

Brooklyn Community Board 6
RESPONSIBLE DEVELOPMENT POLICY

*Adopted by a unanimous vote of the Community Board at its December 9, 2009 general meeting;
Revised at its February 9, 2011 general meeting*

WHEREAS Brooklyn Community Board 6 is deeply concerned about the quality of life, health and safety, the quality of construction, and working conditions and employment opportunities on construction projects in our district, the preservation of the “essential character of the community”, and our environment, and the avoidance of actions “detrimental to the public welfare”; and

WHEREAS, too often, our community has seen developers, contractors and subcontractors who violate the health, safety, buildings, noise, and workplace laws and standards of New York City, jeopardize the health and lives of their workers, and permit dangerous and severe nuisances for adjacent property owners; and

WHEREAS we believe that responsible developers and contractors can deliver quality construction projects and operate quality developments to benefit and not unnecessarily harm the community or the environment; and

WHEREAS governing law contemplates a broad role for the Community Board in weighing the interests of public welfare within its community district regarding land use, development and improvement matters (“Land Use Matters”) in general, and in particular regarding Land Use Matters that come before the Community Board for findings and recommendations in connection with an application for a variance, a zoning change, an amendment of an urban renewal plan, a disposition of City-owned property or another action under the City’s Uniform Land Use Review Procedures (“ULURP”)¹;

COMMUNITY BOARD 6 of the BOROUGH OF BROOKLYN hereby RESOLVES to encourage all developers, contractors, subcontractors, architects, and engineers working in our district to abide by as many of the Responsible Development Standards outlined below as possible, to the greatest extent possible, with the understanding that it may not be possible to meet all standards due to the cost constraints inherent in particular

¹ The Community Board, as the first of its many enumerated duties, must “consider the needs of the district which it serves” (Charter of the City of New York, Chapter 70, Section 2800(d)(1)).

The Community Board exercises “the initial review of applications and proposals of public agencies and private entities for the use, development or improvement of land located in the community district, including the conduct of a public hearing and the preparation and submission to the city planning commission of a written recommendation” (City Charter, Chapter 70, Section 2800(d)(17)).

The Community Board and, in turn, the Board of Standards and Appeals, in reviewing any application for a variance of zoning provisions governing such land use, must make specific findings “so that the spirit of the law shall be observed, public safety secured, and substantial justice done” (Zoning Resolution of the City of New York, Article VII, Chapter 2, Section 72-21). The “Board of Standards and Appeals may prescribe such conditions or restrictions applying to the grant of a variance as it may deem necessary in the specific case, in order to minimize the adverse effects of such variance upon other property in the neighborhood” (Zoning Resolution, Article VII, Chapter 2, Section 72-22).

Among the specific findings required as a condition to the grant of any such variance is “that the variance, if granted, will not alter the essential character of the neighborhood or district in which the zoning lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare” (Zoning Resolution, Article VII, Chapter 2, Section 72-21(c)).

projects, and with the understanding that fulfillment of some of the standards may involve tradeoffs that make fulfillment of other standards difficult or impossible to attain.

COMMUNITY BOARD 6 hereby further RESOLVES, in connection with any Land Use Matter involving new construction, substantial renovations or additions totaling at least 10,000 square feet that comes before it for findings and recommendations in connection with an application for a variance, a zoning change, an amendment of an urban renewal plan, a disposition of City-owned property or another action under ULURP, Community Board 6 shall take the following actions (collectively, the “Large Project Review Process”):

1. request information from the applicant regarding the extent to which the applicant intends to comply, and has complied, with the standards herein, with respect to the applicant, the developer, the contractor, the subcontractors, the architect, and the engineer, including information documenting their respective track records; and
2. request that the applicant make a commitment that it, the developer, the contractor, the subcontractors, the architect, and the engineer will comply with these Responsible Development Standards to the greatest possible extent (subject to the limitations expressed above); and
3. ask the applicant to identify the developer, the contractor, major subcontractors, the architect, and the engineer, at the time of the application, rather than after project approval; but where this is not feasible, to ask the applicant and developer to commit to selecting responsible contractors, architects, and engineers; require contractors to select responsible subcontractors; and provide CB6 with documentation of compliance, when determined; and
4. consider such information and the track records of the applicant and the developer, contractor, subcontractors, architect, and engineer, in each case to the extent that they relate to safety issues, in determining whether the intended course of action may be detrimental to the public welfare or instead likely to secure public safety and minimize adverse effects on our district.

To facilitate the Large Project Review Process, Community Board 6 will ask the applicants and developers to submit documentation to the Community Board documenting their track records and commitment, and that of their contractor, major subcontractors, architect, and engineer in the areas above. Where possible, we will accept and consider reports, licensing, registration, or other information provided by the relevant parties to the City of New York, or collected and provided by the City. In each of these areas, we are looking for both a documented track record, and a stated commitment to operate in a responsible way on the project.

Flexibility in documenting a multi-year track record will be given to new businesses which provide evidence of commitment to these Responsible Development Standards, but do not yet have a multi-year track record. Construction managers (and others who shall perform a role similar to, or in supervision of, a general contractor) should be treated as contractors for all purposes under these Responsible Development Standards.

CB6 shall make a form with a checklist for this policy available on its website, so that applicants and developers can learn of it as early as possible, and shall advise applicants of this policy at the initial meeting (if one is held prior to the official review process), or as soon as we receive notice that an application has been filed with a public agency. Applicants and developers should submit their responses in writing at least one (1) week prior to the Land Use or other CB6 committee meeting at which the project will be reviewed, including copies of all responses and attachments by email, so that they may be forwarded easily to committees.

If information is not supplied, we may consider that failure in making our findings and recommendations.

Responsible Development Standards

Category	Evidenced by:
Experience/ capacity	<ul style="list-style-type: none"> • Track record of successfully performing the services at issue, on projects of similar size and scope. • References from other communities that provide evidence of past compliance with these standards.
Compliance with local laws	<ul style="list-style-type: none"> • A history (generally of at least five years) of, and a commitment to, complying with applicable public laws, including health and safety, wage & hour, insurance and bonding, and anti-discrimination/equal employment opportunity laws.
Good neighbor policies	<ul style="list-style-type: none"> • A commitment to meeting with neighboring residents and businesses on a regular basis to discuss and plan schedules, equipment routings, traffic impacts, and other disruptions, and the handling of complaints. • A 24-hour contact number for neighbors • A commitment to notify local precincts of street closures well in advance. • References from other communities that provide evidence of past compliance with these standards.
Construction safety	<ul style="list-style-type: none"> • A track record of, and commitment to, operating worksites that are safe and healthy, for both workers and neighbors, as evidenced by OSHA-10 (all workers) and OSHA-30 (supervisors) forms, as well as other information provided by the City, State, or Federal government.
Wage & benefits standards	<ul style="list-style-type: none"> • A track record of, and a commitment to, paying prevailing wages and benefits, area-standard wages & benefits, or living wages & benefits, as applicable.
Hiring & training	<ul style="list-style-type: none"> • Documented participation (and commitment to continued participation) in New York State-certified apprenticeship programs in trades in which they are working. • A track record of, and commitment to, giving local residents, women, and minorities an affirmative opportunity to obtain and retain employment.
Disclosure	<ul style="list-style-type: none"> • Willingness to disclose the necessary information for the community board to consider the applicant/developer/contractor's track record and commitment to these Responsible Development Standards.
Union contractor or comparable safety records	<ul style="list-style-type: none"> • Establishment of safe worksites, appropriate safety training, and fair worker treatment (including an opportunity for workers to organize and express grievances), to ensure compliance with safety rules and safe working conditions.
Locally-owned and locally-based businesses	<ul style="list-style-type: none"> • Support the use of local contractors and other businesses to maximize the positive economic impact of development investment in our community, and make it more likely that local employees will be hired.
Affirmative opportunities	<ul style="list-style-type: none"> • Support women-owned, minority-owned and veteran-owned, developers, contractors, subcontractors, architects, engineers, and other businesses.
Affordable housing	<ul style="list-style-type: none"> • Wherever possible, incorporate affordable housing to the greatest extent possible.
Contextual development; commercial and residential streets	<ul style="list-style-type: none"> • Development should fit in with its surroundings in a reasonable manner. • We encourage active streetscapes on commercial blocks, and encourage the maintenance of quiet residential side streets.
Environmental Impact/Sustainability	<ul style="list-style-type: none"> • Compliance with the standards of applicable green rating programs, such as the Energy Star Plus Indoor Air Package; Energy Star Advanced New Home Construction; Enterprise Green Communities Initiative; NAHB Green Building Standards; and/or the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Certification program.