



**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, JUNE 22, 2021

VIA ZOOM

**BOARD MEMBERS PRESENT**

ADAM COHEN  
ALAN DUBROW  
ANNA CALI  
AVROHOM WOLFSON  
AYESHA RAHIM  
BENJAMIN THEODORE  
CHESKY BLAU  
DAVID FRIEDLANDER  
DAVID SHLOMOVICH  
ELLIE KASTEL  
JACOB ASKAL  
JACOB HASS  
JACQUE FRIEDMAN  
JEFFREY DWECK  
JOHN TALMADGE  
JULES FLEISCHER  
LILY MARINELLI  
MARIA ARETTINES  
MIRIAM HERSKO  
MORDECHAI KATZ  
NAFTALI TESSLER  
PETER REBENWURZEL  
ROCHELLE ZAMI  
SAM STOBER  
SHARON FUCHS  
SHLOMIE RIEGER  
SOL WAHBA  
YAAKOV KAPLAN  
YAAKOV SCHAPIRO  
YECHIEL MALIK  
YERUCHIM SILBER  
YIDEL PERLSTEIN  
YONAH MOSES

**COMMUNITY RESIDENTS**

APPROXIMATELY 36 RESIDENTS PRESENT

**BOARD MEMBERS ABSENT**

AAMAH KHAN  
AVI GREENSTEIN  
BERNARD FREILICH  
DOUGLAS JABLON  
EDGAR GLUCK  
JACOB EISDORFER  
JOSEPH GROSS  
LARRY JASON  
MAMNUNUL HAQ  
MONIQUE WALLACE  
MORRIS SENDEROVICH  
MORTON PUPKO  
AHMAD SAHIBZADA SHABIR  
YITZCHOK ITZKOWITZ  
YITZCHOK MOSKOWITS

**STAFF PRESENT**

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

**ELECTED OFFICIALS AND REPRESENTATIVES**

SHERMAN JACKSON, REP, BP ERIC ADAMS  
PINNY RINGEL REP. MAYOR DE BLASIO  
SHARON FUCHS, REP. SENATOR FELDER  
SOL REIGER, REP. AS. EICHENSTEIN  
ALEX GURCIVH, REP. DA GONZALES

## **PLEDGE OF ALLEGIANCE:**

## **ATTENDANCE:**

## **ADOPTION OF MINUTES:**

- May Minutes were adopted.

## **CHAIRMAN'S REMARKS:**

### **Chairman Yidel Perlstein**

- The Chairman reported that the final two perpetrators of the anti-Semitic attack on 16<sup>th</sup> Ave. have been arrested. He thanked the NYPD Hate Crimes Unit, specifically Detective Daniel Zhang, for their efforts and for making the 3 quick arrests.
- This day is Election Day for the primaries, which might be the most important election for 8 years. It will determine the likely mayor, comptroller, borough president and various other offices. These offices determine how the city works for the next 4 years. Primary turnout is usually low so every vote has a bigger impact this election, the results of this vote cannot be underscored. The meeting will be done as quickly as possible to allow those who didn't vote yet the ability to do so. Polls are open until 9 pm. Please vote if you did not yet.
- On that note, it is important that board members stay until the end of the board meeting as there are a few items on the agenda that require a vote, and therefore a quorum. The board doesn't typically meet over the summer and we have a duty to complete certain items.
- He welcomed and introduced the newly appointed board members:  
First, he welcomed **Mordechai Katz** back to the board.  
And then he welcomed the new members:

**Maria Arettines**

**Benjamin Theodore**

**Aamah Khan**

**Ayesha Rahim**

- The board will no longer review Covid numbers. Adult vaccination rates are over 70% and the positivity rate of those tested is under 1%. COVID is not over, but it is greatly reduced from its initial high.
- The Governor lifted state restrictions when the 70% vaccination mark was reached. City and industry restrictions still need to be followed.
- There are no meetings in the summer months (July & August)
- The chairman wished everyone a happy and healthy summer. He expressed his sincere gratitude to all board members for making the effort to attend meetings. He looks forward to seeing everyone in September, hopefully in person.

## **PUBLIC SESSION:**

### **Christina Clum- Resident:**

- Ms. Clum inquired about conditions on her block, East 9<sup>th</sup> Street between Beverly Road and Ave. C. The area has been problematic ever since a men's shelter came to the block three years ago. They smoke marijuana, drink, and hoot and holler. This takes place throughout day; the area has become a hangout. The men's shelter is reopening in less than 2 weeks and this type of behavior will be an attraction for some of the people in the homeless shelter. Unfortunately, the block is an odd shape with residential and business use, and this is where they hang out. There has been increase in vandalism, graffiti, litter and a huge rat increase with all the food that is thrown onto ground. None of the businesses are taking care of the littering. She has been in touch with the NCOs in an effort to mitigate the situation, but she is very concerned as these groups sometimes get so large and loud. She is at a loss as to what to do so is hoping

for community board guidance perhaps to involve someone of the businesses in this situation. She is in touch with the NYPD and is looking for more assistance.

**District Manager Barry Spitzer** said he'd reach out to NYPD and circle back.

**Jennifer Brown- Resident:**

- Ms. Brown shared a similar concern: She is concerned about the litter on Ocean Parkway, in front of the homes all over Kensington and in front of businesses. Her second concern are the bike riders riding on the pedestrian path on Ocean Parkway. It is dangerous trying to walk the path with bikes and motorized bikes zipping by. There are clear signs that say no bikes on one side of ocean parkway. Her third issue are the cars that routinely make the left turn onto the northbound service lane on Ocean Parkway as if there were no sign there.

She is hoping to get some guidance or advice from the board. She is concerned with the daily observance of the tumult on Ocean Parkway.

**The District Manager** advised that this was a discussion at the community council meeting. The Commanding Officer said he would increase enforcement on Ocean Parkway. There were a lot of complaints about bikes and cars racing. The illegal turns is a new complaint the board hasn't heard previously and they will definitely let the CO know.

**Peter Gomorri- Resident:**

- Mr. Gomorri thanked the board for the opportunity to speak. He came to talk about Ocean Parkway. He is with the Albemarle Neighborhood Association who are concerned about the growing litter that challenges Ocean Parkway. The Parkway is managed by PARKS and we've asked for litter baskets and no littering signs, because of the increase in people eating and smoking and dumping their trash along the mall as the weather gets warmer. It's a serious crisis. People have volunteered to clean up and bundle up the bags, but often PARKS doesn't follow up to pick the bags up. He would like to ask for support to encourage PARKS to restore placement of litter baskets and signs discouraging littering.

## **ZONING & VARIANCE REPORT**

### **Delivered by Zoning Committee Chairman David Shlomovich**

- **15 Parkville Avenue** (Special Permit Application)

The committee held a meeting June 8<sup>th</sup> on a reduction in accessory parking request. The project is for 5 story, 44,000 square feet, office building in use group 6. Pursuant to zoning laws, each 300 feet requires a parking spot, so they would need 147 accessory off street parking spots. The owner seeks a reduction to one accessory off street space for each 600 feet for a total of 74 spots. This item was discussed previously at a public hearing on February 16 when the community was opposed to this project. The main objection was that Lawrence Ave. will become a highway and a parking lot for TLC cars. A long discussion was held with the architect, attorney on record, and owners. The committee decided to table the motion and ask the developer to see if they can move the entrance from Lawrence Ave. They in turn decided to turn the building around so the entrance is now on Parkville Ave., which is a more commercial block.

At the June 8<sup>th</sup> public hearing, held prior to the board meeting, there was only one objection from an attorney claiming to represent 2 neighbors. The committee listened to all input and a motion was made to approve. 6-1 voted in favor.

**Naftali Tessler- Board Member:** Mr. Tessler said that while he doesn't know the project, as a board member he wants to recognize when an owner comes to the table and they make changes so quickly in response to community comments. On behalf of the board, he wanted to thank them for recognizing the needs from the community and making the quick adjustment.

**Alan Dubrow-Board Member:** Mr. Dubrow asked if the attorney was the only one who commented in the negative, and also if everyone that need to be notified was indeed notified.

**The district manager** confirmed that only the attorney testified in opposition and advised that the office sent out notices and additionally made phone calls to all residents who attended the first public hearing.

**Jacob Haas- Board Member:** agreed with Mr. Tessler that the developers outdid themselves. There was no opposition at the public hearing other than an attorney claiming to represent some nameless residents.

The zoning committee recommended to the full board a motion to approve the request.

The motion carried with unanimous consent with one Board Member, Lily Marinelli, opposing.

- **1776 48<sup>th</sup> Street**

The second item on the agenda was a rezoning application for 1776 48<sup>th</sup> St., which is on 18<sup>th</sup> Ave. between 48<sup>th</sup> St. and 49<sup>th</sup> St. The area covered by this application is the 200 feet width of 18<sup>th</sup> Ave. and the first 100 feet off 18<sup>th</sup> towards 17<sup>th</sup> Ave. on both 48<sup>th</sup> St. and 49<sup>th</sup> St., for a total area of 200 X 100. The applicant asked to rezone to an R6B from an R5. They are proposing to build on the corner a mixed-use building with 5 apartments and a store to occupy 35 X 100 of the area covered in the zoning change. They want a commercial overlay on the Avenue only, not C2-4 commercial overlay, to allow them to build a store. The presenting attorney, Eric Palatnik, informed that these zoning changes were already applied to most other buildings along 18<sup>th</sup> Ave. in this neighborhood. This rezoning would be more limited in scope.

A discussion was held, there was no opposition from the public and the committee voted unanimously to approve.

Peter Rebenwurz asked for confirmation of the location. Mr. Shlomovich confirmed that the proposed project is the corner building of 48<sup>th</sup> Street, off 18<sup>th</sup> Ave. towards 17<sup>th</sup> Ave.

A motion was put forth by the committee to approve the rezoning application.

The motion carried with unanimous consent.

## **ZONING & TRANSPORTATION REPORT- DCP Citywide Text Amendments Delivered by Zoning Chairman David Shlomovich and Transportation Chairman Sol Wahba- DAVID SHLOMOVICH & SOL WAHBA**

The Zoning and Transportation Committees held a joint meeting and public hearing on June 15<sup>th</sup>. On the agenda were 4 text amendment changes proposed by the Department of City Planning: 1. Elevate Transit: Zoning for Accessibility. 2. Citywide Hotels Text Amendment. 3. Fresh Update. 4. Health and Fitness Text Amendment.

1. Elevator Transit: Zoning for Accessibility (ZFA)

This amendment would assist MTA in updating the subway system to better ADA compliance by providing a mechanism for them to work with private developers. This is through putting easements on properties close to subway entrances. 72% of stations are currently not wheelchair accessible, the amendment aims to improve that. This text change would require that all developers of projects larger than 5,000 sq. ft., within 50 feet of a station entry, consult with the MTA and the DCP (Department of City Planning) to evaluate the need for an easement. Projects smaller than 5,000 feet can consult with MTA and DCP, but they don't have to. If DCP and MTA place an easement, the developers would in turn be allowed to make up the deficit through a variance of sorts to make up for the loss. There was an additional tax break option available to developers who would do the actual renovations to MTA stations while developing, but this section was not applicable to CB12.

Peter Rebenwurz- asked to clarify if this is only for developer who develop only within 50 feet of a station. Mr. Shlomovich confirmed.

The committee members discussed this amendment and a motion to approve this amendment was approved in committee 5-1 with 1 abstention and one opposed.

**Transportation Chair Sol Wahba** reiterated that this amendment would add one additional step for project developers who build near subway stations, which is the need to consult with DCP and MTA prior to developing.

The committee recommended to the full board a motion to approve this amendment.

The motion carried with unanimous consent.

## 2. Citywide Hotels Text Amendment

This proposed Zoning Text Amendment would require prospective new and enlarged hotels, motels, tourist cabins and boatels in commercial, mixed-use and paired M1/R districts to receive a Hotel Special Permit in NYC in areas where they could previously build such projects as of right in order to build. The permitting process would require the City Planning Commission (CPC) and City Council approval.

At the committee meeting, members were concerned about the various impacts such a hurdle could lead to: The added requirement could prevent such developments as the CPC process slows down the process of developments. This will cost the city money in tax revenue. The extensive ULURP process would discourage construction and raise hotel rates. This could harm the city's tourism industry and will make the city non-competitive for fairs and convention. There was concerns that this is an indirect attempt to establish homeless shelters with less transparency, and an attempt to use the need to for city council approval to compel hotel unionization. Where zoning previously allowed hotels as of right, it allowed as of right for a reason, and where it is not as of right, there the projects need to go through the process anyways. Committee members were concerned about the cost and the additional time it would take to get approved.

After extensive discussion the committee voted on a motion to disapprove this amendment which carried 6-1, with Jacob Haas opposing.

The committee recommended to the full board a motion to disapprove this amendment.

The motion carried with almost unanimous consent, only Board Member Jacob Haas opposed.

## 3. Food Retail Expansion to Support Health, (FRESH) Update

The FRESH amendment is a proposed citywide text amendment to expand the existing FRESH program to other underserved neighborhoods of the Bronx, Brooklyn, Queens and Staten Island. In addition, the proposal will modify the existing rules for the certification of FRESH food store. The program offers a set of zoning incentives that provide additional floor area in mixed use buildings, reduce the amount of required parking for food stores and permit larger as-of-right grocery stores in light manufacturing districts.

DCP clarified that proposed FRESH projects would require an application process which would include a review by the community board. Proposed projects would need to be at least 6,000 square feet on one contiguous floor and include a large percentage of fresh fruits, vegetables, dairy, meat and fish as well as other staples. Prospective FRESH applicants could apply to expand up to 15 feet in height. Additional incentives could allow developers to add up to 20,000 sf of the space allocated to the supermarket elsewhere in the project. Additionally, waivers could be applied eliminating the parking requirement for up to 10,000 the square feet of the project.

At the committee, members discussed the amendment and various concerns were raised.

Committee members were concerned about the possibility of have parking further reduced in such projects by adding community facilities elsewhere in the building.

The committee questioned the need for FRESH in CB12 and was not satisfied with the data driven result that didn't align with the lived experiences observed in the district. DCP advised they determined underserved areas by analyzing the amount of licenses in the area from the NY Department of Agriculture and Markets, the number of supermarkets larger than 5,000 feet in an

area, access to automobiles, and child poverty. The general consensus of the board was that it was wrong to only include supermarkets larger than 5,000 square feet, which excludes most of the smaller groceries which are prevalent in the district. This could skew the areas where this amendment is really needed. The committee wanted the option to apply this amendment to a more limited area, as was done in other community boards, rather than throughout the whole district, as was proposed here. This could better protect the smaller supermarkets that can face steep competition.

After extensive discussion, committee members voted on a motion to approve the text amendment conditional upon City Planning working closely with the district manager and councilman to revise the boundaries where the FRESH amendment would apply within the district. The motion passed unanimously with one abstention.

The committee recommended to the full board a motion to approve this amendment with the added condition.

The motion carried with unanimous consent.

#### 4. Health & Fitness Citywide Text Amendment

This proposal to amend the Zoning Resolution was 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 would remove the requirement for such facilities to receive a special permit by the Board of Standards and Appeals (BSA) (ZR 73-36). The Health and Fitness Text Amendment eliminates the special permit that is currently required for gyms, spas, and licensed massage therapy establishments – referred to as Physical Culture or Health Establishments in the Zoning Resolution.

The proposed changes would apply to a range of health and fitness businesses such as gyms, martial arts studios, indoor cycling spaces, yoga studios and licensed massage therapy studios. Gyms and spas would be allowed to open and operate in commercial and manufacturing districts around the city. Similar to other neighborhood services such as restaurants, drug stores, and dry cleaners, these businesses would be allowed along all local retail streets. Licensed massage therapy studios would be allowed in the same manner as are other health care practices licensed by the State, such as physical therapy or outpatient doctors’ offices. These are permitted in residential, commercial, and manufacturing districts.

At the committee meeting members raised concerns about the impact of eliminating the special permit requirement. Removing the extra scrutiny the special permit requirement provides would eliminate the ability to ensure businesses operate with cultural sensitivity to the communities they are in. There were a few examples raised of businesses that were amenable to cultural changes when the community board was given the opportunity to work with them through the special permit process. The establishments want community board approval as BSA typically follows the recommendation of the board for these businesses. Removing the added public and community board input allowed through filing a special permit would be detrimental to the community. There were further concerns regarding increased noise levels and the limitation of recourse for the board when legal businesses might devolve into illegal businesses.

The purpose of the special permits was useful to the board in the past as these businesses are more prone to engaging in illegal activity, therefore committee voted on a motion to deny this application which was unanimously approved.

**Board Member Peter Rebenwurz**- said there was an issue like this twenty years ago. It would be dangerous to agree with it and the board should disapprove the amendment.

The committee recommended to the full board a motion to disapprove this amendment.

The motion carried with unanimous consent.

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

### **District Manager Barry Spitzer**

- The District Manager thanked and recognized the service of the joint committees that sat for 2.5 hours and reviewed the text amendments painstakingly until 10:30 at night.
- CB12 had to send HIQA to different locations in the district because of illegal street closures and will continue to do so for any observed illegal street closures. Anyone observing a suspected illegal street closure was encouraged to call the board office. This information is helpful. One example recently a board member called in a street closure and we sent HIQA. Even though the street was already open by the time they got there, HIQA found another violation and gave the construction crew a fine for that other violation.
- DOT will be milling and paving streets throughout the district over the summer months, we will keep the community updated when they start. If anybody observes streets that need paving, please let us know so we can advise the Department of Transportation.
- Thank you to DOT for installing the speed bumps along 21<sup>st</sup> Avenue that was missing over a year. CB12 worked on this with Councilman Yeger and Assemblyman Eichenstein.
- Just a quick update on DSNY issuing retaliatory and bogus tickets that was discussed last month: The district manager and Councilman Yeger brought a few of these up with the commissioner as it is completely unacceptable. And in a move that is almost unheard of, the commissioner withdrew the 3 violations that were flagged because they were, and I quote “improperly issued, not within Department procedures.”

The violations that were dismissed were really egregious, one was on Shavuos when DSNY left a mess after collecting garbage and then half hour later a supervisor issued a ticket for the mess the DSNY employees made. This person had video and the ticket was dismissed.

Another was a resident who got two tickets for the same violation- same date, same time but different ticket numbers.

The third ticket was a resident who got a ticket for improperly tied boxes after it was picked up, after calling our office and 311 because it hadn't been picked up in a week. The supervisor gave this resident a ticket after it was picked up for a violation that was supposedly there- although the garbage was already removed. This ticket appeared retaliatory to the 311 complaint.

In addition, CM Yeger got another 4 tickets dismissed. This is a big win and it sends a message to DSNY supervisors that they should not abuse the power of ticketing residents. We commend the commissioner for involving himself at this level.

- Another update following a concern mentioned last month that DOT has been making the corners ADA compliant while in the process ripping them up and leaving ditches for weeks. Thank you to Councilman Yeger for involving the Mayor's office which got DOT to fix all of these corners so they are no longer a literal danger.
- On June 17 the City Council passed 2 bills aimed to help small businesses recover from COVID. The first is an amnesty program that would give small businesses a 75% discount on code violations issued on or after March 7, 2020- for 90 days. With an option to extend this program for another 90 days. Older violations would qualify for a 25% discount. The second is a bill to lower fines and add a cure period so businesses can fix the issue before facing any fine. Councilman Yeger wasn't happy with the bill because it doesn't go far enough, it doesn't apply to many of the violations issued to local businesses. This is a small win for businesses.



- Thank you to all board members who worked with us this past year and came to us with problems facing the community. Thank you to the committees who put in extra time and effort.
- The board doesn't meet over the summer but, of course, our office is open, and we are working as hard as ever through the summer.
- He ended off by wishing everyone a Happy and Safe Summer and hoped we would be back in person by September.

## **ELECTED OFFICIALS AND REPRESENTATIVES:**

- **Sherman Jackson, representing Boro President Eric Adams.**
- **Pinny Ringel, representing Mayor Bill de Blasio.**  
Mr. Ringel reminded everyone to go out and vote as there were 45 minutes left until polls closed.
- **Alex Gurvich, representing DA Eric Gonzalez.**  
Mr. Gurvich thanked the board and addressed the hate crimes that occurred in the district the previous month. The NYPD hate crimes unit arrested the 3 individuals who perpetrated the anti-Semitic incidents end of May. Earlier this month the DA indicted all the individuals on charges including assault as a hate crime and menacing as a hate crime.
- **Sharon Fuchs, representing Senator Simcha Felder.**  
Ms. Fuchs encouraged everyone to go out and vote. She also wished all present a healthy and safe summer
- **Sol Reiger, representing Assemblyman Simcha Eichenstein.**
- The Chairman congratulated Naftali Tessler on the birth of his son this morning. He reiterated his wish for all to have a healthy summer and advised that community board 12's office would be open throughout the summer.

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

Peter Rebenwurz brought up old business: the abhorrent conditions along Ocean Parkway between Ave. J and Ave. L. There are no traffic lights on the 2 block stretch and there is crazy speeding, and sometimes drag racing and donuts. Something needs to be done about this, perhaps a light should be put on Ave K.

## **MEETING ADJOURNED.**

Respectfully submitted by: Gittel Fekete