



**Eric Adams**  
Borough President

# THE CITY OF NEW YORK COMMUNITY BOARD 12

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**Yidel Perlstein**  
Chairperson



**Barry Spitzer**  
District Manager

## COMMUNITY BOARD 12 MINUTES

HELD ON  
TUESDAY, APRIL 27, 2021

VIA ZOOM

**BOARD MEMBERS PRESENT**

ADAM COHEN  
ALAN DUBROW  
AVI GREENSTEIN  
AVROHOM WOLFSON  
BERNARD FREILICH  
CHESKY BLAU  
DAVID FRIEDLANDER  
DAVID SHLOMOVICH  
ELLIE KASTEL  
JACOB ASKAL  
JACOB EISDORFER  
JACOB HASS  
JACQUE FRIEDMAN  
JEFFREY DWECK  
JOHN TALMADGE  
JULES FLEISCHER  
LILY MARINELLI  
MAMNUNUL HAQ  
MIRIAM HERSKO  
MORRIS SENDEROVICH  
NAFTALI TESSLER  
PETER REBENWURZEL  
ROCHELLE ZAMI  
SAM STOBER  
SHARON FUCHS  
SHLOMIE RIEGER  
SOL WAHBA  
YAAKOV KAPLAN  
YAAKOV SCHAPIRO  
YERUCHIM SILBER  
YIDEL PERLSTEIN  
YITZCHOK ITZKOWITZ  
YONAH MOSES

**COMMUNITY RESIDENTS**

APPROXIMATELY 36 RESIDENTS PRESENT

**BOARD MEMBERS ABSENT**

ANNA CALI  
DOUGLAS JABLON  
EDGAR GLUCK  
JOSEPH GROSS  
LARRY JASON  
MONIQUE WALLACE  
MORTON PUPKO  
SAHIBZADA SHABIR AHMAD  
YECHIEL MALIK  
YITZCHOK MOSKOWITS

**STAFF PRESENT**

BARRY SPITZER – DISTRICT MANAGER  
GITTEL FEKETE- COMMUNITY  
COORDINATOR  
ANN MARIE HONAN- COMMUNITY  
ASSISTANT

**ELECTED OFFICIALS AND REPRESENTATIVES**

COUNCILMAN KALMAN YEGER  
SOL REIGER, REP. AS. EICHENSTEIN  
PINNY RINGEL REP. MAYOR DE BLASIO  
PINNY HIKIND REP. COMPTROLLER  
STRINGER  
SHARON FUCHS, REP. SENATOR FELDER

## **PLEDGE OF ALLEGIANCE:**

## **ATTENDANCE:**

## **ADOPTION OF MINUTES:**

- March Minutes were adopted.

## **CHAIRMAN'S REMARKS:**

- Thank you to FDNY, NYPD, and Shomrim for a well prepared and safe Passover & Bread Burning that successfully passed without any major injuries. Thank you to Mr. Spitzer for organizing all of this and making sure it all goes smoothly. We know it takes many hours of behind the scenes work to put this all together.
- Thanks to DSNY for all the extra garbage collections they did for Passover. They went above and beyond to make sure we can celebrate properly. Asked board member John Talmadge to pass the thanks along.
- He wished all who celebrate a Happy Ramadan.
- Tax Day was postponed to Monday, May 17<sup>th</sup>.
- Community Board 12 doesn't usually get involved in international issues, but it's important to make note of the French Court's ruling that the man responsible for the horrific 2017 murder of Sarah Halimi isn't legally responsible because he was high. This is a frightening precedent that does not bode well. We all know that the use of marijuana is increasing, New York decriminalized it on March 31<sup>st</sup>. The law must be that people are responsible for their actions when under the influence, just like with alcohol, otherwise they shouldn't partake. We hope that the legislature will make sure that law and order isn't replaced with chaos. The chairman thanked former Assemblyman Dov Hikind, who now leads the organization Americans Against Anti-Semitism, for leading a protest in front of the French embassy to get justice for Sarah.
- CB12 focused a lot on the 2020 census while it was happening. The results are in and in a historic count, New York State came up just 89 people short. So now we are losing one congressional seat and will have a total of 26 seats. Remember this when elections come around. Every person and every vote counts.

### **Coronavirus numbers:**

#### **NYS numbers released April 26:**

- Total COVID hospitalizations reported were 3,174.
- Of the 126,953 tests reported April 25, 3,039 were positive (2.39% of total).
- Sadly, there were 41 fatalities.

#### **NYC numbers released April 26:**

- 106 new hospitalizations
- 1,587 new cases
- 3.56% positivity rate (7-day avg.)

For all up to date information go to <https://coronavirus.health.ny.gov/>

### **There were some new reopening announcements:**

The chairman also reviewed some previously announced re-openings.

- As of March 19<sup>th</sup>, indoor dining capacity increased to 50%.
- As of March 22nd, indoor fitness class reopened- at the same 33% capacity as allowed all over the state- but with Covid protocols.
- As of April 1, domestic travelers no longer need to quarantine- though international travelers still need to quarantine for 10 days.

- April 2, Performing arts and entertainment venues can reopen at 33% capacity.
- As of April 19, the curfew in place for bars & restaurants was moved from 11pm to midnight. The curfew for catered events was moved from midnight to 1am.
- As of April 22, Horse and Auto races are allowed at 20% capacity.
- As of April 26, Classical building Museum and zoo capacity will be raised to 50%. Movie theater capacity will be raised to 33%, with other safety precautions in place.
- Starting May 19, large indoor arenas, such as sports arenas can increase capacity to 33%.
- New York State Senate voted a few hours before the meeting to repeal some of the illogical executive orders imposed by Governor Cuomo. It will no longer be required to buy food in order to buy an alcoholic beverage. Also, some outdated compliance rules for vaccine will be eased- such as removing penalty and prioritization rules that slow down vaccination- including using all vaccines on hand and eliminating additional paperwork when the vaccines are a week old.

#### **Vaccination eligibility has expanded:**

- As of April 6th every New Yorker 16+ became eligible for a vaccine.
- On April 19<sup>th</sup> President Biden announced that every American is eligible for a vaccine.
- NYC resumed in-home vaccination for the homebound. This was stopped due to J&J pause, but will now be done on a limited basis with the Moderna vaccine. Sign-up at <http://nyc.gov/homebound> or by calling 877-VAX-4-NYC.
- The next board meeting will be Tuesday, May 25<sup>th</sup>
- Happy Lag B'Omer and Shavuot to all who celebrate. FDNY and NYPD will be monitoring and enforcing all bonfires that were not registered.

### **PUBLIC SESSION:**

#### **Karen Chen- Resident:**

Ms. Chen asked about work going on at 182 Minna Street. The developers on site said they were building a 6 family condo with a height that would be taller than other houses on the street. The previous owners wanted to build a school building. So seeing this new construction taking place has the neighbors concerned. Ms. Chen wanted to know how high the building would be and if the filed plans are as of right. She reached out to Councilman Lander's office but hasn't gotten any reply.

**District Manager Barry Spitzer** said he reached out to the Building Department and was told the plans for this project are as of right. The office would reach out to Ms. Chen to discuss.

#### **Casilda Roper-Simpson:**

Ms. Roper- Simpson thanked the board for having her. She introduced herself as a candidate running for Kings County civil court judge. She is an Administrative Law Judge where she does social service cases. She teaches criminal justice and has practiced both criminal defense and family law for many years. She has over 25 years of service as an attorney and is committed to having justice served equally.

#### **Rosemary Montalbano:**

Ms. Montalbano thanked the board and chairman for allowing her to introduce herself. She has been a judge for 7 years and a lawyer for 30 years. She worked in both the criminal and civil side of law. She started her career as a prosecutor then clerked for NY Supreme Court Justices. She then became a judge herself in 2014. She got elected to the Supreme Court in 2019. She also has experience in estates, contracts and real estate negotiations.

#### **Avi Greenstein-CEO of BPJCC:**

Mr. Greenstein reviewed a few of the available programs the JCC can provide assistance with that some may not be aware of.

- BPJCC can assist with questions regarding the up to \$9,000 funding that FEMA is providing for Covid funeral expenses. Sender Schwartz at the BPJCC is working on this and can provide guidance.
- The BPJCC restarted the free computer courses in partnership with Community Board 12. The first class started the day prior to the meeting and it was a real pleasure to see that the restart after so many months went smoothly. There will be a lineup of courses rolled out. 125 attendees were already placed. Special thanks to Councilmember Yeger and Councilmember Eugene for funding these courses.
- There are various other social service programs that the BPJCC can help with. Including, SNAP (food stamps), Medicaid, Medicare, Social Security, SSI, and immigration. BPJCC has a new paralegal that is working under a very experienced immigration attorney.
- All services are free, confidential and handled with utmost care and expertise.

**Jessica Morales- Resident:**

Ms. Morales reported seeing a lot of marijuana smoking in the park near P.S. 230. It seems to come from shelter residents. She wanted to know the legality of smoking marijuana in a park, considering that marijuana is now legal. But it can't be good for the children that are in the park. She wanted to know what, if anything, can be done to mitigate this.

**District Manager Barry Spitzer** took her information and advised that someone will reach out to her, but as a general rule smoking of any kind isn't allowed in parks.

**ELECTED OFFICIALS AND REPRESENTATIVES:**

**Pinny Ringel, representing Mayor Bill deBlasio:**

- Mr. Ringel wished the board a good evening and thanked everyone for their service.

**Mr. Chesky Blau- Board Member:**

Mr. Blau wanted to publicly thank Mr. Spitzer and the Councilman for their assistance. There was an issue with a public school playground that was closed on Shabbos. This was a big issue for kids that didn't have where to play. With one phone call Mr. Spitzer and the Councilman took care of the matter and now the kids have where to go. The community appreciates all the work that is done.

**District Manager Barry Spitzer** said that the credit for the reopening belonged to the Councilman. He just called the councilman who went down to the school to make sure the playground is opened.

**Pinny Hikind, representing Comptroller Scott Stringer:**

Mr. Hikind thanked the board, the District Manager, and Chairman for all their hard work and wished everyone a Happy Lag B'Omer.

**Councilman Kalman Yeger, representing the 44<sup>th</sup> Council District:**

- The councilman thanked Mr. Blau for the kind words. He added that it's the community board's credit for reaching out. Following the district manager's call on Friday, the councilman made a stop at the school on his way home. The councilman advised the superintendent that the playgrounds are supposed to be open after school hours and on weekends. The yards to playgrounds program was funded by city council in an initiative that was started by then Councilman Simcha Felder and continued by former Councilman David Greenfield. Everyone was advised to reach out to the councilman or the community board if they notice a playground that is closed when it shouldn't be.
- The councilman was happy to hear the chair's report on NY reopening's. He introduced a bill with 10 of his colleagues including a mix of council members from all boroughs except Manhattan, which would require the city to dismiss every summons issued for covid related matters. There was an event held previously in Boro Park with Assemblyman Eichenstein and Senator Felder in attendance. At this meeting there was a discussion on what would be done to

help businesses recover from this pandemic. One way that was agreed upon was that the stores should reopen with a fresh start, not with the sword of large fines hanging over them. Hopefully, this legislation will get the attention and support from colleagues in city council. Councilman Yeger was the only councilman representing CB12 that supports the bill, so far. He encouraged the community to reach out to their councilmembers and encourage their support of this bill.

- He advised that the deadline for voter registration to participate in the primary elections was the coming month. Registering can be done by visiting [www.vote.nyc](http://www.vote.nyc). Anyone that has difficulties with that can call the community board or the councilman's office. It is important to participate as a community. The perfect illustration is the census that cost New York a congressional seat because the count came up 89 short. There was a push to get everyone to participate in the census. There certainly were 89 people in Borough Park alone that could have participated in the census, but didn't. If we want to be noticed, we have to say something. If you have kids that just turned 18 in the past year now is the time to get them registered.
- He joined the chair in wishing Ramadan Mubarak.
- He urged everyone to be safe when celebrating Lag B'Omer. Gathering at the fires is always a beautiful thing to see. Please be wise, safe and keep the community clean, don't use the floors as trash.

#### **Yeruchim Silber-Board Member:**

Mr. Silber added to the councilman's comments on voter registration; there was a new law passed that allows 16- and 17-year-olds to register to vote if they will be 18 by Election Day. The Agudah has been registering children in schools and it's been successful so far.

#### **DISTRICT MANAGER'S REPORT:**

- District Manager Barry Spitzer reiterated thanks to the FDNY, NYPD Shomrim, and DSNY for the work they did on Passover, especially FDNY for the work they did on the Passover bread burning. The burning went by almost uneventfully, there was an injury to one child when someone threw in a combustible can into the fire. We ask every year that people only put in a small amount of Chometz. This year someone threw in a can that exploded and became a projectile which hit a kid in the stomach. Luckily, it was not a huge injury, and the child was treated in Maimonides. Otherwise, it was uneventful due to the volunteers that kept the community safe and the fires under control.
- Sanitation gets a lot of complaints, but they did a really good job preparing for Passover. They did trash collection on Thursday, Friday and Saturday leading up to the holiday. There were no complaints. So, the district manager thanked the DSNY publicly that against all odds, with insufficient manpower, they had trucks rolling around the district and did an amazing job.
- There is a new super at BK12. The district manager met with him last week for a long time. It looks like he's a good one. The super came up through the ranks, he used to be a garbage worker and now he's a super. He grew up in bk12 so he knows the area and knows the problems we face. The super spent time listening to the problems and seems eager to tackle them head on. There were some improvements on the complaints in the few weeks he's been here. One of the ongoing concerns discussed was the actions of the sanitation employees.
- There is some good DSNY news to report regarding the corner basket collections. DSNY used to do 6 days a week pickup, but then reduced it to 3-4 times a week. The results were overflowing cans. Collections were restored to 6 days a week now as we've repeatedly requested in district needs.
- There is also some not such good DSNY news to report. The sanitation collection shift will start at 6 am instead of at 5. The change to 5 was made to alleviate some of the traffic problems resulting from collection. Part of the problem was solved by getting some parts of district changed to Wednesday & Saturday pickup which took the trucks off streets for one day. The other change was to do pickups earlier. The change to 6am pickup is a city wide change. We don't yet know how this will affect district but we anticipate that it will not be good.

- Next Monday, May 3rd, F trains will resume full, pre-pandemic service including the return of F Express service in Brooklyn. Now, as New Yorkers get vaccinated and return to riding the subway, they will have 100% service on the F line as the city reopens. (Masks are still required when using public transportation.)

Since June 2020, when the COVID-19 pandemic was at its height, weekday F line service has been operating at about 80% of full pre-pandemic service: every 8 minutes during the peak and off-peak periods, with F Express service suspended entirely. On Monday, May 3rd, weekday F service returns to operating every 4 minutes during the peak period and 6-7.5 minutes during the off-peak periods.

Please note that the weekend signal upgrade project continues on the F line in Brooklyn. On weekends, F service is suspended between Church Ave and Stillwell Ave/Coney Island. Information regarding the project and alternate weekend service options can be found at [mta.info](http://mta.info).

Two diamond-designated F express trains depart Coney Island-Stillwell Avenue during the AM rush between 7 and 8 am. These trains make all local stops between Coney Island-Stillwell Avenue and Church Avenue. From Church Avenue to Jay Street-MetroTech the trains run express, making only one stop at 7th Avenue. From Jay Street- MetroTech through Jamaica-179th Street, trains resume regular service making all regular F stops

Two diamond-designated F express trains depart Jamaica-179 in time to leave Midtown during the heart of the PM rush between 5 and 6 p.m. Those two trains make all regular stops along the line until Jay Street-MetroTech. From Jay Street-MetroTech to Church Avenue trains run express, making only one stop at 7th Avenue. From Church Avenue to Coney Island-Stillwell Avenue, trains resume making all local stops. This is very good news, getting an F express was a big fight for a while and the express was suspended during pandemic.

- The attorney general's office sent out an advisory telling everyone to be aware of new scams involving stimulus payments and vaccinations. The scammers may pretend to be government officials asking for things like banking information. They call saying they're a government official, please don't fall for it. We hear stories of people getting scammed out of thousands of dollars. The IRS doesn't call, the finance department doesn't call. Let your senior neighbors, who are most vulnerable to these scams, know. Please hang up on them. Don't give out information just because they ask.
- We had a lot of calls and requests regarding Citi Bike. We don't have a commitment yet on the locations that were brought up, but we will keep you updated. DOT gave us a phone number for constituents to call if they have problems with Citi bike, such as complaints that the stations are full of litter. Citi Bike can be called directly at their 24-hour call center 1-855-BIKE-311 (855-245-3311).
- DOT is getting their schedule ready for summer paving. If anyone knows of a street that needs paving, please let the office know.
- There are some new issues that came up this month. The first is regarding DOB. Around 2 years ago they started issuing violations to stores for their signage. Councilman Brennan and Councilman Yeger were very involved in legislation that placed a 2 year moratorium on these violations. The moratorium expired, but was extended another 2 years until January 1, 2023.
- Another DOB issue that we've been getting a lot of calls and walk-ins about is a DOB notification that exposed gas pipes will need to be inspected by a plumber and then compliance paperwork will need to be filed with the Building Department. The rollout is different for each community board. Our board will need to be compliant in 2023, but the notice is confusing because they put all 59 boards on the same notice. We asked DOB to send out a letter to each board when their time comes. They said they can't do it. This inspection will need to be done for all houses with the exception of 1 or 2 family homes. If anyone has any questions please have them call the office. In short, anyone who resides in Community Board 12 does not need to do this inspection until 2023. Anyone unsure what board they live in, can call the office to get that information.

- HPD has been sending out violations to all 3+ family houses that did not file the annual bedbug report. This new law was passed in 2017 and HPD is starting compliance now. The violation comes with instructions on the back to file the report online, which is complicated for some. We reached out to HPD and they supplied a paper file for us to share. If you need to file a bedbug report, feel free to reach out to our office. We have the paperwork to fill out.
- For some reason, this year we've had more problems than usual of stores taking out mobile units without permits and also keeping containers for much longer than permits allow. It is unacceptable. We have been working with the container companies to get the unpermitted containers off the street. All mobile containers issued for Pesach should be off the street, if there is a container please call the office with the location so we can handle it. We've also asked Councilman Yeger to introduce legislation on this issue. He is reviewing this issue to see if there is a legislative fix.
- Lag B'Omer is the Thursday after the board meeting. There are 37 celebrations that were filed that will go on in our district. The FDNY and NYPD have a list of every single location along with a contact person and a start and end time. Hopefully, it will all go safely and smoothly. The list of locations will be publicized.
- There is some really good news. After a lot of work our website will be going live shortly. It looks really good and will have a lot of exciting features. Not all of the functions are live yet, but over the next couple of months additional functions that are built in will go live. Meetings will be live streamed, you can watch old meetings, and people will be able to log complaints directly from the website. There was a long delay due to Covid. The company couldn't meet with us properly and we were meeting via zoom. But it's not the same as sitting down with the developers. We have been able to meet and get things back on track.

## **OLD BUSINESS / NEW BUSINESS:**

### **New Business:**

#### **John Talmadge- Board Member:**

- Mr. Talmadge advised on the mayor's press release announcing the resumption of compost collection. The program will be different in that collection will be by appointment only. Mr. Talmadge said he would share information as he gets it.

## **PRESENTATION ON CITYWIDE ZONING TEXT AMENDMENTS:**

### **PRESENTED BY: JOSH VOGEL FROM NYC DEPT. OF CITY PLANNING**

- Mr. Vogel shared a presentation on 5 pending text amendments that are aimed at helping the city recover from the covid 19 pandemic. Goals include; improving subway stations, incentivizing groceries in underserved communities, reducing zoning barriers to gyms and other fitness facilities, and to make permanent the sidewalk restaurant program.
- Each amendment will go through the ULURP process. One amendment, the Zoning for accessibility, has already been certified and been referred out to community boards for optional public hearings. City planning would be happy to give full presentations at public hearings. The others are expected to enter public review in May.

A quick overview of each of the 5 amendments was presented.

#### 1. MTA Zoning for accessibility (ZFA):

The goal is to coordinate private development into station improvement. Only 136 of NYC's 493 stations are accessible, that is less than 30%. Increasing accessibility is a key step in modernizing the city's transit system, as lack of elevator access affect many new Yorkers.

The proposal has 2 parts.

The first is a transit easement requirement that would apply system wide. The second is a transit improvement bonus program that would apply to the highest density areas in the city. The second part does not apply to community board 12.



Transit accessibility is important for not only the handicapped, but it's also important for people with physical disabilities, parents of young children, seniors, as well as people with temporary disabilities. Mr. Vogel's bubby in Sheepshead Bay is 101 and needs Access-a-Ride because she can't walk up stairs and the station near her doesn't have an elevator. It's hugely important for New Yorkers and increasing accessibility has been a challenge for the MTA.

Providing elevators are complicated for varied reasons. Some stations are old, they have complex infrastructure, the platforms are narrow, the buildings near the station limit places where elevators can be, and there is an overly complex underground system with cables that needs to be adjusted for construction. So, one of the only solutions is to add elevators on adjacent private property. This exists in a lot of places. This text amendment proposes requiring new developments near subway stations to first consult with MTA and DCP to see if an easement can provide space for an elevator. This applies to projects within 50 feet of an elevator and only to lots that are over 5,000 square feet and in high density neighborhoods. Before filing permits for new developments or enlargements, the property's owner would need to consult to see if an easement is needed. Asking property owners to provide easements if appropriate places a burden on property owners. An easement can reduce available floor area or parking spaces, so zoning relief would be provided. Some examples of the relief include; increases in floor area, open space provisions, height and setback revisions, and/or increasing height by 10 feet or 20 feet depending on the zoning districts.

The second part of the proposed amendment that doesn't apply to CB 12 is that in some high-density districts developers can apply for floor area bonus of up to 20% in exchange for significant station improvements. If a station does not have elevator access, the improvements would have to include it. It's a voluntary program and subject to discretionary review and approval process.

Only 3 out of 14 stations in CB 12 are accessible. The Ave. I station on the F line is scheduled for elevator and other improvements on the MTA's capital plan.

ZFA requires a consultation process for all projects within 50 feet of a station. And where easements are needed, zoning relief would be provided. Properties that are under 5,000 feet would not be required to participate, but could voluntarily participate.

2. Hotel special permit:

The text change would require a new special permit for the construction of new hotels. This will allow community boards and the city council to weigh in on the construction of hotels in their district. This way they can provide feedback on the process to make sure it doesn't negatively affect their respective districts. Currently, the construction of hotels is as of right and don't need any special permit.

3. The text amendment referred to as FRESH is an acronym for 'Food Retail Expansion to Support Health'. This program was originally established in 2009 to encourage the construction of food retail and supermarkets in areas where it's scarce. This allows property owners to add additional floor area, if they provide a supermarket that meets the fresh criteria for providing fresh produce, dairy and fruits and vegetables. The original FRESH was limited in geography to upper Manhattan, Southern Bronx and specific areas in Brooklyn and Queens. This pending text amendment would bring the program to Community Board 12. It will include provisions addressing clustering that would limit stores operating in proximity. It will include updates to glazing and parking requirements. Basically, a residential or commercial project that would participate in FRESH can take the floor area used for the supermarket and allocate it somewhere else. The determination is based on the supermarket needs index which takes into consideration the concentration of stores, walkability, presence of cars, families of children and families in poverty.

4. Removing Zoning Barriers for health and fitness:

This would apply to gyms, spas, massage therapy and physical therapy. Currently such establishments need a BSA permit to open. That can be costly, and it requires a lengthy process. The Department of City Planning hopes that removing this barrier will help speed up recovery. This text amendment will allow health and fitness establishments to be developed as of right.

5. NYC Open Restaurants Program:

During the pandemic, the city allowed more than 11,000 restaurants to operate with the open restaurants program which saved an estimated 100k jobs. This has been a great program that helped small businesses. The program allowed restaurants to self-certify. This text amendment proposes to make this program permanent. The city is working on a plan to have restaurants apply for sidewalk seating and roadway seating. The specific details are being worked out. The goal is to make the program permanent and have outdoor dining. While at the same time taking into consideration the needs of the community and safety concerns.

Mr. Vogel said the Department of City Planning welcomes feedback and he opened the floor to questions.

**Councilman Kalman Yeger-** asked if all amendments will go through the ULURP process. Some of the changes don't make sense and the community should have input.

**Mr. Vogel-** advised that it's optional for the community board to weigh in. Though City Planning would love to have community input and feedback.

**Councilman Yeger-** advised that his feedback would be a no vote on the council floor, particularly on the one where restaurants would take over the streets. This would deny residents the use of roads in the way roads are supposed to, for cars.

**Mr. Vogel-** responded that as a 3<sup>rd</sup> generation Brooklynite he understood the concerns, the amendments are still being worked on and feedback is welcomed.

## **MEETING ADJOURNED.**

Respectfully submitted by: Gittel Fekete