

Two items on Agenda:

- 1. 341 39th Street – 73-19 Special Permit to allow:
Proposed Use Group 3 Charter School in an M1-2 Zoning District
Applicant: Brooklyn Prospect Charter School
BSA Application 2021-56-BZ, CEQR # 22-BSA-009K**

Tresha Ward – CEO, Brooklyn Rise Charter School
Dana Mulwanda – Principal, Brooklyn Rise Charter School
Hillary Prince – CFO, Brooklyn Rise Charter School
Richard Lobel – Sheldon Lobel, PC – Land Use Counsel
Kevin Williams – Equity Environmental Engineering - Environmental Planner

Background

1. This meeting continues the Land Use Committee review from the 11/1/2021 Public Hearing for a BSA Special Permit at 341 39th Street, located midblock between 3rd and 4th Aves. The Special Permit granted by BSA allows for waiver of zoning for a Use Group 3 school within a manufacturing zoning district. This location is not within the Southwest Brooklyn Industrial Business Zone. Applicant is the Brooklyn Prospect Charter School (BPCS).
2. At 11/1/2021 Meeting, the Committee asked the Applicant to return with answers to several questions regarding transportation, demographics, school operations and building design.
3. Applicant provided the Committee with copies of their presentation and letter addressing questions. This letter is attached. Kevin Williams from Equity Engineering presented.
4. Enrollment – CSD15 in Sunset Park is overenrolled by nearly 1500 students. Per DOE criteria, the district is at a 132% utilization rate. Housing starts in CSD15 over the next three years is estimated at 3,800 units, which equates to a need for 400 high school student placements.
5. Site Search – BPCS criteria filters:
 - a. Did not want to pursue a variance, had familiarity with special permit process;
 - b. Wanted to remain in CSD15;
 - c. Needed minimum 30,000 sf to match size of school program;
 - d. Needed cost affordable lease space within per-pupil funding limit;
 - e. Space to be delivered by August 2022 to stay on schedule for enrollment;
 - f. Owner of building had to be able to deliver space suitable for school use.
6. Demographics – Current profile – 44% white, 19% black, 13% Hispanic, 5% Asian, 1% American Indian, 13% multiracial, 5% other; 53% female, 47% male. 20% of students have IEP (Individualized Education Programs).
7. Proposed High School will have max enrollment of 330 students. Current enrollment at Windsor Terrace location is 30% from 11218 local zip code. BPCS aiming to have similar 30% student enrollment from 11232 zipcode at new location at 39th Street.
8. Air Quality - BPCS will include MERV-13 filters in its building mechanical system intakes to screen out pollutants. They will also install HEPA filters at classrooms, offices and spaces below 500sf. Air intake will be from the east side of the building and discharge to the north.
9. Traffic on 39th Street – Kevin Williams presented photo-documentation of traffic conditions on 39th Street taken every 5 minutes between 7:35am and 5:00pm on January 4/5 2021. Traffic conditions are modulated by the long signal at 39th St and 3rd Avenue, typically allowing 250 vehicles per hour vs. 400 for similar types of collector streets. The signal timing means the traffic moves in “clumps” with vehicles averaging 5-7 mph speeds. Max speed is 15-20 due to limited distance and volume of traffic.

10. Impact of truck routes – DOT recent truck traffic change moved east/southbound truck traffic to 39th Street. Kevin Williams stated that most trucks will use the Prospect Expressway to go east and south rather than use 39th Street.
11. Traffic Management Plan – BPCS will institute staggered arrivals and departures, spreading out the number of kids over time and allowing for better management by adult school staff. BPCS is looking to hire a private school safety company to help manage traffic.
12. Street Modifications – BPCS proposing to create a “chicane” or narrowing/widening of the traffic lanes on 39th Street between 3rd and 4th Aves. A parking/drop off lane will be created adjacent to the school. This lane will be sectioned off during arrival/pickup by movable bollards. This will create a safety barrier and control vehicle loading within the monitored sidewalk area. BPCS will also improve sidewalk ramps at 3rd/4th Ave.

Discussion

1. John Fontillas stated that he appreciated the Applicant’s thoroughness in providing responses to the Committee’s questions. He asked BPCS to provide information on other Brooklyn schools who may be employing private safety companies to manage arrival/departures.
2. Katie Walsh asked how many students will arrive via cars vs. walking to site. Kevin Williams stated that 16 students will arrive via car based on 2 school cohorts, 52 will walk, 138 arrive by subway and 103 by bus. Not many students will be walking across 3rd Avenue. DOT did not make commit to changing conditions on 3rd Ave, however the Applicant is willing to make general improvements such as bollards and ADA ramps and is open to any other safety alternatives the Board suggests regarding 3rd Ave.
3. Cesar Zuniga asked if truck routing will really use Prospect Expressway vs. 39th Street. Kevin Williams stated southbound trucks will avoid using 39th Street due to signaling and cross streets. The corridor movement is identical, but the Expressway is more direct and easier to navigate.
4. Cesar also asked about the street design. Kevin Williams stated that the chicane will be a painted stripe, and the bollards are “flexible delineators”, plastic tubes on a base that can be deployed and moved quickly at will.
5. Nick Azadian acknowledged the traffic management and mitigation measures proposed show Applicant understands the importance of the traffic concern. He reiterated the Board does not want pedestrian safety compromised and stated that the Board has seen too many traffic-related pedestrian deaths in the district.

Vote

The Land Use Committee voted to recommend approval of the application to the full Board. Eight members voted in favor, 1 against, 0 abstentions.

2. **Informational Discussion on Grand Prospect Hall
263 Prospect Ave, Brooklyn**
Jim Glaser and Victoria Alexander

Background

1. Jim Glaser is a community organizer and lives on the block near Grand Prospect Hall (GPH). Victoria Alexander is a former member of CB6. They are calling their group “Save Grand Prospect Hall”. Jessica Breuer is an attorney representing the group.
2. Save Grand Prospect Hall is a local community group who was alarmed to see GPH sold and its interior demolished late 2020. They believe that the sale from the Halkias Family to developer Angelo Rigas occurred when community attention was diverted and the loss of this beloved community meeting space demands action.

3. Glaser is mobilizing the neighborhood on social networks and has developed a petition against the demolition of the building that includes over 40,000 signatures.
4. GPH is located in Assemblymember Jo Anne Simon's (AD52), State Senator Kevin Parker's (SD21) and CM Shahana Hanif's districts (39).
5. Supporters include Norman Siegel, former director of the NYCLU. Former CM Carlos Menchaca, Assemblymember Robert Carroll, NYC Public Advocate Jumaane Williams and State Senator Marcela Mitaynes have all expressed support.
6. Glaser and Alexander have come to CB7 to ask for advice to further their petition. They have a two prong strategy. Legally, they have gotten a temporary injunction against demolition, but that injunction has lapsed. A full demo permit is in place, but there has been no movement by the developer to take down the building. When the developer's plans are unveiled, the group will seek to fight the plan via SEQRA, the state's environmental review act. They will also employ a public relations strategy to get the word out against the developer's plans. They have already placed an op-ed in the Daily News and a story in the New Yorker. Their hope is to put together a business deal or coalition to interest the developer in a community-oriented plan.
7. The building is not a NYC Landmark, but it is listed in the National Register of Historic Places, which allows the owner access to tax credits for restoration.
8. The group wants the developer to consider alternatives to an as-of-right development plan that doesn't include community participation. They would like to see affordable housing, open space, and, if the building cannot be retained, inclusion of a cultural event/assembly space on site.
9. They believe the developer's plan will access the site from 16th Street. Neighbors have already voiced concern about affordable housing on the site.
10. One blue sky idea would be to marshal government representatives to look at decking over the Prospect Expressway in front of Grand Prospect Hall to provide additional green space and affordable housing, with support of the developer since his property would rise in value.

Discussion

1. Katie Walsh noted Jim Glaser came to the November board meeting to ask for this meeting with the Land Use Committee. She noted the new federal infrastructure bill may provide funds and elected official support to cap the Expressway, similar to projects underway in the South Bronx. She also stated that she would hope any larger plan would insist on participation of a discrete 501(c)(3) status non-profit, so that wealth generated by the project would go to community assets vs. to the developer/owner.
2. Nick Azadian is concerned it may be too late to use the Landmark process to save the building since it is not part of a designated district and its contributing architectural character is questionable. We should have looked at landmarking this much earlier, before the sale. He is also concerned that governmental action may be considered a taking without compensation. With the development plan already in process, the developer may have a lot of borrowed money sunk into preconstruction costs and this would have to be repaid to get control of the site. Nick stated the main question is what should the community/government offer to interest the developer in collaborating on a plan. He noted the Board must tread carefully because this is a private transaction and the Board should not be involved with inserting itself into an as-of-right project. He sees this as an educational opportunity to act now and save other historic places at risk of development in the district.
3. Cesar Zuniga stated we should set expectations that the Board has no adjudicatory land use review if it is being submitted as-or-right. If the developer is seeking rezoning or some other variance then the Board can weigh in. Cesar seconded Nick's concern about this being a call to action about other locations in the district. Cesar noted that the old Municipal Court Building where the Board has its offices is a good example of a building to save for community use.

4. John Fontillas noted the site is zoned R6B which has a height limit of 50'. However, the site is very large and is an aggregate of 12 separate lots. The density afforded by the site could be significant, although its height would be limited.
5. Cindy Vanderbosch asked what the Board could write in a letter of support? Since there is no proposal, perhaps the Board could recognize the historic role GPH has played in the community and advocate for a community space in the development for local cultural events.
6. Katie Walsh echoed this by saying we could be on record of the building's history in the community and its significance as a location for many ethnic and cultural festivals, weddings and life events and community meetings over time. We do not have to refer to future use plans.
7. Jim Glaser mentioned that one concession from the developer could be to create space for a cultural hall in exchange for the group's support. He said the space could be in the Basement or Cellar given the depth of the Prospect Expressway cut across the street. Locating the space below grade could help in acoustically isolating sound from the neighborhood.
8. Karen Rolnick said the portion of Prospect Ave could be renamed for the Halkias' and a plaque could be installed on site to recognize the location.
9. David Estrada reminded the Committee NYU Wagner students had studied capping the Expressway as a planning project for the Borough President. He said Bay Ridge Towers is a precedent of building housing over the rail cut at 65th Street. He also said that the MTA had issued an RFP several years ago to look at long term leases over MTA land for development. Perhaps something similar could be looked at over the Expressway. David also mentioned spot designating landmark buildings has happened in the district – see the former Dr Maurice T. Lewis house at 55th St and 4th Ave, which was landmarked in 2018 in recognition of its cultural and historic importance.
10. John Fontillas said governmental agencies have purchased projects and land from private interests recently. SCA bought the development rights for the Old 68th Precinct building at 44th St and 4th Ave for a new school site. DHS purchased two recently completed apartment buildings at 15th St and 4th Ave as family shelter sites. Perhaps the agencies may be willing to purchase the site from Rigas for a public purpose.
11. John Fontillas said the Committee would look into drafting a letter of support and report on the discussion during the full Board meeting on January 19, 2022.