

LETTER OF RESOLUTION
AMONG
VB KINGSBROOK ESTATES OWNER LLC AND VB UTICA CRESCENT OWNER
LLC (c/o MONADNOCK DEVELOPMENT LLC),
AND THE NEW YORK STATE OFFICE OF PARKS, RECREATION, AND HISTORIC
PRESERVATION,
AND
THE NEW YORK STATE HOMES AND COMMUNITY RENEWAL

REGARDING
THE KINGSBROOK ESTATES PROJECT At 585 Schenectady Avenue,
EAST FLATBUSH, KINGS COUNTY, NEW YORK
21PR04302

WHEREAS, the New York State Department of Homes and Community Renewal (“HCR”), through the New York State Housing Finance Agency (“HFA”) proposes to provide funding for the Vital Brooklyn Kingsbrook Estates redevelopment project (the “Proposed Project”) at the north campus of the Kingsbrook Jewish Medical Center, an approximately 2.6-acre parcel located south of Rutland Road between Schenectady Avenue and 49th Street in East Flatbush, Borough of Brooklyn, Kings County, New York (the “Project Site”), depicted on a map of the Project Site attached hereto as Exhibit A; and

WHEREAS, VB Utica Crescent Owner LLC, c/o Monadnock Development LLC and VB Kingsbrook Estates Owner LLC Estates, c/o Monadnock Development LLC (“the Project Sponsors”) have been chosen to develop the Proposed Project, which addresses critical issues in Brooklyn’s Community District 9 including: the urgent need for affordable and affordable senior housing, community space for health-oriented activities, and a therapeutic green space that accommodates a community garden; and

WHEREAS, HCR has consulted with the New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) in accordance with Section 14.09 of the New York State Parks Recreation, and Historic Preservation Law regarding this Project; and

WHEREAS, the Project Sponsors have consulted with OPRHP pursuant to Section 14.09 of *New York State Historic Preservation Act* and its implementing regulations, on the potential impacts of the Proposed Project on historic properties on or eligible for inclusion on the State and National Registers of Historic Places (“S/NRHP”); and

WHEREAS, OPRHP issued a determination letter (Brazee July 7, 2021) concluding that the Kingsbrook Jewish Medical Center is eligible for listing on the S/NRHP, including four contributing buildings on the north campus (Leviton, Lefrak, Blumberg, and Masin) that would

be demolished for the Proposed Project, and requesting an Alternatives Analysis ("AA") to assess alternatives to building demolition; and

WHEREAS, OPRHP accepted an AA prepared by Historical Perspectives, Inc. (HPI) and dated November 29, 2021; and

WHEREAS, the AA concluded that there were no viable alternatives to demolishing the four existing structures on the north campus in order to meet the needs of the community and accomplish the goals of the Vital Brooklyn Initiative to improve housing and achieve community health initiatives; and

WHEREAS, the proposed demolition will have an Adverse Impact on the S/NRHP-eligible Kingsbrook Jewish Medical Center site; and

WHEREAS, the Project Sponsors presented at several public meetings, including on January 30, 2020 at which the State Assembly Member Diana C. Richardson and members of HCR were present, and on October 28, 2021 at which the Kingsbrook Jewish Medical Center Community Council and members of HCR were present;

WHEREAS, OPRHP concurs that there are no prudent and feasible alternatives that would avoid or minimize adverse impacts to the National Register eligible resource; and, **WHEREAS**, the purpose of this Letter of Resolution (LOR) is to ensure that appropriate mitigation measures are undertaken to address the identified Adverse Impact;

NOW, THEREFORE, in accordance with Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law, the Project Sponsors, HCR, and the OPRHP agree that the Proposed Project shall be implemented in accordance with the following stipulations to mitigate the adverse impact of the Proposed Project on the Kingsbrook Jewish Medical Center site.

STIPULATIONS

1. Documentation.

The Project Sponsors will record the existing Leviton, Lefrak, Blumberg, and Masin Pavilions to the January 25, 2019 photograph and documentation standards of the OPRHP (available historic plans and photographs, photographs of existing conditions, and a brief written history). All photographs will be taken using a ten (10) megapixel or greater digital SLR camera, and each photograph will be numbered with numbers corresponding to the photograph number on an accompanying Photo Log or Key. Digital copies of this documentation shall be submitted as follows: one copy to the OPRHP, one copy to the New York City Landmarks Preservation Commission (LPC), and one copy to the HCR.

2. Construction Protection

A Construction Protection Plan (CPP) will be developed that will address how two adjacent historic structures within the Kingsbrook Medical Center will be protected during demolition and new construction on the north campus. The CPP will specifically address the implementation and monitoring of the structural work that will be required to allow the demolition of the Blumberg and Lefrak Pavilions without causing damage to the adjacent power plant, and the work to allow the demolition of the Leviton Pavilion without causing damage to the adjacent David Minkin Rehabilitation Institute (DRMI) building. The CPP shall meet the requirements specified in the New York City Department of Buildings (NYCDOB) Technical Policy and Procedure Notice #10/88: *Procedures for the Avoidance of Damage to Historic Structures Resulting from Adjacent Construction*, the LPC guidelines described in Protection Programs for Landmark Building and Guidelines for Construction Adjacent to a Historic Landmark, and the National Park Service's Preservation Tech Notes, Temporary Protection Number 3: *Protecting a Historic Structure During Adjacent Construction*. The CPP will be implemented by a licensed professional engineer. The CPP will be submitted to OPRHP for review and approval prior to implementation, with a copy provided to HCR. OPRHP will review and comment/approve within 30 days of receiving the CPP from the Project Sponsors.

3. Salvage of Historic Architectural Elements

The Project Sponsor, in consultation with OPRHP, will salvage historic decorative, architectural, and operational elements and re-introduce them on site. For example, the paneled two-story entry signage reading "Morris and Bessie Masin Pavilion" could be retained, or cornerstones from each of the four buildings to be demolished. A preliminary and pre-final Salvage Inventory and Reuse Plan shall be submitted to OPRHP for comment, with a copy provided to HCR.

4. Protection of Memorial Plaque

An existing Memorial Plaque sited several feet south of the North Campus lot boundary will be protected and preserved in situ, with efforts made to ensure its continued visibility from the courtyard of the new complex.

5. Upon written notice by OPRHP that the conditions set forth in Stipulations 1, 2, 3, and 4 have been fulfilled, a copy of which shall be provided to HCR, demolition of the Existing Buildings may proceed.

6. Dispute Resolution, Objections

Should any signatory to this LOR object at any time to the way the terms of this LOR are implemented, the Project Sponsor shall consult with OPRHP and any other agencies

deemed appropriate, to resolve the objection. Prior to reaching a final decision on the dispute, the Project Sponsor shall prepare a written response that considers any timely advice or comments from the signatories regarding the dispute and provide each with a copy of this written response. The Project Sponsor will then proceed according to its final decision.

7. Amendments

Any amendment must be agreed to in writing by all signatories and will take effect on the date it is signed by the last signatory. Signature pages may be scanned and transmitted to the other signatories by email. The Agreement may be amended to add other State agencies as parties if it is subsequently determined they also have jurisdiction for this undertaking.

8. Duration

This LOR will expire if the Proposed Project is not built out within ten (10) years from the date of its execution. Prior to expiration, the Project Sponsor may consult with the signatories to reconsider its terms and propose amendments in accordance with Stipulation 6. The duration of this LOR may be extended only upon approval of all signatories.

9. Termination

If any signatory to the LOR determines that its terms will not or cannot be carried out, that signatory shall immediately confer with the others to attempt to resolve a dispute under Stipulation 5 or develop an amendment per Stipulation 6 or above. If within thirty (30) days a dispute cannot be resolved or an agreement on an amendment cannot be reached, any signatory may terminate the LOR upon written notification to the other signatories.

10. Severability

If any section, subsection, paragraph, sentence, clause, or phrase in this LOR is, for any reason, held to be unconstitutional, invalid, or ineffective, such decision shall not affect the validity or effectiveness of the remaining portions of this LOR.

11. Counterparts

This LOR may be executed in counterparts, with a separate page for each signatory. This LOR will become effective upon the date of the final signature. The Project Sponsors will ensure that each signatory is provided with a complete copy of the final LOR.

12. Execution

Execution of this LOR by HCR and the OPRHP and implementation of its terms is evidence that HCR has satisfied Section 14.09 Responsibilities and the Project Sponsors have mitigated the impacts of the Proposed Project on historic properties and has afforded the OPRHP an opportunity to comment, in satisfaction of its responsibilities under Article 14 of the *New York State Historic Preservation Act*.

SIGNATURE PAGES FOLLOW

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AMONG
VB KINGSBROOK ESTATES OWNER LLC AND VB UTICA CRESCENT OWNER LLC
(c/o MONADNOCK DEVELOPMENT LLC),
AND THE NEW YORK STATE OFFICE OF PARKS, RECREATION, AND HISTORIC
PRESERVATION,
AND
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REGARDING
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21PR04302

SIGNATURE for:
New York State Department of Homes and Community Renewal, through the Housing
Finance Agency

Signature: _____

By (print name): Julie Behrens

Title: _____

Date: _____

AND

Signature: _____

By (print name): Heather Spitzberg

Title: Director, Environmental Unit

Date: _____

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SIGNATURE for:

New York State Department of Parks, Recreation and Historic Preservation

Signature:

R. Daniel Tury

By (print name):

Roger Daniel Mackay

Title:

DSHPD

Date:

1/14/2012

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SIGNATURE for:
VB Utica Crescent Owner LLC and VB Kingsbrook Estates Owner LLC Estates, c/o Monadnock
Development LLC

Signature:



By (print name):

KIRK GOODRICH

Title:

AUTHORIZED SIGNER

Date:

12/29/21