

**Presentation by Brooklyn Rise Charter School  
BSA Application 2021-30-BZ, CEQR # 21-BSA-044K**

Cary Finnegan – Head of School, Brooklyn Rise Charter School  
Richard Lobel – Sheldon Lobel, PC – Land Use Counsel  
Stephen Grasso and Irina Orasanu from Partners for Architecture  
Kevin Williams – Equity Environmental Engineering - Environmental Planner

Background

1. The Brooklyn Rise charter school is currently located on the second floor above the Rite Aid at 53<sup>rd</sup> and 5<sup>th</sup>. Originally chartered in 2018 as a small school option, the school opened in 2019 and has added a grade each year since then. Each grade has two sections of 26 students each. In the upcoming 2021-2022 school year, they will offer K-3<sup>rd</sup> grade classes.
2. Preference is given to siblings of current students, those who live in District 15 and Sunset Park residents. The school's program is geared to serve multi-lingual learners, 70% of students have other languages spoken in their homes. There is a 13-1 student-teacher ratio and they emphasize small group learning.
3. Current facility always seen as a temporary incubation space to get school started. 2<sup>nd</sup> Floor has limited activity space, no lunchroom or gym. School intends to grow to K-8 - 468 students total.
4. In search of their forever home, it has been difficult to find as-of-right space. They have been looking for 40-50,000 square feet of space to accommodate their current and future needs. They also need developer or building owner to put in substantial upfront costs for buildout, with the improvement costs amortized over a multi-year rent term.
5. The school looked at 2 dozen options for a new facility. Best option was 222 44th St – an existing warehouse at 2<sup>nd</sup> Ave with 40,000 sf, capability to add an extra 5,000 sf for a recess area/gym.
6. The warehouse building has good size floorplates for elementary school program – 4,000 to 10,000 sf each floor. Each class will get a larger space for collaborative learning, and arts, music, and science will have their own spaces.
7. Richard Lobel said they need a BSA variance to place this educational use in an M-1 manufacturing zoning district. Schools locating in an M district, but 400 feet or less from a residential district are typically given use variances under the notion that schools have beneficial impacts on neighborhoods.
8. This site, however, is beyond 400 feet from the nearest residential district. The use variance will allow the school to locate at the site. They are also seeking variances to bulk regulations to allow for the gym addition on the roof. The volume of the gym extends into the sky exposure plane and rear yard setback. The existing building is underbuilt – in an M1-2 district, 67,000 sf of floor area would be allowed, this proposal only has 47,000 sf.
9. The school states that its use should be compatible with residential properties it abuts along its rear property line. The school will not add to air quality issues in the neighborhood.
10. The school is seeking to get its variances and start construction so it can move in by the end of 2022. In 2023, Brooklyn Rise will seek to renew its charter and would like to expand to 157 students/year. The new facility will be critical to that renewal.
11. In order to grant the variance, the BSA application must find the following:
  - 1) School has unique needs that can only be met by this location;
  - 2) There must be proximity to its existing location to serve the school population;
  - 3) Bulk waivers must be limited

12. Stephen Grasso and Irina Orasanu from Partners for Architecture described the design: Cellar level – mechanical, 1st floor - security room, lobby, one elevator, 2 homerooms for each grade, Kindergarten with access to play area in rear yard setback; 2nd floor - cafeteria, 2nd/3rd graders; 3rd and 4<sup>th</sup> Floors – upper grade homerooms on west side, specialty classrooms on east. Gym and recess play area on 5<sup>th</sup> Floor.
13. Carey Finnegan described the challenges of the locations they've looked at for the school. From their start, they have been looking for their forever home balancing their everyday activities with an eye to their future expansion. Many spaces were narrow, spread vertically across many floors, or the developer not willing to front the costs for build out. First looked only at as-of-right spaces, but then expanded to spaces needing zoning changes. At 222 44<sup>th</sup>, the developer was willing to build out the school, and the footprint was large enough to stack classes comfortably with an option to expand to K-8. She stated that she discussed the location west of 3rd Ave with the school community and many families were supportive of the location.
14. The school just got notice of the application accepted by BSA, therefore wanted to get announcement to CB7 as soon as possible, Board gets 60 days to comment. Notification of the Board is required soon after filing, but the actual BSA review will be in October.
15. John Fontillas stated that it might be better to hold off on voting on this issue until September, to give school time to provide more information on their location search and to describe issues with the previous 20 locations they considered.

#### Discussion

1. Joan Botti – will the school be accessible? The architects said yes, they will meet all requirements per the ADA. Is there a playground for kindergarten? Yes, at ground level in the rear yard. There is also a recess yard on the 5<sup>th</sup> Floor for upper grades. In 2023, will they renew their charter? They will move into the building with K-4th grade classes. That year, the school will submit a petition to expand to 6,7 and 8 grades, middle school expansion.
2. Nick Azadian - why locate the school in the Industrial Business Zone? BSA special permit allows school uses in M districts if they are 400 feet from R districts. The school believes they are only 90 feet beyond that stipulation, therefore it is reasonable to ask for the variance. They submitted an environmental assessment and they addressed school safety in the report prior to BSA submission. The school's planners believe the residential homes on the back side of its lot make this site useful and appropriate for a school. Nick urges the school to consider the community's concerns with the change in use in an industrial area, pollution hazards, life safety issues, traffic issues, pollution off the BQE.
3. Katie Walsh – concerned about the asthma burden caused by truck pollution in the area, also 3rd Ave/BQE is an unsafe crossing for children and families with several recent deaths. In addition, growth of last mile trucking facilities in area puts kids live at risk. Katie believes this is the wrong location, CB7 is not okay with locating school in this location given what we know, extremely concerned and care about the future of children in the district. Kevin Williams noted that CSD15 has an unmet need of 1200 seats, and there are schools already located on 3<sup>rd</sup> Ave. Air quality issues are not different on either side of the roadway. 15 schools located within ½ mile of site.
4. Julio Pena - concerns about 3rd Ave, DOE wanted to locate an annex between 2nd/3rd Ave, and CB7 had a lot of concerns about that location - safety and health, students crossing 3rd Ave. Sunset Park has a history of racially unjust policies because community members were not represented. Charter school students are public school students, they deserve not to be in an area with these concerns. Accessibility accommodations in building? Meet 2014 NYC Building Code requirements. Kids on autism spectrum, signage, elevator, green space/play area on 1<sup>st</sup> Floor for kindergarten, raised bed garden. Board of Trustee composition? 9 members, bios on website, one member is Sunset Park born, several members identify as first gen/immigrants, Spanish and Mandarin speaking. Four staff members born and raised in Sunset Park.

5. Hector Gonzales - 1st aid station? Nurses Office on 1<sup>st</sup> Floor
6. Antoinette Martinez – what is the current Sunset Park student population? 70% are Sunset Park residents 102 in 11220 and 11223 zip codes out of 142, and they add 52 each year? Are there any other charter schools looking for a site? Only other is Brooklyn Prospect charter school, one permanent space high school on Fort Hamilton Parkway, middle school is under construction on 17<sup>th</sup> St between 3<sup>rd</sup>/4<sup>th</sup> Ave, will come to Board in fall for elementary school space. How many within Board? 5 in district.
7. Kevin Williams – School will provide ADA ramps at 2nd/3rd and hi visibility crosswalks, crossing guards, staggered with arrivals and departures. They will create a 140' long school no standing zone in front. He states that manufacturing uses along street are benign.
8. Katie Walsh – who decides the number of charter schools? State legislature decides. The school's application for a K-5 charter, then they have to be evaluated and renewed. 222 44<sup>th</sup> St has enough space to allow for a K-8 charter grant, renewed every 5 years. No other charters for state to give, although state is considering expanding number of charters.
9. Maria Roca - lot extends to 41st St, how does variance affect the rest of lot? Variance only applies to area of building site, rest of site remains as is. If a much bigger building could be built, if not school, could you build additional 20,000 later? School can only build what will be permitted by BSA variance, will not have a chance to go back and change application in future. Variance will be based on the plans and use submitted. Will there be a nurse fulltime? After school? Yes, a fulltime DOE nurse 5 days a week, but not after hours. They will consider afterschool nurse.
10. Javier Salamanca - schools are not overcrowded anymore, new construction has met the need for seats. Also, with one school crossing 3rd Ave, there seems to be a rush to grow more to the west. One of the issues of Bush Terminal is that is a very commercial industrial area, cement/garbage trucks, not family friendly. Contamination from Gowanus Expressway. Did DOE provide answer about 58th/3rd question about filtration? Also haven't seen results of traffic study. This location is worrisome, sites east of 3rd Ave not explored, need facts why these sites were rejected. Charters pull funds from public education, the Board's responsibility to do due diligence to look at each school's presentation and see if they deliver on their promises, fact finding for all community issues. For CB7, where is the consistency with Industry City? How do we square schools in an industrial zone?
11. Ting Ting Fu – with Uprose, against this proposal, three power plants, two solid waste transfer stations, industrial waterfront with toxic exposure, siting schools here is an inappropriate use in industrial zones, study found lead toxins, naphthalene, ethylene glycol, site is ½ block from Gowanus with 200k cars, 25k pm 2.5 particulates. Waste handling and diesel trucks in neighborhood, school in flood plain, 1030 new seats elementary schools under construction, Keep pushing DOE to located schools to find upland sites.
12. Brady Meixell – SBIDC, advocacy group for industrial businesses. SBIDC rejects this school siting inside industrial zone, puts kids at risk and undermines industrial sector. Truck traffic is essential to businesses, challenging logistical issues, parking congestion, liability to existing industrial activities, prohibits further growth of industry. Unsafe traffic crossing 3rd Ave, and foot traffic will deter businesses from expanding. CB7 should also be concerned with impact of noise and air quality conditions on students.
13. Cesar Zuniga - not about charters specifically, we're at a pivot point after Covid, showing inequities in neighborhood affecting people of color/neighborhood, not business as usual, opportunity to review land use issues in context of the community being underserved.
14. Daniel Varela – resident of block, dangerous to site school on block, 9-10 factories already, trucks loading all day and stay until the next morning.