✓
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)		✓
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)		✓
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)		✓
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)		✓
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)		✓
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)		✓
28. Would the action cause violations of the National or State air quality standards? (5.2)		✓

Policy Questions cont'd

Yes No

29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
33. Would the action result in any construction activities that would lead to erosion? (6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
37. Would the proposed project affect a non-renewable source of sand ? (6.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
39. Would the action affect any sites that have been used as landfills? (7.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
44. Would the action result in the provision of open space without provision for its maintenance? (8.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Policy Questions cont'd

Yes No

51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)

52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)

D. CERTIFICATION

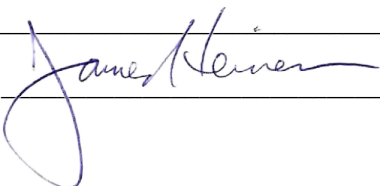
The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: James Heineman, Equity Environmental Engineering LLC

Address: 227 Route 206, Suite 6, Flanders NJ 07836

Telephone: 973-527-7451

Applicant/Agent Signature:  Date: July 21, 2015

APPENDIX D
BOARD OF STANDARDS AND APPEALS
RESOLUTION
184-14-BZ

184-14-BZ
CEQR #15-BSA-041K

APPLICANT – Sheldon Lobel, P.C., for Hamilton Plaza Associates, owner; Brooklyn Park Slope Fitness, lessee.

SUBJECT – Application August 6, 2014 – Special Permit (§73-36) to allow the operation of a physical culture establishment (*Retro Fitness*) on the third floor of the existing building at the premises. M1-2 zoning district

PREMISES AFFECTED – 1-37 12th Street, eastern side of the intersection between Hamilton Place and 12th Street, Block 1007, Lot 172, Borough of Brooklyn.

COMMUNITY BOARD #6BK

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Perlmutter; Vice-Chair Hinkson, Commissioner Ottley-Brown and Commissioner Montanez.....4
Negative:.....0

THE RESOLUTION –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated July 8, 2014, acting on DOB Application No. 320917790, reads, in pertinent part:

Proposed Physical Culture Establishment use on the third floor and the mezzanine level of the building within M1-2 district is contrary to ZR 42-10 ...

WHEREAS, this is an application under ZR §§ 73-36 and 73-03, to permit, on a site within an M1-2 zoning district, a physical culture establishment (“PCE”) on the third floor and mezzanine of a four-story mixed manufacturing and commercial use building, contrary to ZR § 42-10; and

WHEREAS, a public hearing was held on this application on December 16, 2014, after due notice by publication in the *City Record*, and then to decision on January 13, 2015; and

WHEREAS, Vice-Chair Hinkson and Commissioner Montanez performed an examination of the premises and surrounding area and neighborhood; and

WHEREAS, Community Board 6, Brooklyn, recommends approval of this application; and

WHEREAS, the subject site is bounded to the west and south by the Gowanus Canal with access from 12th Street, within an M1-2 zoning district; and

WHEREAS, the site consists of approximately 86,250 sq. ft. of lot area; and

WHEREAS, the site is occupied by a four-story commercial building; and

WHEREAS, the site is subject to a restrictive declaration recorded on October 21, 1977 at Reel 952, Page 1344 (the “Restrictive Declaration”) which restricts, *inter alia*, uses on the 3rd and 4th stories of the building such that the contemplated PCE use must be

recommended by the City Planning Commission (the “CPC”); and

WHEREAS, the applicant has represented that it has submitted an application to the CPC to remove or amend the Restrictive Declaration; and

WHEREAS, the PCE shall occupy approximately 15,561 sq. ft. of floor area (1.35 FAR) on the third floor of the building and shall operate as Retro Fitness; and

WHEREAS, the PCE’s hours of operation shall be daily, from 4:30 a.m. to 12:00 a.m.; and

WHEREAS, the Department of Investigation has performed a background check on the corporate owner and operator of the establishment and the principals thereof, and issued a report which the Board has determined to be satisfactory; and

WHEREAS, the Fire Department states that it has no objection to the proposal; and

WHEREAS, the PCE does not interfere with any pending public improvement project; and

WHEREAS, accordingly, the Board finds that this action will neither: 1) alter the essential character of the surrounding neighborhood; 2) impair the use or development of adjacent properties; nor 3) be detrimental to the public welfare; and

WHEREAS, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-36 and 73-03; and

WHEREAS, the project is classified as a Type II action pursuant to 6 NYCRR Part 617.5; and

WHEREAS, the Board has conducted a review of the proposed Type II action discussed in the CEQR Checklist No. 15-BSA-041K, dated August 6, 2014; and

Therefore it is Resolved, that the Board of Standards and Appeals issues a Type II determination prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and § 6-07(b) of the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1977, as amended, and makes each and every one of the required findings under ZR §§ 73-36 and 73-03, to permit, on a site within an M1-2 zoning district, the operation of a PCE on the third story and mezzanine of a four-story mixed manufacturing and commercial use building, contrary to ZR § 42-10; *on condition* that all work will substantially conform to drawings filed with this application marked “Received November 26, 2014”- Five (5) sheets and “Received January 13, 2015”- One (1) sheet; *on further condition*:

THAT the term of the PCE grant shall expire on January 13, 2025;

184-14-BZ

CEQR #15-BSA-041K

THAT there shall be no change in ownership or operating control of the PCE without prior application to and approval from the Board;

THAT all signage displayed at the site by the applicant shall conform to applicable regulations;

THAT the above conditions will appear on the Certificate of Occupancy;

THAT this approval is contingent upon the CPC removing or amending the Restrictive Declaration so that the contemplated PCE use shall not be prohibited;

THAT required parking shall be as reviewed and approved by DOB;

THAT accessibility compliance will be as reviewed and approved by DOB;

THAT fire safety measures will be installed and/or maintained as shown on the Board-approved plans;

THAT all DOB and related agency application(s) filed in connection with the authorized use and/or bulk will be signed off by DOB and all other relevant agencies by January 13, 2019;

THAT this approval is limited to the relief granted by the Board in response to specifically cited objection(s);

THAT the approved plans will be considered approved only for the portions related to the specific relief granted; and

THAT DOB must ensure compliance with all of the applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals
January 13, 2015.

A true copy of resolution adopted by the Board of Standards and Appeals, January 13, 2015.

Printed in Bulletin No. 4, Vol. 100.

Copies Sent

To Applicant

Fire Com'r.

Borough Com'r.

