

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

**ULURP/Land Use Committee Meeting Minutes**  
**June 9, 2026**

**Attendance (Board Members):** Suwen Cheong, Theresa Westerdahl, Benny Rosenberger; Max Davidson; Joshua Thomas-Serrano

**Attendance (Community Resident Members)** Cheryl Bernard; Hector Robertson; Janice Grannum

**Absent (Board Members):** None

**Absent (Committee Resident Members):** Nichola Cox; Amy Lin, Cheryl Sealey; Esteban Giron

**Guests:** Amhara Hernandez, HPD; Sophia Mathewey, HPD; Joann You; Baska LS; Andrea Alexopoulos; Jorge Chang; Isaiah Reca; Felice Robertson; Adama Fonah Moussignoe; Ethan Norville; Zlati Mochkin

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

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1. March meeting minutes approved by common consent with amendments (see attached)
  2. **600 Utica Avenue Rezoning** – Presentation by Neil Weisbard, rep of 600 Utica owner
    - a. Two alternative rezonings presented:
      - i. R7X MIH – 6.0 FAR, 14/15 stories tall. 132 apartments, 33 affordable
      - ii. R7D MIH – 5.6 FAR, 12/13 stories tall, 125 apartments, 32 affordable
      - iii. Ground floor retail, rent approx. \$35 per sf/yr
      - iv. No parking required or proposed – well served by transit
      - v. Units would be mostly studios and 1 bedrooms
      - vi. Affordable – 60% AMI average; 10% of units must be at 40% AMI.  
Highest AMI allowed is 100% AMI
      - vii. Market rate units \$2700/month average
      - viii. No known environmental contaminants, but will go through environmental review and clean up anything found
    - b. Developer has not submitted PAS to city planning yet, hoping to meet with CM Mealey. Not going to certify before next fall.
    - c. Department of City planning has indicated in informational meetings they are open to rezoning.
  3. **Committee and community Q&A – 600 Utica**
    - a. Why would you not include parking at all? This is a two-fare zone (Cheryl B)

- i. A: No parking required even for commercial? No – the residential and commercial parking can be waived; city planning thinks this area is well served by transit
- b. Q: The area is already densely populated, and the building will block our sun. We just got another 300 units on the corner. Why would you put such a big building here?  
A: The owners feel there is such a need for housing they would be able to lease up this building.
- c. The building is too high. The ACE hardware should go back. We rely on it (Cheryl B)
- d. Q: Why only studios and 1 bedroom? (Cheryl B)
- e. Q: Is this going to be a shelter if it's all studios and 1 bedrooms? They will be transient people; we want families who will stay in the community and contribute to it. (Chavi) A: It will not be a shelter. It will be permanent residential housing.
- f. This board is not selecting MIH Option 1 (60% AMI, 25% of units). We are selecting MIH Option 3 or even better (40% AMI, 20% of units). We need more family sized units. We'd like a setback at the front – trees, benches (Theresa)
  - i. The community in CB15 was very happy with the design we came up with for a rezoning on Coyle Street, we worked with the community. Although it hasn't been built yet since the rezoning.
- g. Developer is owner of ACE Hardware currently on the site and wants to work with the community. Will take community feedback to owner (Weisbard)
- h. Q: What will it take to get a height reduction (Jannice)
- i. Buildings in our area are no more than 7 stories (Cheryl) A: what about the 12-story building on the corner of Rutland and Utica? Q: But that building is in front of the hospital it's not blocking people's houses. (Cheryl) We don't need a ten-story building. We won't have any sun in our backyards. We don't want to live in a cave. Even a 6-story building would be very tall. (Resident) A: I understand, we'll have to design a building around this. When we go through the EIS, there will be a shadow analysis that will truly show the impact of the building on the neighbors.
- j. Q: Have you read the comments from community members at the last meeting? (Benny) A: not yet. **\*\*CB9 office please send minutes and video link of April meeting to Weisbard, Weisbard to send info about Coyle Street rezoning to us**
- k. Q: Will there be a clause in the rezoning contract that requires the developer to complete the building and not flip it to another developer for profit? You could put a restrictive declaration to require the property remains the same as what is negotiated via the ULURP process (Alicia)
- l. Q: I'm concerned about the sewers. I live a couple of blocks away and every time it rains my basement gets flooded with sewage. The roads are flooded from Utica to Troy whenever it rains. Three new buildings went up, and people haven't even

moved in. What will be the effect of all this new density on the sewers? A: AS part of the environmental assessment we will look at the sewer impacts

- m. Q: In order to have sewage impacts you need over 400 units. Since this development is less than 400 units, you won't find a sewage impact (Alicia)
  - n. We have a lot of parking problems in addition to the sewer problems. People decide to come to our block to park. Why is our community becoming a new downtown Brooklyn? We're not downtown. Why are we getting all these towers? I moved into this neighborhood from Eastern Parkway; I wanted a nice little house in a quiet community and all of sudden all these people are coming I don't know who they are. I was attacked on the street. (Menachem)
  - o. If Kingsbrook hospital is already being closed to accommodate more housing, why is another building going up? I overheard a conversation on the street where someone was saying developers are just here to rip off the community. We have the "twin towers" of 49<sup>th</sup> street already. It makes the street look so unbalanced, it's so sad.
  - p. On 48<sup>th</sup> street they just built a 5-story house that is sticking out compared to the other 2-story houses. Where are they going to park? They're going to spill over into other blocks, park in our driveways. Developers come, they see a house and up those buildings go.
4. ELURP rulemaking discussion
- a. ELURP ballot measures allow accelerated ULURP process removing council member vote
    - i. On any lot In R6 – R10 (higher density) districts, up to 30% increase in buildable square feet requested
    - ii. On any lot In R1-R5 districts, (low density), increases up to 2.0 FAR and 45 ft tall.
    - iii. Community board has advisory vote and City Planning Commission has binding vote
    - iv. Under the new charter CPC may promulgate rules or guidelines to implement this
  - b. Should we ask that rules require affordable housing in R6 and R7 districts which cover most of our community? Otherwise, it would undermine City of Yes rules giving developers 30%+ increases in floor area but only if all the additional floor area is affordable at 60% AMI. The ELURP rules don't say affordability is required.
    - i. How can one letter from one community board make a difference? Should we focus on our elected officials to do something? (Nichola)
    - ii. It's already the law and can't be changed (Alicia)
    - iii. We should give our opinions about proposed rules early (Suki)
    - iv. We already have a zoning framework which says any up zonings require public benefit including affordable housing. We don't want to change this
    - v. We are opposed for the R6 and R 7 (Esteban)
    - vi. The rules will go into effect over the summer (Esteban)

- vii. Without rules or guidelines, it would be arbitrary which is an illegal spot upzoning. If every request is going to be rubberstamped, then it's a blanket citywide upzoning and the city didn't do an environmental impact statement before the amendments were put on the ballot.
  - c. Should there be any restrictions on upzonings in low density districts? City of Yes restricted these upzonings to wide streets/larger lots/near transit.
  - d. Both rules exist at the same time, but there is no reason for developers to choose the UAP bonus if they can get approval for the same upzoning without affordable housing
  - e. . There's nothing in the law that says the upzonings can only be market rate or every upzoning has to be approved. The door is left open. (Suki)
    - i. We need another charter revision or state level legislation to fix this. (Esteban)
  - f. People should just lobby the city planning commissioners (Esteban). We need to be strategic about our feedback, or they'll ignore what we say if we oppose everything
  - g. There is an ELURP application for 141 Montgomery Street. They city is allowed to acquire land under an accelerated process and give it to a developer of their choice.
5. Ramada Inn Shelter
- a. There was a town hall meeting about the Ramada Inn shelter on Empire Boulevard. 400 people came and they opposed the shelter. (Alicia)
  - b. If the city is directly leasing the hotel or there is a capital construction, then it goes through ULURP. If the city is funding nonprofit, it's an article 9 shelter that won't go through ULURP but is still required to do a Fair Share analysis. We need to see the contract with the hotel to know if it goes through ULURP (Suki)
  - c. **Motion: CB9 should send a letter to the Department of Social Services to implement a CEQR analysis for the shelter that is proposed at 169 Empire Blvd, Ramada Inn, to determine the impact that it will have on the existing shelters in the vicinity – a family shelter on Rogers and a domestic shelter nearby, the senior center next door, the schools and the community.**  
**Vote (All in favor)**
6. Zoning Framework Update

**Motion: Add the following sections to our zoning Framework. Vote (All in favor)**

### **Fair Share**

Fair share analysis under Section 195 must be conducted for all city facilities, and leases or acquisitions of land, or capital construction by the city is subject to ULURP

However, in community district 9 such analysis must also include all state and federal facilities and acquisitions of land, or capital construction. Our residents' quality of life and need for services are not determined by which level of government is funding the project.

Our annual District Needs Statement should contain a beds to population ratio analysis for residential facilities.

## **Environmental Review**

Comprehensive Environmental Reviews should be conducted anytime a cumulative total of 300 or more units is built within a half mile radius of any new development, since the last comprehensive environmental review in that radius.

### **7. Adjournment**

8. May meeting minutes approved by common consent with amendments (see attached)

9. **141 Montgomery Avenue ELURP and new building** – Presentation by Asian Americans For Equality (non profit developer) and NYC HPD.

- a. Approx 9k sf site; R8X MIH/C2-4 zoning (part of 2019 Franklin Ave upzoning)
- b. 93 units; 100% affordable – 14 formerly homeless set aside (difference between actual income and 50-60% AMI will be paid for by rental voucher), 40 units@50% AMI, 16@60% AMI, 23@80% AMI. 10% preference for military veterans, up to 10% of units designed for mobility impaired. Uses HPD New Construction Financing
- c. Mix of studios, 1 and 2 bedrooms
- d. Project amenities include landscaped rear yard and roof terraces, laundry room, ground floor community room, gym, storage lockers and bike parking in basement. No car parking proposed.
- e. All electric heating and cooling; Passive House cert, green roofs and solar panels
- f. Originally city owned land given to non profit under affordable housing agreement in 1997. Passed to new non profit (AAFE) in 2014.
- g. Original agreement was terminated and city now needs to use ELURP process to acquire and reconvey the formerly city owed lots.
- h. ELURP process for city led acquisitions for affordable housing (ELURP process is different for privately owned land and non housing projects)
  - i. HPD and developer will conduct pre-ELURP community outreach with area groups (not required by charter but expected HPD practice) followed by another CB9 meeting in Sep 2026
  - ii. ELURP will formally begin in Q4 2026 – requires 60 day community board and borough president combined review followed by 30 day city council review

### **i. Council District 35 Land Use Framework Compliance**

10. **Committee and community Q&A – 141 Montgomery**

- a. **Parking – Q:** we need some parking spaces as parking is very tight in this area and there are so many new buildings without enough parking. It's good that you are setting aside units for the mobility impaired but they will get around by driving and they can't park 5 blocks away. Could you do 9 parking spaces for them? Perhaps parking in the basement instead of a gym since the building is close to the park and Bedford Armory so there are other opportunities for exercise. **A:** No parking spaces are required since this is a 100% affordable

building and zoning code waives parking spaces for any affordable units. We'll ask our finance team if this is possible, cost of garage isn't usually covered by affordable housing financing.

- b. **Homeownership – Q:** Did you consider affordable homeownership units since the developer is doing an affordable co-op project elsewhere in Brooklyn? **A:** According to the city, affordable homeownership units require twice as much subsidy as affordable rental units, but we are always pushing the city to give more funding to affordable homeownership projects because we believe it helps communities. The other project in Brooklyn was a failed private condo building that the city bailed out, so it was already homeownership.
- c. **Unit Mix and Affordability Levels – Q:** 500 sf one bedrooms is too small, we need family sized units including 3 bedrooms. **A:** We can look into this but we are meeting the minimum requirements from HPD. **Q:** What do you consider affordable? We have union members who make less than \$40k a year and 50% AMI is too high for them. **A:** It's really unprecedented to have so many units as low as 50% AMI. Two full time minimum wage salaries could qualify a household for a 50% AMI apartment (\$68k per yr for household of 2). **Q:** This affordability mix works for those of us who grew up here and went to college and got good jobs but still can't afford the market rate buildings
- d. **Project Financing – Q:** Is the HPD New Construction Financing a grant or loan, what is the term of the affordability and are other subsidy or tax credit programs being tapped? **A:** It's a loan with interest deferred until the end of the term (30 years). We intend to keep all the units permanently affordable by renewing the debt at the end of the term; the 25% of MIH units are required by zoning to be permanently affordable. We will also be applying for the 9% federal Low Income Housing Tax Credits, which require units at an average of 60% AMI.
- e. **Affordable Housing Lottery and Eligibility- Q:** Will you or the elected officials be conducting workshops to help local residents apply? **A:** Yes **Q:** Will student loan payments be taken into account in calculating what rent someone can afford? **A:** No, the city does not take that into account even though we hear that concern from many people. Current students are also not eligible for the lottery. **Q:** If your income goes up over time, can you still keep the affordable housing? **A:** Yes – as long as you keep paying your rent
- f. **Community Outreach**
- g. **Environmental review/cleanup – Q:** What has the city/non profit owners done with the site in the 30 years since 1997? Did you do any environmental remediation? The site was formerly industrial **A:** No we haven't done any remediation. We will comply with any city requirements for cleanup and hazmat but we won't have to do any environmental impact statement because of the new Green Fast Track and SEQRA rules that don't require extensive review for projects under 250 units.
- h. **Energy Efficiency – Q:** I like the sustainability features and don't think we need parking over affordable housing. **Q:** Will tenants be paying for the heat and hot water separately from the rent? **A:** Yes, tenants pay separately but HPD gives a

utility allowance to low income tenants based on the apartment size and income.

**Q:** Many tenants of all electric buildings have been surprised by how high the bills are compared with gas heat **A:** This building has a very energy efficient envelope as well as solar panels so the bills should be lower

- i. **Design – Q:** Will the building have front yard setbacks to allow for bike parking and garbage set out? **Q:** There is bike parking in the basement. There isn't a frontyard setback but the neighboring lot around the corner is vacant space **Q:** will the building cast any shadows on the BBG or on buildings across the street? **A:** The neighboring buildings will be the same height. It won't cast shadows on the BBG. Across Franklin is the Medgar Evers parking lot.
- j. **Affordable housing timelines and ELURP - Q:** What do you think are the roadblocks that prevented affordable housing development for 30 years on this site? ELURP is shortening the approval process compared with ULURP by a few months but our community didn't have the affordable housing for 30 years. **A:** The original regulatory agreement with the city was for rehabilitation so they had to change that, also the developer needed to acquire another piece of land to make the site more feasible.

#### 11. **HPD new rules on Basement Housing and ADU's; Fair Housing Framework –**

- a. **Q:** Many homeowners thought that City of Yes rule changes would permit basement housing but residential units are still not allowed in many basements because of multiple dwelling law rules such as light and air. Basements that are 4 ft above ground are legal – what about 3 feet? **A:** HPD is still developing new rules on legalizing existing basement housing. The city can continue to do outreach to homeowners. Also stay tuned for workshops on accessory dwelling units. AAFE is working with homeowners in other parts of the city on basement legalization.
- b. **Q:** The city held a recent info session about the Fair Housing Framework which was expected to give a draft report in Summer 2026 and housing targets for each community district, especially the 12 districts with the lowest rates of affordable housing production (CD9 is not among them). When will we find out more and how can we work together with the city to come up with goals that meet our districts needs? **A:** We can come back to CB9 to discuss more in the fall and in the meantime you can give feedback and read the fair housing report at [wherewelive.cityofnewyork.us](http://wherewelive.cityofnewyork.us).

#### 12. **169 Empire Ramada Inn shelter**

- a. **Committee updates –**
  - i. MTOPP lawsuit resulted in temporary restraining order at appellate court level until lawsuit issues including proper Fair Share analysis are decided. The city admitted in court that intended opening date was June 15.
  - ii. Judge in Manhattan has ended the TRO preventing city from moving men from Bellevue to an East Village shelter so there may or may not be a need to move Bellevue residents to Brooklyn.
  - iii. Fair Share Analysis for Ramada Inn shelter was recently sent to CB9
- b. Discussion of Fair Share Analysis

- i. The analysis showed that CD9 is in the middle of all districts citywide based on the beds/population ratio . We are not oversaturated.
  - ii. The analysis was based on old data – beds to population ratio was from 2015. This is not the right place for a shelter because of vulnerable populations nearby including the women's and childrens' shelter a few blocks away
  - iii. We shouldn't assume that all single homeless men are criminals or violent. Some shelters don't have any problems.
  - iv. Where do some of the analysis criteria come from – i.e. the 400 ft radius and half mile radius comparisons for proximity
  - v. We're still not getting the contract or Memorandum of Understanding between the city agencies and the hotel so we don't know key details about staffing services, cost, and physical layout of services. Where is there room for a dining area and kitchens for 140 men?
  - vi. The city doesn't have to give out all their contracts (unless we FOIL)
  - vii. The information on shelters in our district should be more specific – the Fair share guides say agencies should break down residential facilities by type for each district and include all types of beds including supportive housing and nursing homes. The city doesn't want to give shelter addresses for privacy reasons but they should at least list the facilities and numbers of beds. The district office should keep the information since we know what the addresses are anyway but that information might be lost when members leave the board.
  - viii. The reasons for rejection of sites in other districts that have a lower beds/population ratio should be more specific.
- c. **Resolution:** Have the district office send a followup letter with our questions about the Fair Share analysis to the Department of Social Services (see attached)
- Vote: 8 in favor, 2 opposed.**