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

Held on Thursday, June 10, 2021, at 7PM

Virtual Meeting

Present: Bart Allegretti, Sofia Annunziata, Ross Brady, Jay Brown, Lilibeth Chang, Iwen Chu, Angelo Cucuzza, Victoria Curto, Salvatore D’Alessio, Linda Dalton, Claudio DeMeo, Leon Freue, Michael Garthaffner, Laura Gottlieb, William R. Guarinello, Jeffrey Harris, Roy Jung, Edward Lai, Eileen LaRuffa, Man Wai Lau, Dr. Tim Law, Ahmed Nasser, Janet Perry, Rabbi Gary Pollack, Lenny Salama, Karen Sardell, Sonia Valentin, Robert Whittaker, Andrew Windsor, Laurie Windsor, Sai Chuen Yeung, Daniel Zurek

Excused: Reuvain Borchardt, Rosa Casella, Alan Esses, Lorraine Mazzola, Nicholas J. Miraglia,

Absent: Vincent Chirico, Charles Farrauto, John Garvey, Albert Milone, Briar Sambolin, Antonio Troia, Linda Zhang, Nicholas Zimmitti

Guests: Annie Mui – Assembly Member Colton, Det. Stephen Agosta – 62nd Precinct, Richard Day – Department of Sanitation, Nicole Ranger – Ohel Family, Nancy Tong - Assembly Member Colton, Andrew Olsen – Office of Recovery and Resiliency, Kay Will, Denise Daniello, Nancy Lulu – Brooklyn DA, Evan Burr – Brooklyn Borough President, Angelo Bruno, Yelena Levitskaya, Edward Cerna – Mayor’s Community Affairs, Shirley Grant – CB 11, Sergey Chuprik – NYC Comptroller, Captain Tao Chen – 62nd Precinct, Tyco McManus, Andrey Prigov

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

Held on Thursday, June 10, 2021, at 7PM

Virtual Meeting

The meeting was opened with Bart Allegretti having the honor of the pledge.

Public Hearings

1. ULURP No. N 210270 ZRY – Proposed Elevate Transit: Zoning for Accessibility Citywide Text Amendment

The proposed zoning text amendment creates a system-wide framework for coordinating siting and provision of transit easements for ADA access on development sites that are adjacent to mass transit stations. This requirement would be accompanied by targeted zoning relief to minimize potential construction.

 2. ULURP No. N 210406 ZRY – Proposed Citywide Hotel Text Amendment

A City Planning Commission special permit would be required for new hotels and enlargements where hotels are permitted as-of-right today: C1 (except for C1-1, C1-2, C1-3 or C1-4), C4, C5, C6, C8, MX and paired M1/R districts.

1. ULURP No. N 210 382 ZRY – Health and Fitness Citywide Text Amendment

The Department of City Planning proposes a zoning text amendment to modify regulations related to gyms, spas, licensed massage therapy, and other health and fitness facilities defined as “Physical Culture or Health Establishments.”

The proposed text amendment will remove the requirement for such facilities to receive a special permit by the Board of Standards and Appeals (ZR 73-36).

The Chairman inquired if anyone from the public sought recognition. Hearing none a motion was made by Bart Allegretti to close the public hearings. Seconded by Sal D’Alessio. Unanimously adopted.

Public Portion

Richard Day, representing the Department of Sanitation, advised that he is the enrollment coordinator for the curbside composting program. He announced that following a yearlong suspension, the program is being reinstated. Beginning in August, residents interested in recycling their food scraps and yard waste into compost and clean energy can register online for compost collection.

Nicole Ranger, representing Ohel Children’s and Family Services, advised that in response to the impact of COVID-19 on our communities, they are participating in the New York Project Hope Crisis Counseling Program. The program will provide several key services to individuals and families impacted by COVID-19 and are available free of charge. These services include individual or group crisis counseling, community networking and support, as well as public education, distribution of materials and referrals for on-going services. Anyone interested can call 347-675-1189 or email Nicole\_Ranger@ohelfamily.org

Nancy Lulu, representing Brooklyn District Attorney Gonzalez, spoke regarding the recently announced community led safety initiative with the 67th Precinct Clergy Council, the G-d Squad and neighboring clergy councils to curb gun violence in Brooklyn.

She further advised of the strategies and initiatives being undertaken by the District Attorney to prevent gun violence and provide resources to young people. Ms. Lulu can be contacted at 718-250-2340 or email Lulun@brooklynda.org

Edward Cerna, Brooklyn Director of the Mayor’s Community Affairs Unit, advised that over 8.5 million COVID-19 vaccinations have been administered, and over 24,000 doses to New Yorkers ages 12 to 17.

Mobile vaccinations vans will be located throughout the city and anyone interested in receiving a vaccination can visit <https://vaccinefinder.nyc.gov/> or call 877-VAX-4NYC.

He further announced that June 22nd is primary election day, and we will be casting our ballots using the Ranked Choice Voting system.

In closing he addressed gun violence and the unprecedented partnership with the Bureau of Alcohol Tobacco and Firearms, which is going to directly embed their agents into the NYPD to stop the flow of guns into NYC. Condolences were extended to the family of Justin Wallace, a ten-year-old boy who was recently shot and killed.

David Nussbaum, representing the Department of Buildings, spoke about the upcoming cooling season and advised residents to follow the manufacturer’s instructions when installing window air conditioners.

Chairman Guarinello inquired if anyone else from the public sought recognition. Hearing none, a motion was made by Ross Brady to close the public portion of the meeting. Seconded by Man Wai Lau. Unanimously adopted.

Minutes

A motion was made by Robert Whittaker to adopt the minutes of the May 13, 2021 meeting. Seconded by Angelo Cucuzza. Unanimously adopted.

Disposition of Public Hearings

Ross Brady, Chairman of the Planning and Zoning Committee, provided a committee report and recommendations on the citywide zoning text amendments before the board:

1. ULURP No. N 210270 ZRY – Proposed Elevate Transit: Zoning for Accessibility Citywide Text Amendment

The proposed text amendment would create a systemwide easement requirement. In all applicable zoning districts developments and enlargements on zoning lots of at least 5,000 sf and 50 feet of mass transit stations would be required to first consult with the MTA and Chair of the City Planning Commission regarding the need for a transit easement.

To address potential issues and additional burdens imposed on development sites, zoning relief would be provided.

The committee recommends approval of the application with the following conditions:

1. Community Board notification and input on applications submitted by developers to the MTA.
2. Provision for maintenance of sidewalks and snow removal.
3. Indemnification

A motion was made by Laurie Windsor to approve the application with the conditions as presented. Seconded by Ruben Colon. Unanimously adopted.

1. ULURP No. N 210406 ZRY – Proposed Citywide Hotel Text Amendment

This text amendment would require a special permit and an opportunity for the community to review the potential impacts of new hotel development. However, the fault or shortcoming which the planning and zoning committee found unanimously was that this text amendment excludes transient hotels operated exclusively for the public purpose of temporary housing assistance by the City or State of New York, or by a nonprofit.

The committee strongly opposed this exclusion considering the current siting of a shelter at 2147 Bath Avenue, where hotels are not permitted as-of-right; therefore, recommend rejecting this proposal.

There was discussion regarding the current zoning regulations and the goals of the proposed text amendment, which would require a special permit for new hotels and enlargements.

The Chairman inquired if the committee considered placing conditions rather than opposing in its entirety. There was further discussion on community input through a special permit process.

Andrew Windsor stated that as a committee they appreciated carve-outs but in this matter, they felt that the City was enshrining a loophole to ensure that there was no community input on publicly funded transient developments. For that reason, we felt that we should make a unified statement that as much as we support community input, we could not support this text amendment in its current form.

Mr. Guarinello initiated further discussion regarding the pros and cons of the proposal so that the board was clear on the recommendation.

Robert Whittaker stated that he felt that we had to stand-up to the city regarding the lack of community input on transient shelters.

A motion was made by Robert Whittaker to accept the recommendation of the committee and reject the application. Seconded by Ruben Colon. Unanimously adopted.

1. ULURP No. N 210 382 ZRY – Health and Fitness Citywide Text Amendment

Ross Brady reported that currently the Board of Standards and Appeals Special Permits are required for physical culture establishments or health establishments for gyms, health clubs and licensed massage therapy. The proposed text amendment would remove the requirement for such facilities to receive a special permit by the Board of Standards and Appeals.

The committee has no objection to the removal of the onerous permit requirements for gyms and health clubs.

However, in our community where we have had a proliferation of unlicensed massage parlors operating under the guise of legitimate establishments the best tool that this board has to combat illicit massage parlors/spas in this district without the use of police are utilizing zoning and building occupancy codes.

Therefore, the committee recommends the following:

1. The BSA special permit requirement is removed for gyms.
2. No change to the BSA Special Permit requirement for licensed massage therapy and spas until there is regulatory framework in place.

Ross Brady made a motion to accept the committee’s recommendations. Seconded by Andrew Windsor.

Robert Whittaker stated his concerns regarding the carve-outs in this application.

Andrew Windsor stated that the committee felt that this application is an entirely different industry and has issues that differ from the hotel special permits. The removal of the special permit requirement would level the playing field for small businesses who cannot compete with corporations and franchises.

The vote was 30 in favor, 2 opposed. Motion carried.

Mr. Guarinello thanked Ross Brady and the Planning and Zoning Committee for their work on these applications.

Election of Officers

The Nominating Committee presented the following slate of officers for the 2021-2022 term: William R. Guarinello - Chairman, 1st Vice Chairperson – Laurie Windsor, Second Vice Chairperson – Sonia Valentin, Secretary – Man Wai Lau, Treasurer – Eileen LaRuffa.

The Chairman inquired if there are any other nominations. Hearing none, a motion was made by Bart Allegretti to approve the slate of officers. Seconded by Sal D’Alessio. Unanimously adopted.

Chairman’s Report

Mr. Guarinello welcomed and introduced the new members who were recently appointed to the board: Reuvain Borchardt, Michael Garthhaffner, Lorraine Mazzola, Karen Sardell, Ahmed Nasser, Jay Brown, Lilibeth Chang, Leon Freue, and Alan Esses.

The Chairman advised that Community Board 11 received communication from the Institute for Community Living regarding the proposed shelter at 2147 Bath Avenue.

They advise that they are seeking the board’s support to amend the occupancy from a single men’s shelter to a family shelter. We have not received any communication from DHS, and it is the board’s understanding that they are still in the process of looking for alternative sites.

From the time that Community Board 11 received the DHS notification, the board had no input or formal role in the site selection process.

He stated that the board should not be used as a tool to negotiate between the non-profit provider and DHS. With many of the Mayoral candidates supporting affordable housing and using existing hotels to address homelessness, the board should consider calling for a moratorium on the siting of any property, or the approval of any contracts, for the purpose a homeless shelter within CB 11, until the next administration releases its homeless plan.

A motion was made by Ross Brady to accept the Chairman’s recommendation and call for a moratorium on the siting of any property, or the approval of any contracts, for the purpose a homeless shelter within CB 11, until the next administration releases its homeless plan. Seconded by Laurie Windsor. Unanimously adopted.

The Chairman advised that during the summer recess, board members will receive requests for information from the office including committee assignments. He urged cooperation, so that committee assignments align with interests and areas of expertise.

Mr. Guarinello commended the 62nd Precinct for their work in apprehending the individual in connection with the vandalism to St Athanasius Church and the arson at a Borough Park synagogue.

62nd Precinct

Captain Chen, Commanding Officer of the 62nd Precinct, thanked the board for their support. He advised that the Hate Crimes Task Force apprehended the individual in connection to the vandalism at the house of worship. He further advised that they have increased patrols at all houses of worship and there will be zero tolerance.

The Captain gave an update on recent incidents and reminded everyone that fireworks are illegal and dangerous.

Transportation Committee

Laurie Windsor, Chairperson of the Transportation Committee, advised that the Department of Transportation is seeking a letter of no objection for a revocable consent, for the installation of a ramp for people with disabilities on the Bay 20th Street side of 1852 Bath Avenue.

A motion was made by Andrew Windsor to issue a letter of no objection. Seconded by Ross Brady. Unanimously adopted.

District Manager’s Report

Marnee Elias-Pavia briefly discussed the reinstated organics program and hoped that the collections are better scheduled than initially introduced.

She advised that she attended a pre-construction meeting regarding the reconstruction of 287’ of the existing 8 x8 outfall storm sewer on 25th Avenue between Hunter Avenue and Gravesend Bay. The Notice to Proceed was issued on June 2, 2021 with a scheduled completion date of 11/27/2022.

Work hours are 7AM – 3:30 PM but days working in the water will be according to tide.

Due to the location, there should be no impacts to the properties in the vicinity.

She further advised that the Mayor signed an updated Executive Order that lifted most of the restrictions on Street Activity Permit Office permits. All SAPO events must adhere to NYS Guidelines, however there are no longer any prohibitions on street fairs and single block events.

Applicants must still submit a Safety Plan Affirmation document to SAPO with every event application.

The District Office has amended their procedure when reviewing block parties. Since COVID-19 guidance changes rapidly we are deferring to SAPO.

In closing, the District Manager advised that the Planning and Zoning Committee received a meeting request from the attorney representing 2080 McDonald Avenue. We have scheduled a meeting for July 14th at 6:30 PM.

New Business

Dr. Law asked whether we should hold a meeting with the community regarding 2147 Bath Avenue.

The Chairman advised that we called for a moratorium on the siting of a shelter and there are no new developments from the Department of Homeless Services.

Janet Perry advised that the Community Emergency Response Team has been active, and they will be distributing information on emergency preparedness. If anyone is interested in joining the team to serve Community Boards 10 and 11, they should contact cert@oem.nyc.gov

Robert Whittaker spoke regarding the condition that was created by the installation of the right turn signal on Shore Parkway at BJ’s, and the overnight parking of commercial vehicles.

The Chairman advised that we would notify the Department of Transportation.

A motion was made by Bart Allegretti to adjourn. Seconded by Laurie Windsor.

Unanimously adopted.