

**BROOKLYN COMMUNITY BOARD 6  
LANDMARKS/LAND USE COMMITTEE  
JANUARY 4, 2010**

**ATTENDANCE: LANDMARKS/LAND USE COMMITTEE**

**PRESENT:**

J. ARMER	B. ATKINS	P. BLAKE
W. BLUM	P. FLEMING	K. FREEMAN
G. KELLY	D. KUMMER	B. LESTER
R. LEVINE	T. MISKEL	M. MURPHY
R. OBERLENDER	M. SHAMES	R. SLOANE
E. SPICER	P. THOMAS	

**ABSENT:**

D. SCOTTO

**EXCUSED:**

A. PUGLIESE	L. SONES	B. STOLTZ
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**GUESTS:**

C. SANDERS-JAMES, REP. FOR HON. M. BLOOMBERG, MAYOR		
A. & C. LANTZ	J. HATHAWAY	D. HARRISS
S. BROWN	W. FLOYD	

**\*\*\* MINUTES \*\*\***

Meeting called to order at 6:25 PM after the Public Hearing

**Agenda Item:** Discussion and formulation of a recommendation on applications submitted to the Board of Standards and Appeals (BSA Cal. Nos. 312-09-A thru 323-09-A) on behalf of 340 CS Holdings, LLC, for the legalization of previously issued building permits before the effective date of a map change to Zoning Maps 16a and 16c, which rezoned the subject premises from R6/C13 and R6 to R6A/C2-4 and R6B, and to allow the completion of a development consisting of a seven-story mixed use building and 11 separate, four-story townhouses at **340 Court Street, 283-291 Union Street and 292-298 Sackett Street** (Block 339, Lot 19).

Presentation made by applicant from the Clarett Group detailing why they were before the committee and asking that they be allowed to build the project as originally designed. Because of the rezoning of recent Carroll Garden, the DOB issued a Stop Work Order and the applicant must go to the BSA to have the original plans vested. They explained that 100% of the foundation is completed and that they have not continued to build is because of the current economic climate and that fully intent to complete the project once construction funds/loans are available.

A motion was made by J. Armer and seconded by T. Miskel: To recommend to BSA that the project as originally planned be vested and allowed to proceed.

**Vote:** Yes: 15, No: 0, Abs: 1, Motion PASSES

**Agenda Item:** Presentation and discussion of a Certificate of Appropriateness application submitted to the Landmarks Preservation Commission for proposed alterations to The Berkeley Carroll School at **181 Lincoln Place**, Park Slope Historic District.

Bob Levine Committee Co-Chair explained the difference between Landmarks and Land Use issues and what the committee will be looking at on this issue. He then introduced Robert Vitulo the Head of School who explained that the Berkeley Carroll School needs this new building to improve their program, increase study space and common area, to provide a larger cafeteria, provide additional classrooms and staff offices. And that they have been working to mitigate the effects of this new building on their neighbors. He then introduced William Higgins, the school's landmark consultant, who gave a short history of the school presence in Park Slope and went into some detail as to the new buildings specifications and how the design preserves an existing wall. Higgins explained further how the roof play area will function. Mr. Higgins then turned the floor over to Doug Hassbruek, with the architectural firm of Butler Rogers Baskett who went thru a Powerpoint presentation that went into detail as the current conditions and the proposed new building. After his presentation, some members of the St John's Block Association made a presentation. The first speaker was Barbara Muir (see Attachment #1), the second speaker was Dan Enriquez (see Attachment #2), followed by John Muir, and the last speaker from the block association was Diane Green (see Attachment #3)

At this point the floor was opened to questions from committee members and the community. Some questions dealt with the ages of the children that would be using the roof play area (5<sup>th</sup> – 8<sup>th</sup> grades) to the type of activities on the roof (no tennis, there would be one basketball backboard and table for sitting). Was a shadow study (yes it was done, though it was not required)? The high and type of fence around the roof play area (the fence would be solid at the bottom few feet and a type of mesh above).

There were some community members who were completely against the new building and some who thought that the school had made changes to deal with the community/resident's objections. And there was a statement by the Historic Districts Council (See attachment #4)

After more discussion, questions, and statements the following motion was made by Ken Freeman and seconded by Bill Blum:

**Motion:** Recommend to LPC the conditional approval of the Berkeley Carroll School new building as presented. Condition 1) That the school meets with the new board at 209 St Johns Place to discuss the fencing material, and 2) that the terms of use of the roof top play area between the school and the community be completed before the construction begins. **Vote:** Yes: 11, No: 4, Abs: 1. Motion PASSES

**Motion** by Roy Sloane, seconded by Peter Fleming: That the Community Board establish a Working Group/Task Force made up of representative of the CB, surrounding buildings and the Berkeley Carroll School that would meet monthly to discuss and work out any problem that will occur during and before construction and to provide the community with a way to communicate with the school during the construction period. **Vote:** All in favor

Meeting adjourned at 8:40 PM

Minutes by J. Armer

## **Attachment #1**

"What we are asking the CB 6 Landmarks Committee to do"

Barbara Muir

Good evening, ladies and gentlemen. My name is Barbara Muir, and I am speaking for the Saint Johns Place Block Association. To identify myself, I am a retired CUNY professor, and have owned and lived at 206 Saint Johns Place since 1975, one of the 9 properties touching the Berkeley Carroll "annex" building at the rear yard property line. I am the President of the Saint Johns Place Block Association, and have been off and on since 1989.

The Block Association, founded in 1969, is here in opposition to the construction and development project proposed by the BCS, the applicant, on their site within the Park Slope Landmark District. I am the first of four speakers who will together state the position of the Block Association. In about 3 minutes time I will tell you what we are asking of you, the members of the Landmarks Committee of Community Board 6.

We request that the Committee deny the request by the developer, the Berkeley Carroll School, for a recommendation of approval by the Community Board. We request this on the basis that the project if built would be inconsistent, and incompatible, and in violation of, the spirit and the letter of the Landmark District designation of 1973.

If you find that the project application cannot be denied outright, we ask that you identify any flawed aspects of the proposed design and require revision by the applicant before it could be resubmitted and found acceptable by you. Of the many aspects that we feel are unacceptable, we will ask that you particularly give prime attention to the proposed rooftop sports and recreation facility, and require that the applicant adjust their submission by removing it.

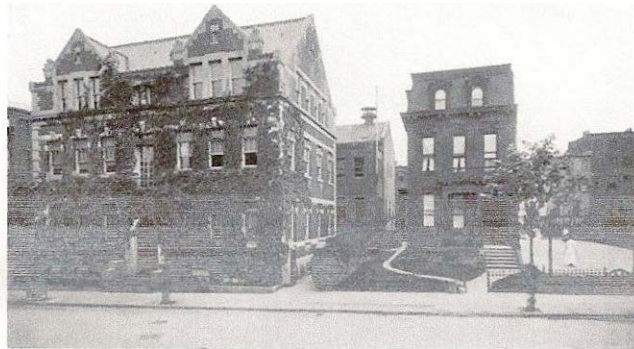
If the applicant declines to comply, or if the application is not withdrawn, we ask that the Committee recommend to the full Community Board that it vote to recommend to the Landmark Commission that the application be denied.

Thank you very much for your kind attention. The next speaker for the Block Association is Dan Enriquez, who will discuss the history of the landmark site, and of the school's record as a developer.

## Attachment #2

### History of BCS opposed to neighbors: *Dan Enriquez*

- **Pre-1910** - The Lincoln Place campus of the Berkeley Institute for Young Ladies was a beautiful, green open campus even several decades after our brownstones were already in place, visible at the back on the right in the 1910 image below. [The house in the middle is the surviving half of a free-standing double house, which the school had earlier cut in half and demolished the upslope part. They later demolished the rest, and we found no evidence that they asked the neighbors' point of view.] The old "Main" building is at the left.



- **1938** - Skipping ahead to 1938, BCS built their gymnasium directly on the street edge of Lincoln Place and on the property line at 209 Lincoln place, causing three floors of front apartments in the 209 building to lose their windows [SHOW 2 PHOTOS].



- **1971** - BCS built their existing rear yard "annex" building [which they now propose to demolish and replace] during the summer of 1971, without the neighbors being notified. [This was at the same time that the Park Slope Historic District application was being labored at by a coalition of neighbors]. Note that this building was built right up to the backyard property lines of 194 to 206 Saint Johns Place, an otherwise finely preserved row of 1880s brownstones. The structure was built most probably under a "community facility " exception, and otherwise would not have been allowed within 32 feet of that rear boundary. It would likely have been disapproved by the Landmark Commission if the landmark designation were in place in 1971 NYC LPC status as a registered

Historic District was not finalized until 1973, two years earlier; this one-storey cinder block building was, at the time of designation, the least "contributing" structure on the block.]

**1986** - Without informing Saint Johns Place residents, BCS started knocking holes for windows through the back wall of their annex building, raining rubble into rear gardens. There is no record that a landmarks permit was applied for. Neighbors' protests against these windows, which opened directly into backyards and looked into living room & bedroom windows, and were scoffed at. Only after the neighbors threatened to build fences in front of the windows did the school back down, fill in the holes, and install rooftop skylights instead.

**1989-1991** - BCS moved to fill in its lot even further by adding a 5-story building, attached to the original main building, and replacing an open courtyard in the middle of their property, and extending back to within 6 feet of the neighbor's fences. CB 6 Landmarks Committee recommended against the project, but it was approved by the LPC after much local protest. This building, much taller than the "annex", robs the adjacent garden core of light and air, and intrudes into the formerly rear yard open space to within five feet of the property boundary, eliminating the view plane down the green corridor for upslope residents on both sides.

**1996-1999** - At the newly acquired Carroll-to-President Street campus the ever-expanding school built out a major addition [including this building we are sitting in], rolling over the community despite massive opposition. This was allowed because the PS Historic district did not extend this far down slope [Please note that, however, the extension of the district currently being advanced by the community will do so]. According to the NY Times the BCS headmistress expressed the school's willingness to cut down a 135 year old oak tree on the premises, which was prevented after much community protest.

**2009-10** – Right now BCS is attempting to expand again, and once again it is to the detriment of the Historic District, as well as to the neighbors and the larger community. The school's Trustees' proposal is to yet further congest its Lincoln Place campus, expanding the building footprint and filling nearly every bit of open space, grossly contrary to the spirit of the landmark designation. Perhaps a contemptuous act - according to the Building Department website, BC School filed for a Buildings Department permit for the project in November, before coming to the Community Board or the Landmark Commission, which is at least a prime violation of procedure. In response, the Buildings Department rejected their application on December 30.

This Committee can draw the line here, today, and protect the Historic District from erosion, by voting to recommend that the application to the NYC Landmarks Commission be denied.

Thank you. The next speaker on behalf of the Block Association is John Muir, who will describe how the proposed project violates the historic feel and character of the protected green core through degrading the urban environment and landscape.

This sad history of abuse of Landmark status by the BC School leadership was capped in the last month by what is

### Attachment #3

Citywide Issues at stake: Diane Green

*What you have heard from us are not mere NIMBY issues. If anything, they shouldn't happen in anybody's backyard! We may be literally protective of our back yards, but ours is not the first Historic District block to be thus threatened, and there will be others.*

First and foremost, we feel that the integrity of the NYC Landmark District designation of the Park Slope Historic District is at stake here. *Overbuilding and incompatible design within a landmarked block sets a precedent for what might happen elsewhere in the PS Historic District and in other Historic Districts city-wide.*

There are four other issues raised by the proposed project which we believe have citywide implications for public policy. They may not be strictly landmark issues, but are related, and we beg the Committee's indulgence:

- Protection for the "Green Corridor": incursion into officially landmarked garden cores is indefensible. But wherever these green back yard spaces are found, in rowhouse areas around the city, they provide neighbors and passersby with an important amenity of the urban landscape. They should be considered for protection city-wide.
- Abuse of the "community facility" exception: This peculiar zoning exception for certain businesses and land uses is the fragile thread that owners like BCS use to build out to the property line and to fill in the entire rear yard. They do not have to demonstrate that their private use actually benefits the community. It's not working, and needs to be reviewed.
- Regular generation of "crowd noise": the new NYC noise code seems to regulate everything else, but has no limits or regulation of the kind of noise that every day will come out of the BCS rooftop sports and recreation facility, other than a general injunction against "unreasonable noise". This needs to be reconsidered.
- Private schools are growing city-wide, and nearly always impinge on their neighbors when they need larger facilities. They disrupt their communities and erode the quality of their educational missions by constant construction and overbuilding, and produce over-congestion within their existing lots. Such schools would better serve their communities by dividing into several sites of higher-quality multiple campuses. The city needs to address this pattern, and perhaps provide guidance and incentives.

I, therefore, conclude the Saint Johns Place Block Association presentation with a modest proposal. We think that the needs of the Berkeley Carroll School will be best served by acquiring yet another property and establishing a new campus [they now have two]. The Lincoln Place campus is congested and overcrowded, and is manifestly only large enough to accommodate either their middle school or the high school, but not both. The school authorities need to be farsighted in their strategic planning. Neither school can achieve lasting excellence by "hanging out" over our backyards.



HISTORIC DISTRICTS COUNCIL

THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

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Statement of the Historic Districts Council

Community Board 6 Brooklyn, Landmarks/Land Use Committee January 4,  
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The Historic Districts Council is the advocate for New York City's designated historic districts, individual landmarks and structures meriting preservation. The Council is dedicated to preserving the integrity of New York City's Landmarks Law and to furthering the preservation ethic. We thank Community Board 6 Brooklyn Landmarks/Land Use Committee for allowing us the opportunity to testify on this application.

Over the past four months we have been discussing the proposal with the St. John's Place Block Association who first brought the matter to our attention. It is very much like proposals we have unfortunately seen from institutions in historic districts around the city, incremental additions eating up residential garden cores and permanently changing their character.

Brownstone rowhouses are an iconic piece of New York City, particularly Brooklyn. Their elegant architecture and layout that allowed 19<sup>th</sup>-century middle class families the luxury of living in private homes with easy access to city conveniences has continued to draw residents to neighborhoods like Park Slope for well over a century. As important to that sense of place the architecture creates are the spaces the rowhouses do not fill, the garden cores. As community board members are well aware, much of the sense of place of rowhouse living comes from the private backyards. Just as the ornamented street facades are the public face of the building, the rear yards are the private space of the residents. Instead of garbage trucks and delivery vans, there are gardens and barbecues. They are where you can have a conversation over a fence or, more likely, gaze peacefully into an empty sky, removed from what Jane Jacobs called "the ballet of the streets". Both outdoor experiences, the public street and the private yard, are part of the essence of life in Park Slope. Unfortunately, the Berkley Carroll Plan will drag the public thoroughfare into the private space and adversely affect all its neighbors.

Expansion is not new to Berkley Carroll. Neighbors have endured incremental additions over the years until much of the space on the lot has been filled, both vertically and horizontally. Where and when will it end? Why not here and now? Take a step back, evaluate needs, both present and long term, and create a more holistic plan that will meet those needs while preserving the garden core, its sense of place and the quality of life it provides for residents of this block.