

BSA Application 2021-30-BZ, CEQR # 21-BSA-044K
Brooklyn Rise Charter School Variance Application to locate at 222 44th St
between 2nd and 3rd Avenues, Borough of Brooklyn

Applicant Team Presenting:

Carey Finnegan – Head of School, Brooklyn Rise Charter School
Richard Lobel – Sheldon Lobel, PC – Land Use Counsel
Stephen Grasso - Partners for Architecture
Kevin Williams – Equity Environmental Engineering - Environmental Planner
Amber Kartalyan - Equity Environmental Engineering - Environmental Planner

Presentation Notes: - pdf submitted to CB7, also recorded on CB7's Youtube site

1. This Public Hearing is a continuation of the meeting and presentation that occurred on June 7, 2021. The Committee asked the Applicant to return with additional data on its search for suitable space. Please refer to published notes for this hearing.
2. The applicant has taken to heart the questions raised at the previous meeting, and they share the Committee's concern that school staff and students be housed in a safe and welcoming place. The presentation is intended to address all of the environmental review concerns, in particular traffic, delivery of students to school, air quality and noise.
3. The Brooklyn Rise charter school is currently located on a 10,000 sf second floor above the Rite Aid at 53rd and 5th. Originally chartered in 2018, the school opened in 2019 with K/1st and has added a grade each year since then. Each grade has two sections of 26 students each. This year they are offering K-3rd grade classes and have outgrown the space and they have limited capacity.
4. School has a 13:1 student/teacher ratio, as a small school option for inclusive learning. Preference is given to District 15 and Sunset Park residents, ESL preference, 70% of students live in 11220/11232 zip codes.
5. Current facility was always seen as a temporary incubation space to get school started. 2nd Floor location has limited activity space, no lunchroom or gym. School intends to grow to K-8 - 468 students total.
6. Since 2018, the School started a search to find a new site of approximately 40-50,000 square feet for a long-term home. Looked at sites in Southwest Brooklyn from Park Slope to Bay Ridge. Areas in the upland portions of the district have few sites that meet the program size, learning space character and locational requirements for the school, that are centrally located in Sunset Park and are 1 mile from the existing location. Several sites were not affordable. More sites that met the requirements were available in the industrial district west of 3rd Avenue.
7. 222 44th St is the selected location for Brooklyn Rise based on their extensive review of other sites. However, in order to locate an educational use in this M1-1D zone, the school is applying to BSA for variances to land use, bulk and height requirements. CEQR analysis for BSA requires applicant to meet legal findings on Land Use, Urban Design, Hazardous Materials, Transportation, Air Quality and Noise. Brooklyn Rise's consultants believe they meet or exceed these requirements to address community concerns.
8. School uses in manufacturing zones can be allowed if they are within 400' of a residential district by special permit. Since the site is 490' from the closest residential district, the School is applying for a variance through BSA, thereby requiring Community Board review.

9. Related to land use, the development team acknowledges the site is located within the industrial business zone of the Southwest Brooklyn Industrial Business District. The applicant, however, noted there are 10 other existing schools located near the Gowanus, in addition to day care facilities, parks, hospitals and other community facilities. The site is within a very mixed-use district, with local retail uses, long standing residential uses, and very few motor or automotive repair shops nearby.
10. The school commissioned traffic data collection for the block over 24-hour time spans over 2 weeks to review traffic counts. Analysis of pedestrian movements and field observations showed few conflicts with existing business operations (curb-cut activity, loading/unloading) and projected traffic associated with the school. There is little loading and unloading activity for adjacent businesses, with no obstructions of the sidewalk, forklift activity or double parking occurring. Thru traffic counts were low, as were the number of noisy trucks.
11. The planners agree that the Industrial Business Zone (IBZ) designation should be maintained and we should be very careful of siting non-manufacturing uses in this zone. But could site criteria be established to encourage connections to the upland residential zones? The proposed building site is not appropriate for substantial manufacturing use and has been vacant for many years.
12. They noted that 44th Street was designated by PlaNYC as an urban design conduit between the upland residential areas and the waterfront, in particular, Bush Terminal Park. The planners believe the school can help reinforce the pedestrian corridor with its location on 44th Street. They stress that 44th Street is a unique location in the IBZ, and that the project fits into the planning context and Greenway corridor initiatives established through citywide planning policies.
13. The school will stagger arrivals and departures to limit overall school traffic at the curb. Working with the owner of the building, they are willing to make changes to the street and adjacent buildings to limit industrial traffic and driveway curb-cuts.
14. The school will add ADA/pedestrian ramps at 2nd and 3rd Avenues, sidewalk widenings under the Gowanus Expressway. The school is also proposing creating a pedestrian safety bulb out at the SW corner of 3rd and 44th St to assist in pedestrian traffic crossing 3rd Ave.
15. The school will pay for crossing guards at 3rd Ave at 44th and 45th Street. They will institute a No Standing zone in front of the school site. The school will add flaggers, staff and family volunteers who will watch over sidewalk drop-off and pick-up times in front of the school.
16. Flood plain review – the proposed school site is beyond the 100-year floodplain and is mostly beyond the 500-year floodplain.
17. Air Quality – the development team reviewed 11 years of data from nearby air monitor survey stations. The data shows particulate counts at the site are well below WHO and EPA standards.
18. The development team is happy to work with the Board to find solutions that address the Board's concerns.

Board and Public Comments:

1. Board chair Cesar Zuniga noted the Board is very pro education, but we also have a clear vision for the Sunset Park waterfront as detailed in our 197a plan. We have been on record prioritizing our industrial waterfront on recent land use applications in the district.
2. Board member Katie Walsh said it is helpful the school is making a commitment to additional crossing guards at 3rd Avenue, but the issue must be considered in context of other issues in the district, such as last-mile trucking, and failure of DOT to manage truck routes. These issues shouldn't be loaded onto the school to solve – it's a failure of the City of not being able to resolve the danger this level of traffic represents. The School stated that its founding families were polled and they are in full support of the school's proposed location despite the issues stated. Many use the 44th Street corridor already to get to Bush Terminal Park and trust the school's proposed initiatives will keep the kids safe.

3. Board member Cynthia Felix said children coming to school will be coming from locations that will require crossing 5th Ave, 4th Ave, and 3rd Avenues, crossings that have significant traffic. We must consider the entire path children and parents will be navigating to get to this location. The school's planning consultant, Kevin Williams, noted that children attending schools in the area already cross these streets. The school is adding crossing guards at 3rd Avenue, which is currently not guarded.
4. Anne Rannazzo, parent of a child currently enrolled in the school, is confident in the proposal and believes the development team has looked at the proposal very rigorously.
5. Brady Meixell from the Southwest Brooklyn Industrial Business District noted that the area is and has been an industrial district, and to allow alternate uses into the district and will hamper its ability to serve industrial companies and the high quality jobs that industrial zoning is intended to support.
6. Board member John Johnson fully supports the school. He notes that if this variance was for a public school, it would probably not be an issue. As a charter school, Brooklyn Rise provides needed seat capacity and increased learning opportunities for the district's school population.
7. Shelby Everett is the director of inclusive learning at Brooklyn Rise. The current school space has a severe impact on students learning disabilities, which is twenty per cent of the student population. Currently, therapy and counseling services are given to students in hallways. The proposed location has been designed with safety and space in mind for these students.
8. Board member Julio Pena insists the board is in support of the charter school and is amenable to the deficiencies of the current school. However, the board has issues with yet another school being located next to the Gowanus.
9. Board member Justin Collins agrees that is unacceptable for students to receive counseling in hallways. The issue is the location with regards to industrial businesses. It is one of the few places left in the city for industrial businesses, but it carries with it truck traffic, narrow streets, blind turns. This is not compatible with young children. Also, uses in industrial districts are messy nuisances, health hazards, not for young children to be faced with every day.
10. Board member Katie Walsh recognizes that the development team understands the waterfront issues the Board faces. It isn't the school's fault, it's the failure of the planning and city leadership to solve base issues in the community.
11. Kevin Williams noted the IBZ impact, the current building and block have not been utilized and are vacant. No major changes have occurred in the corridor to promote new industrial jobs. There are no food distribution facilities on the block. Industrial emissions in air quality are not present at the site during the summer. Analysis shows that the site is not affected by environmental issues. The school and the building owner are willing to make changes to address community concerns.
12. Nick Azadian said data collected for air quality is taken at street level, not at the location where the mechanical system intakes air for the building. Proposed additional development from EDC will further deteriorate the long term uses for this area. He also noted that DOT will do what it wants and the city agencies don't care about the community.
13. Cynthia Gonzalez noted the proposed improvements under the Gowanus, but this is a high traffic parking field for the area. She is concerned that pedestrian traffic will conflict with the volumes of traffic expected to increase in the area.
14. Two hundred petitions have been provided by the applicant in support of the project.

Committee Discussion

1. Committee Chair John Fontillas stated the school would be allowed if it were 400' away from residential district. The school's variance application is because the proposed site is located just outside this boundary by 90'. Committee members must evaluate if the benefits of the school

outweigh the concerns. Brooklyn Rise has tried their best to look at alternate sites, but the 44th St site is the only one that meets their size, location, and cost criteria.

2. He noted there will be similar application next month for the Brooklyn Prospect School to locate in the industrial district on 39th Street between 3rd and 4th Ave in the Sunset Yards Building. Both variance applications raise many of the same traffic and industrial use issues in the community.
3. Cesar Zuniga reminds the committee that its recommendations are advisory, but they also set forth our values for the community. It is not mutually exclusive to support education and still have concerns over this location.
4. Julio Pena, as Education chair, cannot reconcile location, IBZ and health concerns with the need for the space in this specific location.
5. Cynthia Gonzalez, as a native of Sunset Park, worked for 35 years to get the Sunset Park High School built because we were bussing kids out of the neighborhood. We were one of only two communities in the city without a HS in the neighborhood. She's always fought for schools in the neighborhood and it breaks her heart to know that this site may be the only site Brooklyn Rise can afford. But this location is not suitable and not safe. She would consider a high school or college use with older kids vs. younger kids at this school.
6. Joan Botti notes that the two schools at 59th Street also have small kids as well. The main issue is we have very little available land to locate schools. The 39th Street site was also turned down by the Site Selection Committee. However, she feels that schools are important regardless of whether they are charter or public.
7. Nick Azadian notes that we are constantly evaluating putting a use in a place that it shouldn't be in. We cannibalize industrial space for other uses. We can't keep taking industrial space without making it unusable for industrial uses. The other developments in the area, like SBMT, EDC's Film Studio and Garment Center and the Brooklyn Army Terminal will need industrial support spaces, which generates truck traffic. Locating the school here will invite traffic conflicts and maybe fatalities. Keep it for adult pedestrian traffic going to work vs. little kids. He is not willing to compromise safety because kids need to be alive in order for them to learn.
8. Katie Walsh says straw man framing (site the school to meet planning goals; if we don't approve the project, the kids will suffer) is disingenuous and the committee should address the project on the merits. The city, state, agencies, and elected leaders are not thinking about community issues and what is planned. The committee must maintain a comprehensive perspective.
9. Cynthia Felix noted that we have 14 schools already in the Gowanus/Third Ave heavy traffic corridor, and studies show kids' test scores and health problems are all affected. 3rd Ave crossings at dusk are particularly dangerous, especially if these are small kids. For her, the reasons for the school not to be allowed here outweigh the benefits of this location.
10. Gladys Bruno is concerned about safety, especially if students are coming from 7th Ave down to 2nd, the danger increases every street crossing.
11. Sandra Alfonso works at the Brooklyn Army Terminal and believes safety is a key priority.
12. Cesar Zuniga notes that context matters. Failure of elected leaders to advocate for the community, last mile trucking issues, no proper in-depth planning and community rezoning – if the Board takes seriously our role in advocating for our vision of the waterfront, it is hard to reconcile scattershot approvals of separate land use matters in the district.

The motion proposed to the Land Use Committee was to approve the application. The motion did not carry by a vote of two in favor and four against. Per this vote, the Land Use Committee is NOT RECOMMENDING APPROVAL of the application to the Full Board.