

890 NOSTRAND AVENUE
BROOKLYN, NY 11225

MINUTES OF THE COMMUNITY BOARD MEETING
HELD ON DECEMBER 18, 2012
MIDDLE SCHOOL 61 AUDITORIUM
400 EMPIRE BOULEVARD, BROOKLYN, NY 11225

Board Members Present

Amy Albert
Robert Ambrose
Stuart Balberg
Michael Cetera, AIA
Aldith Clarke
Josette Coicou-Broiche
Edmund Fanning
Shelia Foster-Golding
Flavia Francis
Rabbi Jacob Z. Goldstein
Theopia Green
Rabbi Nochum Gross
Tessa Hackett-Vieira
Sylveta Hamilton-Gonzales
Ruby Hodge

Board Members Present

Daniel Ingvoldstad
Maurice Jean-Baptiste
Demetrius Lawrence
Samuel Marmulzsteyn
Carl Morgan
Frank Nicholas
Rosemarie Perry
Gerald President
Diana Richardson
Chanina Sperlin
Rabbi Joseph Spielman
Timothy Thomas
Jacqueline Welch
Evelyn Williams

Board Members Absent

Fred Baptiste
Rev. Phyllis Brown - sick
Negous Clarke
Veta May Clarke
Shirley Dor
Charlene Gayle
Aron Hershkop
Brenda Hutto-Lucas
Jacqueline Love
Dwayne Nicholson
Hilary Papineau
Jen Phillip
Karlene Robinson
Mary Rollerson-Blackett
Roosevelt Rose
Brenda Scott
Victoria St. Clair
Yvonne Straker

Elected Officials/Agency Representatives Present

Reuven Lipkind – Hon. Eric Adams
Charles Jackson – Hon. Yvette Clarke
Arna Lipkind – Hon. Darlene Mealy
Alfred Chiodo – Hon. Letitia James
Boris Noble – Hon. Marty Markowitz

PUBLIC SESSION

Public Hearing on application from Mr. Kevin Coles, to legalize the alterations that were made to his residence – 193 Ocean Avenue, Brooklyn, NY 11225, part of a historic district – without the required permits from the Landmarks Preservation Commission. Mr. Coles will present his reasons for not obtaining the necessary permits; and is seeking the Community Board’s support for his application to legalize.

Mr. Michael Cetera, Chair of the ULURP Committee, reported that the committee met with Mr. Coles. He showed them repairs he had made to the house. The committee had no problem with the work that was done.

Mr. Coles expressed “I do not know why I am here” He did the work on the house because there were cracks in the middle of the house, down the balcony. He fixed the leak in the basement which was an constant leak. He was told to fix the balcony but the water continued to come into the basement. That being the case he had to fix the building.

District Manager Pearl Miles informed that the Landmarks Preservation Commission has jurisdiction over landmarked property throughout the City of New York. Mr. Coles was informed by Landmarks that he was in violation of Landmarks regulations and is required to come before Community Board 9 to address the work that was done. The matter was discussed with Mr. Coles on numerous occasions; so for Mr. Coles to come before the board stating that “he doesn’t know why he is here” is a misstatement. On his notification to the Community Board he stated he did not know his property was landmarked; I personally checked the application for landmark status and found Mr. Coles’ signature on the petition.

Testimony

Ms. Celeste Davis, homeowner in the historic district, at 191 Ocean Avenue, said that there are thirteen homes that were landmarked. Mr. Coles knows that his property is landmarked. He knows what he has done, so to say he doesn’t know why he is here is absurd. One knows when one buys these houses they are beholden to landmarks. You can do a lot of things but there are certain things you just cannot do if you are the owner of a landmark property. It is a big deal to own landmarked property.

Kevin Coles was at all the meetings when landmark status was applied for, so he knows. Ms. Davis spoke to the contractor; she asked him if he knows what he is getting into. Mr. Coles knew the landmark rules. He knew what he was getting into.

Mr. Coles was one of the owners of the thirteen houses when the negotiations began with the different agencies affiliated to landmark. He was there when Community Board 9 vigorously worked with us to acquire the landmark status, for over three years. One day I walked by and saw major work was done. I called Kevin, and left a voicemail, telling him that there was going to be a problem. She was not the only one who spoke to Mr. Coles on the problem. He did not return her call. Now he is here, he has taken a hundred year old house and destroyed it. He has made a driveway to park his car where there was no driveway before. The paint is beginning to peel. The concrete work is out of character. “You knew this before you began the work so to come now before your neighbors and the Community Board for support is not fair to the community.

Crystal Harris – Owner of 207 Ocean Avenue, submitted a letter dated November 18, 2012, for the record which was read by the District Manager, the letter read as follows:

“Dear Ms. Miles, there is an item on the agenda, November 27th, that I would like to address. Unfortunately I am unable to attend the meeting, but I would like to share my comments with you. The item concerning 193 Ocean Avenue, Mr. Kevin Coles protestations concerning a possible penalty for violating Landmarks Preservation Commission (LPC) and the Board’s approval of landmarking status for 12 homes on Ocean Avenue, between Parkside Avenue and Lincoln Road. If it is Mr. Coles’ contention that he is/was unaware of the Land marking process and the resulting of the granting of that status, he is forgetting his attendance at land marking strategy meetings at my house, signing the land marking petition to LPC, and the reminders of neighbors during his renovation of the front of his house. His contractor and workers, as well as himself, were told repeatedly that changes that were being made were not consistent with LPC guidelines and regulations. Some modifications were made at that time (removal of paint from limestone front), however, other substantive changes were left, in violation. Therefore, I believe his actions violated LPC rules and guidelines and his defense of same is not justified. Thank you and the Board for your consideration, Sincerely, Crystal Harris.”

Mr. Edmund Fanning – Homeowner and next door neighbor to Mr. Coles said that Mr. Coles knew what he was doing, there is no question that he did not know that what he was doing was in violation of landmark regulations. Mr. Fanning told the contractor when he was painting the building, that he had painted the side that is a part of Mr. Fanning’s property, that is why the paint was partially removed. Another thing there were some

people who did not want to go along with the rest of us to get landmarks status, so they thought they could do whatever they want to do to their houses.

Mr. Stuart Balberg: It is true as the saying goes; ignorance of the law is no excuse. What is happening now, Mr. Coles is coming before the Board for our support to make it right. Coming to the Board is setting a precedent, are we going to be so rigid that we cannot give an excuse. He thinks we should consider commonsense, whether this should prevent him from making repairs. He thinks that is worthwhile considering

Community Resident: I would like to know if you continue to do what you are doing to your house, what would prevent others from doing the same thing.

Timothy Thomas: Actually, I think that if this person, a member of the community had come before the Board and said look I have screwed up, I would understand; but instead he is being defiant. I think if you had come before the Board and asked for forgiveness then we could understand.

Theopia Green: I would like to know the exact alterations, were they exterior or interior?

Kevin Coles: when I did the work I did not know what had to be done. After I did it; then people on the block began to tell me that it was wrong. I am not here to disrespect anyone actually I am here looking for help, what I have to do from now on. The work I did was on bad leaks in the basement. I did not know that I became historical and I did not know what I had to do to get something fixed. The basement is still dilapidated from the leaks. I am not here to disrespect anyone and I like to be respected also. To me the house was old. The balcony was falling apart. I did not know I had to go to the Board. I did not know any of these things. I just became historical. I did not know any of these things until after the work was done. I will show some of the pictures of the work that was done on the house.

Mr. Coles showed the picture of the balcony with the cracks and other deterioration. No one told me this was wrong to fix it. No one came from the historical society to tell me what to do. No one called me. All I can tell you is the basement was full of water. I can show my house right now. There is mold on the ceiling. I am not here to make anybody feel bad. I am here to seek help for myself.

Rabbi Goldstein: How long did you own the house prior to landmark? I bought it in 1995.

Rabbi Goldstein: This was a big issue of the Board, getting landmark status. Everyone had to sign on; one of the speakers said it is good to own a castle, but it is good to know what comes with it. You should i.e. "you cannot have a block party until 3 o'clock in the morning."

Pearl Miles: I have a question regarding the driveway, the driveway is illegal. You have to go up on the other persons driveway to get to your driveway. The driveway pad that you have is illegal.

Kevin Coles: That is not part of landmark.

Pearl Miles: but it is illegal

Rabbi Goldstein: Let me make this clear for everyone in this room regarding driveways. Driveways have to be kosher in my world. It has to be legal, that is you must apply to the city, get a permit, pitching the driveway properly, having a licensed contractor and architect to design it according to the designs of the city. Driveways are not cut according to ones whims and fantasies like I have seen around. People will be ticketed by the city. Also people who park there get ticket when they have a right to park there. Do not cut driveways in front of your house just because you find it difficult to park. By doing this you are ruining the street. The City is forced

to retain the curb. The yellow paint on the curb means nothing. As chairman of the Board, these things pop-up many times. It is irritable when they do. Illegal driveways are not right.

Diana Richardson: Mr. Coles after you did all this work to the house, did you solve the problem? No

Diana Richardson: If the work done is not approved what then, or if we approve what then?

Pearl Miles: It will have to be corrected. Landmarks will guide him on how to correct it.

Diana Richardson: So then what do we vote on if we say no?

Rabbi Goldstein: The District Manager will guide us on what to vote. The community must understand that they cannot do certain things to their homes without permission. These things come piling in to the Board office for correction. This case is an example of what happens when one tries to do things on his/her own. Ignorance does not work with the law.

Public Hearing on application from Sherrand McLean Hawker to the New York State Liquor Authority for a wine and beer only license; as well as the licensing of outdoor space (garden) for Camsha Place, a Restaurant located at 230 Rogers Avenue, Brooklyn, NY 11225.

Rosemarie Perry, chairperson, Public Safety Committee informed that the Public Safety Committee met to discuss the application by Sherrand McLean Hawker for licensing for wine and beer only and an outdoor space for a restaurant at 230 Rogers Avenue. They are at the beginning of the application. They arrived with their attorney. The committee discovered a number of errors in the application for licensing. For example, the kitchen space, the attorney said that will be corrected; they did not yet have a visit from the Fire Department. These were some of the many unanswered questions. There were no Police reports available. Since the application was incomplete, they were asked to stay in contact with District Manager Pearl Miles regarding their progress.

Pearl Miles added to Rosemarie Perry's report, informing that the application in question is for a new space. Nothing is in operation there. The portion of the application in question is the use of the outdoor space in the backyard. This will have an impact on the neighbors especially during the summertime. The wine and beer licensing is not in question, it is the outdoor space.

Sherrand McLean-Hawker informed that she has lived in the area for over thirty years since the late 1980's there has been nothing at 230 Rogers Avenue. She would like to enhance the neighborhood by bringing something there, where people can have a nice place to go. I am not going to have hard liquor there, just wine and beer. There will be recorded music. It is not a restaurant. We will have things such as hor d'oeuvres, light sandwiches, fruit cups, stuff like cheese crackers, things of that nature. We are trying to be an asset to the community. Speaking of the backyard space, there will be tables and chairs. There will be no dancing space. We will be catering to a different group of people, not people coming to hang out.

Rabbi Goldstein: I know that putting wine and beer on the table, things can get a little loud. We cannot deny that. I am talking about the real world. The other thing about music, wine, beer, I would question that.

Theopia Green: I would like to know what are the buildings surrounding your space, are they private homes or apartment buildings?

Janine Johnson: You did not say the dates or times of operation. I would like to know how many days per week and from what time to what time you will run it.

Pearl Miles: Ms. Hawker, I spoke to Mr. Weinbaum today, he said that you were going to notify your neighbors about the meeting tonight. Did you? Yes

Pearl Miles: When I spoke to Mr. Weinbaum today he said that he would not be here tonight, but that you would be here. He wanted to know the typical questions that the people would ask. I told him that I did not know what the people would ask; I only know what I would ask. The application for the backyard is of concern. Noise travels especially at nights for the residents that could be a problem. Mr. Weinbaum informed that the backyard is enclosed. I asked him if that was a legal extension to the property. He did not now. What I would like to know is this a legal structure that was added to the backyard?

Rabbi Goldstein: If this is an enclosed structure then this is a whole different dimension. I am not an architect but Michael Cetera, a board member is one.

Alphonso Pastor: I live on Empire Boulevard and Rogers Avenue; being that you said that this establishment is to enhance the community, is this establishment open to anyone who would like to have a wedding, or parties, etc., is it open to the community?

Jean Fontaine: lives two blocks around the corner from 230 Rogers Avenue; you said that it is not a restaurant, then it is going to be like a lounge?

Ms. Hawker: We are in the planning stage. We hope to have the space available from Wednesday to Sunday from 4:30 pm to 1:30 am in the morning. It is not an enclosed backyard. There is a garage and a wall then there is a Laundromat extending the full length of the building. Yes it will be available to the community. Come see me or my manager. People can come with their laptops, sit and do what they need to do on a computer. The yard is a regular backyard. It is not enclosed.

Theopia Green: What about toilets and bathrooms? There are two bathrooms, a male and female bathroom.

Pearl Miles: This is my feeling at this time, that we ask Ms. Hawker to come back with the plans for the layout of the area, the outside space and the inside setting, then we will be able to take a more informed position.

Rabbi Goldstein: I will ask that you get your diagrams, drawings, etc., of the layout, when that is prepared you can come back next month or thereafter to present to the Board.

Pearl Miles: Next month is good.

Rabbi Goldstein: We will then table the application for next month's meeting.

BUSINESS SESSION

The business session began at 8:15 pm with 29 members present

Minutes of the November 2012 Meeting

The minutes were adopted on a motion made by Carl Morgan and seconded by Demetrius Lawrence.

District Manger's Report

District Manager Pearl Miles reported the following:

- The Baby Sitting Program sponsored by the Youth Committee and Playkids and approved by the Board at the November meeting is ready to go. Applications are at the back of the room. Amy will give details of the program.
- Also at Playkids, “Eat Right, Kids Snack Healthy”. Kids will have the opportunity to learn more about healthy snacking, this will help with obesity. To register go to Playkids Toy Store, 676 Flatbush Avenue. For further information, contact Shelley Kramer at Playkids, 676 Flatbush Avenue, (347) 715-9347. It is free it will be on the website.
- Ms. Miles wished all a happy Chanukah, Happy Kwanzaa, Merry Christmas, Happy New Year, be safe, see you in January.

Committees’ Reports

Joint Education/Youth Services Committee - Hilary Papineau and Amy Albert (see written report)

Amy Albert informed that Hilary was absent. The Baby Sitting Program is up and running. The program is open to children 12-16 years. The training will be three hours long and include a range of topics such as first-aid, recognizing child abuse/neglect, child development, and age appropriate toys and games. At the end there will be a list of trained baby sitters which will be on hand at Playkids and the Community Board. Ms. Albert thanked Ms. Miles for her help and expertise in putting the program together. Applications are in the back.

There is also a mentorship program being developed for community youths. The committee plans to reach out to professionals in the community to participate as mentors and local youths as participants. Youths at the meeting were helpful in sharing their perspective on different types of career paths and mentors they and their peers might be most interested in hearing from. The next joint committee meeting will be held on Thursday, January 10, 2013 at 7:00 pm.

Joint Transportation/Parks, Recreation and Culture Committee - Edmund Fanning and Michael Cetera (see written report)

The committee formulated a proposal to the Department of Transportation after reviewing some of the items that the agency will not accommodate, concerning Malbone Street and a portion of Clove Road below Malbone Street. An alternative proposal for the rest of Clove Road was agreed upon given the complexity the chairpersons will formulate a draft resolution for the committees to review before submitting it to the full Board for consideration.

The members discussed a proposal to make repairs and design changes to the sheet metal and concrete threes at the south-west corner of Flatbush and Ocean Avenues. The committee recommended that the Board send a letter to the Department of Transportation in support of this proposal and a request that the agency take the proposal forward to the New York Design Commission.

Public Safety Committee – Rosemarie Perry (see written report)

The 71 Precinct reported on crimes in the district. The statistics remain the same. Officer Bulzoni introduced ways to secure items such as registration of bicycles, iPhones, iPods, the possibility of they are stolen the items will be returned.

Councilmembers will be invited to tour the 71 Precinct. This visit will be part of the discussions on the Capital and Expense Budget items.

Chairman's Report

Chairman Rabbi Goldstein reported the following:

- If street lights are out call 311 or the Board office. You are helping to protect your community. Also missing signs can be dangerous, again call 311 or the Board office.

Election of First Vice Chairman of Community Board 9.

As announced at the November meeting, the former First Vice Chairman Gwen Carter resigned from the Board, therefore a vacancy exists for First Vice Chairman. Michael Cetera was the only member who showed interest in the position. The Secretary Shelia Foster-Golding cast one vote for Michael Cetera to be elected the First Vice Chairman of Community Board 9.

Acknowledgements

The chairman acknowledged the following representatives: Charles Jackson representing Congresswoman Yvette Clarke; Boris Noble representing Borough President Marty Markowitz; Reuben Lipkind representing Senator Eric Adams; Arna Lipkind representing Councilmember Darlene Mealy; Alfred Chiodo representing Councilmember Letitia James.

Voting Items

Public Hearing on application from Sherrand McLean Hawker to the New York State Liquor Authority for a wine and beer only license; as well as the licensing of outdoor space (garden) for Camsha Place, a Restaurant located at 230 Rogers Avenue, Brooklyn, NY 11225.

Item tabled to be heard at the January 2013 Community Board Meeting.

Public Hearing on application from Mr. Kevin Coles, to legalize the alterations that were made to his residence – 193 Ocean Avenue, Brooklyn, NY 11225, part of a historic district – without the required permits from the Landmarks Preservation Commission.

Discussion

Timothy Thomas: How do we vote? Is it that we accept Landmarks decision to fix the alterations which has been done to the house? Rabbi Goldstein – There are two issues raised. 1. The repairs to the house and 2. The illegal driveway.

Motion that Mr. Coles is required to comply with the Landmarks Preservation Commission regulations in regard to repairs to his landmarked property. The Motion was seconded by Michael Cetera. Voting – Yes - 12, No - 5, Abstentions - 12. The motion was carried.

Restoration of “Tree Sculpture” on Flatbush and Ocean Avenues

The Board previously supported an outside community group to restore the “tree sculpture” at Flatbush and Ocean Avenues. Motion was made by Edmund Fanning that the Board send a letter of support for the restoration of the “tree sculpture” at Flatbush and Ocean Avenues, the motion was seconded by Timothy Thomas, voting was unanimous.

Adjournment

Motion to adjourn was made by Ruby Hodge and seconded by Frank Nicholas. The meeting was adjourned at 8:45pm.

**Respectfully submitted,
Shelia Foster-Golding
Secretary
January 18, 2013**