

**Brooklyn Community Board 9**  
**890 Nostrand Avenue**  
**Brooklyn, New York 11225**

**Joint Housing and ULURP/Land Use Committee Meeting Minutes**  
**October 8, 2024**

**Attendance (Board Members):** Fred Baptiste (Acting Housing Chair); Suki Cheong, ULURP Committee Chair; Brittny Ellington, (Housing); Yisroel Lehrer, (ULURP); Joshua Serrano-Thomas, (ULURP); Theresa Westerdahl, ULURP)

**Attendance (Community Resident Members):** Cheryl Bernard, (ULURP); Nichola Cox, (ULURP); John Craver, (ULURP); Esteban Giron, (ULURP); Janice Grannum, (Housing); Hector Robertson, (ULURP); Diane Sheppard, (Housing); John Woefling, (ULURP)

**Absent (Board Members):** Augustine Blackwell (Housing); Rabbi Yaacov Behrman (ULURP); Max Roland Davidson, (ULURP); Candace Edwards, (Housing); Ronisha La Barrie, (Housing); Erin Mazursky, (Housing); Unella Rhone-Perry, (Housing);

**Absent (Committee Resident Members):** Yeshayahu Gansburg, (Housing)

**Guests:** Jorge Brown; Marlel Busching, 975 Nostrand application; Elliot C; A. D’Souza, 975 Nostrand application; Elliot; Lashaun Ellis; Debra Fouchong; Bruce Goggin; Rod Hebert; Berke Kalemogh; Petra John; Constance Lesold; Stephanie Maruzzi, 975 Nostrand application; Jospheh Neibico; Ikenba Ojore; Nuratu Otulana; Talisha Sainvil; A. Saint-Jean; Nick Smith; Lee Solomon; Alex Tehramian, 975 Nostrand application; Kellen Welch

**CB9 Staff:** Mia N. Hilton, Assistant District Manager

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1. Call to Order
  - a. Meeting called to order at 7: pm
2. Rules of Order
3. NYC Landmarks Preservation Committee application
  - a. No quorum; Housing Committee cannot review at this time
  - b. The Acting Chair will assess the quorum after the ULURP committee proceeds with its business
4. ULURP/Land Use Committee
  - a. **City of Yes for Housing Opportunity**
    - i. The city planning commission has voted to move the text amendment forward to the city council with limited changes to provisions we did not comment on, such as affordable housing requirements for R10 districts (we don't have any) and the distance between campus buildings. (see attached document from city planning). The city council will hold hearings on this very important citywide text amendment on Oct 21-22.
  - b. **962-972 Franklin Avenue**

- i. The city planning commission modified the rezoning request from R8A to R7D with a solar plane for the reduction of shadows. See Unknown Package 1
- ii. There are reports in the press that the developer plans to withdraw the rezoning application and build "as of right" under the R6A zoning, but no official withdrawal has been posted in the last couple of weeks. The city council is expected to hold a hearing and vote by Nov 10, but we have no date yet.

**c. 73-99 Empire Boulevard**

- i. The developer, represented by Michael Berfield of Bridges Development Corp., reached out to the board office to request a meeting but declined an invitation to present to the ULURP committee this month. This is unfortunate as city planning has told the office they expect the application to be certified by the end of October, after which the community board will have 60 days to issue our recommendation. Pre-certification meetings with the community are not required by ULURP but are encouraged as it is a chance for the developer to hear feedback from the community before finalizing the environmental review. The developer is requesting a rezoning from R6/C1-3 to C4-4D (residential R8A equivalent) with an MIH overlay for 285 residential units and 100,000 sf of commercial plus 191 parking spaces. See the EAS v2 (updated 6/27) since the last time we discussed this development.

<https://zap.planning.nyc.gov/projects/2021K0393>

- ii. Public and committee Comments & Questions
  1. What is the AMI of affordable units?
    - a. Developer has indicated either MIH Option 1 (average 60% AMI) or Option 2 (average 80% AMI)
    - b. It should be a community AMI
    - c. AMI currently is based on the whole region which is much higher than our district income levels
    - d. HPD told us that NYC AMI gets an add on that is based on the market rate rents in the area.
    - e. CM Hudson has development guidelines regarding AMI options.
  2. CB9 housing and ULURP committees passed resolutions that speak out our housing and zoning goals
    - a. Application raises red flags for our zoning guidelines.
      - i. Although Ebbets Field is a taller context than other parts of Empire, from a district wide perspective, our guidelines indicate buildings taller than 9 stories are too tall.
      - ii. EAS also shows shadows on public open space

- b. We shouldn't have any residential housing here – only commercial
  - i. Residential doesn't require rezoning on the R6 portion of the lot – but they are asking for a big increase in both residential and commercial space
  - ii. Under R6 zoning with C2 commercial overlay, developer also has the right to build 2 floors of retail instead of all residential
- c. 100,000 square feet of commercial space is a lot for our neighborhood – what is going there?
  - i. There are already two supermarkets nearby
  - ii. They would not get the FRESH zoning bonus
  - iii. Properties that do get the FRESH bonus must keep it as a supermarket forever
- 3. Why are we entertaining building housing that people in CB9 can't afford? Is it to bring in people from outside?
  - a. People making the decisions are not sitting in this room
  - b. We're encouraging land speculation by giving developers upzonings when they can build as of right
- 4. Affordable housing makes rents go up for existing renters in the area because the rents are higher and because it's always attached to additional luxury housing (secondary displacement). Tenants are getting harassed in their buildings, as soon as new developments are announced, appraisers come into older buildings.
  - a. Officially the city says there is no such thing as secondary displacement but they also fund tenant protection programs as part of rezonings so they know it does.
- 5. Projects are 80/20 and don't go down to deep affordability or due to "averaging" have only a small number of deeply affordable units, plus more high income units.
- 6. Elected officials need to come to these meetings so they can really understand what is going on in the community. They're only talking to the developers without us. Whatever they're doing is not working, low income tenants are being pushed to the margins of the city.

**d. Vital Brooklyn**

- i. Board Member, Unella Rhone-Perry emailed some photographs that show construction on the Utica Avenue site is underway. Construction is also underway at the Clarkson/NY Ave site
- ii. Community is very concerned about 11 buildings going up in this area. There are already security concerns including violent crime and residents of homeless shelter loitering and engaging in nuisance behaviors. 71<sup>st</sup>

precinct response to calls is slowest in the city apart from the Bronx. Precinct is located in the opposite corner of the district. The lack of parking and the number of units at Kingsboro Psych (1100) is out of proportion to the size of the lot (7 acres) compared with what is going at Creedmoor in Queens, also a former state hospital (2000 units, 45 acres, full parking)

**e. 975 Nostrand Avenue Curb Cut**

- i. Curb cut to be located at the corner of Clove and Malbone. Normally curb cuts must be located at least 50 feet from intersections.
- ii. DOB commissioner can waive the requirement for the location of curb cuts if there is no other option, and they have indicated they intend to do so for this development.
- iii. CPC may allow a single 23 foot curb cut instead of 2, 12 foot curb cuts separated by 60 feet provided it doesn't cause traffic congestion or impact the character of the area (including parking availability)
- iv. Curb cut will serve the attended underground garage that has parking for residents and supermarket.
- v. The loading dock for grocery store is on the opposite side of the lot near Montgomery, entrance to grocery store is on Nostrand.
- vi. Is there an entrance from the garage into the supermarket for supermarket customers? Not sure.
- vii. Clove is a 1 block street ending in Malbone; Malbone is one way ending at Clove. It is a cobblestone street which CB9 has requested in the past be landmarked due to history going back to revolutionary war. However DOT has indicated the road will be paved with asphalt since it is not currently landmarked. Residents of Clove Road wanted the street to be asphalted.

5. New Business – Committee Votes unanimously to approve the following:

- i. **Sending letters to CM Crystal Hudson and CM Rita Joseph re 73-99 Empire Boulevard**, cc Andre Robinson from CM Crystal Hudson's staffer CB9 ULURP would like city council members to facilitate a public meeting with the developer to discuss the application prior to certification.
- ii. **Posting Notices re: 975 Nostrand Avenue Curb Cut at the corner of Clove and Malbone**, as well as sending out in our weekly community e-blasts advising that the Hudson companies, the developer of 975 Nostrand, is seeking authorization from the Department of City planning and the Department of buildings to locate a 23-foot-wide curb cut at the corner of Clove Road and Malbone street. Public comments on the issue should be emailed to [bk09@cb.nyc.gov](mailto:bk09@cb.nyc.gov), comments may also be delivered in person during the public comment session of the CB9 general board meeting (date, time) and attendees should email or call the board office by noon the day before to sign up for public comment. Public comments will be accepted through Nov 11. After all comments are collected, they should be

forwarded to the Department of City Planning as well as transcribed and posted to the CB9 website.

- iii. **Sending letter to elected officials re Vital Brooklyn Kingsboro Psychiatric Development at 681 Clarkson Avenue**, letter to CM Rita Joseph, AM Brian Cunningham, State Sen Zellnor Myrie, cc NYC Corp Counsel, cc our contact at NYS Empire State Development Corp. CB9 ULURP/housing invites elected officials to attend a meeting to engage with board members and members of the public regarding the status of this development **as well as review of the other 3 developments which are currently underway**. These projects collectively are projected to bring over 2000 units of housing to the area, and serious concerns regarding infrastructure, security, and the character of the neighborhood have been raised by the environmental impact statements and by members of the public in their testimony on the General Project Plans. CB9's housing committee passed a resolution last year laying out some of these concerns and we would greatly appreciate the opportunity to engage with elected officials and ESD to see how we can improve outcomes for the existing community and the prospective residents to be served by the Vital Brooklyn developments.

1. Second, we would like the opinion of Corp Counsel on whether the NYC Council, as the local governing body must hold a public hearing and vote on whether to approve the Sale or Conveyance of 681 Clarkson Ave, aka Vital Brooklyn Kingsboro Psych, because it contains a RIGHT OF REVERSION from NYS back to NYC, which right of reversion is considered to be REAL PROPERTY. After all, Section 14(2) of the Urban Development Corporation Act requires the local governing authority ( NYC Council) to approve conveyances of real property.

6. Adjournment

- a. Meeting adjourned at 9: pm