

**Community Board 9
890 Nostrand Avenue
Brooklyn, NY 11225**

**MINUTES OF THE COMMUNITY BOARD MEETING
HELD ON NOVEMBER 22, 2016
AUDITORIUM, MIDDLE SCHOOL 61
400 EMPIRE BOULEVARD, BROOKLYN, NY 11225**

Board Members Present

Patricia Baker
Stuart Balberg
Fred Baptiste
Rabbi Yaacov Behrman
Simone Bennett
Warren Berke
Augustine Blackwell
Ben Edwards
Rosemarie Evering
Dr. Zorina Frederick
Tessa Hackett-Vieira
Bishop Sylveta Hamilton-Gonzales
Kyra-Lee Harry
Maria Hernandez
Aron Hershkop
Demetrius Lawrence
Linda Lawson
Francisca Leopold
Michael Liburd

Board Members Present

Carmen Martinez
Scott Mathews-Novelli
Musa Moore
Patricia Moses
Beverly Newsome
Riel Peerbooms
Pia Raymond
Unella Rhone-Perry
Hector Robertson
Menachem Roitblat
Mary Rollerson-Blackett
Chanina Sperlin
Rabbi Joseph Spielman
Ada Terry
Debbie Thomas
Lorraine Thomas
Jacqueline Welch
Eve-lyn Williams

Board Members Absent

Rev. Douglas Banks
Rev. Phyllis Brown
Veta May Clarke
Jillian Drummond
Shelia Foster-Golding
Rabbi Nochum Gross
Daniel Ingvoldstad
Louis Johnson
Mattijs Limberger
Maria Molina
Roosevelt Rose
Rabbi Menacham Shagalov

Elected Officials / Agency Representatives Present

Jelanie Deshong – Governor Andrew Cuomo
Reuven Lipkind – State Senator Jesse E. Hamilton, III
Council Member Mathieu Eugene
Matthew Pitt – Council Member Laurie Cumbo
Ramona Cabreja – Council Member Mathieu Eugene

PUBLIC SESSION

Call to Order

Acting Chair Dr. Zorina Frederick called the meeting to order at 7:30pm, welcomed attendees and read the Community Board 9 Rules of Conduct into record.

Applications for NYSLA Licenses

New Era Restaurant & Lounge Corp., 366 Utica Avenue, Brooklyn, NY 11213

Committee Chair Pat Baker presented on the Committee findings. Applicant seeks a new application for wine, beer and cider. Appeared on September 20, 2016, but did not appear at the October Board meeting due to a miscommunication.

Applicant Statement: (Dave Kelley; David Agnard): Caribbean-American fusion on Utica Avenue between Carroll and Crown Streets. Projected hours of 6 days a week from Sunday to Friday until 11:00PM, while weekend hours may be until 1:00AM or 2:00AM over the weekends. There is a church nearby, but it does not fall within 200 feet. There will be no live music or sidewalk cafes.

Presentation by the Civilian Complaint Review Board (CCRB)

Sylvia Ancrum, CCRB Outreach Coordinator, presented on the CCRB's role in handling police-civilian disputes.

Complaint Process: The CCRB hears complaints concerning abuse of authority against the NYPD, but is wholly independent from the NYPD or other law enforcement organizations. CCRB has subpoena power and can hear testimony from witnesses, police officers and those who believe they suffered from abuse of authority. CCRB can recommend employment-related sanctions against guilty police officers, but cannot bring criminal charges and recommended sanctions are subject to approval from directors.

CCRB wants to educate the community about their rights and explain how best to ensure that they can utilize CCRB. However, while a police officer might abuse authority (including discourtesy, offensive language and unwarranted physical interactions), it is recommended that those interacting with the police not escalate matters, even if they believe that they are the victims on abuse. Officers are required to provide identifying information and can be sanctioned by the CCRB, but those who escalate negative interactions with law enforcement risk arrest or other negative consequences. Those who believe a police is abusing power against them are recommended to still comply with requests, but then bring a complaint to the CCRB. Even if minor, the CCRB will monitor complaints against specific officers. The NYPD Patrol Guide governs police actions and they are only allowed to respond to threats with reasonable and necessary force in certain situations. According to CCRB, a civilian is required to comply with police requests for identification or information when an officer has a credible and objective reason to make an inquiry. An officer may also temporarily detain a citizen when there is reasonable suspicion that the citizen is, was or will commit a crime. During a stop, an officer may frisk or pat down a temporarily detained civilian if the officer reasonably believes that the civilian is carrying a weapon.

Complaints may be made online or by calling 311 or 1-800-341-2272.

Audience Questions & Comments

Audience: What is considered reasonable force? It is a very subjective standard.

Ms. Ancrum: That is why reaching out to the Civilian Complaint Review Board is important. They can assist in determining what is reasonable and whether further investigation is merited. Officers may ask questions, but a person may ask "am I free to leave?"

Audience: If you are walking around, must you present identification when requested?

Ms. Ancrum: When there is objective basis for warranting an inquiry, an officer may request.

Audience: What about permitting police in one's home?

Ms. Ancrum: There must be a search warrant (or a justified knock warrant) or permission to enter.

Audience: What is the process after a complaint is received and what power does the Civilian Complaint Review Board do?

Ms. Ancrum: There is investigatory power that will result in a summary of findings. Then the CCRB hears the merits of the summary. If there is overwhelming evidence, then there is an administrative hearing.

Audience: How can changes to CCRB policies and procedures be made by the community?

Ms. Ancrum: There are public meetings and residents may reach out to the office to make suggestions.

Presentation by the Fenimore Street Block Association

ULURP Committee Chair Michael Liburd introduced the upcoming presentations: First, Fenimore Block Association:

ULURP Committee Chair Michael Liburd: This rezoning application in partnership with Community Board 9. Parkside Block Association appeared in front of the Committee to present on downzoning from R6 to R2. Of the 15 Committee members in attendance, 12 supported the Board being co-applicant with the proposed rezoning. This should protect the block from unwanted development.

Paul Graziano, historian representing the Fenimore Street Block Association: Old maps of the neighborhood and Fenimore Street were reviewed to considering reasons for rezoning. This block is mostly detached homes, never being touched. The south side of Fenimore is R2 (as zoned in the 1960s as a result of legal action) while the south side is R6, which allows large scale development. Based on mapping and historical deed restrictions from the original and early property records, it appears that the homes had more in common with the R2-zoned neighborhood and that the R6 zoning is not consistent with the historical character of the block. The south side of Fenimore has the same deed restrictions as Lefferts Manor, meaning that they should be treated consistently. The other parts of the zone do not comprise of characteristics of R2 zoned homes, which suggests that Fenimore was not properly zoned in the first place. Over a century ago, many of the homes were built and not subdivided. These distinctions provide a basis that the section of Fenimore Street should have similar protections.

Based on court rulings, restrictive covenants may be enforced against homeowners in court, but it does not mean that there is a right to restrictions in zoning, which resulted in the current protections for some of the neighborhood. There are all but 2 homes on the south side of the block that have single occupancy restrictive covenants within the deed (though some allow churches being constructed). Old yearbooks show that 6 of the houses were part of Lefferts Manor Association, the association comprising the now-R2 zoning. Rezoning will keep members of the south block from having to go to court to enforce covenants, which may cost well over \$100,000.

The Fenimore Street Block Association asks that Community Board 9 become co-applicant in rezoning request. As a governmental entity, Community Board 9 will help with efficiency, legitimacy and cost savings.

Audience Questions & Comments

Audience: At the ULURP Committee meeting, the Association said that the application would be made public. Is it public now?

Mr. Graziano: The application has not been prepared, as the pre-application is still being prepared pending Community Board 9 approval as co-applicant.

Mr. Graziano then showed the audience a partially completed draft of the pre-application.

Mathieu Eugene, New York City Councilmember, 40th District

- There are turkeys available for those who registered.
- There is a new address at 900 Rogers Avenue.
- There was a hearing regarding rent freezes for those with disabilities and all who are affected are encouraged to learn about their options.
- There are “disconnected youth” who are not in school or working and 34,000 summer volunteer spots and thousands of jobs for such youth were protected.
- Today, there was a youth services hearing regarding legislation to create a task force to analyze disconnected youth and figure out how to provide them with resources.
- Immigrants must be protected and be given opportunities to thrive, including legal services. There are legal services available at the office two days in December.

Presentation by the Parkside Avenue Block Association

ULURP Committee Chair Michael Liburd Introduction: Landmark application for Parkside Avenue between Flatbush and Bedford Avenue. The Land Use Committee voted in favor of a letter of support.

Michael & Dianne Lent of the Parkside Avenue Block Association: The Association would like to create a landmark for 38 homes on the block. Many homes have been torn down in the area. The block is very diverse with unique home designs, mixed Renaissance and Mediterranean designs that have maintained integrity over a long period of time. Many architects, owners and events taking place on the block are historically noted. Establishing a landmark would help protect these homes built in the early 20th Century.

Audience Questions & Comments

Audience: Would your block association support including the apartment buildings on the block?

Michael & Dianne Lent: Yes

Public Comment Period

Public Comments

Maxine Barnes: Regarding the Fenimore rezoning, it is not right for the Board to be a co-applicant for one block. The zoning was for R6 and should be respected. There was not sufficient documentation to support the Community Board’s interest.

Karen Fleming: Why should the Community Board involve itself in a process for such a small group. The Community Board must consider if it can legally sign on.

Suki Cheong: Others should start considering how to protect their neighborhoods. Landmarking is more successful than downzoning and that should be protected. Many other areas have been protected in similar ways, even tenement buildings.

LaShawn Ellis: There should be more information and documentation to provide greater transparency on the process before the Board commits to the process. Requests that the matter be tabled before more consideration made.

Edna Moshette: It's time to protect special houses in the community.

Sidney Moshette: spoke in support of the Fenimore Block Association measure.

Janine Nichols: Planners may want to expand parameters and it causes concern for members of the community. Would like to see more in writing.

Nick Balaban: residents are currently harassed and manipulated; they deserve protection and all should support this.

BUSINESS SESSION

Roll Call

Roll was duly taken, with 36 Board Members present, comprising a quorum.

October 2016 Meeting Minutes

Motion to *approve the October 26, 2016 Community Board 9 General Board meeting minutes* was duly made, seconded and unanimously approved. Motion passed.

Committee Reports

Economic Development Committee – Committee Chair Pia Raymond

- Shop Local Initiative starting. Small Business Saturday is this week. December 10 and 11 are the big shopping days. Businesses are encouraged to offer sales that weekend. Sponsors are PLS Financial and Assemblywoman Diana Richardson.

Housing Committee – Committee Chair Beverly Newsome

- The LPC application for 118 Rutland Road was supposed to be considered at the Committee, but there was not a quorum. The Committee will request a waiver from the Board for the matter to go to the Landmark Preservation Commission.

Acting Chair Frederick encouraged attendance at Committee meetings. Inconsistent attendance affects the Board's ability to conduct business.

Acting Chair Frederick recognized the public officials and their representatives present at the Community Board meeting.

Voting on Agenda Items

Applications for NYSLA Licenses

Motion that *the Board support New Era Restaurant & Lounge Corp's application to the New York State Liquor Authority* was duly made, seconded and unanimously approved by a vote of 29 in favor, 1 opposed and 6 abstained. Motion passed.

Voting on Agenda Items

The Board first considered the Fenimore Block Association proposal. Acting Secretary Scott Mathews-Novelli asked what authority will the Board have in process, what are the administrative requirements for the Board, who will represent the Board in the matter, can the Board opt-out in the process and what is the Board's level of liability.

Committee Chair Liburd responded that the ULURP Committee will be the point of contact and monitor the ongoing process.

Board Member Yaacov Behrman is opposed to it because there is one homeowner on the block in opposition of the application. That homeowner should be heard before the Board votes.

Regarding Fenimore Block Association, Acting Chair Frederick contacted the Department of City Planning regarding questions about the application process. There will be fees if the entity is for-profit. A Community Board may be a co-applicant, but they will be listed at the lead organization.

Due to one Board Member arriving, 37 Board members are now present.

Motion that *the Board become co-applicant in the Fenimore Block Association's application to rezone a portion of Fenimore Street from R6 to R2* was duly made, seconded and approved by a vote of 20 in favor, 8 opposed and 9 abstained. Motion passed.

Due to one Board Member departing, 36 Board members are now present.

Motion that *the Board draft a letter in support of the Parkside Avenue Block Association's landmark application* was duly made, seconded and unanimously approved by a vote of 32 in favor, 1 opposed and 3 abstained. Motion passed.

Motion that *the Board waive the requirement that 118 Rutland Road be considered by the Housing Committee and that it now be considered by the Landmark Committee* was duly made, seconded and unanimously approved by a vote of 35 in favor, 0 opposed and 1 abstained. Motion passed.

Nominating Committee

Nominating Committee Chair Augustine Blackwell discussed the voting rules for the vacant executive positions: Board Chair and Executive Secretary.

Without a challenger, Scott Mathews-Novelli was elected Executive Secretary.

Board Member Hector Robertson nominated Acting Board Chair Frederick to Board Chair, who accepted the nomination.

The Board Chair nominees spoke concerning their qualifications and vision:

Board Member Fred Baptiste stressed that the board needs leadership and unity. He stated that he is fair, open and willing to do the job.

Acting Board Chair Frederick cited her success in leading the Board and being effective in obtaining answers regarding the Board role as well as outcomes of lawsuits and application matters.

Board Member Musa Moore emphasized his extensive experience in politics and ability to unify the board and community.

After voting by ballot, the results of the election were as follows: Musa Moore: 31 votes; Fred Baptiste: 2 votes; and Zorina Frederick: 3 votes. Musa Moore was declared the new Board Chair.

ADJOURNMENT

Motion to *adjourn the Board Meeting* duly made, seconded unanimously approved. Motion passed. Meeting adjourned at 10:17PM.

Respectfully submitted,
Scott Mathews-Novelli
Executive Secretary
December 13, 2016