

COMMUNITY BOARD 9
890 NOSTRAND AVENUE
BROOKLYN, NY 11225

MINUTES OF THE COMMUNITY BOARD MEETING
HELD ON JUNE 23, 2015
ST. FRANCIS DeSALES SCHOOL FOR THE DEAF
260 EASTERN PARKWAY, BROOKLYN, 11225

Members Present

Patricia Baker
Stuart Balberg
Fred Baptiste
Yaacov Behrman
Simone Bennett
Warren Berke
Augustine Blackwell
Veta May Clarke
Ben Edwards
Milton Ellis
Shelia Foster-Golding
Rabbi Jacob Goldstein
Rabbi Nochum Gross
Sylveta Hamilton-Gonzales
Aron Hershkop
Daniel Ingvoldstad
Louis Johnson
Demetrius Lawrence
Francisca Leopold
Michael Liburd

Members Present

Mattijs Limberger
Denise Mann
Carmen Martinez
Maria Molina
Musa Moore
Patricia Moses
Beverly Newsome
Riel Peerbooms
Pia Raymond
Unella Rhone-Perry
Hector Robertson
Mary Rollerson-Blackett
Chanina Sperlin
Rabbi Joseph Spielman
Ada Terry
Lorraine Thomas
Timothy Thomas
Jacqueline Welch
Evelyn Williams

Members Absent

Rev. Douglas Banks
Rev. Phyllis Brown
Dr. Zorina Frederick – orientation
Tessa Hackett-Vieira
Kyra-Lee Harry
Avi Leshes
Roosevelt Rose
Kenya Sollas
Nevon Watson

Elected Officials/Agency Representatives Present

Karen Chambers – Hon Kenneth Thompson
Reuven Lipkind – Hon. Jesse Hamilton
Judge Michael Gerstein

Hon. Mathieu Eugene
Arna Lipkind – Hon. Darlene Mealy

(Chair) Let's proceed with the liquor license proposals: Item 1 on the agenda: Renew license – 948 Nostrand Ave.

(Tim) It's the same complaint as before, and Rosemarie Perry said last time that they were going to turn things around.

(Chair) When they do so, we will reply

(Tim) But we already made a recommendation (to approve).

(Chair) When they do so, we shall reply.

(Tim) The liquor authority decides.

(Chair) Were there any complaints about your premises?

(Owner) 3 complaints: One when a person refused to pay. The other 2 were not on my premises.

(Stuart Balberg) So the others were somewhere on the block near the premises, and I think that we as a board have the discrepancy to determine whether the other 2 are related to the premises.

(Pearl Miles) Rosemary had this approved for 9 years and until this year, there were no problems. (to the proprietor) Yes, if it is in front of your premises, you are responsible. And the request letter was not in committee.

(Chair) Item 6., 708 Flatbush Ave. Motion to reject. Owner did not come to the committee meeting. They said they probably didn't get the letter so we gave them an opportunity. There were no previous problems.

(Chair) Item 7. 630 Utica Ave., Motion to reject. Same as the previous item. We gave them a notice and email and they failed to respond.

(Chair) Item 5, 829 Franklin Ave., Motion to reject. No complaints. Just 2 old building violations that the landlord said he would correct.

(Owner) I am in business for 8 ½ years. For 5 years, I operated 2 sites. The bartender is there to prevent issues. Our music is recorded and not live.

(Chair) There is a letter in opposition, to the effect that the tenants were not notified.

(Donna Musman) We are against a permit.

(Eddie Rice) I am from 1059 Union St. Ask the tenants. You are blocking my courtyard.

(Owner) We rented the space and the lease had expired from a previous landlord. We haven't been deceitful. We notified the Board and assumed that the Board notified the stakeholders. We currently have 6 licenses, in Nostrand Ave., 4th Ave., Fulton, and Grand. We will not open during school or will wait until after school, for 1 hour if you want. We got signatures, and weren't hiding it from the tenants. We will show you our soundproofing.

Q.) Your hours?

A.) 3 PM to 4 AM, and 1 AM to 4 AM on weekends. We are happy to delay after school.

Q.) Any prior incidents/

A.) Zero.

Q.) Capacity?

A.) 60

Q) Do you serve anyone?

A.) No. Not after you take 4 or 5 drinks.

(Chair) Item 4. 406 Rogers Ave. Motion to approve.

(site representative) Wine and beer for eating customers. Little taco-ria for deliveries, and pickup to augment this. Hires from community only. We have 200 employees. 80% is for delivery or take-out.

(Stuart Balberg) Will this serve only beer?

A.) No. Only beer and food.

(Chair) Item 1. location Motion to reject.

(Tim) The only problem was indoor space. We asked for a plan about their tables, but were comfortable with their business plan.

(Owner) We are in business for 40 years and we serve food, movies, and poetry. There is an abandoned lot behind us. We want chairs in the backyard.

(Q.) For the whole space?

(A.) Yes

Q.) Neighbors had a problem.

A.) No. There is a closed fence behind us.

Q.) Capacity

A.) 25, but we can add more.

Q.) hours?

A.) 8 AM to 7 PM, Monday through Sunday. This can change.

Q.) What about the Church on the street?

A.) St. Francis. We are trying to get a sense of the community. Purchasing flow will drive our hours of service. Perhaps an espresso machine and a café.

Q.) How many employees?

A.) 2, at minimum wage.

ADDRESS BY HON. JEANINE EDWARDS, SUPREME COURT

I am in the civil courts and have been an acting Supreme Court Judge for 10 years. I live in board 9. I do Landlord-Tenant and civil suits. You have to prove your loss. Most cases are settled. A step cannot be changed, so tenants have to read the lease. If sued in court, answer. Foreclosure can have you evicted from your home. They can freeze your credit card and bank accounts and garnish your wages. Failing to answer a ticket can get you a bench warrant.

ADDRESS BY DOITT / OPEN DATA PORTAL

A spokesman for the City's website announced vast improvements. You can check a site by address and get lots of city data about the location.

Q.) can I reference by Block and lot?

A.) Not yet.

ADDRESS BY HON. COUNCILMAN MATHIEU EUGENE

The councilman, after noting to the City that there was no funding for summer camps, managed to restart the funding. He procured 50,000 summer youth jobs and 6,000 winter youth jobs.

PRESENTATION AND REQUESTS BY NYC DOT

DOT requested to make a segment on Nostrand and Parkside one-way.

Stuart Balberg (initially) objected because of the impacts at Nostrand and Parkside already inflicted by the closing of Prospect Park to cars.

The spokesman clarified that they propose a Pedestrian Refuge island and, in the North of Ocean Ave., a crosswalk to slow turns. Also, 2 left-turn bans, on the Southbound lanes and Westbound lanes of that intersection, and a ban on Westbound left turns.

Audience member testified that as a former resident, he supports the lane changes.

Audience member agreed with the first witness's support.

Audience member said this was an improvement long in coming.

Audience member approves this change and asked for an additional passenger lane on Flatbush near Fat Albert's store on Lincoln R.

Audience member said this was the right thing to do.

Audience member said that the biggest pedestrian problem was people who use phones while walking.

(Tim Thomas) DOT is supposed to help cars, and afterwards, pedestrians.

Q.) Can we still make a left from Coney island Ave. to Ocean Ave?

A.) Yes.

A witness commended this plan as one of the few that work.

But a witness complained that, when impacted with the Park car closures, it would negatively affect persons who live on Woodruff and Church, who drive.

(Simone Bennett) Thanks for a well-thought proposal and I hope to see more

A.) This is a project that begun in 2012 and was tweaked.

DOT PROPOSAL FOR KINGSTON AND BROOKLYN AVENUES

For Kingston Ave., the DOT asked for : markings, lines, and a left-turn only lane for Kingston between Union and Eastern. This would be marked on the roads in order to make cars wait for pedestrians.

For Brooklyn Ave., change 4 lanes to 2; narrow one lane, and redo the light sequencing from a series of 120-sec. and 90-sec., to a 60-sec. cycle for the entire street. This was modeled after changes in Board 8 on Franklin Ave.

(Rabbi Goldstein) This plan will make trouble at 7 AM where NY Ave. is bumper to bumper until 8 AM., and NY Ave. is the street that needs intervention, not Kingston.

A) But we did a parking lane.

(Rabbi Goldstein) But ambulances use Brooklyn Ave. Change signals first.

A.) No, because that causes sideswiping.

(Warren Burke) I ride Brooklyn from Empire to Winthrop, and when the light at the Lefferts school changes, cars try to shoot by, so first, change that light's timing.

Q.) Franklin Ave.: You get stuck at Lefferts, which makes people take Nostrand Ave. That change was not an improvement.

A.) That contradicts what Board 8 told us, and our information is that the flow is unchanged there.

Q.) I agree with Rabbi Goldstein, but Brooklyn Ave. has to stop being a parking lot for private buses.

A.) Of course, buses should be prevented from double-parking, but that is not affected by this change.

ACKNOWLEDGEMENT OF ELECTED OFFICIALS AND AGENCY REPRESENTATIVES

The following were recognized: Judge Michael Gerstein; Representative of Public advocate Letitia James; representative of DA Ken Thompson; Karen Chambers, representing State Sen. Jesse Hamilton; Karl Cohen, Pres., 71st Precinct Community Council; Arna Lipkind, representing Councilwoman Darlene Mealy.

PRESENTATION BY NYC DEPT. OF CITY PLANNING RE: ZONING CHANGES

A representative of the NYC Dept. of City Planning spoke regarding their proposed zoning changes:

With the objective of making zoning contextual, the DCP proposes to: Allow 5' more building height for zones C4-3, R6, R6A, R7A, R7-1, and R8A. Relax restrictions by granting Floor Area Ratio increases from most buildings to those of nursing homes, except for R8A buildings which would get more relaxed requirements. In "Affordable Senior Residences", to allow the addition of up to 2 more stories height. In districts that currently do not comply with contextuality regulations (and thus they are currently debarred from adding height), to allow them to choose to add more stories, or to remain as their heights currently are without having to reduce height. To let individual buildings rely on the local district's requirement "envelope". To eliminate off-street requirements for new "Affordable Senior Housing". And among changes in other districts, to place the segment of CB8 adjoining Franklin and Washington Avenues into the relaxed "Transit Zone" as Board 9 already is.

(Comment by Alan Berger) Our organization opposes the increased parking . Also, other City plans to downgrade room sizes for Seniors is disrespectful to them. The plan in general could cause us to lose some of our yards.

(Comment by Jay Sorid, Esq., representing "C. H. E. F. N. A.", the southeast of the confines of CB9) The City has plans in the hopper to abolish Sec. 2242 which stops oversaturation of nursing homes and Sec. 7490, which restricts building beyond a street line, and this affects the Silver Houses on Maple Street and Schenectady Ave.

Response by the speaker: As to the first comment, this is not a "done deal". It is preliminary. In 2 more months we shall issue the official "final scope" of the proposals. The Mayor's plans also include a total of 200,000 new housing units and a million over the next decades, without displacing old residences. As to (Mr. Berger's) comment, these proposals do not alter regulations in the CB9 area. So, we will require monitoring of the housing programs, including their own Environmental Impact Surveys. There shall be no *floor size* increase for buildings utilizing the market rate in the confines of CB9. Height relaxations do not affect floor size density.

Comment: The Mayor's approach to Sect. 421 Housing equals increased development and so does this proposal. Why is the 5' height increase for everyone? It brings: More stories on buildings, profit for landlords, and tall, bulky buildings. The Seniors also need parking. This benefits only developers, not the masses of residents. Developers would be empowered to eliminate parking sizes at will. Furthermore, CB9 is one of those zones that are non-contextual, so the developers could increase their height. We want 10 story limits, not 23.

PUBLIC SESSION

Justice Michael Gerstein, Acting Supreme Court Judge spoke on: Intoxicated Driver's part, Criminal Court. He serves on this bench, and in Brooklyn, there remain 10,000 open cases, 200 of which are 1 year old. One defendant (who was not one of my defendants) waited a record 3 years to stand trial. In my courtroom, I initiated a DWI backlog reduction program, so we lowered the backlog in my courtroom from 1,200 to 530. I am currently running for re-election.

BUSINESS SESSION

Roll call: 39 present, constituting a quorum. The Chair motioned to table adoption of the march, April, and May 2015 Minutes. These motions were duly adopted

DISTRICT MANAGER'S REPORT

Re: MTOPP vs. CB9, there were no updates. The budget consultation agendas are due on June 30. We are reviewing the agenda items for FY 2017. Meetings were conducted relative to that budget. The Borough Service Cabinet met in Borough Hall. We may have kiosks for free phone calls. You may call our office to give proposed locations. About the ULURP meeting, I spoke with the District Attorney regarding an Order of Protection against Alicia Boyd so I can do my job in a safe manner. We received 15 Block Party applications. We have upcoming activities in October. We are in receipt of Demolition Notices, eight more from May. Some are adjacent to one another.

CHAIRMAN'S REPORT

The Chairman gave the floor to Evelyn Williams, who spoke as follows:

There has been troubling news. Our last 2 meetings have been peaceful, but if the trouble continues, I will make my statement. Let's hope for peace and respect.

VOTES

568 Utica Ave. **MOTION TO NOT RENEW**

Commanding Officer Fitzgibbons spoke: He opposes granting renewal. 3 complaints this year, 1 on June 15.criminal mischief. 2 assaults were in the 4:30 to 5:20 AM zone, when the establishment should have been closed.

Motion to not renew sustained: 34-1-3

948 Nostrand Ave. **MOTION TO RENEW**

Motion to renew sustained: 36-0-3

708 Flatbush Ave. **MOTION TO REJECT**

Rabbi Goldstein spoke. We have to act now, within the time frame.

Motion to reject sustained: 31-1-17

630 Utica Ave. **MOTION TO REJECT**

Motion to reject sustained 33-1-5

829 Franklin Ave. **MOTION TO ACCEPT**

Denise Mann: We are oversaturated. Warren Burke: We need lights on the corner. Maria Molina: No liquor should be sold 200 feet from a church.

Motion to accept overturned 13-21-4

406 Rogers Ave: **MOTION TO ACCEPT**

Motion to accept sustained 28-8-2

1067 Nostrand Avenue: **MOTION TO REJECT**

Comment: Too many bars. Comment: This will help jobs and businesses. Comment: This will help our neighbors.

Motion to reject overturned No -34, Yes-5

DOT Proposal – Parkside Ave. **MOTION TO APPROVE**

(Balberg) I have been convinced that, in contrast with their other (Kingston) proposal, this one is well thought out and I approve.

Motion to approve ratified by unanimous voice vote.

ELECTION OF OFFICERS

Executive member at large: Welch – 31, Williams – 30, Newsome 9; Williams and Welch Elected.

Treasurer Bennett – 23, Tim Thomas – 13. Bennett elected.

Denise Mann, 2nd Vice Chair – unopposed; elected.

1st Vice Chair – Pat Baker – 23, Goldstein – 11. Baker elected.

Meeting adjourned.
Respectfully submitted,
Stuart Balberg, Secretary
September 21, 2015