

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

ULURP/Land Use Committee Meeting Minutes
249 Empire Boulevard, Brooklyn, New York 11225
November 12, 2024

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

Attendance (Community Resident Members) Nicolas Cox, John Craver; Esteban Giron; Hector Robertson

Absent (Board Members) None

Absent (Committee Resident Members): Cheryl Bernard

Guests: 73-99 Empire Boulevard applicant representatives; Jay Goldstein, Representative for 341 Troy Avenue; Ms. Aaron; Betty Davis; Lisa Etienne; Rabbi Jacob Goldstein; Robert Harris; Yvette Haynes; Andrew Magnus; Dr. Burcell Marcus; Beverly Newsome; Vishnu Reddy; Alan Schultz; Tom Thoams

CB9 Staff: Dante B. Arnwine, District Manager; Mia N. Hilton, Assistant District Manager

1. Call to Order
 - a. Meeting called to order at 7:20 pm
 - b. Rules of Order
2. City Council Fair Housing Framework & City For All Housing Plan Discussion
 - a. Fair Housing Framework passed in Jan 2021 would set housing and affordable housing production and preservation targets for every district in the city.
 - i. To be implemented by HPD starting 2025
 - ii. No specifics yet
 - iii. Housing production is not even across districts – a few have built less than a thousand units since 2010, a few have built tens of thousands of units since 2010. CB9 is in the middle and has done our share
 - iv. CB9 elected officials supporting comprehensive housing plans rather than only looking at site-by-site rezoning.
 1. We need to understand
 - a. how many units we have built (about 4000 units since 2010);
 - b. how many units are coming in the next few years (almost 2500 units permitted)
 - c. demographic projections -> how many additional units we need
 - d. where can we add additional housing and ensure it serves the needs of our district given our zoning guidelines and housing resolution
 2. Concern that even carefully crafted community plans often don't get implemented by the city
 3. But if we don't get ahead of citywide plans they will dictate to us.

- b. City For All Housing Plan
 - i. Billed as a response to Mayor City of Yes for Housing Opportunity
 - ii. Require affordable housing on large transit-oriented development sites in low-density zoning
 - iii. Requests increased funding for infrastructure (especially sewers)
 - iv. Requests increased subsidies for affordable housing production, including affordable homeownership, community land trusts and faith-based affordable housing development
 - v. Requests increased funding for tenant protection programs and housing vouchers
 - vi. Increased funding for NYCHA, Mitchell Lama preservation, and rehab of vacant units.
 - vii. Increase funding for neighborhood plans
 - viii. We are skeptical this will amount to anything until we see the money
 - ix. These items are prerequisites to build more – City of Yes should be deferred until AFTER we get these things.
 - x. It shouldn't be the excuse to pass a bad zoning plan like City of Yes.

- 3. 341 Troy Avenue BSA Variance
 - a. Presentation
 - i. 16,000 sf long-vacant site at the corner of Troy and Carroll
 - ii. As of right R4 zoning; original variance request in 2009 was to increase building square feet by 350% from 0.75 FAR to 2.6 FAR and 3.5 stories tall to 5.5 stories due to the expense of cleanup of contaminated soil from former industrial use of site.
 - iii. Since 2009, no work has begun on site but several different amendments to plans and extensions of time granted by BSA.
 - iv. Latest requested amendment is to change the layouts and sizes of apartments to go from 24 units to 26 units by reducing size of largest apartments from 3200 sf to 2200 sf and create two new smaller apartments of around 1000 sf.
 - v. The exterior envelope of the building will not be changed
 - vi. Proposed building will consist of 26 market-rate condos, average size around 1700 sf and 32 underground parking spaces (\$375 monthly cost)
 - b. Public & Committee Q&A
 - i. Q: What was the site before?
A: It was a vacant lot and before that a gas station
 - ii. Q: Is the site enrolled in the NYS Brownfield cleanup program?
A: No, it's not required, we are working with the Mayors office of environmental remediation on cleanup
 - iii. Q: What was the reason for the delay in starting construction?
A: There were financial issues including the financial crisis in 2010 and the COVID pandemic; our building plans are in place and now that we have obtained financing, we are ready to go.
 - iv. Q: Is the department of health supervising this site? There are often rats at vacant sites
A: no, DOB and DEP are supervising not Dept of Health
 - v. Q: For decades community organizations denied access to vacant lots like these for community gardens and youth centers. Now the developers are putting up

unaffordable buildings and low income people don't have access and don't have information about what is coming.

A: At one point we proposed a community center but the BSA said that would add too much height

Q: what is the average price of the apartments

A: Estimated – developer needs to sell apartments around \$1million to make a reasonable return but not fixed yet.

- vi. Q: A lot of new buildings are causing cost of living for residents to go up for everything from food to housing to daycare. What is the social responsibility of developers?

A: The building will provide housing for people in the community and will not make the developer rich, only allow a reasonable return. It will return a long vacant site to productive use.

4. 73-99 Empire Rezoning

a. Presentation

- i. Currently 38,000 sf sites are split between C8-2 commercial zoning and R6 residential. Vacant 1 story former industrial and laundry between Empire, Sullivan, Washington, and Bedford just south of Ebbets Field apartments and Jackie Robinson playground.
- ii. As of right could allow for up to 76,000 sf of commercial space or 40,000 sf of commercial space and 40 market-rate apartments.
- iii. Rezoning proposal to R8A/C4-4D to allow for 13 story building with 280 units of housing (MIH Option 1 or 2) and 63,000 sf of commercial space, Increase of 325% in allowable building square feet from 2.2 to 7.2
- iv. Currently in talks with HPD and councilmember about increasing percentage of affordable housing to 50% from 25-30%

b. Public committee and Q&A

- i. Q: Is all commercial “as of right” at 2.2 FAR a profitable option the developer is happy with?
A: Yes – the amount of square feet is fine for us but the C2 zoning doesn't allow destination retail because it restricts variety stores to 10,000 sf or less whereas C4 zoning districts permit department stores.
- ii. Q: What kind of stores will there be – our vision is to revitalize the commercial space on Empire
A: Something like Burlington Coat Factory, Target, Trader Joes
- iii. Q: There are already several supermarkets in the area and a new Lidl coming a block away. Why would you put it in another supermarket?
A: It doesn't hurt to have competition - it leads to lower prices. A lot of retailers go bankrupt anyway so some of those supermarkets might not be there at some point.
- iv. Q: Does your development provide funds to a local park or publicly accessible open and recreation space per CM Hudson's development framework?
A: Most likely we'd be contributing to JR playground – we can work with the board and the CM's office on what you think the need is.

- v. Comment: I live in Sunnyside, Queens and come to this area for medical treatment and I support this project because the city needs more housing. This project would make the area safer and use a long-vacant site.
- vi. Comment: There are a lot of disparities in the development of this corridor – there was a skating rink that closed. Over the years, owners refused to sell or rent to our community investors. This site was deliberately kept vacant. We need to decide what we want not allow people from the outside to decide for us.
- vii. Q: How will the construction and the eventual development affect traffic on Empire Blvd which is pretty good now. How will the height of the building affect sunlight? We don't need another building that will block light.
A: We did the EAS and the development isn't expected to have an adverse traffic impact because the site is close to public transit. We will work with DOT and use best practices to minimize traffic during the construction period which is expected to be 24-32 months.
There aren't going to be any shadows on either Jackie Robinson playground or the Botanic Gardens
- viii. Q: How many units will be designated internally as kosher to serve the large nearby Jewish community? E.g. double sinks
A: We haven't looked at that yet
- ix. Comment: Concern about increasing density of the many new developments in this area – school overcrowding, subway station overuse, balance between supply and demand, lack of cumulative environmental impact analysis leads to a persistent service deficit for the area.
- x. Comment: We have at least two other construction projects within a couple of blocks of this site – how will this affect our quality of life in terms of closed-off sidewalks, noise and air pollution.
- xi. Comment: We haven't had very much time to discuss this project before certification. Why is city planning certifying this plan a day after you are presenting? We have a lot of questions you can't answer – AMI's, who can live there?
Answer: The project was certified already on Nov 4. We can't have discussions with HPD about AMI's and tax credits without being certified.
- xii. We have over 1000 new apartments coming within a few blocks of Franklin Ave and this site. It's already so dense here, it's not acceptable to have more residential. We agree with the retail.
- xiii. Q: Why did you decide to build 13 stories which far exceeds CB9's zoning guidelines that have an outside height limit of 9 stories district-wide? We disapproved of the rezonings that led to the taller buildings on Franklin and at the Bedford Armory. There are other zones with lower height limits that would allow for a large commercial footprint and destination retail uses.
A: City planning has a big role in recommending what exact zoning is appropriate; Empire Boulevard is a very wide street where 13 stories might not stick out so much.
- xiv. Q: What will be the impact on-street parking?
A: We're not taking away any street parking. DOT is responsible for that policy.
- xv. Q: How would you ensure local jobs for construction and the commercial part of the development?

A: We reach out through local job fairs and local organizations. We expect 300-400 construction jobs over the course of the project.

Q: Will any construction be union? Is there a mandate?

A: No – we will bid the project out to both union and non-union.

5. Committee Discussion

a. 341 Troy Avenue

Vote: Approve with condition that site follows proper environmental cleanup and no further time extensions. Also, concerns regarding how large an upzoning is being granted for all market rate housing – today any similar site such as 73-99 Empire seeking a significant upzoning would have to go through rezoning that would require affordable housing.

All in favor, 0 opposed, 0 abstain.

b. 73-99 Empire

- i. Several rezoning options were considered in scope between the as of right all commercial or C8/R6 option and the R8A/C4-4D option. There was a 5-5 tie on all options discussed. **Vote to table and adjourn – all in favor.**

Adjourned at 11:30 pm.