



# COMMUNITY BOARD NO. 1

435 GRAHAM AVENUE – BROOKLYN, NY 11211

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HON. ERIC L. ADAMS  
BROOKLYN BOROUGH PRESIDENT



*Handwritten notes:*  
Jackie  
Jim  
Hannah  
Namon  
Dara

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GERALD A. ESPOSITO  
DISTRICT MANAGER

HON. STEPHEN T. LEVIN  
COUNCILMEMBER, 33<sup>rd</sup> CD

HON. ANTONIO REYNOSO  
COUNCILMEMBER, 34<sup>th</sup> CD  
**OFFICE OF THE  
CHAIRPERSON**

NOV 16 2015  
29011

November 12, 2015

Mr. Carl Weisbrod, Director  
NYC Department of City Planning  
22 Reade Street  
New York, NY 10007-1216

**RE: Mandatory Inclusionary Housing  
Text Amendments.  
ULURP No. N160051ZRY**

Dear Mr. Weisbrod:

Please be advised that this letter is to convey Community Board No. 1's resolution regarding the proposed Mandatory Inclusionary Housing Text Amendments (ULURP No. N160051ZRY).

At the regular meeting of Brooklyn Community Board No. 1 held on November 10, 2015, the board members reviewed the attached report from the Land Use, ULURP & Landmarks Committee and voted to support the recommendation regarding the text amendments.

CB #1 board members voted to conditionally approve the Mandatory Inclusionary Housing Text Amendments proposal with the following:

- Recommendation: that there would be an increased 75% community preference for the affordable units and there would be no segregation of the affordable and market rate units.

The vote was as follows: 11 "YES"; 8 "NO"; 0 "ABSTENTIONS".

Working for a Better Williamsburg-Greenpoint.

Sincerely,

Dealice Fuller  
Chairperson

DF/mbw  
Attachment



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November 10, 2015

### LAND USE, ULURP & LANDMARKS (subcommittee) COMMITTEE REPORT

**TO:** Chairperson Ms. Dealice Fuller  
and CB #1 Board Members

**FROM:** Ms. Del Teague, Committee Chair  
Ms. Alma Savoia, Committee Co-Chair

**RE:** Land Use Committee Meeting

The Land Use, ULURP and Landmarks (subcommittee) Committee met as on Tuesday, October 27, 2015, 6:30 PM, at the CB #1's District Office, 435 Graham Avenue, Brooklyn, NY 11211.

**ATTENDANCE:** Present - Teague; Argento; Barros; McKeever; Rabbi Niederman; Neustein; Rabbi Perlstein; Viera, Weidberg; Weiser. Absent - Savoia; Dybanowski; Franczoz; Hoffman; Sofer; Solano.

#### AGENDA:

1. **BSA – SPECIAL PERMIT APPLICATION: (BSA Cal. No. 173-1157 Kent Avenue, Brooklyn, NY 11249 (Block 2349 Lot 15))** – an application to permit the operation of a physical cultural establishment (“PCE”) within the existing building at the premises located within an MX-(M1-2/R6A) zoning district. Representative: Jordan Most/Sheldon Lobel PC. (Previously Postponed)

This is the second presentation to permit the operation of this physical establishment. The matter had been postponed because of the committee's concerns regarding whether notice had been extended to the building's residents and whether the applicant was taking adequate sound-proofing precautions.

Frank St. Jacques presented. He provided evidence that a notice was posted in the lobby on October 12, 2015 informing the residents of the committee's meeting. No one appeared in opposition to the application.

Mr. St. Jacques also described the work being done by the applicant with consultants to assure adequate sound attenuation, which is aided by the fact that a natural barrier between the gym and the residents will be created by the retail use of the first floor.

Mr. St. Jacques also informed us that the applicant is willing to provide a discounted membership rate to seniors who reside in CB1.

**Recommendation:** The committee voted unanimously in favor of the application.

**2. BSA – VARIANCE REQUEST: (BSA Cal. No. 159-15-BZ – 157) 260 Norman Avenue/315-325 Kingsland Avenue, Brooklyn, NY 11222 (Block 2657 Lot 9) – an application for a variance to allow the legalization of the existing residential use, on a portion of the ground floor, and the entire second and third floors of the above referenced premises. Representative: Ellen Hay/Slater & Beckerman PC. (Previously Postponed)**

Ray Levin presented. The building will have 7 residential units with commercial use of the first floor.

The committee expressed concern that we received a letter from James A. Moras, Section Chief, Remedial Bureau, Division of Environmental Remediation, informing us that there is significant tetrachlorethene contamination (common as a dry cleaning solvent) below the site and in the area near the site. Mr. Moras advised that it is unlikely that occupants will be exposed to site-related contamination via drinking water, since area homes are supplied with public water and contaminants are below the ground surface. However, he has as yet no sub-slab vapor data to assess the potential for soil vapor intrusion. Further tests are planned on this issue.

Mr. Levin explained that there had been a dry cleaner in the building 40 years ago. He stated that he has a study showing there was no indication of significant vapors inside the building. Notwithstanding this finding, the applicant will create a vapor barrier to prevent any potential future soil vapor intrusion. Furthermore, he pointed out that there will not be residential use of the first floor, providing an additional protective barrier to the residents.

The committee also expressed concern that the owner did not apply for loft law protection for the tenants.

**Recommendation:** The matter was tabled on consent to the next committee meeting for:

1- Information from OER regarding any further investigation; and

2- A chance for the applicant to consult with a Loft Law attorney, and to come back to present on whether the landlord was required to apply when the tenants were still in the building and whether it would be appropriate to apply now that the tenants have vacated.

**Vote- 8 in favor of the recommendation; 1 against**

3. **BSA – SPECIAL ORDER CALENDAR (SOC: BSA APPLICATION NO. 220-04-BZ) - 500 DRIGGS AVENUE, BROOKLYN, NY 11211 (BLOCK 2305 LOT 18)** - This is an application for an extension of term of the previously granted Physical Culture Establishment special permit and a waiver of the Rules of Practices and Procedure to allow the filing of this application after the permitted filing period. Applicant Representative: Sheldon Lobel/Sheldon Lobel PC. (Heard at the Public Hearing 10-14-15)

Frank St. Jacques presented. This application had been previously approved. There is a new owner approved by the BSA.

**Recommendation:** The committee voted unanimously in favor of the application.

4. **DCP - ZONING FOR QUALITY AND AFFORDABILITY PROPOSAL, AND THE MANDATORY INCLUSIONARY HOUSING (MIZ) PROPOSAL** - by Vanessa Espaillet Bonnelly (DCP), Alex Sommer (DCP), and Syed Ahmed (DCP).(Heard at the Public Hearing 10-14-15)

**Mandatory Inclusionary Zoning-**

The committee was advised that the mandatory inclusionary housing proposal is not expected to have a significant effect on CB1, because only newly re- zoned sites will be affected. Most of our re-zoning has already been done.

In addition, only buildings with more than 10 units will be affected.

Affected developments will have to provide permanent affordable units with either:

- (1)- 25% of the development with an average AMI of 60%; or
- (2) 30% with an average AMI of 80%.

**Re: Integration vs. Segregation -**

In order for the developer to qualify for the 421-a tax credits the units must be on site and integrated, unless the development is on a larger site that can accommodate several buildings, in which case **the affordable units can be segregated into a separate building.**

The developers also have the option of segregating affordable units and placing them off-site in the same community board, but the 421-a tax credits will not be available in that case.

Furthermore, in buildings with between 11 - 25 units, the developer can satisfy the mandate by paying an as yet undetermined amount of money into a housing fund to be used for affordable housing.

The committee reiterated to the presenters the board's commitment to integrated housing. In addition, the committee expressed its concern that the current 50% community preference has not met the community's anti-displacement needs.

**Recommendation:** The committee voted to approve with the conditions that there would be an increased 75% community preference for the affordable units and there would be no segregation of the affordable and market rate units.

**Vote - 7 in favor of the recommendation; 1 against**

**Quality and Affordability Zoning-**

In sum the committee was concerned that :

- (1) The city was not being given adequate power to extend the time that the senior residences must remain affordable;
- (2) The decrease in the allowance of distance between buildings ( particularly affecting NYCHA campuses and senior housing) would allow for sub-standard light and air quality. The committee felt there should be 60' between buildings, especially where there is significant overlap; and
- (3) The elimination of parking requirements for senior housing and affordable units would have a negative impact on the residents, staff, and surrounding areas. The committee also felt the concept that residents in affordable units do not, or perhaps, should not own cars was demeaning and not fact - based.

The committee did recognize that most senior developments are not utilizing 100% of the allotted parking spaces.

**Recommendation:** The committee voted to approve with the conditions that:

- (1) The city would be given adequate power to extend the time that the senior residences must remain affordable;
- (2) There would not be a decrease in the allowance of distance between buildings. The committee felt there should be 60' between buildings, especially where there is significant overlap; and
- (3) The parking requirements for senior housing would be decreased at most by 50%. There would not be any decrease in the parking requirements for affordable units.

**Vote - 5 in favor of the recommendation; 1 against**

**5. NYC LCP - PROPOSED LANDMARK DESIGNATION FOR  
WILLIAMSBURG TRUST CO. BUILDING (UKRANIAN CHURCH IN  
EXILE/HOLY TRINITY CATHEDRAL)** 177 South 5th Street, Brooklyn, Block:  
02446 Lot: 0063.

The city has had this item on its backlog list, and now asks the board to recommend whether to landmark the building.

Based on the pastor's hardship testimony in which he asked the board to vote to deny landmarking, and the absence of evidence contradicting or discrediting the pastor, the committee voted to deny landmarking.

**Vote - 4 in favor of the recommendation; 2 against**