

Brooklyn Community Board 9
890 Nostrand Avenue
Brooklyn, New York 11225
ULURP/Land Use Committee Meeting Minutes

May 9, 2023
Meeting ID: 873 5285 2263

Attendance (Board Members): Pat Moses, Committee Chair; Warren Berke, Vice Chair; Suki Cheong, recording secretary

Attendance (Community Resident Members): Nichola Cox, Esteban Giron, John Craver, Tom Thomas

Absent (Committee Members): none

Guests: Todd Dale Esq. (representing BSA Applicant for 1512 Union Street), Michael Hollingsworth, Theresa Westerdahl, John Woelfling, Jay Sorid, Alicia Boyd, Chavi Cohen, Zlati Mochkin, Felice Robertson, Andrew Magnus

CB9 Staff: Mia N. Hilton, Assistant District Manager

I. Meeting called to order by Chair Moses at 7:08pm

II. New Business a. 1512 Union Street BSA Application by Congregation Beis Shmuel Chabad i. Presentation by Applicants Representative, Todd Dale

1. It is a 5800-sf site at corner of Albany and Union Ave, the site Has been vacant for a min of 40 years
2. Applicant is a religious congregation seeking variance to build cellar and 3 story house of worship that is out of compliance with height and setback requirements in R4/C2-3 zoning – requesting FAR of 2.31 versus 2.0 allowed as of right with community facility FAR, 45 ft high versus 35 ft allowed as of right.
3. Cellar - program rooms including prep kitchen, 1st & 2nd floor – gathering space for worship with separate areas for men and women per religious requirements, third floor program rooms. Need extra FAR and height for the programs.
4. Next door building is 48 ft tall.
5. The congregation has tried but wasn't able to acquire other vacant lots or sites. Took the congregation over 2 decades to find a space they could own instead of rent; the insecurity of renting has made it difficult to provide and plan for programming consistently.
6. BSA Required Findings to be granted a Variance

- a. Minimum changes Needed to allow the applicant to make a Reasonable return – not applicable in the case of a nonprofit applicant
- b. No self-created hardship in determining the above
- c. Must have unique conditions affecting site - RALUIPA allows non-profit institutions to show that if a particular site doesn't satisfy their programmatic needs they can get a variance.

7. Had the first hearing at BSA on 5/9, video available through BSA website; next hearing in July

- a. Community members say there are parking difficulties in the area, what would additional buildings mean.
- b. As of right, no parking spaces required. People would be walking to services on shabbat because of religious prohibition on driving.

ii. Community Questions

1. **Q: Tom** – is the FAR requested exclusive of cellar space and is the cellar space fully underground. **A: Dale** – Yes. We asked DOT for a vault space underground to provide additional program and function space.
2. **Q: Alicia** - what did the BSA commissioners want to know. **A: Dale** – they had questions about the nature of the programming and also about roof space - would rooftop gatherings create disturbances for adjacent residences, can there be noise mitigation barriers installed. The programs are youth programs and women's wellness/maternal health. **Q:** Are you planning any changes like solar panels per the carbon neutral amendments **A:** – I don't know yet, we will let you know.
3. **Q: Suki** – what is the legal standard for RLUIPA to be invoked. Do programming needs have to be religious in nature? The programs mentioned are not for worship even if they are community programs. **A: Dale** – No, only requires that the applicant be a religious organization. **Q:** Is DOB allowing kitchens in the cellar? That normally wouldn't be allowed for residential use. **A:** Yes, the rules are different for a community facility. We are not doing commercial catering in the kitchen. It's only to serve the congregation for weddings and multi day religious holidays. **Q:** What is the size of the congregation and is it relatively stable? **A:** About 380-400 persons, stable.
4. **Q: John W** - Are there windows on the Albany Ave side, in terms of the streetscape want to make sure there isn't a blank wall here. **A:** yes
5. **Q: Michael** - wouldn't the building affect the people behind it because it's taking up so much of the lot. Have neighbors been contacted **A: Dale** – The lot coverage would be allowed as of right

with a residential building too (corner lot). We've tried to contact the neighbors but haven't reached all of them

6. **Warren** - we should take a hiatus on this until we can talk to people who live in the area. A lot of the people commenting don't know anything about this neighborhood.
7. **Chavi** - I am very familiar with the area. The empty lot was rat infested and filled with garbage and overgrown for so many years. Not nice for the building next door. It would be a huge boost for the community to have nice new buildings with opportunities for the community to grow. The building next door will be very happy with this addition.
8. **Esteban** - the building next door, 1516 union street is a 15 unit rent stabilized building. If they don't have a tenant association, I would be happy to door knock there. **Dale** – that would be helpful.
9. **Q: Theresa** – will the building be done respectfully in terms of the construction. In my experience it can destroy the neighboring buildings, walls can collapse. **A: Dale** - they're building for themselves, so quality is important and plan to be around for a long time and want to be on good terms with the people around them.
10. **Q: Suki** – if you get DOT consent for the extra cellar space, which is quite a lot - an extra 3000 square feet over the building's normal footprint, will you still ask for the variance for the extra space above? **A: Yes**, the applicant wants both – the DOT consent is “revocable”, meaning they can take the vault space back at any time if they need it for utilities. We can't rely on it.
11. **Q: Pat** - wants more info on the programs for the community and approvals from the neighbors. Can you bring us a petition signed by the neighbors. **A: Dale** – yes, we can try.

III. New Business/ Community Resident Concerns

- a. **Pat** – CM Crystal Hudson holding event in Ronald McNair Park with Hester street organization on community needs for 35th district . May 13, 2-5 pm. Workshop on land use.
 - i. **Alicia** – CM Hudson promised us when we met with her that she would not be doing a community wide rezoning, but it sounds like this might be. I think they want to know what the community's preferences will be ahead of time in case an individual developer asks for a spot rezoning or variance.
- b. **Suki** - Motion to get city planning to conduct full EIS on Zoning for Zero Carbon Text Amendments, to be forwarded to full board for approval (Full text of resolution created by City of Yes subcommittee attached separately) **Nichola**
second
 - i. **Discussion:**

1. **Alicia** - there are a lot of substantial changes being proposed in a sensitive area. We know that adding additional heights around botanic garden would cause damage from shadows. We're talking about the entire city, changing facades, increasing heights of solar panels, covering 100% of rooftops, our community is a very low-rise community. There has been no environmental impact study, also allowing commercial vehicles to take over private parking.
2. **John Woelfling** - I am an architect that does primarily affordable housing and I create sustainable buildings. We have an affordable housing crisis and a climate crisis. As a community, state, city and country we need to be doing everything we can to cut our carbon emissions. There are proposals that will allow for expansion of coverage, there is an increment that might happen from 25% coverage to 100% coverage of solar panels but the effect on adjacent buildings would be diminutive. We all have choices about what we think is important.
3. **Theresa** - everyone put a lot of time and energy into what they're proposing, and we support this proposal
4. **Tom** - concurs with Alicia. I don't trust the city apparatus to do the right thing.
5. **Nichola** - we need to improve our impact on the environment, but NYC is a large, complex city with many different neighborhoods and different types of structures and the possibilities of impacts were almost endless, we had hours of discussions. To think that you can say there is zero impact doesn't make sense.
6. **Felice** - I concur we need more studies. Everyone wants to live here, and everyone cannot live here.

ii. Vote: 7 in favor, 0 opposed, 0 abstentions

c. Pat - June 13 ulurp presentation by city planning on city of yes. Mia to forward presentation to the full board and community.

d. Pat – May 18, Brooklyn BP workshop on draft land use planning recommendations

e. Jay – The 5G towers are a ULURP issue per Section 363(e)(2) – the council used the wrong standard in bypassing community board review. The statute requires review if there is a “substantial land use interest”, the council says there was no land use *impact* but there can be a substantial “interest” even if it is ultimately determined that there is little or no impact.

Motion to Adjourn – 8:57 pm

Next Meeting – June 13 at 7pm

Minutes submitted by Suki Cheong