



# COMMUNITY BOARD No. 1

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September 14, 2021

## LAND USE REPORT

For September 1, 2021 public Hearing  
and September 9, 2021 Committee Meeting

TO: Chairperson Ms. Dealice Fuller  
and CB#1 Board Members

FROM: Ms. Del Teague, Committee Chair

RE: Land Use, ULURP & Landmarks [subcommittee] Committee  
Report for September 1, 2021 Public Hearing  
and September 9, 2021 Committee Meeting.

The Committee held an in-person public hearing on Wednesday, September 1, 2021 at 6:30 PM, at MS 126 (John Ericsson Middle School facility), 424 Leonard Street, Brooklyn, NY 11222. The committee subsequently held its meeting on Thursday, September 9, 2021 via WEBEX at 6:30 PM.

### ATTENDANCE

#### **September 1, 2021**

Present: Teague; McKeever; Chesler; Indig; Miceli; Nieves; Sofer; Solano; Vega; Weidberg; Weiser; Berger\*; Kantin\*; Kawochka\*; Naplatarski\*; Stone\*

Absent: Viera; Drinkwater; Kaminski; Lebovits; Rabbi Niederman; Andrews\* (\*non-board committee member).

#### **September 9, 2021**

Present: Teague; Viera; McKeever; Chesler; Drinkwater; Indig; Kaminski; Miceli; Rabbi Niederman; Nieves; Solano; Vega; Weiser; Andrews\*; Berger\*; Kantin\*; Kawochka\*; Naplatarski\*; Stone\*.

Absent: Lebovits; Sofer; Weidberg.

### AGENDA:

(1.) **ANNOUNCEMENT: 1 WYTHE AVENUE IBIA SPECIAL PERMIT (C210272ZSK, N220031LDK, N210273ZRK)** - requesting a zoning special permit. This is a private application

by One Wythe LLC requesting a zoning special permit pursuant to Section 74-962 and 74-963 and zoning text amendment pursuant to ZR 74-96 to facilitate a new 8-story commercial and industrial building at 1 Wythe Avenue in the Greenpoint neighborhood of Brooklyn Community District 1, will be heard and voted on at the full board meeting on September 14, 2021.

(2.) **OPEN RESTAURANTS/SIDEWALK CAFES ZONING TEXT AMENDMENT.** New York City is working to create a permanent, streamlined Open Restaurants program. As part of this program, the Department of City Planning and Department of Transportation propose a zoning text amendment **to remove geographic restrictions on where sidewalk cafes can be located within NYC.** To be eligible for a sidewalk café, restaurants would need to meet physical criteria -- such as “clear path” requirements, including ensuring that table and chairs are appropriate distances from fire hydrants and neighboring businesses. The proposal would not change the process for how sidewalk cafes are reviewed by local community boards; but, the areas where they can be considered would expand to all neighborhoods. This proposed amendment to NYC’s Zoning Resolution complements proposed legislative changes that would **cut red tape for restaurant owners.** Applications for the sidewalk café program and a new roadway café program would be consolidated under one agency, the Department of Transportation (DOT)

Ms. Alexandra Paty-Diaz and Mr. Ben Huff Presented.

At the full board’s public hearing many board members and residents agreed that the restaurants had suffered through no fault of their own from the shutdowns and needed help getting back on their feet. However, there was much opposition to the overall Open Restaurants plan due to a lack of safety standards regulating the construction of the outdoor sheds, the increase in garbage and noise associated with the use of the sheds and sidewalk cafes, the reduction in parking spaces and size of sidewalk space for pedestrians, and the permanent nature of the amendment. Most speakers felt it was premature to ask for the board’s approval even of this initial request for the text amendment (which is allegedly targeting only the decrease of regulations on restaurants’ ability to apply for permission to have a sidewalk café) until these concerns were met. The committee acknowledged the recent meeting of community board leaders and the strong opposition to granting this application until the city presented the details of the overall all plan for sidewalk cafes and Open Restaurant regulations. It was noted that restaurants still have time to take advantage of the current emergency regulations. In the meantime, the city should present a plan for oversight, including inspections and enforcement of sanitation and noise regulations. In addition, the city should meet with the land use and SLA committees to discuss whether the plan is a good fit for our neighborhood.

**Recommendation:**

Deny the application as premature.

18 in favor of the motion to deny.

0 against the motion to deny.

(3.) **79 QUAY STREET APPLICATION FOR ZONING MAP AMENDMENT.** (ULURP Number: C210166ZMK; N210167ZRK) A zoning map amendment (M1-2/R6A [MX-8] to M1-4/R7D [MX-8]) and text amendment (123-00 and Appendix F), to facilitate a new nine-story residential and commercial building (approximately 92,1000 sf and 83 DUs), are sought by

private applicant Quay Plaza LLC at 79 Quay Street in Greenpoint, Community District 1, Brooklyn.

Mr. Richard Lobel and Ms. Fyenne Betan presented.

This is an application to amend the zoning map from an M1-2/R6A District to an M1-4/R7D district. The change would allow for two more stories and larger 1–2-bedroom affordable units instead of studios and 1-bedroom units. The plan is to have 86 units, with either 22 or 26 affordable units, plus, 10,000 sq. feet of commercial use on the ground floor. Given the new higher water table the building will be elevated to meet the requirements. There will be greenery put in on the sidewalk, but there are no open space amenities for the public, due to the small 13,000 sq. foot size of the site.

The committee members felt the application had positive potential; however, they felt the design had too many horizontal hotel-like lines, which were not contextual with the surrounding buildings. The owner stated he was willing to work with his architect to try to make the building more interesting and contextual.

In light of the absence of open space amenities for the public, the committee asked if the owner was willing to consider contributing to the Bushwick Inlet Park, which is only a block away. He said he was willing to consider such a donation.

The owner also agreed to work with the coalition of block associations in the immediate community to provide appropriate retail diversity in the commercial space.

**Recommendation:**

Approve the application with the following conditions.

- 1- The owner will work with his architect to make the building more interesting and contextual, with less horizontal, hotel-like lines.
- 2- The owner will work with the Parks Department to make a long-term contribution towards the maintenance of the Bushwick Inlet Park.
- 3- The owner will work with the coalition of block associations in the immediate community to provide appropriate retail diversity in the commercial space.
- 4- The owner will utilize more green and sustainable elements than just providing greenery around the building, e.g., a green roof, carbon absorbing concrete, sourcing energy from non-fossil fuel sources, incorporating “virtual forest of Milan” concepts, and rain gardens on the curb.

Vote: 18 in favor of the motion

0 against the motion

**(4.) RIVER RING PUBLIC HEARING and POST-PUBLIC HEARING DELIBERATION.**

The applicant, River Street Partners LLC, seeks a Zoning Map Amendment, Zoning Text Amendments, Large-Scale General Development Special Permits, Waterfront Certification, and Authorizations, and a Landfill action to facilitate a new mixed-use development with approximately 1,050 residential units including 263 affordable units, commercial, community facility space, and waterfront public access areas in Williamsburg, Community District 1, Brooklyn. [Zoning Map Amendment ULURP Number: C220062ZMK, Zoning Text Amendment ULURP Number: N220063ZRK; Zoning Special Permit ULURP Number: C220064ZSK; Zoning Authorization ULURP Number: N220065ZAK; Zoning Certification ULURP Number: N220066ZCK (Legal Document NOC, NOR, RD) ULURP Number: N220067LDK; Zoning Authorization ULURP Number: N220068ZAK Zoning Authorization ULURP Number: N220069ZAK; Zoning Special Permit ULURP Number: C220070ZSK.]

On September 1, 2021, the committee conducted a public hearing at which the River Ring application was presented.

The committee then heard oral testimony from CB1 residents and several non-CB1 residents who spoke in favor of the application, as well as those who were opposed. The committee also received a petition with over 7,605 signatures in opposition, as well as written testimony urging approval, disapproval, and conditional approval.

Testimony in favor:

In sum, the testimony in favor of the application centered primarily around support for the promise of affordable housing, the possibility that the building will house a “Y”, and the open space plans.

With respect to affordable housing, several speakers acknowledged the development fatigue felt by the residents and the strain on our infrastructure but argued that Williamsburg might as well take on additional market-rate development in order to save the surrounding areas from suffering the same fate. One speaker suggested we should trap all the rich people in the two towers, so they won’t spill over to adjoining areas.

With respect to the projected open space, one speaker from Coney Island stated the outdoor space will attract large numbers of people from outside the community, making Williamsburg "the place to be".

With respect to the possibility that the building will house a "Y", representatives from the "Y" stated they could not give any specific information or commitments regarding details of the aquatic facility that might be established at the site, nor could they commit to any particular services that might be offered to the Greenpoint area by the Greenpoint branch.

Testimony in opposition:

Testimony in opposition to the application argued that the proposal for the site, if re-zoned, is not viable for the community. More specifically it was said that the project would be radically out of scale for the neighborhood and would bring a host of issues for already overburdened transportation, schools, sanitation, traffic conditions, general quality of life and our infrastructure overall. Speakers and written testimony stated that the promised affordable units are not sufficient to counter-balance the effect that the market rate units will have on increasing the cost of living and the pressure on homeowners to further sell out to developers. A member of Churches United agreed and estimated that only 50 affordable units would provide housing to the local residents.

Many speakers and testimonial argued that the proposed park is not large enough to accommodate the projected additional 2,500 residents as well as the expected influx of people from within and without the community.

Testimony also raised objection to the 421-A tax breaks, arguing that the development will not provide its fair share of revenue.

Other speakers felt that the limited industrial zoned parcels that we have left, and that the community board has said needs to be protected, should not be given up.

A motion was made that we vote No with the following conditions:

- Two Trees must rent all affordable housing units in their 1 South 1st Street development to honor prior community affordable housing commitments.
- Reduce total number of apartment units in the project by 33%, to reduce the anticipated increased load on existing overcapacity on subway transit, vehicular traffic, pedestrian traffic, wastewater and with street sanitation storage and collection, and open space.

- Increase the number of total affordable units to 50% to support deeper diversity and affordable living in the neighborhood.
- 60% of affordable units must be 2 & 3-bedroom units to encourage long term family occupancy.
- Within all affordable units one bedroom must be a minimum of 128 square feet to comfortably accommodate bedroom furniture, a closet and efficient movement throughout the room.
- The City of New York must include funding for the full completion of Bushwick Inlet Park in their 10-year capital plan so the fully operational park can help mitigate the existing severe local open space deficiencies that will persist if this project is built out and the massive population increase from the quantity of current and future local waterfront housing developments.
- The project must use a fossil-free energy source such as a geothermal heat loop system instead of a natural gas reliant system for heating, which will work to have the project more aggressively meet the challenging but critical goals of the New York City Climate Protection Act, Climate Leadership and Community Protection Act and those set by the Intergovernmental Panel on Climate Change.
- Redesign the towers so that they are significantly less obtrusive and oppressive in feel and fit more contextually with nearby structures and better connect with the historic fabric of the neighborhood.
- Two Trees must negotiate in good faith with the New York City & Vicinity District Council of Carpenters to ensure the project adheres to the safest and best construction work practices.
- Two Trees must negotiate in good faith with local workforce organizations in order to provide service jobs for local job seekers.
- Two Trees must provide funding in perpetuity for a local, independent agency or organization to oversee and enforce the rental fees and increases of affordable and market-rate apartments.
- Two Trees and the City of New York must present and execute a plan to manage the steadily increasing volume of street trash that has come with the incredible volume of additional area residents that the project will exacerbate.
- Before being granted any rezoning, Two Trees must present community facility architectural design plans which verify that the YMCA facility will serve the stated purpose and promise of serving both the Williamsburg and Greenpoint communities as well as 250 school children annually; it must show that the size and location of the facility elements including pool, locker rooms, saunas, facility/pool access including elevator, pool depth and lane width, lifeguard station, staging area and pool equipment, weight rooms, full gym arena, and exercise rooms are adequate as a full service facility for the communities. The community facility must be built out and in operation before the building can be occupied as a rental.

### **Discussion**

The committee discussed the importance of protecting our dwindling manufacturing/industrial zoning and the fact that there are many options for using that site as of right. Many agreed that we must not give up the current zoning unless the proposed alternate use is a clear benefit over the possible as of right uses.

There followed discussion regarding whether we should vote "*No With Conditions*" or "*Yes With Conditions*". Members in favor of "*No With Conditions*" felt such a vote would make the seriousness of our demands clearer. Members in favor of "*Yes With Conditions*" thought the conditions would be taken more seriously with that vote.

Mr. Richard Bearak, from the Borough President's office, and Mr. Ben Solitaire, representing Council Member Steve Levin, assured us that either way the conditions would be looked at with equal weight. They advised that we vote whichever way we felt would give the overall message we wanted to give.

Mr. Richard Bearak further explained that when the conditions are a significant change from what is proposed, the vote is often "*No With Conditions*". Several members reminded the group that the vote on Transmitter Park was "*No With Conditions*", and essentially all of the conditions were met.

### **Recommendation:**

Deny the application with the above conditions.

#### Vote:

11 – in favor of the motion

9 – against the motion \*\*

\*\* Members questioned whether two of the votes against the motion (both by non-board committee members) should be recusals, because one is on the board of St. Nicks Alliance, which has an agreement with the developer to manage the affordable units, and the other is on the board of the Greenpoint YMCA. The board member of St. Nicks Alliance said he decided he did not have to recuse himself because the agreement is not in writing. The board member of the Greenpoint YMCA said he does not have to recuse himself because the agreement with the developer to house a YMCA was not made specifically with the Greenpoint branch but was made with the parent YMCA organization.