



Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

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INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION

1427 RALPH AVENUE – 210106 PCK

An application submitted by the New York City Department of Health and Mental Hygiene (DOHMH) and the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of an approximately 67,770 square-foot (sq. ft.), M1-1 zoned property located at 1427 Ralph Avenue, to be used as a pest and vector control program facility in Brooklyn Community District 18 (CD 18).

BROOKLYN COMMUNITY DISTRICT NO. 18

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

Eli L. Adams

BROOKLYN BOROUGH PRESIDENT

April 13, 2021

DATE

RECOMMENDATION FOR: 1427 RALPH AVENUE – 210106 PCK

The New York City Department of Health and Mental Hygiene (DOHMH) and the New York City Department of Citywide Administrative Services (DCAS) submitted an application pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of an approximately 67,770 square-foot (sq. ft.), M1-1 zoned property located at 1427 Ralph Avenue, to be used as a pest and vector control program facility in Brooklyn Community District 18 (CD 18).

On March 22, 2021, Brooklyn Borough President Eric Adams held a remote public hearing on this special permit application. There were no speakers on the item.

In response to Borough President Adams' inquiry about the status of building construction and fit-out, including the portion reserved for a private tenant, given the anticipated occupancy date of 2022, the DOHMH representative clarified that construction is approximately 85 percent complete and that, pending ULURP, the DOHMH fit-out would be done within a year after work cost approval. It is not known when the non-City portion would be leased but it is currently available.

In response to Borough President Adams' inquiry as to what consideration has been given to leveraging the City's lease to incentivize enclosed or open rooftop agriculture at this site, and whether the agencies would be responsive to exploring and advancing such possibilities, the representative noted that the new building code requires a green roof, and that DCAS would incorporate such conditions in the lease.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as passive house design, blue/green/white roof covering, and/or New York City Department of Environmental Protection (DEP) rain gardens, the representative explained that project has not entered the schematic design and development phase. However, DOHMH and DCAS would be open to the discussion of such elements as part of the lease negotiation.

Subsequent to the hearing, Borough President Adams received written clarification from DOHMH explaining what types and quantities of pesticides would be stored at the proposed facility, and how wastewater containing such materials would be disposed.

Consideration

Brooklyn Community Board 18 (CB 18) approved this application on March 17, 2021.

The proposed actions concern an approximately 67,770 sq. ft. privately-owned site on the east side of Ralph Avenue between Chase and Preston courts in Canarsie. The property is an assemblage of three lots with a total frontage of 317 feet along Chase Court, 337 feet along Preston Court, and 106 feet on Ralph Avenue. It is currently under construction as a one-story, 48,000 sq. ft. building with a 19,800 sq. ft. parking lot. DCAS and DOHMH are seeking to select and acquire the site for a new pest and vector control program facility.

DOHMH would utilize approximately 36,000 sq. ft. of the warehouse, primarily for storage needs related to its insect and chemical lab, pest and vector control equipment, and spray vehicle operations. The parking lot would house 21 pest control vehicles, 14 vector control vehicles, and 16 vector control spray vehicles. The facility would operate seven days a week with approximately 35 employees. Building egress would be provided from a parking lot on Preston Court. The loading dock and washing bay would be accessed via curb cuts on Chase Court. Daily vehicle washing would be located at least 750 feet from the nearest residence.

In recent years, the Bureau of Veterinary and Pest Control (VPCS) and Office of Vector Surveillance and Control (OVSC) have increased their activities, including pesticide use. The expansion of these programs has exacerbated the need for office and storage space, as well as a central location for operations. Currently, DOHMH does not have a dedicated facility for the pest control program, which previously occupied 7,000 sq. ft. at 520 Kingsland Avenue in Greenpoint. Since the expiration of its lease in 2018, the program has been housed in other DOHMH buildings. The agency's vector control program is located nearby at 1075 Ralph Avenue a property of less than 4,000 sq. ft. Successful site selection and acquisition of 1427 Ralph Avenue would consolidate DOHMH pest control as well as vector activities and equipment at a single Brooklyn location, increasing the unit's operational efficiency.

In Fiscal Year 2021 (FY21), DOHMH sought to acquire a new, 3,700 sq. ft. site in CD 18 for Pest Control Services that would accommodate 21 employees and three to five vehicles. The agency also sought a 24,600 sq. ft. space for Vector and Pest Control with 30 parking spaces. In FY22, DOHMH requested a 36,077 sq. ft. facility to house both units, with a combined 34 employees and 51 vehicles.

1427 Ralph Avenue presents several advantages for DOHMH, including location within an M1-1 district, and the Flatlands/Fairfield Industrial Business Zone (IBZ). Additionally, it meets DOHMH criteria such as access to public transit and highway networks, favorable loading and parking conditions, and situation outside a designated flood plain.

Borough President Adams recognizes the need for large and appropriately located warehousing space that allows for storage and deployment of DOHMH pest control assets throughout Brooklyn. However, given the importance of the proposed facility, he is concerned that the agencies have not evinced a robust effort to engage and inform the host community. Borough President Adams believes that the requested site selection and acquisition should not be approved as DOHMH and DCAS have not taken adequate steps to address local concerns about pest and vector control operations. Additionally, what is proposed does not promote rooftop utilization for urban agriculture, nor does it seek to maximize the integration of sustainable and resilient measures.

Community Concerns About Storage and Disposal of Pesticides

Local residents have expressed concerns about planned DOHMH operations at 1427 Ralph Avenue, including interior materials storage and the exterior washing bay. While the project EAS asserts that these activities would not be visible from the street, their frequency and intensity may still affect the surrounding community, given the facility's substantial size.

While the site is located in an IBZ, it is also less than 600 feet from a low-rise residential district and a public park. Moreover, the neighborhood's main mode of transit, the B47 bus, stops across the street from 1427 Ralph Avenue. Finally, the New York City Housing Authority (NYCHA)'s Glenwood Houses, which contain 20 buildings and more than 2,500 residents, are located three blocks south of the site. In sum, the proposal for this pest and vector control facility has not demonstrated that it would not adversely affect both pedestrians and local residents.

Subsequent to Borough President Adams' public hearing, DOHMH clarified what materials would be stored at 1427 Ralph Avenue, including large quantities of acaricides for tick control, adulticides for adult mosquito control, larvicides for larval mosquito control, and bait for rodent control. These liquid and solid pesticides would be held in properly sealed containers and handled by New York State-certified exterminators wearing personal protective equipment (PPE). DOHMH would obtain all necessary permits to use and store the materials at the site. The agency noted that there were no incidents of product leaks or spills at any of its prior storage facilities in the last 20 years.

Regarding concerns about drainage, DOHMH clarified that wastewater from the spray truck washing bay would be diverted from the local sewer shed and into a separate containment tank. The material would be filtered for pesticides or removed by a licensed contractor for off-site treatment and disposal. The agency noted that all work involving the tank and wastewater disposal would be designed in accordance with provisions of applicable codes, ordinances, and regulations.

Borough President Adams believes that City-owned and leased buildings should be good neighbors in their host neighborhoods. This is particularly important for operations that involve hazardous materials, as the siting of such facilities can raise environmental justice concerns in low-income communities of color. He believes that this proposal's progress has not been accompanied by a parallel community engagement process, and that the agencies should have made efforts to ensure public involvement and transparency. For example, DOHMH could have provided information about pesticide quantities to be housed at 1427 Ralph Avenue, and solicited community feedback on the design of the containment tank.

Borough President Adams recognizes local concerns about intensive use of pesticides. Recent studies have found that insecticides derived from plant oils can be highly effective. This class of pesticides represents a "next-gen" solution for mosquito control, as many populations have developed resistance to traditional, man-made pesticides. Borough President Adams believes that DCAS and DOHMH should have already engaged nearby residents, CB 18, and local elected officials in open discussion about what pesticides would be stored on site, transported on spray vehicles, and washed into drainage systems. Additionally, DOHMH could have taken the opportunity to utilize less-toxic pesticides, given the large quantities that would be present at 1427 Ralph Avenue. It will be up to the City Council to determine if the agencies are to take subsequent steps to adequately demonstrate that such materials would not pose adverse health impacts to the community.

Advancing Resilient and Sustainable Energy and Stormwater Management Policies

It is Borough President Adams' policy to advocate for promoting environmentally sustainable development that integrates blue/green/white roofs, battery storage, solar panels, and/or wind turbines, as well as passive house construction. Such measures tend to increase energy efficiency and reduce a building's carbon footprint.

In the fall of 2019, the City Council passed Local Laws 92 and 94, which require that newly constructed buildings and existing ones undergoing renovation (with some exceptions) incorporate a green roof and/or a solar installation. The laws further stipulate 100 percent roof coverage for such systems and expand the City's highly reflective (white) roof mandate.

Regarding solar panels, there are now options beyond traditional roof installation. Multiple companies are manufacturing solar cladding from tempered glass that resembles traditional building materials, with energy output approximating that of mass-market photovoltaic systems. For taller buildings, and those in proximity to the waterfront, micro wind turbines can provide effective sustainable energy generation. Finally, passive house construction achieves energy efficiency while promoting locally based construction and procurement.

In Borough President Adams' letter to President Joseph R. Biden Jr., dated January 21, 2021, he outlined an urban agenda based on funding policies that will rebuild America as a more equitable and just society, including initiatives consistent with the Green New Deal. Specifically, Borough President Adams advocated for renewable energy and battery storage to move beyond reliance on natural gas and dirty "peaker plants," which are disproportionately sited in communities of color. He believes that grid-connected rooftop batteries should be a standard consideration for commercial buildings. Between

existing flat roofs upgrades and newly developed projects, there should be sufficient demand to manufacture such units locally and create industrial jobs.

Borough President Adams believes that City-owned and/or occupied-development should strive for high standards in resiliency and sustainability. It is therefore appropriate for DCAS, DOHMH, and the property owner to engage the Mayor's Office of Sustainability, the New York State Energy Research and Development Authority (NYSERDA), and/or the New York Power Authority (NYPA), regarding government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of this site. One such program is the City's Green Roof Tax Abatement (GRTA), which provides a reduction of City property taxes by \$4.50 per sq. ft. of green roof, up to \$100,000. The DEP Office of Green Infrastructure advises property owners and their design professionals through the GRTA application process. Borough President Adams encourages the parties to reach out to his office for further coordination on this matter.

As part of his flood resiliency policy, Borough President Adams encourages best practices to manage stormwater runoff including permeable pavers and/or rain gardens in the public right of way. As construction on 1427 Ralph Avenue is largely complete, there may be limited opportunities to incorporate green infrastructure. Borough President Adams recognizes that on-site water retention can be achieved in a multitude of ways, for example by integrating blue roofs with green roof systems.

However, Even if DOHMH and DCAS are able to properly address community concerns, Borough President Adams would still be dissatisfied as it remains unknown whether the proposed lease could be leveraged to promote sustainable energy and/or stormwater management benefits, such as blue/green/white roofs, grid-connected rooftop batteries, and/or solar panels.

Utilizing Roof Rights for Urban Farming

In 2017, Borough President Adams and former Council Member Rafael L. Espinal Jr. introduced legislation calling on the New York City Department of City Planning (DCP) to create a comprehensive urban agriculture plan for the city. Intro 1661 proposed to catalog existing and potential urban agriculture spaces; identify land use policies to promote the expansion of these practices and analyze the New York City Zoning Resolution (ZR), building code, and fire code for ways to foster the industry. In 2021, the Office of the Brooklyn Borough President released its "The New Agrarian Economy" report, which puts forward a blueprint for growing urban agriculture in New York City. Among other ideas, the report recommends "reimagining existing infrastructure and assets" to harness the potential of rooftop farming and green large roofs.

In the last decade, New York City has been a hub for innovative urban agriculture, including some of the largest and most productive rooftop farms in the country. The Brooklyn Grange operates 5.6 acres of rooftop farms in Brooklyn Navy Yard, Long Island City, and Sunset Park. Together, these spaces generate 100,000 pounds of organically grown produce every year. Borough President Adams has called for the inclusion of urban farms on the roofs of City-owned and occupied buildings.

Borough President Adams recognizes that, in addition to energy generation and stormwater management, the extensive roof area at 1427 Ralph Avenue presents significant opportunities for urban agriculture. However, to date, there has been no agency demonstration of intent to leverage the proposed lease at 1427 Ralph Avenue to promote urban agriculture, including aquaponic and/or hydroponic farming, in an open or enclosed rooftop facility. Given growing interest in community food justice and local food systems, Borough President Adams believes that DOHMH and DCAS should have considered using the 1427 Ralph Avenue roof to advance this public purpose in their proposal, especially without stated intent to integrate sustainable energy systems. Even if DOHMH and DCAS are able to

properly address community concerns, Borough President Adams would still be dissatisfied that the City's lease terms did not include the ability to harvest the building's roof rights.

Promoting Urban Agriculture Use

The ZR identifies agricultural use as an open use community facility, found in use group (UG) 4B, which includes uses greenhouses, nurseries, and truck gardens. To ensure consistency with modern urban agriculture practices, the City should consider redefining the above as enclosed uses, based on certain findings. This would then permit the utilization of additional floor area for rooftop farming, where appropriate, for community facility use when limited to urban farming use. For M3 districts specifically, there should be consideration to modify rooftop greenhouses as a permitted obstruction pursuant to ZR Section 75-01 (b) to include the cultivation of aquaponics.

Therefore, to promote appropriate urban agriculture use, including aquaponic and hydroponic technologies on building rooftops, DCP should modify the ZR as warranted, by amending Sections 22-14 Use Group 4B: Open Uses, 42-10 Uses Permitted As-Of-Right, ZR 43-122 Maximum floor area ratio for community facilities and ZR 75-01 (b) Greenhouse Certification. Moreover, the New York City Department of Buildings (DOB) should issue a Zoning Determination to clarify zoning floor area calculations for stacked-vertical indoor urban farming systems.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to Section 197-c of the New York City Charter, recommends that the City Planning Commission (CPC) and City Council disapprove this application.

Be it further resolved:

That in order to promote appropriate urban agriculture use, including aquaponic and hydroponic technologies on building rooftops, the New York City Department of City Planning (DCP) should modify New York City Zoning Resolution (ZR), as warranted, by amending Sections 22-14 Use Group 4B. Open Uses, 42-10 Uses Permitted As-Of-Right, ZR 43-122 Maximum floor area ratio for community facilities and ZR 75-01 (b) Greenhouse Certification. Moreover, the New York City Department of Buildings (DOB) should issue a Zoning Determination to clarify zoning floor area calculations for stacked-vertical indoor urban farming systems.

From: Kseniya Inoyatov <kinoyatov@health.nyc.gov>

Sent: Monday, April 12, 2021 1:16 PM

To: Guzenfeld, Inna (BROOKLYNBP) <Inna.Guzenfeld@brooklynbp.nyc.gov>; Carlos Ambia <cambia@health.nyc.gov>

Subject: Re: Hearing Questions

Hello Inna,

We'll store many pesticides. All products are United States EPA and NYS DEP approved for use in the City. We also obtain all needed permits to store and use the products. They will always be in their original and properly sealed containers. Note that there were no examples of leakage or spillage of products at our prior storage facilities (2001 – 20019). Any handling or loading of pesticides is done by NYS certified exterminators wearing proper PPE (including a respirator recommended by the manufacturer).

List of Pesticides:

1. **Acaricide for tick control:**
 - a. Tick Control System TICK BOX (EPA Reg. No. 85306-1) (these are plastic boxes that look like mice bait stations) – 20 cases

2. **Adulticide for adult mosquito control:**
 - a. Anvil 10+10 ULV (EPA Reg. No 1021-1688-8329) – 50 to 100 gallons
 - b. Duet Dual-Action Adulticide (EPA Reg No. 1021-1795- 8329) - 50 to 100 gallons
 - c. DeltAGard Insecticide (EPA Reg No. 432-1534) – 50 gallons

3. **Larvicide for larval mosquito control:**
 - a. ZOECON Altosid XR Extended Residual Briquets (EPA Reg. No. 2724-421) – 10 pallets
 - b. Summit B.t.i. Briquets (EPA Reg. No. 6218-47) – 10 pallets
 - c. VectoPrime FG Biological Larvicide (EPA Reg. No. 73049-501) – 10 pallets
 - d. VectoMax FG Biological Larvicide (EPA Reg. No. 73049-429) – 10 pallets
 - e. VectoLex WDG (EPA Reg. No. 73049-57) – 10 pallets
 - f. VectoMax WSP (EPA. Reg.NO. 73049-429) – 10 pallets
 - g. VectoLex FG (EPA Reg. No. 73049-20) – 10 pallets
 - h. VectoBac GS (EPA Reg. No. 73049-10) – 10 pallets
 - i. VectoBac WDG (EPA Reg. No. 73049-56) – 10 pallets
 - j. VectoLex WSP (EPA Reg. No. 73049-20) – 10 pallets

4. **Bait for rodent control:**
 - a. Confrac Meal, (EPA Reg. No. 12355-75) – 15 pails
 - b. Confrac Pellets, (EPA Reg. No. 12455-86) – 35 pails
 - c. Confrac With Lumitrack, (EPA Reg. No. 12455-133) – 150 pails
 - d. Fastrac All-weather Blox, (EPA Reg. No. 12455-95) – 5 pails
 - e. Fastrac Place Pacs (EPA Reg. No. 12455-97) – 5 pails
 - f. Firststrike Soft Bait, (EPA Reg. No. 7173-258) – 150 pails
 - g. Talon G Place Packs, (EPA Reg. No. 100-1050) – 35 pails

- h. Weatherblok Xt, (EPA Reg. No. 100-1055) – 100 pails
- i. Generation Blue Max Block, (EPA Reg. No. 7173-211) – 25 pails
- j. Notox Mini Blocks, (EPA Reg. No. 7173-WI-1) – 25 pails
- k. Detex, (EPA Reg. No. DS1008) – 25 pails
- l. RESOLV, (EPA Reg. No. 7173-297) – 120 pails
- m. Contrac Bulk Pellets, (EPA Reg. No. 12455-139) – 250 pails
- n. Final Soft Bait, (EPA Reg. No. 12455-139) – 50 pails
- o. Generation Pellets, (EPA Reg. No. 7173-205) – 35 pails
- p. Final Bulk Pellets, (EPA Reg. No. 12455-90) – 250 pails
- q. Contrac Bulk Meal, (EPA Reg. No. 12455-36) – 50 pails
- r. Contrac Soft Bait, (EPA Reg. No. 12455-146) – 150 pails
- s. Take Down Soft Bait, (EPA Reg. No. 7173-30) – 35 pails

The wastewater from the washing bay will not be directly entering the local sewershed. The water will be contained in a separate tank that will either filter out the pesticides or the tank contents would be periodically removed by a licensed contractor to an off -site treatment and disposal. All work involving the tank and the wastewater disposal will be carefully designed in accordance with provisions of applicable codes, ordinances and regulations of all governing bodies involved, pending approval of same before work can commence.

Thank you,
Kseniya Inoyatov