Attendance of Community Board 11’s General Meeting and Public Hearing

Held on Thursday, November 12, 2015 at

The Bensonhurst Center for Rehabilitation and Healthcare,

1740 84th Street

Present: Bart Allegretti, Ross Brady, Rocco Buonpane, Albert Campanelli, Rosa Casella, Msgr. David Cassato, Vincent Chirico, Ruben Colon, Sal D’Alessio, Mafalda DiMango, Eric DiNapoli, Paul DiSpirito, Charles Farrauto, Shirley Fineman, John Garvey, Yonah Glatzer, William R. Guarinello, Eileen LaRuffa, Man Wai Lau, Dr. Tim Law, Nicholas Miraglia, James Orlando, Rabbi Gary Pollack, Antonio Troia, Sonia Valentin, Robert Whittaker, Andrew Windsor, Robert Yee

Absent: Thomas Andros, Sofia Annunziata, Karina Cardozo, Warren Chan, Wai Cheung, Steve Chung, Claudio DeMeo, Marc D’Ottavio, Ligia Guallpa, Salvatore Rao, Nayeem Siddique, Sai Chuen Yeung, Nicholas Zimmitti

Excused: Matt Bromme, Jin Wing Chiu, Priscilla Consolo, Linda Dalton, Anthony Grigos, Albert Milone, Caleb Pan, Barry Sanchez, Laurie Windsor

Guests: Brandon Andira, Carl Anderson, Naing Lin Kyaw, Frank Fernandez, Giacomo Praino, Trip Yang – Brooklyn District Attorney Thompson, Yelena Tsodikovich

Minutes of Community Board 11’s General Meeting and Public Hearing

Held on Thursday, November 12, 2015 at

The Bensonhurst Center for Rehabilitation and Healthcare,

1740 84th Street

The general meeting and public hearing of Community Board 11 opened with Bart Allegretti having the honor of the pledge.

Public Hearings

1. ULURP # N150042ECK

M Star Hong Kong Café Inc.

D/B/A Jin Jin Hong Kong Café

6224 18th Avenue

The applicant seeks to renew an existing revocable consent for an enclosed sidewalk café consisting of 4 tables and 16 seats.

Mr. Guarinello inquired if anyone from the public sought recognition. Hearing none, a motion was made by Bart Allegretti to close the public hearing. Seconded by Tony Troia. Unanimously adopted.

1. ULURP # N160049ZRY

The Department of City Planning

Proposed citywide text amendment for Zoning for Quality and Affordability.

Mr. Guarinello inquired if anyone from the public sought recognition. Hearing none, a motion was made Tony Troia to close the public hearing. Seconded by Sal D’Alessio. Unanimously adopted.

Public Portion

Yelena Tsodikovich, representing the Mayor’s Office of Immigrant Affairs, announced that enrollment for IDNYC, a free government-issued identification card that is available to all New York City residents age 14 and older, will be available at the New Utrecht Library until November 20th.

She further announced the Know Your Rights Forum. If interested, informational brochures are available.

Izzy, representing the Parks Department, spoke about the importance of volunteering and the opportunities for those interested. Informational brochures are available.

Trip Yang, representing Brooklyn District Attorney Thompson, announced an upcoming event, Violence Behind Closed Doors, to be held on November 21, 2015, at 9502 Seaview Avenue.

He also advised that the Brooklyn District Attorney’s Office issues a quarterly newsletter, Justice News, to inform the public about the latest cases it is prosecuting and shed a spotlight on the office’s programs and personnel.

Michael Bistreich, representing Councilman Gentile, advised that a press conference was held this past week regarding illegal home conversions, in front of a property that was issued a Stop Work Order by the Department of Buildings.

He further announced that the New York City Council passed legislation to create a new Department of Veterans Services. The Councilman has co-sponsored a bill that would remove the liability for sidewalk snow removal from senior citizens and the disabled.

The Chairman inquired if anyone else from the public sought recognition. Hearing none, a motion was made by Bart Allegretti to close the public portion of the meeting. Seconded by Rocco Buonpane. Unanimously adopted.

Minutes

A motion was made by Rabbi Gary Pollack to accept the minutes of the October 8, 2015 meeting. Seconded by Man Wai Lau. Unanimously adopted.

Disposition of Public Hearings

Ross Brady, Chairman of the Planning and Zoning Committee, reported that

M Star Hong Kong Café, located at 6224 18th Avenue, is seeking to renew their revocable consent for an enclosed sidewalk café abutting its existing restaurant at the above address, which has been in existence for 20 years. The café will contain four (4) tables and sixteen (16) seats.

The committee is recommending approval of the continuance of the revocable consent.

A motion was made by Man Wai Lau to approve the application as presented. Seconded by Paul DiSpirito. Unanimously adopted.

Mr. Brady advised that as part of the Mayor’s Housing Plan, the Department of City Planning proposes two zoning text amendments, Mandatory Inclusionary Housing and Zoning for Quality and Affordability.

The committee waives a recommendation on the proposed Mandatory Inclusionary Housing text amendment. Community Board 11 is not a mapped neighborhood for MIH and future actions would require full ULURP process providing Community Board 11 with input and a recommendation.

A motion was made by Bart Allegretti to waive a recommendation on the proposed Mandatory Inclusionary Housing text amendment. Seconded by Sal D’Alessio. Unanimously adopted.

Mr. Brady presented the Zoning for Quality and Affordability text amendment. He stated that he Planning and Zoning Committee finds the need for affordable housing and senior housing to be worthy goals but posits that protections and considerations of the population density and existing community concerns and issues are not items that should be disregarded to reach these goals.

Whereas, each community needs to address its own concerns and one-size-fits-all solutions are not appropriate. Development that alters the use and character of the community should undergo community review and be required to conform to special permits rather than fall into categories that permit unchecked development, outside-the nature of the surrounding neighborhoods “as of right”.

Therefore, the Planning and Zoning Committee recommends approval of the Zoning for Quality and affordability with the following modifications:

ZR 12-10 Affordable Independent Residence for Seniors should not be limited to a 30-year occupancy without the opportunity to review, extend the opportunity for City subsidies to maintain senior housing other than permitting conversion to market-rate housing.

ZR 22-22 – Uses Permitted by Special Permit by the City Planning Commission – Discretionary approval should be extended from R1 and R2 to the contextual zoning districts for long term care facilities in R4A and R5A detached home districts as of right. (In seeking such use be pursuant to a Special Permit or City Planning Commission authorization as a means to provide standards of findings and Community Board input.)

ZR 22-42 City Planning Special Permit for Long Term Care Facilities – Opposes the blanket finding that use, scale and placement of long-term facilities would not alter the essential character of the neighborhood in the R4A and R5A detached home districts.

There needs to be adequate buffering from adjacent residences in detached home districts. Such facilities should only be granted by Special Permit of the City Planning Commission upon input from the Community Board.

ZR 23-44 (b)(9) Permitted obstructions in required Yard Equivalents in R6A and R7A Districts

Opposed to the height enlargement in R6A and R7A districts along narrow street widths where resulting loss of rear lots are probable.

ZR23-693 Special Height Limitations Special provisions applying adjacent to R1 through R6B Districts for R6-R10 districts

CB-11 opposes the proposal to modify the height permitted within 25 feet when R6-R10 districts abut R1 through R6B Districts from 35 feet in R1 through R5 Districts and R6B requirements (50 or 55 feet) for R6B Districts to a height of 75 feet. Such modification goes totally against the intent of the many neighborhood-wide contextual preservation-based rezoning where the community supported increased density in appropriate locations.

ZR 24-013 (a)(2) Special provision for certain community facility uses for buildings containing long-term care facilities in R3 through R5 districts except in R3A, R3X, R3-1, R4A, R4B, R4-1, R5A and R5D Districts

The proposed as-of-right allowance of provisions for affordable independent residences for seniors to be applicable to long-term care facilities is too wide-spread for these zoning districts and could potentially result in out-of-context development of incapable intensity of use. *The establishment of provisions consistent with ZR 23-011 regarding the Quality Housing Program where according to ZR 23-011(c)(3), zoning lots occupied by a single, two or three-family detached or semi-detached residence where 70 percent or more of the aggregate length of the block fronts in residential use on both sides of the street facing each other are occupied by such residences. Such provision would assure that perfectly-sound homes on such blocks are not demolished to develop such out-of-context facilities. In addition, such affordable independent residences for seniors to be applicable to long-term care facilities floor area and bulk envelop should not be applicable to zonings lots exclusively fronting along narrow streets.*

ZR 25-252 Required Accessory Off-Street Parking Spaces for Residences – Modification of Requirements Where Group Parking Facilities Are Required R1-R10 Districts for Affordable Independent Residences for Seniors

Opposed to the elimination of the as of right reduction in its entirety.

ZR 25-261 Waiver of Requirements for Small Number of Spaces for R7A Districts and ZR 25-33 Waiver of Requirements for Spaces below Minimum Number for Permitted Non-Residential Uses

Opposed to any reduction in the parking space requirements or increase in any waivers.

Appendix 1: Transit Zone

CB 11 opposes the inclusion of the district in a transit zone. The designation of transit zones does not adequately reflect the need for parking and the current parking situation due to development and illegal curb cuts/front yard parking.

Furthermore, City Planning should undertake a study to determine the scope and impact of illegal curb cuts and front yard parking.

Regarding ZR 101-51 (a) Minimum Parking Requirements for Off-Street Parking Regulations

*Opposed to the parking reduction by maintaining minimum parking requirements for structures within its boundaries.*

A motion was made by Man Wai Lau to approve the application with the modifications recommended by the Planning and Zoning Committee. Seconded by Sal D’Alessio. Unanimously adopted.

Mr. Guarinello thanked Ross Brady and the members of the Planning and Zoning Committee for their deliberations on the applications presented.

Assemblyman Peter Abbate

Assemblyman Abbate advised that while the legislature is in recess he is in the district working on local issues.

He spoke regarding the issue of illegal conversions and the enforcement issues associated with the Department of Buildings. Recently, Stop Work Orders were issued in Bensonhurst and Dyker Heights.

In closing, he wished all a Happy Thanksgiving.

Councilman Gentile

Councilman Gentile thanked the board for their recommendations on Zoning for Quality and Affordability and Mandatory Inclusionary Housing. The Councilman advised that the Council will be reviewing the proposals and he has concerns regarding micro units and the potential for the legalization of the illegal conversions in our communities.

He spoke regarding the concerns that the Administration has with vacating and relocating residents residing in illegal conversions. The Councilman advised that he has cosponsored a bill with Councilman Jumaane Williams, at the request of Borough President Adams, to create a new building code violation on aggravated illegal conversion. This would penalize any property owner that creates three or more living units out of a whole or partial single unit without proper permits.  The fine would be $15,000 per illegal unit, with all monies generated by the fine to fund temporary housing for the displaced tenants.

In closing, the Councilman wished all a happy holiday season.

62nd Precinct

Captain Sanseverino, Commanding Officer of the 62nd Precinct, gave a report on the command’s crime statistics. He was happy to report that crime is down 5%. He thanked the community for their partnership.

Chairman’s Report

Mr. Guarinello discussed the closing of Waldbaums, located at 8121 New Utrecht Avenue, as part of the A & P bankruptcy filing. He stated that the newly released Community Health Profile, Bensonhurst has one of the lowest square footage of supermarket space citywide.

The Chairman directed the District Manager to send correspondence calling upon the New York City Economic Development Corporation to ensure that a full service supermarket is maintained at the Waldbaums site.

The Chairman advised that Community Board 11 has received an application for a special permit for 1462 62nd Street, for the existing yeshiva. We will be scheduling a public hearing for the December meeting.

In closing, Mr. Guarinello advised that he and Marnee Elias-Pavia attended a thank you reception hosted by Borough President Adams. The Borough President presented a citation to Community Board 11 recognizing the dedication and service of the members.

Mr. Guarinello reminded the board that members cannot identify themselves to the public as representatives of the community board unless they are authorized to represent the body.

District Manager’s Report

Marnee Elias-Pavia reported that she attended a kickoff meeting for the Combined Sewer Overflow Long Term Control Plan for the Coney Island Creek. Comments were submitted regarding the issue of illegal curb cuts and front yard parking and the potential that these may have on the combined sewer overflows.

She advised that Rebuilding Together NYC’s Disaster Recovery Workforce Training Program is seeking applicants from but not limited to residents living in CB’s 11, 13 and 15. The program is 6 weeks and successful participants will receive a $1,000 stipend, OSHA 10 and Home Builders Institute certifications. Informational fliers are available.

Councilman Treyger will be hosting a community forum with the Office of Emergency Management to discuss emergency preparedness on Monday, November 23rd, from 6 PM to 8 PM, at Block Academy located at Bay 46th Street between Harway & Bath Avenues.

The District Manager advised at the October Borough Service Cabinet Meeting, a presentation was made on proposed Select Bus Service. One of the routes they are studying is the B82 route. Community Board 11 received notification from the Department of Transportation that they are seeking community organizations that would be interested in information and gathering input on the project. She voiced her concern that no presentation or information was made to the Transportation Committee.

She further advised that the Department of Sanitation and the Department of Design and Construction requested that she notifies the board that all of the soil under the site of the Southwest Brooklyn Marine Transfer Station was required to be excavated and removed from the site. After soil sampling was conducted and the results approved by the New York State Department of Environmental Conservation, the vast majority of the soil, approximately  573 truckloads, was removed as fill in NJ and PA.  After further soil testing with approval by the NYS DEC, an estimated 420 Cubic yards of impacted material equivalent to approximately 21 truckloads is expected to be excavated and trucked off site.  Required permits / approvals for this work are already in place.

New Business

Sonia Valentin advised that the 62nd Precinct will be holding a blood drive on Monday, November 30th from 1PM to 7 PM, in front of the Precinct.

She further announced a fundraising program, in partnership with Modell’s, which will benefit the 62nd Precinct Community Council.

Robert Whittaker inquired if the Department of Sanitation has a plan to improve plowing operations.

The District Manager advised that a snow plan is issued yearly and Community Board 11 has received adequate manpower and equipment allocations to address snow operations.

The Chairman inquired if there was any other new business or old business.

Hearing none, a motion was made by Tony Troia to adjourn. Seconded by Nicholas Miraglia. Unanimously adopted.

Meeting adjourned.