**Community Board 17**

**Land Use Committee Virtual Meeting**

**Thursday, March 3, 2022**

**Present: Guests: Excused:**

Kwame Afreh Jacob Polatsek Vanessa Quashie

Dale Dawes Sunshine Construction Joan Erskine

Lilieth Robinson June Persaud

Brie Da Costa Jorge Tait

Adele Bennett Ozni Lewis

Allyson Martinez CK Price

Hazel Martinez Orlando Ross

Joan Bakiriddin

Pearlene Fields

Dr. Carol Reneau

Julia James

Marguerite vigilante

Mary Gallagher

Ann Hudson

Rachel Goodfriend

Mary Bell-Downes

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The **Land Use Committee** Virtual meeting was held on **Thursday, March 3, 2022 at 7:30pm.**

**Mr. Kwame Afreh** called the meeting to order for **March 3, 2022 at 7:31pm**.

**Chairperson’s Report**

**Mr. Afreh** said at the last General Board meeting, the contextual rezoning of the district was voted on and ratified to be moved to an Ad-Hoc Committee, which means it is not exclusively a Land Use agenda, moving forward. It was also stated that a virtual town hall meeting be convened by March 11th, based on the availability of the incoming Chair for the Ad-Hoc Committee and himself, and already scheduled community events. The town hall meeting will be held over 2 days to increase the opportunity for the community to attend. The meeting will be held on Saturday, March 26th between 12-2pm and Friday, April 1st from 6-8pm.

At that meeting, another resolution was pushed forward to request funding for up to $100,000.00 from the Councilmember to aid in the contextual rezoning and this was also voted on and ratified at the General Board meeting. For clarity, he did attempt to try and have that resolution brought before them first, but it did not come to pass as a result of the outcome. If they want to have an interest in the contextual rezoning, once the scheduled dates for the Ad-Hoc Committee are formed, the District Manager will inform everybody. It is an obligation for him to be present at those meetings and also for a member of this committee to be present, along with every other committee that is actionable and active. Prior to this resolution, he had 2 calls scheduled with the Borough Hall Director of Land Use and Ms. Bakiriddin and they had a conversation on where they were in the process, they discussed next steps and he shared some documentation. He understood their concerns and agreed to help support them in that matter. When he got off the phone with them, he was going to discuss the matter with DCP, their agency partner. The 2nd call was with their agency partner, the Tuesday following, and they brought up the issues of where they were and the standstill they were held in. After introductions, they had a conversation about their feelings, where they were in the process, why they stalled and he brought it back up to them of how far along in the process they were. The end result of that meeting was they mentioned that the new administration’s direction on rezoning and the ULURP process has not been clarified yet. They probably won’t have anybody trained to engage with them on that matter until early May. They did discuss that at this point, they probably need to update their data and engage the community again to make sure their data is the most up to date, so when those 2 items get cleared, and the process is cleared and ratified that they have a clear direction and not coming to the table with inaccurate information.

On March 1st, he attended a virtual hearing for the operational hours for Wendy’s at 9001 Ditmas Avenue. At the October meeting, they voted to give them the hours of operation. They went before the Board of Standards & Appeals, and it did not seem to go in their favor. The committee was asked to update the resolution letter and include the meeting minutes to know more about how the community felt and the decision came down to the status or how they took the sound study and they were not satisfied with the results of that. That is something they will probably have to deal with at the next Executive meeting to try and amend that document and resubmit their resolution for their next hearing date.

The subcommittee invitations went out for the East 98th Street development outlining the topics discussed in the November meeting. There was not really a lot of engagement, but they are still going to press forward. He would like to have as much engagement as possible just so they hit the right questions, to prepare themselves for the pending presentation that is on the way.

**Ms. Hazel Martinez** asked who is the Chair for that subcommittee?

**Mr. Afreh** said Mr. Orlando Ross is the chair of that subcommittee. He did not realize he was crossing any lines or barriers, just trying to get the communication in place so they can communicate openly moving forward. He will make sure there is more engagement. He is trying to schedule them to come to the meeting date and they mentioned they will make themselves available and provide them with documentation and whatever they need moving forward. There are further scheduled calls and he will make sure that invitations goes out to everyone for them to be engaged in that conversation and will have the opportunity to **(INADUIBLE)**  He was just sharing the information and if the process was skewed, he apologizes for that. He thought it was the Chairperson’s decision to make that and she was appointed to make the date and she thought it was within her powers and it could not happen and she adjusted accordingly. If there is a problem with that, he is sure it could be resolved. They have a meeting next week and it falls close to the March 11th date that was scheduled.

He has tried to have them included in this process and he tried to make sure they had some incite as a committee as this shifted from them. It was met as a deterrent to try and not get that resolution. It went and passed and here is where they are as a result. He takes their concerns in, but it is not within his powers to close or disband committee members or the way that Ad-Hoc Committee was created.

**Dr. Carol Reneau** said power does not stop anywhere, there is always a chain of command, because it is never, this is all I can do, there is always something else they can do. They have to service this community properly. Their community is being left behind because she works for CB 9 and they are getting much more work done, even if they don’t agree with each other.

**Ms. Marguerite Vigliante** asked what is the function of the Land Use Committee at this point? On the agenda, they are supposed to be talking about the rezoning on East 98th Street. Are they doing rezoning or is the Ad-Hoc Committee doing that?

**Mr. Afreh** said they will still be in control of the rezoning of specific items within the district. The language of the resolution states that the Ad-Hoc Committee is in control of the contextual rezoning of the entire district.

They do not have the minutes from December, January and February to approve.

He asked if anyone here was from Sunshine Construction, if so, introduce yourself.

**Mr. Jacob Polatsek** said he is from Sunshine Construction in regards to 319 Lenox Road.

**Mr. Afreh** said Mr. Jacob is here regarding the complaints for the after-hours work occurring at 319 Lenox Road and they were given to the District Manager’s office. During one of their meetings, they had the DOB present and those complaints were registered and acted on and the after-hours variance permit was restricted. They are here tonight to try to get insight or try to speak their side of the story of why they would like that to be repositioned and active again.

**Mr. Polatsek** said they started the building and then came COVID-19 and the building took 2 years longer than it was supposed to and they were closed for almost 1 year. The building exterior is completely finished and now it is only the interior work. He understands the community when on Sunday they are sitting home, and some construction sites is going on and they are making noise and they are getting disturbed from sitting home. They are just asking if it is possible to get some Sunday permits just for interior work like painting, flooring, tiles, kitchens and some finishes, which is not making any noise or anything else and this is just going to give them something to be able to get back the year when the job site was closed.

**Ms. Hazel Martinez** said she has been in touch with the people who live next door and even without the permit, work was still going on under these guys. They don’t work on Saturday, but on Sunday when people are getting ready for Church, or would like a day of peace, there has been noise and the workers have ignored their request or their ability to enjoy their home at least one day out of the week, and they have put up with that for months and they don’t want any work on Sunday.

**Mr. Polatsek** said they used to work on Sundays, only when they had permits and not on the Sundays when they did not have permits. Maybe there is another construction site next to them, but on their construction site, they do not work without permits.

**Ms. H. Martinez** said they checked and it was reported that they were working.

**Mr. Afreh** said the complaints received by the District office were registered to his address.

**Mr. Polatsek** said there are 2 construction sites next to the other and it may look like 1 construction site and they are not working without permits.

**Ms. Vigliante** asked if they need to continue doing all of this, why can’t they work on Saturday, because Sunday is the community’s day of worship? The trucks will be coming in and out and there will be double parked trucks on the street and it will still be a disturbance.

**Mr. Polatsek** said he is just asking now to be able to work something without making any noise and he understands why the community does not like when they are doing noise. The question is only if they can do some interior work.

**Ms. Julia James** asked what permits do they currently have? As of March 3rd, they do not have any permits to permit them to work on Sunday, so the community should only expect work to be conducted Monday through Friday, with standard hours as allowed.

**Mr. Polatsek** said they currently have just **(INADUIBLE)**  working hours, between 8am to 5pm.

**Mr. Onzi Lewis** said in terms of weekly overtime, is there a possibility since the work they are doing is not making noise and it is going into the weekend, during the week, is there a way to get a permit to be able to do the quieter work, either earlier in the morning during the week or **(INADUIBLE)**  7am or to 6pm, can that be done?

**Mr. Polatsek** said yes, it is going to be a **(INADUIBLE)**

**Ms. H. Martinez** said the community has been assaulted and every builder has done whatever they want and the residents of this community are tried of it. They don’t want to be woken up early in the morning, they can’t get out of their driveways in the morning, when they come out, the buildings have these trucks all over the place. If they don’t live near it, they don’t experience it fully. People don’t want to be disturbed on the weekend, especially on Sunday. Everyone else observes their Sabbath in peace and they would like to observe theirs and they don’t want it to start earlier than 8am.

**Mr. Lewis** said whether or not they say anything, they know what is going to happen. Isn’t it better to try to make some type of **(INADUIBLE)**

**Ms. H. Martinez** said no, because no other community has to go through that, so why should they always have to do that. It is people with that mindset that may put them right where they are, where everyone walks on them and step on their necks. No one else does that and they don’t dare go into another community and do that.

**Mr. Lewis** said because he is on both sides in terms of construction, this did not just happen out of the sky. They are here and doing what they are doing and whether they say yes or no, it is going to continue. Would they prefer if they don’t get nothing on the weekends at all and get **(INADUIBLE)**  during the week.

**Mr. Polatsek** said sometimes, they are saying to neighbors, the building is **(INADUIBLE)**  and they are pushing more hours, so the building is going to get finished faster **(INADUIBLE)**  to work less during the week is going to take longer and have more distractions and again, it is up to the neighbors to decide which direction to go.

**Ms. Allyson Martinez** said they can’t condone that because they are going to violate the rules they set in the first place and they should just let them go ahead and do it anyway, because that is what they are going to do. They have to set standards in the community and the reason there is a complaint at this point is because people were already tired of how they were conducting business and the work all along without any regards to the neighbor’s concerns, so why should then be rewarded now, to be able to they could be faster doing the work they want to, so they win at every turn. It has to be a give and take and the fact of the matter is, they can get the work done Monday to Friday because there was already a blanket communitywide, no after hour variances that was applied in 2018, and that was something that the Community Board and DOB had agreed to, which they ignored. The fact of the matter is, the residents have complained and why should they sit here and ignore the residents who have valid concerns and basically, reward the developers.

**Ms. June Persaud** said they have to live through these constructions to really feel the pain. She has 4 around her neighborhood where she lives and they are getting ready to do another one right next door. These construction companies have no respect for the community. They are supposed to start at 8am, sometimes 6am, a delivery truck comes and idles in the street double parked and it is really affecting the quality of life. 8am to 4pm is good enough for them to complete their job.

**Mr. Dale Dawes** asked what is the plan to make sure their company does not violate the time variances as they did before? There were complaints about when they started and how long they worked and no **(INADUIBLE)**  and he is here to ask what time he works on the weekend and work later?

**Mr. Polatsek** said they had some deferments when the complaints came in and since the permits were revoked, they did not work on Sunday. They did not have a complaint for after hours, besides working on Sunday and they had permits.

**Mr. Afreh** said his concerns have been noted and he will bring them up at the next Executive meeting and he should be getting something from them in regards to his status with the AHV.

He asked if there were any unfinished business?

**Mr. Lewis** said he took pictures of permits throughout the community at the different construction sites in different areas in regards for them to understand as a committee what goes into a permit, how to look at and read a permit. Who is doing what, who is the general contractor, the owner and the developer and all of this information is there as well as letting people understand they can go to the Dept. of Buildings and look up specific information. One of his biggest concerns as a contractor, is that a majority of work that is here, the people in the neighborhood do not work on these sites. Most of the people are bused in and they have qualified people here. For them to make **(INADUIBLE)**  in particularly with the fact that they are already building these buildings and everything else, they still have active part in making the necessary income or headway in terms of being on these sites. Back in the days, they used to have coalitions and that has become something of the past, because in some incidents, people of the coalitions were violent and created certain undesirable outcomes, but now, they can get in the place where they can start looking at these things as business owners, as people that have access to skills and opportunities to get some of the work shared of these things and then by getting the **(INADUIBLE)**  now, they can help influence and take some of the culture and bring that goal home, so they don’t feel as though they are being neglected and they have an active role in the building. If they are working there on certain days as a contractor or worker, they can give a voice to those people, telling them the people in the community are having issues and problems, they are right there, but sometimes, as an outsider, living in the community and not having a part of working on that site, they would say, they don’t have a stake in terms of dictating how things are being done. This is a way they can maneuver in getting access to these developers on that level. Once they start talking dollars and cents, that changes the dynamics and that is why he believes the Land Use Committee should start looking at in terms of being a part of this physical, actual building of these things or getting people who have the skills and ability to be a part of that and then be able to come back and report to the Land Use Committee as to what is going on. If they look at all the other neighborhoods in terms of the Community Boards, the people who are active on the Community Boards are small business owners, union or nonunion contractors, but they have a stake in terms of what is going on in their community and working on the projects in their community and they should be looking to do the same thing.

**Ms. James** said to Mr. Lewis’ point, she knows that work was almost brought to a standstill at Brookdale Hospital, a year or two ago, because the community rose up and was incensed because there was not enough community participation on the job site and they were trying to resolve this. To this point, that is something that they as a Board have not actively done and that is something they need to address in terms of what was said by Mr. Lewis, but it is doable because it was done in Brownsville. The construction company went into a panic and as a result of what that community did, it did increase the local work participation on the job site.

**Mr. Afreh** asked what mechanisms did they use to enforce that? Were there rules or percentages?

**Ms. James** said the community just came to the worksite and protested. When they identify these things, they can target all the developments where they don’t see any local faces of people living in the community. They can report back to the Land Use Committee, target one particular and let them know, send them letters.

**Ms. Adele Bennett** said she has been on the Land Use Committee for several years and they were collecting permits and they do know how they work. She found many of the permits to be falsified. The fines for falsifying those documents is from $1,200.00 to $25,000.00. As for getting the people in the community to come out and work, they would have to sit down with the developers when they put the permits in, to have an open conversation to see if they can hire people from the community.

**Mr. Afreh** said someone from Borough Hall is supposed to be sending them permits when they are active and there has been a serious delay in getting that information to them in a timely manner. Some of the permits he has been receiving from Ms. Fraser, those projects have been completed. This might be something they need to do individually just to have their own data and facilities in place. They have the talent and the **(INADUIBLE)**  to make this active, but they need to kind of create their own resources to be on top of it so they are doing it in real time. If they are waiting for somebody else to get that information for them, he does not think it will get to them in a timely manner.

**Ms. A. Martinez** asked if he were committed to spearheading that, because people always come here with things other people can do or should be doing, but they are not putting their own sweat and equity into getting that work done. If that is what he is committing to right now, it is more than welcome, and they can build support around it. This is precisely an opportunity to employ that from the start while they need to approach the East 98th Street project differently than they have thus far because that is still in the proposal stage and they can have those things in writing as requirements and guidelines for what is appropriate for doing work especially on that scale of a project in this community. That could make a large difference for a lot of people, preconstruction and post construction. She suggest they put that ahead, not ahead of anything else, but give it the proper attention and support that it needs to really show that the community’s commitment to meeting some particular guidelines and setting standards.

**Mr. Dawes** said Ms. James talked about protesting to help Mr. Lewis and other construction workers to get those opportunities and he is thinking how to make it sustainable in terms of a list of construction contractors in the area, a list of their skill sets. Say they are successful and they hire people in the area and got people money or opportunities, **(INADUIBLE)**  that is not an insurance that the people that live in the area are going to have **(INADUIBLE)**  and it is not an insurance that they are going to follow the rules and even though it may be true, that is something they want to avoid. They need to think about the leverage that they have in creating a trusted list of contractors and how to make sure they abide by certain rules, but overall, **(INADUIBLE)**  the beginning of the conversation when they were talking about who is involved in different subcommittees. He does not know if there has been a list of skill sets that are currently available inside the Community Board. He participated for 2 years now, but there are people who participated for much longer, so if a list of those skill sets currently exist, let him know and if they don’t have a list of the skill sets currently, he believes that is something they can create and not just the contractors, but get some people who know what their profession and expertise is and also knowing how long they have been members of the Community Board and what subcommittees they have worked on, so they know who they can talk to and who has time and when, and all of those things can help them operate much more efficiently.

**Mr. Afreh** said it sounds like he is talking about having a registry of certified and trusted contractors that maybe the district office could have on file and make available to community residents that they can tap that first for both residential use and then maybe the only thing that could address the other issue is some form of legislation that is going to allow them to have foresight without the needing of protest and have these developers meet inclusion. They have provisions for minority contractors, the NWBE. They have these organizations and these things that could be on tap to satisfy any requests. They just need to put some thought behind how they are going to construct that idea and probably going to need to get some law behind that, so they could have some insight on where and how these construction sites are being built. They do not have the hook to hit all of those markers. If they want to build it, they have to be involved. Things have to come together and he tried his best to navigate through all of the pitfalls and stuff that is here, but everybody just has to be active coming to the 1st Thursday of the month. The other 30 days, he is on emails, phone calls, at summits, virtual meetings trying to learn better and how to gather data. This is not a one day a month thing for him.

**Mr. Dawes** said he understands what was said, and what was proposed by Mr. Lewis is a great idea, but he does not want to ignore the other **(INADUIBLE)**  in terms of the members of the committee actively participating **(INADUIBLE)**  that exist beyond and they can more appropriately build Ad-Hoc committees and who officially work and not try to reinvent the wheel.

**Mr. Afreh** said the Ad-Hoc committee still requires participation.

**Ms. A. Martinez** said to follow up with the Landmarks Preservation Commission, and they want to find out what dates the committee would be willing to have a presentation about the roles of the Community Board when is comes to landmarking. They were not available today, but they are willing to make some time in early April and then see if they can make the General Board meeting for a presentation, since most of the committee member are not Board members. They are in touch with East 25th Street and they can participate as well in terms of how they direct presentations and a refresher for the people on East 25th Street. They can have a presentation specifically about their block and the process of getting work approved. She got a contact to reach out to the NY Landmark Conservancy to ask for a list of the people with the **(INADUIBLE)**  licensing and trades people as well and a list of available no and low cost loans and grants for landmark work they need done. If there is a list, the Landmark Conservancy would have it, but it is an opportunity for them to make that connection and also to find out how they can help people in the community who are trades people develop the skills and get the licensing so they can be referred to people who have those skills within their community, especially since they are going to have more blocks to try and get landmark status as time goes on.

**Mr. CK Price** asked what is happening around East 98th Street?

**Mr. Afreh** said the East 98th Street development is building multiple buildings, 3 of which are not owned by the developer, but they are joining together to construct about1,200 units and they are trying to get rezoned to build these 1,200 units, in about 9 buildings quickly. The subcommittee was created and the invitations went out and there was some lag from the district office. They have given them drawings and several proposals on how they intend on using that space and they have submitted an intake form and basically, they are going to be coming in the near future to do a presentation. They are trying to get all their **(INADUIBLE)**  and ducks in a row and make sure they are prepared for that presentation or even prior to. If they have subcommittee meetings with them, make sure they have all of their information in place, so they will know what to ask for, they can voice their concerns. The location is on East 98th Street between Kings Highway and Rutland Road.

**Ms. A. Martinez** said she does not know what discussions have occurred with the developer about when a meeting will be scheduled. This is exactly what she is talking about. They actually need to do some prework before that is scheduled in terms of engaging the residents living in the vicinity of that space, just to find out what their needs and concerns are and do some education and awareness, so they can galvanize their own community to be involved in figuring out what is appropriate, what the needs are, what else can be funded with this project that is in the area. It could be more access to the trains or programming support and that is what they need to be doing, speaking to the community as well.

**Dr. Reneau** said she want to express how important the community’s voice is. For example, the task force for the African Burial Ground. The elected officials and HPD came in and told them what they wanted to see there and when they pushed back and said, they wanted to hear from the broader community, it wasn’t until the community’s voice was heard, until they came in and after 2 workshops, then they started hearing a different tune, oh, maybe this is sacred land. The point she is making is, they need to keep working for the community and she is here representing the community. At her block association meetings, they listen, lend and work and take the information and bring it back to the community and this is how this community can support the Community Board and they can become a stronger unit in Flatbush. They need to stop the non-transparency and need to be fully transparent.

**Ms. Bennett** said on East 98th Street, she saw that a building went up that looks like a hotel. She asked if he was aware of this?

**Mr. Afreh** said he is aware that there is some development going on over there and **(INADUIBLE)**  an email was constructed just to try and get some feedback or get a point person to actually communicate with them. This was all discussed in previous meetings and he was very transparent in saying that he would reach out, and he did so, but now, he is getting push back for doing so in the manner that he did. He will make the necessary adjustments and try to be more inclusive moving forward.

During the last General Board meeting, **(INADUIBLE)**  to get some funding, $600.00 was left from the $6,500.00 Discretionary Funds and Ms. James made a request, it was voted and passed and the Land Use Committee has $600.00 in funding and he needs to speak to Ms. Fraser to itemize the funds so it can be distributed properly. Does anyone have an idea as to how they want the $600.00 allocated?

**Ms. James** said she would like to propose it be used for rezoning matters for community outreach to engage them and hear their opinions and whether or not they think rezoning is necessary and if so, which direction they should go.

**Ms. H. Martinez** said she agrees with Ms. James, but it is not enough to get out mailings and flyers, so people can be aware of what is going on and attend whatever they need to.

**Ms. Pearlene Fields** said she is trying to schedule a joint with the Land Use Committee to discuss the issues at 382 & 406 Remsen Avenue, so they can have their voices heard. When Ms. Fraser hears from the developer, she will let them know when the meeting will be held. Right now, they are just trying to address the complaints that are coming in.

**Roll Call**-Adele Bennett, Allyson Martinez, Hazel Martinez, Marguerite Vigliante, Dr. Carol Reneau, Ann Hudson, Brie Da Costa, Dale Dawes, Pearlene Fields, Joan Bakiriddin, Julia James

**Mr. Afreh** said they will take a consensus vote on AHV in regards to the Sunshine Construction at 319 Lenox Road.

All present voted no, for the AHV for 319 Lenox Road.

The next voting matter will be for the $600.00 Discretionary Funds allocated to Land Use be itemized for rezoning matters and community outreach.

All present voted yes to using the discretionary funds for rezoning matters and community outreach.

Hearing no other business, he asked for a motion to adjourn the meeting.

**Ms. Vigliante** made the motion to adjourn the meeting.

**Dr. Reneau** seconded the motion.