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SUBCOMMITTEE ON ZONING AND FRANCHISES

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND
FRANCHISES

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JANUARY 23, 2024
Start: 11:05 A.M.
Recess: 1:21 P.M.

HELD AT: 250 BROADWAY-COMMITTEE ROOM, 16TH
FLOOR

B E F O R E: Kevin C. Riley
Chairperson

COUNCIL MEMBERS:
Shaun Abreu
David M. Carr
Kamillah Hanks
Crystal Hudson
Francisco P. Moya
Lincoln Restler
Yusef Salaam
Lynn C. Schulman
Sandra Ung

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SUBCOMMITTEE ON ZONING AND FRANCHISES

A P P E A R A N C E S

Richard Lobel
Sheldon Lobel

Nick Liberis
Project Architect

Bishop Robert V. Butler
Glory Tabernacle Church

Jose Lainez

Kevin Williams
Environmental Consultant with Geo Environmental

Bishop Eric Figueroa
New Life Tabernacle

Marco Keio

Pastor James Neville

Leola Holmes
77th Precinct Council

Gregory Smith

Chris Williams
Bill Oelsner

Charles E. Boulbol

Michelle de la Uz
Executive Director of the Fifth Avenue Committee

Stephen Fabian
Program Manager of Real Estate and Planning for
Evergreen Inc

Carmelo Piazza
Brooklyn Pre-School of Science

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SUBCOMMITTEE ON ZONING AND FRANCHISES 3

A P P E A R A N C E S (CONTINUED)

- Daniel Wong
Community Preservation Corporation, CPC
- Eric Palatnik
Attorney at Law representing Whitestone Lanes
- Sara Penenberg
Political Coordinator at SEIU 32BJ
- Arlene Fleishman
President of the Mitchell-Linden Civic Association
- Eugene Kelty
Chair of Community Board 7
- Marilyn Bitterman
Mitchell-Linden Civic Association
- Charles Apelian
Vice Chair and Land Use Chair Committee Board 7
- Christian Batres (SP?)
Local 157
- Richard Basc
Akerman LLP
- Judith Gallent
Kent Riverview LLC-applicant

2 SERGEANT AT ARMS: This is a microphone check for
3 the Committee on Zoning and Franchise recorded on
4 January 23, 2024 in the 16th Room, hearing room by
5 Nazly Paytuvi.

6 SERGEANT AT ARMS: Good morning and welcome to
7 the New York City Council Hearing of the Subcommittee
8 on Zoning and Franchise. At this time, can everybody
9 please silence your cellphones. At this time and
10 going forward, no one is to approach the dais. I
11 repeat, no one is to approach the dais. Thank you
12 for your cooperation. Chair, we are ready to begin.

13 CHAIRPERSON RILEY: [GAVEL] Good morning
14 everyone and welcome to the meeting of the
15 Subcommittee on Zoning and Franchise. I am Council
16 Member Kevin Riley, Chair of the Subcommittee. This
17 morning, I have been joined by Council Member Abreu,
18 Schulman, Carr, Ung, Hudson and virtually by Council
19 Member Moya.

20 Before we get started with today's agenda, I
21 wanted to note that we are starting a new legislative
22 session. And I look forward to working with each
23 Committee Member on the projects we will be hearing
24 and voting on.

1 Today, we will hold hearings for five proposals.
2
3 The first public hearing is a proposal for a mixed-
4 use project in Brooklyn within the projected rezoning
5 area of the ongoing neighborhood study focused on
6 Atlantic Avenue in Council Member Hudson's District.
7 We will then hear a proposal for another residential
8 project in Flushing Queens followed by a proposal for
9 a life science development project in East Harlem.
10 The fourth hearing concerns a mixed-use residential
11 project in Jamaica Queens.

12 The fifth and last hearing will be another mixed-
13 use residential project but this time in Williamsburg
14 Queens. So we have a full agenda for our first
15 meeting with proposed projects in four of the five
16 boroughs. I now turn it over to Subcommittee Counsel
17 to review the hearing procedures.

18 COMMITTEE COUNSEL: Thank you Chair. I am
19 Counsel to the Subcommittee and this meeting is being
20 held in hybrid format. Members of the public who
21 wish to testify may testify in person or via Zoom.
22 Members of the public wishing to testify remotely may
23 register by visiting the New York City Council
24 website at www.council.nyc.gov/landuse to sign up.
25 But for those of you here in the Chambers, please see

2 one of the Sergeant at Arms to prepare and submit a
3 speaker card if you have not already done so. And
4 when you submit your speaker card, please indicate
5 the project you are seeking to testify regarding.

6 Members of the public may also view a livestream
7 broadcast of this meeting at the Council's website.

8 When you are called to testify before our
9 Subcommittee, if you are joining us remotely, you
10 will remain muted until recognized by the Chair or
11 myself to speak. When you are recognized, your
12 microphone will be unmuted. Please take a moment to
13 check your device and confirm that your mic is on
14 before you begin speaking.

15 We will limit public testimony to two minutes per
16 witness. If you have additional testimony you would
17 like the Subcommittee to consider or if you have
18 written testimony you would like to submit, instead
19 of appearing before the Subcommittee, please email it
20 to landusetestimony@council.nyc.gov. Please indicate
21 the LU Number and the project name in the subject
22 line of your email. We request that witnesses
23 joining us remotely remain in the meeting until
24 excused by the Chair as Council Members may have
25 questions.

2 Chair Riley will now continue with today's agenda
3 items.

4 CHAIRPERSON RILEY: Thank you Counsel. I will
5 now open the first public hearing on LU's 6, 7, and 8
6 relating to 962 Pacific Street Rezoning Proposal in
7 Council Member Hudson's District in Brooklyn. This
8 is an unusual proposal because it is seeking to
9 rezone property that is located within the proposed
10 Atlantic Avenue Mixed-Use Plan.

11 This plan is projected to certify and begin the
12 official public review process in just a few months
13 this spring. Despite the efforts to comprehensively
14 rezone this area of the city, the applicant is
15 seeking the individual rezoning before the proposed
16 comprehensive plan is finalized. The requested
17 rezoning is from a manufacturing district M1-1 to a
18 mixed-use district M1-4/47A that will facilitate a
19 mixed-use project where approximately 150 apartments.
20 This project would involve the mapping of a mandatory
21 inclusionary housing over the rezoned area which will
22 require the 38 to 45 of the units be income
23 restricted.

24 The applicant is also seeking a special permit to
25 reduce the number of required parking spaces. For

1 anyone wishing to testify on these items remotely, if
2 you have not already done so, you must register
3 online and you may do that now by visiting the
4 Council's website at council.nyc.gov/landuse. And
5 once again, for anyone with us in person, please see
6 one of the Sergeants to prepare and submit a speakers
7 card. If you prefer to submit written testimony, you
8 can always do so by emailing us at
9 landusetestimony@council.nyc.gov. I would now like
10 to give the microphone to Council Member Hudson to
11 give her remarks.
12

13 COUNCIL MEMBER HUDSON: Thank you so much Chair
14 Riley for the opportunity to comment on this
15 application, which as you noted is quite unusual.
16 Between 2018 and 2022, at least eight individual
17 development projects have sought rezonings between
18 Vanderbilt and Nordstrom Avenues along Atlantic
19 Avenue and the corridors surrounding streets.
20 Combined, these projects are projected to create over
21 2,000 residential units. However this is a
22 completely untenable way to plan for a neighborhood.
23 This type of uncoordinated development in such a
24 concentrated area means there's no comprehensive plan
25 to ensure that the needs of long-standing residents

1 are met. Everything from infrastructure, open space,
2 safe pedestrian circulation, an economic development
3 plan, and most importantly a thorough anti-
4 displacement strategy that will allow us to build
5 necessary housing without pricing out our most
6 vulnerable neighbors.
7

8 I will remind this Committee that this part of my
9 district has seen significant decreases in Black
10 households. A trend that is true across the city but
11 acutely exacerbated the long list corridor. Over the
12 past two years and during my campaign I have stated
13 clearly that this neighborhood needs a comprehensive
14 development plan. It must not be rezoned in a
15 piecemeal approach project by project and a
16 comprehensive plan is exactly what I have been
17 leading in partnership with the local community and
18 the Department of City Planning.

19 The effort to create a comprehensive neighborhood
20 plan was officially announced in April of 2022 under
21 the name of Atlantic Avenue Mixed-Use Plan or AAMUP.
22 And in January of 2023, my office kicked off an
23 extensive community engagement process. We held 12
24 public meetings with over 1,000 individuals in
25 attendance including issue area focus groups. The

1 Plan Steering Committee continues to meet regularly
2 as the project moves forward. Based on this
3 extensive community engagement process, the
4 Department of City Planning put forth a comprehensive
5 draft rezoning proposal this past December and the
6 formal public review of the city's proposal will
7 start this spring.
8

9 As you can see, a tremendous amount of work of
10 community planning has gone into preparing a
11 thoughtful thorough plan for this section of Atlantic
12 Avenue where the applicant is proposing this
13 development project. AAMUP has made significant
14 progress and should have a final plan in place by the
15 end of this year or early next year. This process
16 will yield a comprehensive rezoning, capital economic
17 and residential plan, which is what this neighborhood
18 needs. Despite the immense progress we've made over
19 the last year toward establishing a comprehensive
20 neighborhood plan, the process is not over. The
21 spring, the Administration will present its final
22 proposal to the community and City Council triggering
23 the ULURP. This is a vital part of this process and
24 it should not be shortchanged. The current
25 application is seeking to get ahead of the final

1 comprehensive plan. The applicant team has stated
2 that its project is consistent with the
3 Administrations draft rezoning proposal but this
4 draft rezoning proposal is just that, a draft. The
5 community and Council may very well approve a final
6 plan differs from this draft rezoning proposal. I do
7 not see why this applicant should be able to cut
8 short my communities review of the comprehensive
9 plan. The piecemeal redevelopment of this
10 neighborhood needs to stop and a final comprehensive
11 plan will shortly be in place. I ask that the
12 applicant support me and the community in completing
13 the comprehensive and thoughtful planning of this
14 neighborhood which will ensure that proposed
15 development projects are consistent with the final
16 plan. Thank you.

18 CHAIRPERSON RILEY: Thank you Council Member
19 Hudson. Counsel, please call the first panel for
20 this item.

21 COMMITTEE COUNSEL: The first panel consists of
22 Richard Lobel and Nick Liberis.

23 CHAIRPERSON RILEY: Counsel, please administer
24 the affirmation.

1 COMMITTEE COUNSEL: Please raise your right hand
2 and state your name for the record.

3 RICHARD LOBEL: Richard Lobel.

4 NICK LIBERIS: Nick Liberis.

5 COMMITTEE COUNSEL: Do you affirm to tell the
6 truth, the whole truth and nothing but the truth in
7 your testimony before this Subcommittee and in your
8 answers to all Council Member questions?
9

10 RICHARD LOBEL: I do.

11 NICK LIBERIS: Yes.

12 CHAIRPERSON RILEY: Thank you. For the viewing
13 public, if you need an accessible version of this
14 presentation, please send the email request to
15 landusetestimony@council.nyc.gov. And now the
16 applicant team may begin. Panelists, please state
17 your name and organization for the record before you
18 begin.

19 RICHARD LOBEL: Good morning. My name is Richard
20 Lobel of Sheldon Lobel PC. I represent 962 Pacific
21 Street in this matter joined by Nick Liberis, the
22 Project Architect. With me as well are Nadine and
23 Bill Oelsner who are the applicants here as well as
24 Kevin Williams, the Environmental Consultant.

1 So, we're going to run through the presentation
2 and are happy to answer specific questions of the
3 Committee. Uhm, as we look at the potential rezoning
4 here at 962 Pacific, we note that this process did
5 not begin for us in 2022 when the neighborhood
6 rezoning was announced. And it did not begin in 2021
7 but actually dated back to 2020.

8 So, in September of 2020, this applicant
9 submitted a pre-application statement for this
10 rezoning and while other applications went forward
11 and ahead in soon over two years, this applicant was
12 asked to wait several times. And so, by the time
13 that announcement was made in April 2022, this
14 application had already been in process for close to
15 two and a half years.

16 And so, the issue now with asking the applicant
17 wait as we again are about to go through the
18 materials is that we know because we've seen before
19 through area one rezonings, that while they do
20 reflect the goals of the community, they're not
21 necessarily timely in producing housing. We look at
22 the Gowanus rezoning right now, which was approved in
23 2021 and there has not been a unit that has been
24 produced pursuant to that rezoning. There is
25

1 excavation; more than half of those sites being built
2 pursuant to that rezoning are being excavated but
3 there's no units that are online right now and we're
4 in 2024 and those units won't be online probably
5 until 2026. So, that's a five-year gap and during
6 that five-year gap, there's a housing crisis and we
7 all know it because we all see it and we see people
8 every day when we pass on the streets of New York
9 City that don't have housing and that there is the
10 demand that's created from this lack of supply is
11 directly affecting them.

12
13 So, while we understand and are respectful of the
14 goals of the community and the stated goals of the
15 Council Member, indeed we could not be more
16 respectful having attended every meeting with regards
17 to AAMUP as well as of Community Board 8's Land Use
18 Committee. We do feel very strongly about this,
19 about the opportunity to proceed forward, not jumping
20 ahead of the line but after having been patient and
21 waiting our turn to allow our application to proceed.
22 Next slide please.

23 So, what is this application? This application
24 is for rezoning. It would rezone the existing M1-1
25 District for this site to a mixed-use district of M1-

1 4/R7A. The R7A residential equivalent here would
2 produce a potential nine story building with
3 approximately 153,000 square feet of floor area, 150
4 dwelling units, of which 38 to 45 would be
5 permanently affordable. Roughly 8,500 square feet of
6 community facility space, 19,000 square feet of
7 manufacturing space and approximately 8,000 square
8 feet of commercial space. Importantly as will be
9 noted further in the presentation, the production of
10 this mixed-use building fulfills many important goals
11 set forth by the community board as well as the AAMUP
12 proposal in creating housing and creating
13 affordability. But also importantly, in recognition
14 of Community Board 8's longstanding efforts in terms
15 of [00:12:47] and creating good job generating uses
16 at the site and creating an early childhood community
17 center which is nothing that has been offered or
18 provided before by any of the other rezonings within
19 the R7A District.

21 This project area is currently located between
22 R7A districts, so as the Committee will see, there is
23 a continuity of R7A here that exists on several
24 blocks, on multiple blocks and this is merely filling
25 in a gap in that zoning. Next slide please.

1 So, the next slide is a zoning map. Tough to see
2 here but – and we're going to see it as we go to the
3 area map but basically the R7A here is one, a lot
4 amongst a number of lots which is zone M1-1 and a C
5 R7A. But you can see from the circled area, again
6 residential zoning both on the north side of Civic
7 Street in this area on the south side of Pacific
8 Street in this area, as well as of course along
9 Atlantic and we can talk about each of those
10 rezonings in turn.
11

12 The next slide I think is very telling with
13 regards to this area and what we see. So, you can
14 see this entire block front and then you're able to
15 see the area in the dotted lines. The dotted lines
16 represent our site. And so, to the west of our site,
17 there's already a portion that's highlighted in red
18 that is already zoned R7A. It was rezoned R7A in a
19 prior rezoning in the Grand and Pacific Streets
20 Rezoning.

21 But here, this would allow us to provide for R7A
22 zoning on this site and I think the next slide, the
23 area map really tells you the story extremely well,
24 because you can see to the east of Clason what
25 happened here, there's 26 lots on this frontage of

1 Pacific Street between Grand Avenue and 200 feet east
2 of Clason.
3

4 So, in those – in that over a block of lots along
5 Pacific Street, there's 26 lots and of those, 25 are
6 zoned R7A except for ours. So, this is clearly not a
7 case where we were introducing something which is not
8 accepted, which hasn't been accepted by the area, by
9 the community board. In deed what we're doing is
10 providing something which allows for a context which
11 respects the fact that the Community Board and the
12 area and the Council has already created R7A on 25
13 out of 26 blocks – uh lots, excuse me.

14 The next slide demonstrates photographs of the
15 area, again demonstrating that we are contextual
16 within the surrounding area. And then, I think that
17 I would close my portion for now just with regards to
18 some of the prior rezonings that were accomplished on
19 the site in comparing our rezoning to their rezoning.
20 So, the next slide shows the other R7A rezonings in
21 this area, how those were created in 2019, 1010 and
22 1050 Pacific Street were rezoned to R7A.

23 In 2020, there was a rezoning on Grand and
24 Pacific which rezoned the property adjacent to ours
25 as well as a small portion of our property to R7A and

1 as well as the 1034 to 1042, which rezoned a portion
2 of Pacific Street on that site to R7A.

3
4 When we look at the other neighborhood rezonings,
5 next page please, we can see how our rezoning
6 compares to those rezonings. All of those rezonings
7 created R7A. Everyone of them created – they went to
8 an M1-1 District and they created R7A zoning. Again,
9 25 of 26 lots, so what's the difference? The basic
10 FAR height bulk remains the same but of all those
11 units that were created and of all the uses at those
12 buildings, M-Crown space was not required on any of
13 those wholly RFA zonings, while a small portion of
14 the 979 Pacific Street Rezoning required 25 percent
15 of ground floor space to be M-Crowned. That was in
16 terms of the R7D portion as that was a split site.

17 So, of all the rezonings that were rezoned to
18 R7A, none of those had required M-Crown uses, which
19 is a vital goal of the community board here. With
20 regards to family size units, all of them allowed
21 studio units and with regards to any restrictions,
22 none of them were restrictive to declaration or by
23 community benefits agreement. What's the difference
24 between those rezonings and our rezonings? Our
25 rezonings provide for no studios. An important goal

1 to an area which seeks larger units for families.
2
3 Our rezoning importantly is going to be restricted by
4 Community Benefits agreement, which has already been
5 partially negotiated and would be entered into titles
6 to the property. And I think most importantly with
7 regards to the M-Crown space, with regards to other
8 sites, there was no required M-Crown space. Here
9 we're creating 30,000 square feet. We're partnering
10 with important community partners like Evergreen, who
11 is going to administer our manufacturing space,
12 create good, high paying jobs for local workers in
13 the area and really actually create something here
14 which is going to be deeply utilized and beneficial
15 to this local area. In addition to which, 10,000
16 square feet of this would end up being an early
17 childhood community center. Nadine and Bill feel
18 strongly about this. They have backgrounds in
19 education. They are of the area. They're not coming
20 into the area and it is a goal of theirs to allow for
21 local families and mothers to be able to have their
22 kids housed in this early childhood education center.
23 They're not creating problems here, they're creating
24 solutions to longstanding problems in the community,

1 which is why I think that you can feel that we are
2 very passionate about this rezoning going forward.

3
4 And lastly, which regards to the DCP proposed
5 rezoning and AAMUP, we waited and we waited patiently
6 to see what was going to be the result of the AAMUP
7 proposal. And so, the next slide demonstrates what a
8 comparison is to their buildings and our buildings.

9 And you know, what is the true comparison? They
10 produce bigger buildings. Their buildings could
11 exist up to a 5.0 FAR. Ours would be at 4.6. We get
12 more square footage, 168,000 square feet. They would
13 basically have a taller building by three stories
14 amazingly. Most of the time that we go to community
15 boards and have these discussions, we talk about
16 height is an issue and right now again, while it is
17 influx, the proposed building height of these mixed-
18 use buildings would be 125 feet. And so, uhm, you
19 know it's really, our building would fit literally
20 fit within that building that would be created by
21 AAMUP with the exception being that we would have a
22 greater number of affordable supportive, affordable
23 units as well as residential units in our building
24 versus the building that would be created under
25 AAMUP.

1 So again, we offer a very strong comparison to
2 those properties and with the primary difference
3 being that we'll be able to proceed on a shovel-ready
4 site as soon as a rezoning is potentially approved
5 because we're ready to go. The last one, the last
6 page that I will discuss just has again the
7 comparison to AAMUP. It creates new affordable
8 housing check. Creates new neighborhood services
9 including educational services check, creates new
10 public open space importantly a garden to the rear of
11 this property will create available open space, a
12 desired resource by the community at large as well as
13 a community board check and expands career pathways
14 and job opportunities through the creation of
15 commercial and manufacturing space, unique to the R7A
16 rezonings here. We are binding this property to
17 provide M-Crown uses.

18 With that, I would pass the microphone to Nick
19 Liberis who can discuss some of the plans and
20 architectural aspects of the design. Nick?

21 NICK LIBERIS: Okay, thank you Rich. Thank you
22 all for your time. So, what we have here is a site
23 that's over 300 feet long and 110 feet deep and what
24 this lets us do is mass everything towards the east
25

1 of the site. You can see on this site plan over
2 here, that the maximum height of the building is
3 achieved towards the east end of this site and to the
4 west, we have an R7A, which is going to probably be
5 massed up very low because of the size and shape of
6 that site. So, it gives us this opportunity to make
7 the west side of the building lower, which makes for
8 a very nice streetscape. We put all of the entrances
9 to the community facilities that Rich mentioned on
10 this low side also and uhm, you know as Rich said, we
11 are nine floors high. We have about 150 units. We
12 have the eight and a half thousand square feet for
13 the children's - for the educational facility and we
14 have about eight and a half thousand square feet for
15 commercial and then, we have all of the light
16 manufacturing, which we're also providing. So, next
17 slide please. Next slide.

19 So, this is the front elevation of the building
20 facing Pacific. You can see on the right-hand side
21 over here, you have all of the entrances for all
22 those aforementioned programs and the main entry for
23 the residential portion is in the center. Next slide
24 please. This is the cellar floor plan. This has
25 been uh, this has been over to Evergreen to curate.

1 We have you know almost 20,000 square feet which has
2 good access to the street, which has good access to
3 loading facilities, which are placed on the opposite
4 end of the building from all of the community
5 facility entrances. Next slide please.

6 This is the ground floor over here. You can see
7 that we have the entry to the M-Crown over here on
8 the far west side, right next to the child - uh to
9 the early development center. You have the
10 residential lobby and then you have the commercial
11 space over there, which is right next to the loading.
12 Next slide please.

13 One other thing which is kind of unique about
14 this site is that the extra depth in this length, it
15 give us the opportunity to do home offices in almost
16 every single unit. So, you can see here in the red
17 color, we have sizable home offices and we think that
18 this is something which is, which is going to be
19 really valued by the community also. Next slide
20 please.

21 So, this just takes you through some typical
22 floor plans as you go up. You can see everything is
23 two bed, three bed, you know there's a few one's and
24 everything is very capacious and we worked over the
25

1 years with this Community Board, with several
2 stakeholders and we were very, very careful to take
3 everything to heart that had been communicated and
4 you know I think we all feel very strongly that this
5 proposal is as in keeping as anything that we've seen
6 from this area with a regard to the M-Crown proposal
7 and the new successor, the AAMUP. So, you know we're
8 hoping that uhm, that we can move forward with this
9 because we really think it would be a huge boom to
10 the neighborhood for something like this to happen.

11 Thank you.

12 RICHARD LOBEL: With that, we're happy to answer
13 questions.

14 CHAIRPERSON RILEY: Thank you so much. Richard,
15 I didn't recognize you and the look today.

16 RICHARD LOBEL: Thank you Chair.

17 CHAIRPERSON RILEY: I'm just going to ask a few
18 questions. Council Member Hudson had to step out to
19 a press conference that we're having right now, so
20 that's why she couldn't be here but I'm going to ask
21 some questions. Council Member Hudson has put in a
22 lot of effort and time in preparing a comprehensive
23 plan for this neighborhood and local community. Is
24 very investing in the finalizing this plan. Given
25

1
2 how far along this comprehensive plan and effort has
3 progressed and that DCP has publicly stated intends
4 on certifying its proposal for a comprehensive plan
5 by this spring, why are you still trying to get ahead
6 of this community planning effort?

7 RICHARD LOBEL: So, as I said before, uhm we have
8 an applicant here who has been around for over four
9 years and I think that if the applicant was merely
10 concerned with getting a building up and didn't have
11 deeper concerns, I think that we wouldn't even be
12 here anymore but frankly, given the applicants long
13 standing history in the area, which dates back
14 decades. This family has been here for decades and
15 the fact that there is a lag between when the
16 rezoning will be approved as we demonstrated both in
17 Gowanus and other rezonings and when these units will
18 be produced. I think that they feel that in
19 fairness, both for themselves as well as to those
20 community members who don't necessarily have an
21 opportunity to live in the district and don't have an
22 opportunity to necessarily even participate in the
23 process, that's why they are pushing so hard to do
24 this.

1 To think of it as cutting in line I think is the
2 wrong way to categorize an applicant who has really
3 been very patient and has been attentive to what's
4 been sought by the community in terms of the AAMUP
5 plan and at the end of the day, what would really be
6 the harm here, the AAMUP plan, the importance of
7 having that established was to see what would be
8 allowed and what would be created. And so, the
9 building here that would be created is a smaller
10 building, is a building which requires M-Crown uses
11 as desired by the community and is a building which
12 produces as far as the margins, more units and
13 affordability than AAMUP.

14 So, this is not something where we are putting in
15 a zoning district, which came out of nowhere, it
16 makes no sense. As the Committee as seen, 25 of the
17 surrounding 26 lots are already zoned R7A. This is a
18 vetted, approved zoning district and so, yes AAMUP is
19 not finally approved but we are well within their
20 guidelines and the difference here is the opportunity
21 to create those units sooner rather than later.

22 CHAIRPERSON RILEY: So, uh Rich, stating that
23 it's not finally approved, you're stating that's in
24 the guidelines. You know as anybody, ULURP
25

1 applications can change, especially when it gets to
2 the Council and we vote on them. Why does the
3 applicant feel like it should be prioritized over the
4 public review of the comprehensive plan if this
5 application could change when it gets to the Council?
6

7 RICHARD LOBEL: Yeah, so a good question but when
8 I look at the envelope and the uses that are required
9 pursuant to AAMUP, I see a building which currently
10 stands at three stories taller than our building. At
11 a building that currently stands at thousands of
12 square feet greater than our building and one which
13 basically understandably given the outlook of city
14 planning, doesn't restrict any uses at this site. I
15 don't see necessarily even after deliberation that
16 these buildings in AAMUP will necessarily be reduced
17 by greater than three stories or in this case,
18 thousands of square feet and admittedly City Planning
19 doesn't like to condition uses on buildings. They
20 understand the realities of business and retail and
21 the fact that City Planning as a whole doesn't want
22 to limit your uses. The applicant here is
23 voluntarily doing so.

24 So, understanding that that's not currently a
25 part of AAMUP, the applicant here is saying we're

1 going to enter agreements into our property that are
2 going to require these job generating uses and not
3 only that but we've got Evergreen, which is the local
4 industrial advocacy group to ensure that these uses
5 aren't just good uses but are great uses. So, I
6 think that's the reason that despite the fact that of
7 course there may be changes to AAMUP, we're still not
8 only well within it but in some ways, exceed the
9 opportunities provided for the site.

11 CHAIRPERSON RILEY: I want to go to the building;
12 the new model that Nick pointed out. I'm very
13 interested in the office space that you guys
14 incorporated in each unit. Can you explain to me,
15 did that come from uhm because Richard stated that
16 you guys have been a part of the AAMUP process. So,
17 did you hear that from community leaders? Like where
18 did that thought process come to add the office space
19 into each of these units?

20 NICK LIBERIS: It was more from the shape of the
21 site because we had all this floor area and we had a
22 deep site and we saw that we wanted to lower that
23 right hand part of the site, so then we had some
24 extra floor area. So, usually it's not the most
25 efficient depth once you get passed like let's say 60

1 feet. So, when you add in the home offices, you get
2 to about 70 feet, 70 plus feet, but we saw that we
3 had the floor area. We saw that there was a demand
4 for this within the area and we just thought it would
5 be good and then COVID happens and it just seemed
6 like it was much like an appropriate thing. So, you
7 know everybody liked it. It does stuff but it was
8 actually coming from the shape of the site.

10 CHAIRPERSON RILEY: Does each unit have this?

11 NICK LIBERIS: I think so at this point, yeah,
12 yup.

13 CHAIRPERSON RILEY: And from that space, you
14 couldn't produce another unit, like another room
15 maybe?

16 NICK LIBERIS: You can but you can't really use
17 it for legal light in there because it's like stuck
18 back like within the thing, within the unit so you're
19 always - you always have a limit with how many bays
20 that you have. You know so the width of the building
21 dictates how many like how many different rooms that
22 you could put in. So, we could either prioritize
23 doing some more units and have some more rooms or we
24 could do the bigger units with that more depth with
25 that home office.

1 CHAIRPERSON RILEY: Alright, thank you.

2 NICK LIBERIS: Sure.

3 CHAIRPERSON RILEY: Does any Committee members
4 have any questions? Council Member Abreu.

5 COUNCIL MEMBER ABREU: My question you sort of
6 already gotten into it. Can you speak to how this
7 plan fits neatly within the comprehensive plan and
8 also speak to the differences of how it doesn't fall
9 within that plan?
10 RICHARD LOBEL: Thank you Council Member Abreu.

11 So, I'm not sure whether we can still call up the
12 last comparison slide, which would be prior to the
13 plans and architectural plans. It would be two plans
14 prior to the architectural calculations sheet. Uh,
15 keep going. You'll see a list; it says comparison to
16 DCP proposed rezoning. One more, thank you.

17 So, uhm with regards to the building itself, the
18 physical plan to the property. For building in M1-
19 4/R6A, which is arguably the comparable zoning
20 district here, you would have a total FAR of 5.0 with
21 a building of 168,000 square feet, as currently
22 composed. Our building 4.6 FAR with 153,000 square
23 feet. So, our building again, while AAMUP has not
24 25

1
2 limit our affordability options to one and deep
3 affordability. While currently AAMUP would allow for
4 greater than that. Perhaps most importantly when you
5 look at AAMUP and you look at the timeline and again,
6 we know the demands on city planning are great given
7 the City of Yes proposals, an area wide rezonings
8 like this but we do know that it has not yet gone
9 into public review in terms of the tax of the special
10 district and so, we do know that we're years away
11 from that approval process. And so, this site, once
12 financing would established, is shovel ready and
13 could be built within months. So, those are the
14 primary differences between us and them.

15 COUNCIL MEMBER ABREU: Thank you.

16 RICHARD LOBEL: Thank you.

17 CHAIRPERSON RILEY: Thank you. There being no
18 more questions, this panel is now excused.

19 RICHARD LOBEL: Thank you Chair.

20 CHAIRPERSON RILEY: Counsel, are there any
21 members of the public who wish to testify on this
22 item?

23 COMMITTEE COUNSEL: Chair Riley, there are
24 approximately ten individuals in person who wish to
25

1 testify and another four individuals online who also
2 wish to testify.
3

4 For members of the public here to testify, please
5 note that witnesses will generally be called in
6 panels of three. If you are a member of the public
7 signed up to testify on the proposal, please stand by
8 when you hear your name being called and prepare to
9 speak when the Chair says that you may begin. Please
10 also note that once all panelists in your group have
11 completed their testimony, if remotely, you will be
12 removed from the meeting as a group and the next
13 group of speakers will be introduced. Once removed,
14 participants may continue to view the livestream
15 broadcast of this hearing on the Council's website.

16 Because we have a mix of in person and online
17 individuals who would like to testify, we're going to
18 try to do two in person panels of three people and
19 then switch it to the online registrants and then
20 back to the in person.

21 So, for the first group of three individuals who
22 are here in the room, Jose Lainez. Please excuse me
23 if I am mispronouncing your name. Bishop Robert V.
24 Butler, and Kevin Williams, please step up to the
25 desk, to the table.

1 CHAIRPERSON RILEY: Members of the public will be
2
3 given two minutes to speak. Please do not begin
4 until the Sergeant at Arms has started the clock.

5 BISHOP ROBERT BUTLER: Good morning, my name is
6 Bishop Robert -

7 CHAIRPERSON RILEY: One second Bishop, sorry.
8 You ready Sergeant? Okay, go ahead.

9 BISHOP ROBERT BUTLER: Good morning Council
10 Members and Committee Members. My name is Bishop
11 Robert Butler. I am the Pastor of the Glory
12 Tabernacle Church, which is in the 77th Precinct
13 located at 474 Ralph Avenue within the Crown Heights
14 community.

15 I'm here to support this project, the 962 project
16 because it is personal for me in two portions. As a
17 former New York Department of Education employee, I
18 think that is very, very important for us to have
19 early childhood development, early childhood
20 education.

21 The other portion of it that makes it very
22 personal for me is the city is unsecretly in a
23 housing crisis and I am very familiar with the crisis
24 of housing. Having had a good livelihood, it has
25 been difficult to live in my neighborhood because it

1 has outpriced us. And so, I believe that this
2 project would not only give us a great avenue of
3 educating our children at the early stages of their
4 life but also providing affordable housing for
5 individuals who need it. The community is a great
6 community and we've seen so many people displaced and
7 so many people moved out of it because they cannot
8 afford it and this project appears to be a project
9 that helps to solve that problem for now and for
10 years to come.
11

12 And so, I thank you for the opportunity to talk
13 to you today and testify concerning this. I am in
14 full support of this project. Thank you.

15 CHAIRPERSON RILEY: Thank you Bishop. Jose.

16 JOSE LAINEZ: [SPEAKING IN OTHER LANGUAGE
17 00:37:46- [00:39:02].

18 CHAIRPERSON RILEY: Thank you Jose. I just want
19 to state on the record, we did not have an
20 interpreter here, so we will begin Jose's testimony
21 on the record and be able to translate that. So,
22 thank you so much Jose. Uh Kevin.

23 KEVIN WILLIAMS: Kevin Williams with GZA, Geo
24 Environmental, I'm the Environmental Consultant that
25 prepared the environmental assessment for this

1 project and I want to just take a brief opportunity
2 to give a little bit of background context to members
3 of the commission relating to as Council Member
4 Hudson noted, the displacement of African American
5 communities and uh those that are socially and
6 economically disadvantaged in this area. One of the
7 things that's very important is the person that
8 prepared the racial equator report to note is that is
9 indeed true and the background context of that though
10 is even though this area has underwent considerable
11 rezonings along the Atlantic Avenue corridor, you
12 know some decades back, as well as many of these
13 private rezonings, none of those rezonings have been
14 considered in terms of generation of affordable
15 housing. None of the private rezonings along the
16 Pacific or the Grand corridor were in place at the
17 time that the census took account of this
18 displacement.

19
20 None of the large scale R7 zonings along the
21 Atlantic Avenue corridor had MIH and to my knowledge,
22 none of them took advantage of the inclusionary
23 housing bonus that was created during the time of
24 those rezonings. So, what you're seeing is an
25 organic displacement both through redevelopment that

1 did not include MIH and as well as a lot of the town
2 homes that surround this perimeter that converted
3 from multifamily homes back in the 80's and 90's to
4 single family higher income housing. And so, it's
5 very, very important to note that you're going to see
6 the infusion of MIH units related to the two
7 rezonings that have just recently come out of the
8 ground as well as this rezoning. That while it may
9 not displace the statistics in terms of percentages
10 of people displaced but it will increase the
11 numerical count of affordable units in the
12 neighborhood, allowing people to remain and not be
13 displaced in the neighborhood.

14
15 So, I wanted to provide that context from the
16 past development in this community district and
17 census.

18 CHAIRPERSON RILEY: Thank you Mr. Williams. This
19 panel is excused. Counsel, can you call the next
20 panel?

21 COMMITTEE COUNSEL: Yes Chair. The next panel
22 consists of Bishop Eric Figueroa, Marco Keio. Sorry
23 if I'm mispronouncing your last name and Pastor James
24 Neville.

2 CHAIRPERSON RILEY: Do we have a Mario or Marco
3 here? Somebody yeah, Marco, sorry Marco. It's okay,
4 it's our eyes. Okay, first we'll have Bishop Eric
5 Figueroa.

6 BISHOP ERIC FIGUEROA: Good morning distinguished
7 Council Members. My name is Bishop Eric Figueroa and
8 I am the Pastor and Founder of the New Life
9 Tabernacle located in the 77th Precinct in the Crown
10 Heights community of Brooklyn. I am here today to
11 enthusiastically support the proposed project at 962
12 Pacific Street in Crown Heights, which will provide
13 badly needed affordable housing in a community where
14 too many have been priced out. And that will also
15 feature a new childcare and educational facility in a
16 neighborhood where there are too few options.

17 As someone who has been a pastor for 40 years, I
18 appreciate how this project aligns with the needs of
19 our vibrant community by prioritizing real and
20 permanent affordability with units reserved for
21 families with incomes that's low as \$50,000 or less
22 as well as good paying jobs. Too often, I have seen
23 long-time members of the community forced out because
24 of the rising rents they can no longer afford. They
25 return to community to attend service yet they cannot

1 call it their home. This is not something we should
2 find acceptable.

3
4 Everyone in our congregation should be able to
5 live near where they worship. Meanwhile, vacant lots
6 bursting with potential and possibilities like the
7 one at 962 Pacific have set follow for too long.
8 Often this due to owners, faceless developers that
9 can simply sit while waiting for perfect conditions
10 or to sell it to the highest bidder.

11 Council, I submit to you that this 962 proposal
12 is just what we need in our community. Thank you.

13 CHAIRPERSON RILEY: Thank you Reverend Figueroa.
14 Next, we're going to have Marco.

15 MARCO KEIO: [SPEAKING IN OTHER LANGUAGE
16 00:44:48- [00:45:33].

17 CHAIRPERSON RILEY: Gracias Marco and just for
18 the record, I just want to state members of the
19 public who wish to have an interpreter, you have to
20 request that three days ahead and you could do that
21 by emailing swerts@council.nyc.gov or
22 nbenjamin@council.nyc.gov or you can call 212-788-
23 6936. I just want to state that for the record.
24 Thank you everyone. Pastor James Neville.

1 PASTOR JAMES NEVILLE: Good morning. I also echo
2 what Bishop has said, as a resident of Crown Heights
3 for over 50 years, I also agree with Council Member
4 Hudson about the displacement of so many of
5 minorities in our community. Uhm, I'm the Pastor of
6 Holly Temple of Prayer located within 77th Precinct
7 Community Council in Crown Heights. I'm also the
8 Vice Chair of the 77th Precinct of Clergy Council.

9 I'm here today to support the proposed project at
10 962 Pacific Street in Crown Heights. As a community
11 resident, I appreciate how this project aligns with
12 the needs of our vibrant community. Prioritizing
13 real affordability, building much needed community
14 space and resources and creating good paying jobs.

15 Nadine and Bill here; I had a 1985 Oldsmobile who
16 their family had owned on Atlantic Avenue and that
17 Oldsmobile had over 200,000 miles on it. I don't
18 know if you know that 1985 Oldsmobile. You had one
19 right then? And I used to take it to that Atlantic
20 Avenue shop where their parents owned and I kind of
21 missed it when that shop was no longer there because
22 that '85 Oldsmobile with 200,000 miles, I could take
23 it to that Oldsmobile dealer and get serviced and so
24 I missed that dealership when they closed down, Bill
25

1 and Nadine. I just want you know the family has been
2 you know supportive of our community for decades and
3 this project represents the voices and values of the
4 neighborhood at a time when in addition to housing,
5 the jobs are desperately needed. We know the process
6 to immigration, what's going on at a time when we
7 need this.

9 So, as the Pastor, one of the clearest needs
10 amongst our faith communities, access to affordable
11 housing. Having seen so many individuals and
12 families who have been you know displaced even in my
13 block where I live at - sorry, I'm over time but we
14 need this project desperately on 962 Pacific Street.
15 Thank you and God Bless.

16 CHAIRPERSON RILEY: Thank you so much Reverend.
17 I had to ask the Council where the Oldsmobile was, I
18 didn't know, so thank you so much. Uhm, does any
19 Committee Members have any questions for this panel?
20 Alright, thank you so much.

21 PANEL: Thank you.

22 CHAIRPERSON RILEY: Counsel, can you please call
23 the next panel?

24 COMMITTEE COUNSEL: Yes Chair. The next panel -
25 we're going to shift to the online attendees, so I am

1 calling – uh, the next panel will consist of Michelle
2 de la Uz, Stephen Fabian, Carmelo Piazza and Daniel
3 Wong. Starting with Michelle de la Uz, could you
4 please turn on your mic to testify.
5

6 CHAIRPERSON RILEY: Michelle, if you can hear me,
7 you could please begin.

8 MICHELLE DE LA UZ: Great, thanks so much Chair
9 and Committee. I appreciate the opportunity to
10 testify. My name is Michelle de la Uz and I am the
11 Executive Director of the Fifth Avenue Committee.
12 The Fifth Avenue Committee is a 46-year-old nonprofit
13 comprehensive community development corporation whose
14 mission is to advance economic, social and racial
15 justice. I've also been a member of AAMUP's Steering
16 Committee, the Atlantic Avenue Mixed Use Plan
17 Steering Committee and I'm here today to testify in
18 support of 962 Pacific Street. And in particular,
19 Fifth Avenue Committee was led to work with Council
20 Member Hudson and the Oelsner's to get to it. Yes on
21 this project as Council Richard Lobel noted, the
22 Oelsner's have offered to do a community benefits
23 agreement to memorialize the commitments that go
24 beyond what is required under Mandatory Inclusionary
25 Housing.

1 Uhm, they've offered to increase the total number
2 of affordable housing units in a communication to
3 Community Board 8. They offered to go to 32 percent
4 affordable overall. Obviously seven percent more
5 than what is required under MIH Option 1. And also
6 committed to deeper affordability, which I think is
7 particularly important given the displacement that
8 was mentioned earlier and is very much - has been
9 present for a number of years. So, uhm, and I know
10 one of the questions that the Chair asked and was
11 really about, how does this project differ than what
12 is proposed under the Atlantic Avenue mixed-use plan?
13 And I'll just say that in particular that the
14 commitment to a higher percent of overall
15 affordability and a deeper affordability is something
16 that could not be achieved if we wait for AAMUP
17 because any, basically MIH, any changes to MIH would
18 require citywide text amendment and obviously AAMUP
19 is not -

20
21 SERGEANT AT ARMS: Time has expired.

22 MICHELLE DE LA UZ: Including a citywide text
23 amendment to change the affordability levels. So,
24 I'm hoping that the committee will vote in favor and
25 happy to answer any questions.

2 CHAIRPERSON RILEY: Thank you Michelle. Next,
3 we'll have Stephen.

4 COMMITTEE COUNSEL: Fabian, yes, Stephen Fabian.

5 CHAIRPERSON RILEY: Stephen Fabian next. If you
6 can hear me, please unmute.

7 STEPHEN FABIAN: Hello, my name is Stephen Fabian
8 and I am Program Manager of Real Estate and Planning
9 for Evergreen Inc North Brooklyn Business Exchange.
10 I'm here today to testify in support of the 962
11 Pacific Street Project on which Evergreen is part of
12 the team as an advisor.

13 Evergreen is a nonprofit local economic
14 development organization that champions
15 manufacturing, creative production, industrial
16 service business in North Brooklyn and beyond. We do
17 this by primarily providing a range of free services
18 but we also have become a real estate developer for
19 the past 16 years following the purchase of our first
20 building in 2008. We have five and we rent them
21 below market with favorable lease terms.

22 Additionally, we have seen an increase in mixed-
23 used developments in our service area. We attribute
24 a lot of this to the 25 Kent Rezoning in the
25 development of the IBIA. For many of these projects,

1 we simply serve as an advisor during community
2 outreach and support many through testimony. But
3 because these projects that we do are often low and
4 frequency and private developers are often doing them
5 more frequently, we see it as a great opportunity to
6 partner with such projects in a more substantive way.
7 962 Pacific is our second such partnership following
8 1160 Flushing Project in Bushwick.
9

10 We believe that developing manufacturing space is
11 worthwhile because it provides a community with high
12 working-class, high-quality working-class jobs with
13 low barriers of entry. Well paying jobs are crucial
14 economic development benefit. The Oelsner's with
15 their long history of business and in the community
16 understand this from first-hand experience.

17 Our role in this project has been to draw in our
18 experience to advise on what would make the
19 manufacturing space viable. What kinds of businesses
20 could fit in this particular mixed-use context with
21 housing? We expect things like jewelry making,
22 fashion and home goods to make sense and we will be
23 part of the process for the remaining of the spaces
24 moving forward.
25

1 With how this project brings together affordable
2 housing, manufacturing community space, we believe
3 that 962 Pacific can be an innovative model for
4 development that meets the important range of
5 neighborhood needs. Thank you.
6

7 CHAIRPERSON RILEY: Thank you Stephen. Next,
8 we'll have Carmelo Piazza. Carmelo, if you can hear
9 me, please unmute.

10 CARMELO PIAZZA: Yes, thank you so much. Good
11 morning Council Members. Thank you everyone for your
12 service and what you've done for our community. My
13 name is Carmelo Piazza and I own three Early
14 Childhood Educational Facilities called the Brooklyn
15 Pre-School of Science. All of which are in downtown
16 Brooklyn.

17 I was also a teacher for the Department of Ed for
18 almost 20 years at PS 261, which also happens to be
19 on Pacific Street right off of Smith. I am writing
20 to support the proposed project in Crown Heights. As
21 an educator, I appreciate how this project focuses in
22 the most pressing needs of our vibrant community,
23 prioritizing real affordability, building community
24 spaces and resources and creating good paying jobs.
25

1 The commitment to community resources, such as
2 the early childhood education center is a thoughtful
3 approach that goes above and beyond the norm for new
4 development, addressing critical needs in our area
5 like accessible childcare. I feel even more true to
6 this because of my schools ideology and how relevant
7 it will be for the children of tomorrow, which is why
8 I feel the need to speak here today.

10 I am excited to be part of such a great vision.
11 As we continue witness advancements in technology and
12 the increasing digitalization of jobs, introducing a
13 stem-based program at an early childhood educational
14 level is not only timely but also crucial for the
15 future success of our community.

16 In an era where AI has become more prevalent, we
17 must equip our younger generation with the skills and
18 knowledge needed to thrive in the evolving landscape.
19 Assigned based pre-school can lay the foundation for
20 a solid educational journey fostering a love of
21 learning and exploration from an early age by
22 integrating stem concepts into the curriculum, we can
23 prepare our children for the challenges and
24 opportunities to a technologically driven world that
25 is going to be presented to them daily.

1
2 Moreover, the commitment to community resources
3 exemplified by establishing an early childhood
4 educational center demonstrates a thoughtful and
5 progressive approach to development. Providing
6 affordable accessible childcare is a critical need in
7 this area and an assigned based preschool aligns
8 perfectly with addressing the need while offering
9 unique and enriching educational experiences for our
10 youngest community members.

11 So, since taking office, I just want to thank
12 Council Member Harris – Hudson, excuse me, as always
13 being remaining committed to creating more resources
14 for the community and I ask that you stand for those
15 of us advocating for more childcare options
16 throughout the community and support the plans for
17 962 Pacific Street. Thank you so much everyone.

18 CHAIRPERSON RILEY: Thank you Carmelo. The last
19 panelist is Daniel Wong. Daniel if you can hear me,
20 please unmute.

21 DANIEL WONG: Can you hear me?

22 CHAIRPERSON RILEY: Yes, we can hear you.

23 DANIEL WONG: Alright, thank you. Good morning.
24 My name is Daniel Wong, a proud resident of 1010
25

1 Pacific Street. I also work at the Community
2 Preservation Corporation, otherwise known as CPC.

3 CPC is a nonprofit lender here founded in New
4 York City in 1974 that specializes in sustainable and
5 affordable housing projects but day I'm not here in
6 my professional capacity. As a local citizen deeply
7 invested in the future of our neighborhood, I am here
8 to express my support for this transformative project
9 at 962 Pacific Street. Living next door to this very
10 empty vacant lot, I have visioned a development like
11 this, one that not only creates homes but nurtures
12 the vibrant community, prioritizing real
13 affordability, building communal spaces and creating
14 job opportunities for our local entrepreneurs.

15 Recognizing Nadine and Bill's longstanding
16 commitment to Crown Heights, they're involvement in
17 this project is a testament to their understanding
18 and respect for the community needs. Their local
19 approach counters a typical developer driven projects
20 that often overlook our unique neighborhood dynamics.

21 By addressing the acute affordable housing
22 crisis, this project ensures that the benefits reach
23 the most in need within our community families. This
24 projects innovative inclusion of light manufacturing
25

1 space pays tribute to Crown Heights rich
2 manufacturing history and problems with well paying
3 job growth.
4

5 The project echo's our community voice,
6 especially in its dedication to early childhood
7 education center. Though the center is not only a
8 facility, it's a commitment to our children's future,
9 offering accessible and quality childcare in the
10 community. It stands as a symbol of our
11 neighborhoods dedication to nurturing the next
12 generation of New Yorkers in an affordable and
13 inclusive matter.

14 In closing the 962 Pacific Street project stands
15 as a beacon of thoughtful and community center
16 development. I believe this development will enrich
17 our Crown Heights neighborhoods in ways that go far
18 beyond the physical structures it will create. Thank
19 you.

20 CHAIRPERSON RILEY: Thank you Daniel. Do any
21 Council Members have any questions for this panel?
22 There being no questions for this panel, this panel
23 is now excused. Counsel, can you please call up the
24 last panel for 962 Pacific Street?
25

2 COMMITTEE COUNSEL: Sure Chair. The next panel
3 will consist of in-person individuals. Leola Holmes,
4 Gregory Smith, Chris Williams, and Charles Boulbol.

5 CHAIRPERSON RILEY: First we'll have Ms. Leola
6 Holmes. Ms. Holmes, just turn on the microphone for
7 me please. Thank you.

8 LEOLA HOLMES: Good morning. My name is Leola
9 Holmes. I reside at 607 Grand Avenue. I serve on
10 the 77th Precinct Council. I was also a participant
11 of Community Board 8 Housing Committee. I've been a
12 resident there for 42 years. I'm right in the
13 footprint of where they're going to make the housing
14 project over on Pacific Street. It is desperately
15 needed there because most of my neighbors and myself,
16 we have adult children. Our children have children,
17 they have no place to live. They cannot afford the
18 prices of the apartments that have went up in my
19 neighborhood. Directly across the street from me, I
20 have two projects. We couldn't afford it because the
21 bedrooms were \$3,000 for a two-bedroom apartment.
22 Who could afford that making less than \$50,000 a
23 year?

24 This project will do so much for my community
25 right now because it's not isolated in terms of the

1 need of housing. I also was a part of [INAUDIBLE
2 01:01:13] which was the organization that founded,
3 that actually supported the [INAUDIBLE I01:01:24]
4 Project. And I supported that project with the hopes
5 that we would have gotten more apartments, in which
6 we actually received.
7

8 So, now this projects that getting ready to
9 happen will actually fit the need of what's
10 desperately needed in my community right now. Thank
11 you.

12 CHAIRPERSON RILEY: Thank you Ms. Holmes. Next
13 we'll have Gregory Smith.

14 GREGORY SMITH: Good morning. My name is Gregory
15 Smith. I'm a lifelong resident of Brooklyn you all.
16 I've lived in several of the communities from
17 Bushwick, Brownsville, Bed Stuey, Crown Heights, Park
18 Slope. I've seen the community change drastically
19 over the years. I remember when it went from
20 Brooklyn Union running things and other projects came
21 up, mass projects that caused rezoning and housing
22 deficits and what have you. And there's a problem in
23 housing, affordable housing in Brooklyn New York. I
24 say that and I say it passionately because I'm a
25 victim of that.

1 I was born and raised in Brooklyn. I'm 67-years-
2 old, all but two of my last years of my life has been
3 in Brooklyn. However, now I am forced to live in
4 another part of the city. Why? Because as of 2021,
5 there were no housing affordable for me and I'm very
6 passionate about it because I feel like I'm a victim
7 because it has traumatized me. It has led me into
8 undo hardship. It has isolated from everything that
9 I love, the housing crisis. From my family, my
10 friends, everything that I know and appreciate is in
11 Brooklyn and because I have to live in upper part of
12 the five boroughs now, far away from my family and
13 friends, I have no support. I have no real support
14 units there and I feel threatened, I feel lonely, I
15 feel afraid. Even at this point right now, I don't
16 even go to the place that I'm supposed to live
17 because I'm afraid. And I'm afraid because I don't
18 have the unit, the people around me that I need to
19 support me.
20

21 So, I am absolutely in support of this project
22 and any project that's going to bring affordable
23 housing into Brooklyn that is going to keep families
24 closer together. I appreciate this family because
25 they have been there since I was a little boy and the

2 continuity that they're bringing in is a wonderful
3 thing. I support it 100 percent just like I
4 supported the little cop that used to walk around my
5 school when I was a little boy. So, by all means,
6 please, we do support this program and we hope that
7 it goes forward. Thank you.

8 CHAIRPERSON RILEY: Thank you. Chris Williams.

9 CHRIS WILLIAMS: Good afternoon. My name is
10 Christopher Williams and I'm here to support the 962
11 Pacific Street LLC.

12 I have to tell a little story. In the mid-60's,
13 I came here from Alabama. I wanted to start a
14 company. So I was on Pacific Street, I saw this
15 light there. I ran into the light, I started working
16 and as I worked, there was a gentleman that walked by
17 every day dressed in a real nice steel blue suit. I
18 mean, I'm sorry, gray suit. So, one day he came in
19 and he said, "what are you guys doing? I said,
20 "well, I'm opening a little business." He said,
21 "okay." He didn't say much.

22 The next two or three days he come by and so, he
23 saw what we've been doing and then he began to tell
24 me, he said, "well, why don't you buy some of this
25 property?" And I did. I bought the property and I

1 bought it and finally I had a nice piece of property
2 on the corner and I had a construction company that
3 opened it up and I was able to hire like 43 guys from
4 the neighborhood. All from the neighborhood, maybe
5 one or two that wasn't from the neighborhood. So,
6 this went on for about 30 some years and I said,
7 "okay, I'm tired. I want to retire." I retired and
8 uh one of the guys on my job, one of the employees
9 said, "can you stay a few years longer and we got
10 some kids we want to get out of school?" I thought
11 about it. I hadn't planned to wait. So, I sold it.
12 But I said, "but where am I doing to go?"

14 I sold my property and one of the guys said,
15 "right across the street." I said, "okay, we'll
16 see." I wanted to keep it in the neighborhood
17 anyway. So, what I did, I got uh a Bill and Nadine -

18 CHAIRPERSON RILEY: Mr. Williams, I love your
19 story but you're going to have to wrap it up for us
20 alright.

21 CHRIS WILLIAMS: Okay. They gave me the
22 property. So I support the 962 project and we need
23 new housing. We need affordable houses and we also
24 need daycare for our kids. So, I support it. I mean
25 I support it 100 percent. Thank you very much.

CHAIRPERSON RILEY: Thank you Mr. Williams.
Lastly, we're going to have Charles Boulbol. Sorry
if I mispronounced your name.

CHARLES BOULBOL: Good morning. My name is
Charles Boulbol. I was born on Atlantic Avenue.
I've lived almost my entire life in Brooklyn. I
raised my children in Brooklyn. I have a daughter
whose an elementary school teacher of the deaf and a
son in law who is an ICU nurse. I've coached
volunteer swimming in Sunset Park and Bay Ridge for
over 25 years and giving back to the community is
very important to me.

It is self-evident the development of additional
housing stock is absolutely necessary. This project
is a win-win for all concerned. It includes
affordable housing, community resources, and it will
create jobs both before, during, and after
construction.

Bill and Nadine Oelsner are committed to doing
what's best for the community at a time when there is
a critical need at the grassroots level. They are
not major developers. They are concerned citizens
who are in a position to create a win-win for many
constituencies.

1 This project will give housing. It will give
2 jobs. It will give childhood education and it will
3 give small business development. This project checks
4 all the boxes. Please seize the opportunity and
5 approve it.
6

7 CHAIRPERSON RILEY: Thank you so much. Do any
8 Council Members have any questions for this panel?
9 There being no questions, thank you so much for your
10 time.

11 Counsel, are there any other members of the
12 public who wish to testify on 962 Pacific rezoning?

13 COMMITTEE COUNSEL: No, not at this time but if
14 there are public members who have not yet signed up
15 and who would like to testify regarding 962 Street
16 Rezoning Proposal remotely, please press the raise
17 hand button now or if you're in person, please
18 identify yourself to one of the Sergeant's.

19 Not seeing anyone Chair, we can proceed with this
20 hearing.

21 CHAIRPERSON RILEY: Thank you. There being no
22 other members of the public who wish to testify on
23 LU's 6, 7, and 8 relating to the 962 Pacific Street
24 Rezoning proposal, the public hearing is now closed
25 and the item is laid over. Thank you Counsel.

1 I will now open the second public hearing on LU's
2 1 and 2, relating to the Whitestone Lanes Rezoning
3 Proposal in Council Member Ung's District in Flushing
4 Queens. The proposal is a rezoning from a
5 manufacturing district M1-1 to a residential district
6 R7A to develop a residential building with
7 approximately 415 apartments. This rezoning will
8 also involve mapping Mandatory Inclusionary Housing,
9 which will require approximately 113 of the units to
10 be affordable units. For anyone wishing to testify
11 on these items remotely, if you have not already done
12 so, you must register online and you may do that now
13 by visiting the Council's website at
14 council.nyc.gov/landuse.
15

16 Once again for anyone with us in person, please
17 see one of the Sergeants up here and submit a
18 speakers card. If you prefer to submit written
19 testimony, you can always do so by emailing it to us
20 at landusetestimony@council.nyc.gov. I would now
21 like to give Council Member Ung the floor to give her
22 remarks.

23 COUNCIL MEMBER UNG: Thank you. First, I'd like
24 to thank Chair Salamanca and Riley and the applicant
25 team for presenting at today's hearing. This project

1 has evolved during the public review process to
2 address community concerns about density, parking and
3 traffic patterns. I will say there's been some
4 communication challenges during this process, so I
5 look forward to getting more clarity on where they
6 stand today. I'm committed to bring both new and
7 affordable housing and good jobs to my community and
8 I'm hopeful that we can reach a common understanding
9 on how to best advance these goals. Thank you.

11 CHAIRPERSON RILEY: Thank you so much Council
12 Member Ung. Counsel, please call the first panel for
13 this item.

14 COMMITTEE COUNSEL: That panel consists of Eric
15 Palatnik.

16 CHAIRPERSON RILEY: Counsel, please administer
17 the affirmation.

18 COMMITTEE COUNSEL: Please raise your right hand
19 and state your name for the record.

20 ERIC PALATNIK: Eric Palatnik.

21 COMMITTEE COUNSEL: And do you affirm to tell the
22 truth, the whole truth and nothing but the truth in
23 your testimony before the Subcommittee and in your
24 answers to all Council Member questions?

25 ERIC PALATNIK: I do.

1 CHAIRPERSON RILEY: Thank you. For the viewing
2 public, if you need an accessible version of this
3 presentation, please send the email request to
4 landusetestimony@council.nyc.gov. And now, the
5 applicant team may begin.
6

7 Panelists, as you begin, I'll just ask that you
8 please reinstate your name and organization for the
9 record. You may begin.

10 ERIC PALATNIK: Sure, Eric Palatnik, Attorney at
11 Law representing Whitestone Lanes. I'm thrilled to
12 be here today. I'd like to thank the Council Member.
13 She came into a process of a rezoning that we started
14 six years ago and she came in, I think she was
15 admitted into office a year or so ago, a year and a
16 half.

17 Unfortunately, that process of changing Council
18 people midway through a rezoning process caused the
19 miscommunication of the Council Member speaking.
20 We've been working for the past six years on what I
21 think is a model rezoning application. You are
22 presented today with a rezoning application that is
23 unanimously supported by every single body that its
24 come before, especially the Community Board,
25 Community Planning Board 7.

1 Now, Community Planning Board 7 in Whitestone in
2 the Flushing area is a very vocal community board and
3 they're very concerned about things such as parking.
4 They're ultra concerned about the Linden Place
5 Extension, which is an off and exit ramp of the
6 Whitestone Express Way that leads to the Whitestone
7 Bridge that causes traffic delays going back to what
8 I still call Shea Stadium.
9

10 The redesigned that Linden Place Extension eight
11 years ago. It was built five years ago. It was done
12 with their input and the former Council persons
13 input. Whitestone Lanes, which is owned by Marco
14 Macaluso, who is right here today, a resident of
15 Queens his entire life in Whitestone who built this
16 business from the ground up with his family starting
17 in 1965 when they first built it, when Ferry Land was
18 across the street and was the entertainment mecca
19 over there.

20 Well, Marco tried to develop the property and
21 work through the rezoning with the community
22 acknowledging the intensity of the traffic concern
23 over there. And one of the main concerns of all
24 Community Board members throughout this entire
25 process has been the elimination and the prevention

1 of any commercial space in this building. They
2 refused to act on it. They refused to support it.
3 They would not have given it any consent or support
4 at all if it had what they considered to be a traffic
5 generating component to it.
6

7 We hired expert after expert. We did different
8 analysis and they were right. What's going up across
9 the street? If you can go to the next slide please.
10 Get to one that's an aerial picture please, I think
11 it's a couple in. Go a couple more if you can.
12 There you go, that's perfect. So, that's Whitestone
13 Lanes. It's surrounded by a shopping center, retail,
14 local retail. It's zoned manufacturing and we are
15 here today to ask you for a rezoning from the
16 manufacturing to an R7A.

17 The manufacturing district that's across the
18 street, extends across the street as well is home to
19 two, two distribution facilities. They're money
20 makers. The New York Time's site is across the
21 street, well known. Wild Flowers building a four-
22 story distribution facility. The Toys R Us toy store
23 that sits on a the side Ferry Land across the street
24 is turning into a distribution facility.
25

2 The distribution facilities want to be here. So,
3 what we have asked you to do is rezone the property
4 to a residential development. If it were to be
5 approved, it would stand nine stories and 95 feet
6 tall. If you can go to the next slide please. Go
7 one more slide please.

8 So, the Zoning District deterred to an R7A and if
9 you can go to the next slide please. And the R7A
10 district would bring with it an as of right
11 development that would include 415 apartments and 113
12 permanently affordable units with zero commercial
13 space in the building and zero community facility
14 space.

15 So, the Community Board, though in the five years
16 that we've been working them weren't just concerned
17 about traffic and eliminating the commercial. They
18 were also concerned by the traffic patterns. If you
19 can go to the next slide please. Next slide please.

20 They were also concerned about an open plaza that
21 we were required to provide by requirement to City
22 Planning. The area is underserved with respect to
23 public parks. It has very little open space. So, as
24 a requirement to the environmental assessment
25 statement, we're required to provide open space. But

2 we didn't just provide open space, we provided a
3 Manhattan quality style plaza, the likes of which
4 have never been seen in this part of Queens.

5 We worked very closely with the Community Board,
6 who had first had concerns over it and we worked very
7 closely with City Planning. That plaza has turned
8 into a very expensive undertaking to keep it and
9 build it at the style that we've designed it, which
10 is equivalent to a pop standard. And you can see the
11 plaza on the right-hand side there on the top slide.
12 Next slide please. Next slide please. You can go to
13 the next one. You can go to the next one. And one
14 more. Hopefully we'll get to the traffic. Next
15 slide, keep going if you can please. Okay, so here
16 you could see the traffic patterns on the streets
17 around it. You can see the cars backed up. You can
18 go to the next slide.

19 It shows you an elevation of the building. Just
20 keep going if you can and we'll get to another slide.
21 There you go. Alright, you can go to the next slide,
22 one more forward and one more. Here we go.

23 This gives you an overview of the property right
24 now. The way the property — this shows you the
25 arrows coming in and out. It's meant to show egress.

1 Those traffic entrances you see with the red arrows
2
3 are going to be mimicked in the new development. If
4 you can go to the next slide please. And you can see
5 – one more slide forward please. Okay, so what we're
6 showing you here, if you look at the slide at the
7 top, it's showing you cars are coming in on one side
8 of the property and they're exiting on the other
9 side. The idea of it coming in from the Linden side
10 only and no exits on the Linden side, which is the
11 top, again is to protect the traffic pattern. You
12 can go to the next slide please.

13 This shows you how much time and effort has been
14 put into it and again, this is all explaining to you
15 why the building has no commercial use. We gave up
16 perhaps one of the most profitable components of the
17 building with our work with the Community Board in
18 order to develop a building that would reduce
19 traffic.

20 As you could see here, the proposal is shown on
21 the left. The as of right that could be built there,
22 such as the distribution facility or community
23 facility is on the right. The elimination of an
24 incredibly, incredibly supportive, income generating
25 component, such as the proposed commercial use that

1 was in there originally and the removal of it during
2 negotiations and discussions with the community, is
3 perhaps one of the most expensive community benefits
4 I've ever put into a project before. We gave up a
5 lot to do that and we did it to earn the support of
6 the community. You can go to the next please. Next
7 slide please.

9 We were asked by the community to do a lot of
10 work on the school seats and if there was enough
11 school seats in the community for us to accommodate
12 all the future students. And this slide shows you
13 that we've done all of that. Next slide please. And
14 the as of right alternatives. What we're trying to
15 show you here is next slide. Is that this is what
16 can be built on the property? If this project does
17 not go forward, these are the as of rights
18 alternatives. You could build a hospital. You could
19 build a distribution facility or you could build a
20 mix of the two and some kind of community facility.

21 We're not here to do that today. We would like
22 to build residential. We worked very hard to secure
23 nearly unanimous support of Community Planning Board
24 7, the support of Donovan Richards, the Borough
25 President and the support of City Planning, and we

2 would hope that everybody likes the project that we
3 set forth today. You can go to the next slide
4 please. One more slide.

5 This goes to what I was saying a moment ago,
6 there is no proposed commercial use within the
7 building. If you saw the location of the building
8 now on the Whitestone Expressway next to commercial,
9 it's actually called Whitestone Lanes, it has
10 commercial use in it. We've eliminated that
11 commercial use and the reason we've done that again,
12 so I can be abundantly clear, was after years of
13 discussion with this community. This is a model of a
14 rezoning. This is a good example of a rezoning that
15 we worked with the incoming Council Member. We're
16 working with the current Council Member and we've
17 worked with every single stakeholder in the community
18 to secure everybody sign on. Every single persons
19 sign on.

20 The only thing we haven't done yet unfortunately,
21 is worked out a deal with some third parties who
22 would like to be involved in the construction of the
23 building. That we haven't done. But other than
24 assigning contractual obligations to third parties to
25 build this building, I am presenting to the City of

1
2 New York to solve its housing crisis, a shovel ready
3 development with a local developer who is sitting in
4 your room, who has been invested in your neighborhood
5 for 50 years, that's ready to go. He's ready to
6 build tomorrow. If we'll make a deal, which we're
7 trying to with the third parties, we will make that
8 deal and I am hoping we can. We've been sitting with
9 them and we're trying to again but as far as the land
10 use component to this application goes, never in my
11 career have I presented an application that has been
12 so well supported and I'd be doubtful if I'll come
13 back to you again with another obligation in my
14 career that's been so well supported. I thank you
15 very much for your time today. I'd be happy to
16 answer any questions.

17 CHAIRPERSON RILEY: Thank you so much. I have a
18 few questions and I am going to see if Council Member
19 Ung has some questions.

20 ERIC PALATNIK: Sure.

21 CHAIRPERSON RILEY: How have you responded to
22 some of the Borough Presidents recommendations, such
23 as those around affordability levels, job
24 opportunities or enhancements around open space and
25 recreational use?

1 ERIC PALATNIK: Yes, we've spoken with the
2
3 Borough President at length. Some of the discussions
4 I just mentioned a moment ago, are impacting - are
5 substantially the economics, which directly relates
6 to the affordability. You have the opportunity to
7 bring into this project 113 Option Level 1 units,
8 which is twice as much that is coming to Flushing in
9 the past few years. You're creating a great
10 opportunity to do so.

11 The Borough President would like to talk about
12 the MIH levels. The MIH levels relate directly to
13 the ability of the developer to afford to be able to
14 provide that because there is no tax subsidy in there
15 right now and as I mentioned ago, there's a third
16 party involved that's also asking for the developers
17 funding.

18 So, the developer only has so much money in his
19 pocket. His name is Marco Macaluso. He's a local
20 guy. He's not a big shot out there and there's only
21 so much that can come out of a pocket. We would love
22 to give much deeper affordability. There are other
23 people that are also asking for money to come out of
24 the project and we must make our deal with them as
25 well. So, we'd like to try to increase the number of

1 MIH units greatly, tremendously I mean. We'd like to
2 make that effort but right now, we are put under some
3 other financial pressures that are causing a little
4 bit of difficulty with us achieving the goal that we
5 all share which is to provide more affordable housing
6 for the city.
7

8 I'll mention this too, we're on the cusp of
9 signing an arrangement with 32BJ that we've been
10 working on for the past two years that we feel would
11 be the provision to the Borough Presidents position.
12 Very good jobs, their rates are incredibly
13 competitive. In the market place they are very
14 similar to other people and they do a great job and
15 we just spoke with them yesterday.

16 I don't recall what some of these other questions
17 were. I think I addressed some labor and I addressed

18 -

19 CHAIRPERSON RILEY: Open space, recreational use.

20 ERIC PALATNIK: The open space and recreational
21 use of the plaza, the plaza was the biggest
22 discussion at the Community Board. The area is
23 substantially underserved as I mentioned ago by open
24 space. There is a lack of open space. So, the dog
25 leg of the property, we're providing a beautiful

1 plaza. I don't know if the Borough President had
2 concerns about it.

3
4 CHAIRPERSON RILEY: Even that this is a straight
5 rezoning, how are you being sure that the plaza will
6 be built?

7 ERIC PALATNIK: The plaza is being put as a
8 restrictive declaration that's being attached to the
9 property that's going to govern the entire ground
10 floor layout. This is worked out in combination with
11 Department of City Planning, their city environmental
12 quality review. It's a restrictive deck that's tied
13 into the [INAUDIBLE 01:24:00]. You know, legal
14 counsel is nodding his head.

15 That restrictive deck was created at the request
16 of both City Planning and the Community Board. The
17 purpose of it was to lock in the ground floor layout
18 exactly as you just suggested. So, the Community
19 Board could be assured that the Linden Place
20 extension was this project they worked on for ten
21 years, a decade to achieve and are quite proud of.

22 They wanted the ground floor layout to be in and
23 out the way we were proposing. In the way the
24 required it and they wanted that to be memorialized.
25 So, we put that into the restrictive declaration and

1 also in the restrictive declaration is the plaza
2 area.
3

4 CHAIRPERSON RILEY: So, my last question is uhm,
5 you mentioned shovel ready.

6 ERIC PALATNIK: Yes.

7 CHAIRPERSON RILEY: So, you guys are willing and
8 able to build this without a tax abatement like 421A?

9 ERIC PALATNIK: The project can be built without
10 a 421A. The margins are close but the project can be
11 built.

12 Not just that, there's been a substantial amount
13 of developers that the owners started to talk to that
14 have expressed interest in building in the current
15 climate if the price is right and the owner
16 understand where he's at right now with that. I will
17 say that that's barely tenable and I think you know
18 that obviously. There's been very - I think Concord
19 New Hampshire pulled more building permits last year
20 than New York City did. So, we know we're in a
21 slump. He couldn't be more anxious to go.

22 The bowling alley by the way, just so you know if
23 you've been following the daily news stories, the
24 bowling alley is done. He'll tell you; they don't
25 have much business. COVID put whatever nail in the

1 coffin that could be put in it. It's an iconic
2 place. So, he doesn't have any way to make a living
3 right now. So, this project moving forward in one
4 way shape or form, whether it's financially tenable
5 as a residential rezoning, which would help solve the
6 city's housing crisis or whether he sells it to
7 Wildflower across the street to build another
8 distribution facility. He doesn't have - this man is
9 in a fix. He has to do something because nobody goes
10 bowling anymore.
11

12 So, if you want to go bowling, he'll keep the
13 bowling alley but nobody really goes anymore. Thank
14 you.

15 CHAIRPERSON RILEY: Alright, thank you Eric.
16 Council Member Ung, you have any questions? No,
17 okay. Council Member Schulman.

18 COUNCIL MEMBER SCHULMAN: Hi, how are you?

19 ERIC PALATNIK: Hello, good morning. Good
20 afternoon.

21 COUNCIL MEMBER SCHULMAN: Good morning, good
22 morning. Oh, good afternoon. So, yeah, I have a
23 question. So uhm, I see that we have labor here this
24 afternoon and I appreciate what you said about 32BJ.
25 My understanding is they've raised concerns about an

1 agreement actually being signed. So I wanted to ask
2 about that with you.

3
4 ERIC PALATNIK: With which, with 32BJ?

5 COUNCIL MEMBER SCHULMAN: Hmm, hmm.

6 ERIC PALATNIK: I spoke to uh I think it was Sara
7 yesterday, Ms. Peterburg, I'm not recalling her name
8 but we spoke yesterday. Yes, I actually reached out
9 to them a year ago to initiate a conversation with
10 them. When I had heard that there was a strong
11 desire to have union labor, permanent union labor
12 jobs on this site.

13 They have proven to be a very trusted and
14 reliable and excellent service through the last
15 decade that I've worked with them and we have
16 fashioned and an agreement that is about to be
17 signed. At about the time we are about to sign that,
18 as I mentioned in the MIH discussion, another third
19 party came into the mix and would like to have a
20 piece of the job as well. We're working and sitting
21 with them.

22 COUNCIL MEMBER SCHULMAN: Okay.

23 ERIC PALATNIK: That piece seems to as if it
24 might be a little over powering but we're trying our
25 hardest to try and achieve it.

1 COUNCIL MEMBER SCHULMAN: Okay, I'd like to
2 because I know 32BJ is important as our just
3 organized labor in general, so I'd like to see those
4 agreements signed as we move forward and I appreciate
5 you working with them. Thank you.

6 ERIC PALATNIK: Yeah, well we'd like to work with
7 everybody that could be reasonable with us on that
8 piece.

9 COUNCIL MEMBER SCHULMAN: Okay, thank you.

10 CHAIRPERSON RILEY: Thank you. Any other
11 members? Uh, there being no members that have any
12 questions for this panel, this panel is now excused.
13 Counsel, are there any members of the public who wish
14 to testify on this project?

15 COMMITTEE COUNSEL: Yes Chair. We have four
16 members who signed up online to testify and one
17 person who is here in the room. So, we will start
18 with the person who is here in the room and that is
19 Sara Penenberg.

20 CHAIRPERSON RILEY: Members of the public will be
21 given two minutes to speak. Please do not begin
22 until the Sergeant at Arms has started the clock.

23 SARA PENENBERG: Good afternoon. Thank you
24 Chairman Riley and members of the Subcommittee on
25

1 Zoning and Franchising. My name is Sara Penenberg
2 and I am the Political Coordinator at SEIU 32BJ.

3
4 32BJ is dedicated to represent 175,000 members in
5 11 states, in Washington DC and in New York. Our
6 union members are the pillar to the property service
7 sector here in New York performing crucial jobs in
8 the property service sector. As mentioned just prior
9 to this, 32BJ has been in talks with Marmer Reality
10 on Whitestone Lane rezoning but to date, we have not
11 been able to have a credible commitment on this
12 project to create the family sustaining and middle-
13 class jobs that maintain prevailing wage standards
14 for building service workers in the city.

15 These are jobs that build up our community and
16 that create a robust middle class. A project like
17 Whitestone Lane would result in about five to six
18 full-time property service jobs and gaining a
19 credible commitment here for this project in addition
20 to creating prevailing wage standards would also make
21 there be labor peace agreement in securing a union
22 representation if employees choose so.

23 Labor is an important part of the foundation of
24 New York City. A project like Whitestone Lane would
25 benefit the community on multitude of different

1 fronts. One of them being a path to the middle-class
2 prevailing wage. So, I hope that we can come to an
3 agreement on this project. It is true that we had
4 some discussions but we are still pending that
5 agreement and thank you so much for your time.

6
7 CHAIRPERSON RILEY: Thank you Sara. Sara, I
8 don't know if anyone has any questions for you. Do
9 any members have any questions for Sara? Oh, they
10 don't. Alright, thank you Sara.

11 Counsel, can you please call the next panel for
12 this item?

13 COMMITTEE COUNSEL: Yes, we will now switch to
14 the online individuals who have signed up to testify.
15 That consists of Arlene Fleishman, Eugene Kelty,
16 Charles Apelian and Merilyn Bitterman. Please note
17 once you have testified remotely, you will be exited
18 from the online chat room. You can view the
19 livestream broadcast for the remainder of the hearing
20 on the Council's website. We will now start with
21 Arlene Fleishman. Please turn on your microphone.

22 CHAIRPERSON RILEY: Arlene, if you can hear me,
23 please unmute and you may begin. Arlene, are you
24 there? Okay, we'll come back to Arlene. Next, we'll
25 move to Marilyn -

1 COMMITTEE COUNSEL: Bitterman.

2 CHAIRPERSON RILEY: Bitterman. Marilyn, if you
3 can hear me, please unmute and you may begin.

4 MARILYN BITTERMAN: I'm unmuted. Uhm, thank you.
5 I am a member of the Mitchell-Linden Civic
6 Association and a resident of the Mitchell-Linden
7 community for over 50 years. This project was very
8 different when it was initially presented to the
9 community. We were against it. However, working
10 with the Community Board membership, the Land Use
11 Committee, the developer and Eric Palatnik, we
12 finally agreed to the project as presented. Only
13 housing with no retail or commercial uses.
14

15 As an elected body, it is the Council's
16 responsibility to honor what the community needs and
17 agreed upon. We worked diligently on this project,
18 which resulted in addressing the needs of our
19 community. I am imploring the Council to listen and
20 agree with us. I'd like to thank you.

21 CHAIRPERSON RILEY: Thank you. Next, we're going
22 to call Arlene Fleishman again. Arlene, if you can
23 hear me, please unmute.

24 ARLENE FLEISHMAN: Yes, I hear you.

25 CHAIRPERSON RILEY: Go ahead Arlene.

1 ARLENE FLEISHMAN: Okay, good morning ladies and
2 gentlemen. I should say afternoon. I appreciate
3 this opportunity to address you regarding the
4 Whitestone Lanes rezoning. I am Arlene Fleishman; I
5 serve as President of the Mitchell-Linden Civic
6 Association, representing over 5,000 families
7 residing in 28 cooperative buildings. We have since
8 the 1950's spoken with one voice, maintaining the
9 integrity and quality of life for all has and still
10 is the goal of our organization.
11

12 When first approached about rezoning of the
13 Whitestone Lanes, I was dead set against the
14 development of a nine-story apartment complex at this
15 location and remain so until many committee meetings
16 were held, issues of the concerned disgust,
17 compromises made and negotiations concluded. I come
18 to you today with the support of the entire Mitchell-
19 Linden community to ask for your support to honor the
20 request for the zoning change for the Whitestone
21 Lanes. Permitting the development for residential
22 housing void of any commercial entities. We look
23 forward to welcoming our new neighbors while
24 maintaining the safety and security of our community.
25 Thank you.

2 CHAIRPERSON RILEY: Thank you Arlene. Next,
3 we'll have Eugene Kelly.

4 EUGENE KELTY: Thank you Mr. Chair and it's
5 Kelty. I'm the Chair of Community Board 7 for over
6 26 years. I've been on the Board for almost 40
7 years. So, thank you for letting me testify before
8 the Council. It's nice and I appreciate the Zoom.
9 It's much easier than trying to get downtown, so I
10 appreciate the Council working with the community on
11 this.

12 In the fast nutshell because you don't need to
13 hear repeated information, this project has been
14 sitting I thought it was at least eight years not six
15 like Eric talked about but as he said, we were
16 working it in the past for over ten years. We pushed
17 very hard to get the residential component to pull
18 the commercial component out of it. Anybody that
19 knows the area and knows that's it gridlocked over
20 there. For anybody in DOT, understands that
21 intersection used to be what they call level F and
22 you can't approve a level F and over the course of
23 the years from my - you'll hear him testify in a
24 second Chuck Apelian, we worked with a lot of the
25 engineers in the area and the Borough Presidents

1 previous engineers to get them to put crossways in
2 over there to help improve the district.

3
4 So, right now we got one of the sites that s
5 coming up and could impact us if we go back to a
6 commercial component and that's why we pushed
7 specifically for a residential component and we put
8 the restricted declarations on it. And we hope that
9 that would make it very well and it seems specific
10 groups are going with it. We agree with it. As I
11 said, there's plenty of development around it.
12 You're going to hear it that there's a site next to
13 us which is the Stop and Shop and of course the road
14 way is a Toys R Us. So, I don't need anymore
15 commercial in there. I need residential and we need
16 it so it doesn't impact the area.

17 And you know, I know it's kind of tough for
18 Councilwoman Ung; she's relatively new but she's not
19 new to the area. She's worked in the elected
20 officials area, so she knows the area very well and
21 we're very pleased to work with her but her office
22 has been involved with this. I'd like to say the
23 Borough Presidents office was involved in this but as
24 you see there's little gaps where it was needed to be
25

1 commercial when in fact, we had to bring to his
2 attention there's a lot of commercial already there.

3
4 So, you know we're looking forward to this thing
5 to move. We're looking forward to move very quickly
6 because it seems like it's being storm walled a
7 little with a lot of stuff. So, we're hoping that it
8 can move through the Council very quickly to get what
9 we need to help the community and help the developer.
10 Thank you very much. I appreciate it.

11 CHAIRPERSON RILEY: Thank you Eugene. The last
12 person on this panel is Charles Apelian.

13 CHARLES APELIAN: Hi there.

14 CHAIRPERSON RILEY: You may begin Charles.

15 CHARLES APELIAN: Can you hear me?

16 CHAIRPERSON RILEY: Yes, we can hear you.

17 CHARLES APELIAN: Great, thank you Chair. My
18 name is Chuck Apelian, I'm the Vice Chair and Land
19 Use Chair Committee Board 7 here. As you heard, it's
20 been a number of years we've worked on this and the
21 big turning fact that was the support of the
22 Mitchell-Linden Co-op representing 5,000 families.
23 Alternative goal to Whitestone Lanes was simple. We
24 placed the manufacturing, commercial, retail and
25 community facility use; I'll get to that in a second,

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 83
2 solely with housing. Why? In one word, as you
3 heard, traffic.

4 And there are also huge amounts of commercial
5 retail and community facility nearby, hundreds of
6 thousands and literally the potential for millions of
7 square feet on the other side of the highway.

8 Everybody felt R7A was a good solution and it would
9 allow greater bulk and current but only with the
10 strict condition that it become a residential
11 development only.

12 And without the choice and chance for community
13 facility and I'll explain as I keep going forward.
14 Therefore, the developer agreed to the following
15 restrictive declaration, which was the only reason we
16 got overwhelming support by both the co-op community
17 and our community board. A. Eliminate community
18 facility use. B. Maximize the dwelling units to be
19 350, minimal parking spaces to be 300. You heard
20 about the access and restrictions on Linden Place and
21 on-site parking for delivery vehicles. The
22 restrictive declaration guarantees and union count,
23 why?

24 Well, please remember the plan being presented is
25 illustrative. An R7A zoning is approved without the

1 restrictive deck and community facility use is still
2 allowed in the underlying zoning. A high traffic
3 generating med center or school could be built after
4 the rezoning and guess what? No housing would be
5 built even though this plan shows that it is.

6 We only want housing. Your committee is
7 learning, so you will understand that the restrictive
8 deck to eliminate community facility ensure that only
9 a residential building can be built and ensures that
10 the 350-unit count and the restrictive deck and the
11 number of MIH houses are permanent.

12 We came up with 350 units that provide decent
13 size units for families to flourish in our community
14 rather than small studios and transit one bedrooms,
15 and we came up with 300 parking spaces to meet our
16 boards requirement for 100 percent parking. So-

17 CHAIRPERSON RILEY: Thank you Charles.

18 CHARLES APELIAN: May I have two sentences?

19 CHAIRPERSON RILEY: Go ahead.

20 CHARLES APELIAN: The residents won't need to
21 search on street parking, which would increase the
22 traffic in the area again, reducing traffic. I
23 appreciate the time. Thank you again sir.
24

1
2 CHAIRPERSON RILEY: Thank you Charles. Are there
3 any questions for this panel? There being no
4 questions, this panel is excused. Counsel, can you
5 please call up the last panel for this item.

6 COMMITTEE COUNSEL: Yes, the last panel consists
7 of Christian Batres(SP?), who is online.

8 CHAIRPERSON RILEY: Christian, if you can hear
9 me, please unmute and you may begin.

10 CHRISTIAN BATRES: Yes, I can hear you. Uhm,
11 good afternoon. My name is Christian Batres and I'm
12 a proud 20-year member of Local 157 and the area
13 representative for the New York City District Council
14 Carpenters and also, I'm a Queens resident. It is my
15 privilege to speak on behalf of our 600 members
16 residing in the immediate area of this project and
17 the 1,000 more who call Queens home who can not be
18 here due to other commitments.

19 This is personal to me. I grew up bowling at
20 Whitestone Lanes and I lived just five minutes away
21 from this development. Every morning I pass by this
22 site when I take you know Whitestone Expressway on my
23 way to work and fight for my members. This is my
24 community and I care about its future. This is why I
25 must voice my decision to the development. Make no

1 mistakes, creating more housing is critical but if
2 the very people building affordable housing cannot
3 even afford to live in it, then we are making this
4 crisis worse and not solving it. That's why it
5 brings me no joy to report that while we have some
6 discussions with the developer, we don't have any
7 agreement at this time. We transparently provide
8 them hour rates and offer to work with them to make
9 sure this project is profitable for them and actually
10 buildable from a financing perspective.
11

12 Afterall, if a project cannot be built, what is
13 good for my members. Council Members, you know us,
14 union carpenters, we're always willing to compromise
15 and we have done so in the past but we cannot and we
16 will not settle for scraps and at this point, we
17 don't even have scraps to consider. We cannot work
18 towards a deal if one of the sites is unwilling to
19 provide any data to offer to back up to their claims.

20 Despite moments of outrage from our union, there
21 is no offer in hand from the developers. Since
22 initial discussions on December the 7th, there have
23 multiple meetings canceled at the last minute, all by
24 the developer. We have repeatedly asked for them to
25 provide any information to us so we can work with

1 them. Nothing has been provided. We hope this is
2 not indicative of how they will act towards the
3 community if a rezoning is granted but actions tell a
4 better story than words. But it's part of the reason
5 why we urge you to oppose -

6 CHAIRPERSON RILEY: Thank you Christian.

7 CHRISTIAN BATRES: Just let me finish please. In
8 our agreement -

9 CHAIRPERSON RILEY: If you could just wrap it up
10 Christian, thank you.

11 CHRISTIAN BATRES: Alright, thank you very much.
12 In solidarity, you know from the union carpenters, we
13 just want to get you know an agreement approved and
14 you know for this rezoning to be approved. You know
15 we're glad this developer, you know that's all we're
16 looking to get over here.

17 CHAIRPERSON RILEY: Thank you so much for
18 testifying Christian. Are there any members of the
19 public who wish to - excuse me. Are there any
20 members of the Committee who have questions for this
21 panel? There being no questions, this panel is
22 excused. Counsel, are there any other members of the
23 public who wish to testify on LU's 1 and 2?
24

2 COMMITTEE COUNSEL: At this time, there doesn't
3 appear to be anybody in the room else wishing to
4 testify on Whitestone Lanes but if you do wish to
5 testify, please approach one of the Sergeant at Arms.
6 If you have signed up online and you wish to testify,
7 please raise your hand now. Okay, not seeing anybody
8 online or in person. You may proceed with closing
9 this hearing Chair.

10 CHAIRPERSON RILEY: There being no other members
11 of the public who wish to testify on LU's 1 and 2
12 relating to the Whitestone Lanes Rezoning Proposal,
13 the public hearing is now closed and the item is laid
14 over.

15 I will now open the third public hearing on LU's
16 3, 4, and 5 relating to the 2226 3rd Avenue Rezoning
17 Proposal. This proposal seeks to develop a ten-story
18 life science building in Manhattan in Deputy Speaker
19 Ayala's District. This application consists of a
20 rezoning on part the development site that is
21 currently zoned for residential use only.

22 The rezoning would be from an R7B to a C4-6,
23 which is the zoning district for the rest of this
24 site. The application also seeks a text amendment to
25 map Mandatory Inclusionary housing and extend the

1 East Harlem Corridor Special District to include the
2 proposed development site.
3

4 Lastly, the application seeks a special permit to
5 reduce the number of requiring loading berths. For
6 anyone wishing to testify on these items remotely, if
7 you have not already done so, you must register
8 online and you may do that now by visiting the
9 Council's website at council.nyc.gov/landuse.

10 And once again, for anyone with us in person,
11 please see one of the Sergeants to prepare and submit
12 a speakers card. If you would like to prepare and
13 submit a written testimony, you can always do so by
14 emailing to landusetestimony@council.nyc.gov.

15 Counsel, please call the first panel for this
16 item.

17 COMMITTEE COUNSEL: Chair, the first panel
18 consists of Richard Basc.

19 CHAIRPERSON RILEY: Counsel, please administer
20 the affirmation.

21 COMMITTEE COUNSEL: Please raise your right hand
22 and state your name for the record.

23 RICHARD BASC: Richard Basc.

24 COMMITTEE COUNSEL: Do you affirm to tell the
25 truth, the whole truth and nothing but the truth in

1 your testimony before this Committee and in answers
2 to Council Member questions?

3 RICHARD BASC: I do.

4 CHAIRPERSON RILEY: Thank you. For the viewing
5 public, if you need an accessible version of this
6 presentation, please send an email request to
7 landusetestimony@council.nyc.gov. And now the
8 applicant team may begin. Please just reinstate your
9 name and organization for the record before you
10 begin.

11 RICHARD BASC: Uhm, I'm Richard Basc. I'm with
12 the law firm of Akerman LLP. Thank you for this
13 opportunity to present to the Committee. This
14 application it's a little different. As you can see
15 from the slides, the image on the left is the actual
16 building. We've constructed the building pursuant to
17 the exiting zoning. The changes to the zoning
18 resolution that we're seeking is to permit life
19 science use in the entirety of the building.
20

21 Can we go to the next slide? This is a hard to
22 see summary of the proposal but let me just verbally
23 summarize it. Uhm, to facilitate a life science use
24 at this site, we have to make certain amendments to
25 the special district regulations. The first one is

1 to allow a 7.2 FAR as of right for commercial use.
2 That would include a use group 9 life science use.
3 Also, to do life science use, that has a higher
4 number of required loading berths, so we have to then
5 create a mechanism to get relief from the loading
6 berth requirement. And then we are seeking relief
7 from the loading berth requirement and the last
8 change is to since this lot is split between R7B and
9 the C46, we need to amend the zoning map and the
10 special district map to incorporate the western 25
11 feet.
12

13 So, as you can see from the middle slide, that
14 little bump out in the middle is our extension and
15 because we're as of right you could do residential,
16 we also have to amend the MIH exhibit Appendix F.
17 Even though we're not doing affordable housing, we
18 still have to amend it. So, the changes are
19 permitting greater commercial use, creating a relief
20 mechanism from the loading berth, seeking that relief
21 and expanding the district by 25 feet to the west.

22 Uhm, in discussions with the Community Board,
23 first of all, we've had long discussions with the
24 Community Board from the onset of this project as
25 well as with the Council Member. We made a

1
2 commitment to the community board that we would use
3 32BJ as our union workers. The Community Board
4 raised concerns that we included three tax slots that
5 we don't control. They would seek the Council to
6 reduce the action to only include our site. We're
7 agnostic on that request. The same thing, there was
8 a to allow greater height and greater density. We
9 don't need either of those two things. We agreed
10 with the Community Board. Again, we defer to the
11 Council if you would like to restrict the amendment
12 to only our site and to the existing zoning. That's
13 it. Short and sweet.

14 CHAIRPERSON RILEY: Oh, thank you.

15 RICHARD BASC: It's easy when you built the
16 building.

17 CHAIRPERSON RILEY: I appreciate that. Thank you
18 so much. Uh, so I just have a few questions for you.

19 RICHARD BASC: Yes sir.

20 CHAIRPERSON RILEY: Can you elaborate on the need
21 for this rezoning giving that the uses being proposed
22 could be developed as of right under the current
23 zoning?

24 RICHARD BASC: Well, that's a really good
25 question. In our discussions with life science

1 users, they prefer the certainty of use group 9 as a
2 permitted use. That's not there today. We could be
3 cute and say life science use is use group 4 or use
4 group 6. If you look at other life science projects
5 around the city, there's a variety of use groups that
6 cover life science use. In our discussions with
7 users, they wanted that certainty and that's why we
8 went through rezoning process. Because honestly with
9 my applicant, my client, it's been two plus years
10 going through this very expensive process. If they
11 didn't think use group 9 was a requirement.

13 CHAIRPERSON RILEY: Do you have a current tenant
14 for the life science building proposed? If not, are
15 you committed to this or will you also consider
16 alternative as of right use that a tenant may
17 propose?

18 RICHARD BASC: We're in discussions with other
19 life science users. We did have a user but because
20 the process took so long, they moved on. So,
21 currently we don't have a user. This - my client is
22 committed to life science use at this site and at
23 other sites throughout the city. Has made a
24 commitment to the Council Member. We've reached out
25 to Hope Communities. We will reach out to the math

1 and science high school on 116th and Pleasant. We
2 believe there is still a need for life science use in
3 the city. It's a public policy of the city to have
4 additional life science users. We think this is an
5 ideal location.
6

7 CHAIRPERSON RILEY: Thank you. Do any other
8 members have any questions for this panel? Council
9 Member Carr.

10 COUNCIL MEMBER CARR: I wanted to ask uh, what's
11 the state of your conversations with Deputy Speaker
12 Ayala who represents this area?

13 RICHARD BASC: We, to paraphrase her, she said
14 "you had me at life science." We had a very you know
15 good discussion. I've worked well with her in her
16 office on other projects. I've worked in East Harlem
17 since '79. She supports the project.

18 COUNCIL MEMBER CARR: Great, thank you.

19 CHAIRPERSON RILEY: Thank you Council Member
20 Carr. There being no further questions, the
21 applicant panel is excused. Are there any members of
22 the public remotely or in person who wish to testify
23 on 2226 3rd Avenue rezoning?

24 COMMITTEE COUNSEL: Chair, there's nobody signed
25 up in person or online to testify.

2 CHAIRPERSON RILEY: There being no members of the
3 public who wish to testify on LU's 3, 4 and 5
4 relating to the 2226 3rd Avenue rezoning proposal,
5 the public hearing is now closed and the item is laid
6 over.

7 I will now open the 4th public hearing on LU's 9
8 and 10 relating to the 166-11 91st Street Avenue
9 Special Permit proposal in Council Member Williams
10 District in Jamaica Queens. The special permit
11 requested will waive the heights requirement that
12 applies to narrow lots in the special downtown
13 Jamaica district. This special permit will allow
14 applicant to develop a mixed-use building with 28
15 apartments on this narrow lot.

16 The proposal includes mapping Mandatory
17 Inclusionary Housing over the development site which
18 will require applicants to include affordable housing
19 in the proposed development. For anyone wishing to
20 testify on these items remotely, if you have not
21 already done so, you must register on line and you
22 may do that now by visiting the Council's website at
23 council.nyc.gov/landuse. And once again, for anyone
24 with us in person, please see one of the Sergeants to
25 prepare and submit a speakers card. If you would

1
2 prefer to submit written testimony, you can always do
3 so by emailing it to

4 landusetestimony@council.nyc.gov. Counsel, please
5 call the first panel for this item.

6 COMMITTEE COUNSEL: The panel for this item
7 consists of Richard Lobel.

8 CHAIRPERSON RILEY: Counsel, please administer
9 the affirmation.

10 COMMITTEE COUNSEL: Please raise your right hand
11 and state your name for the record.

12 RICHARD LOBEL: Richard Lobel.

13 COMMITTEE COUNSEL: Do you affirm to tell the
14 truth, the whole truth and nothing but the truth in
15 your testimony before this Subcommittee and in
16 response to questions by Council Members?

17 RICHARD LOBEL: I do.

18 CHAIRPERSON RILEY: Thank you for the viewing
19 public. If you need an accessible version of this
20 presentation, please send an email request to
21 landusetestimony@council.nyc.gov. And now the
22 applicant team may begin. Panelists, as you begin
23 please reinstate your name and organization for the
24 record.

1 RICHARD LOBEL: Thank you Chair Riley. Council
2 Members, once again Richard Lobel of Sheldon Lobel PC
3 for the applicant 16611 91st Avenue LLC. We are here
4 today for the special permit as you see before you on
5 the screen.
6

7 Next slide, unlike rezoning applications which we
8 have previously brought before the Council as well as
9 earlier today, this is for a special permit. So, the
10 downtown Jamaica district regulations provide for
11 certain height limitations for properties on Narrow
12 streets, this is a provision, Section 11560 which
13 would allow the granting of a special permit in order
14 to waive those height restrictions. By way of
15 background, this is as far as our office was able to
16 discern. The only property that is effected by this
17 condition is clearly an unintended consequence of the
18 special district regulations that resulted in a
19 height cap on this otherwise buildable site and so,
20 city planning has been supportive of this application
21 as is evidenced by their approval. We also have the
22 approval of the community board and of the Queens
23 Borough Presidents Office.

24 The modification here would allow at the
25 development site the provision of a building with

1 roughly 13 stories as we will describe later, and
2 importantly and pursuant to the special permit, the
3 modification is necessary to provide one density and
4 scale as contemplated in the special downtown Jamaica
5 district and to provide much needed housing in the
6 Jamaica neighborhood of Queens District 12.

7 Importantly and in addition to the special permit
8 that's sought, as we approach city planning with this
9 application, they found there to be a true
10 opportunity here which was to map the site with
11 Mandatory Inclusionary Housing, which would provide
12 for Mandatory Inclusionary on a site which otherwise
13 do not require that.

14 So, despite the fact that this is not a rezoning
15 action, with the special permit itself, with the
16 mapping of MIH, you got the additional benefit of
17 allowing affordable units where none would have been
18 required had they built as of right. So we really
19 have what is seen as a win-win in this application.
20 The next slide provides the statistics behind the
21 development. Again, this would be a building with
22 13-stories plus cellar. The underlying zoning is
23 C45X as it will be demonstrated on the area map, this
24 is pervasive in the area and the building here,
25

1 19,000 square feet, plus or minus residential with
2 1,500 square feet of community facility. Height at
3 139 feet. There would be no parking, as it would be
4 waived. The units would be 28 units, of which 8
5 would be affordable when prior to this time, none
6 would be required to be affordable.
7

8 The next slide is the zoning map. I think this
9 really well demonstrates the nature of the area.
10 Again, shaded in gray, the downtown Jamaica Special
11 District in the C45X, which extends here for quite a
12 number of blocks and is also on the site. The C45X
13 allows for the underlying square footage at a six and
14 the height at 13 stories as would be permitted in
15 this district, absent this condition. So, the
16 special permit really allows for just the merely the
17 reinstatement of the height and bulk would be
18 permitted otherwise.

19 The next slide is a tax map, which highlights in
20 red the proposed development site as well as the area
21 of the proposed MIH text amendment, roughly 3,600
22 square feet of which the applicant site is 3,400
23 square feet. The next slide is the area map which
24 really demonstrates why the special permit is
25 appropriate here. Again, density in the area

1 reflects the C4X. In fact, the building immediately
2 to the right, a large pink rectangle in the C45X is
3 producing a site with roughly 12 stories at 124 feet
4 and 462,000 square feet of floor area. This will be
5 a massive site but interestingly because our site is
6 now being matched with an MIH district, we will
7 benefit from MIH on this site, whereas other sites in
8 the area do not necessarily benefit.

9
10 In addition, of the parcel – of the units created
11 in that parcel, 614 dwelling units will be created
12 with 284 parking spaces, clearly sufficient parking
13 for the area.

14 The next several slides demonstrate photographs
15 which primarily show the hulking large building to
16 the east of us, as has been discussed and the slides
17 after that demonstrate the site itself. Again, a
18 contextual building at 13 stories with a greater than
19 required rear yard at 25 feet and a mix of studios,
20 ones and twos throughout the property inclusive of
21 community facility on the ground floor. Feel free to
22 page through those plans and materials.

23 And with that, I am happy to answer any questions
24 as is the applicant team.

1
2 CHAIRPERSON RILEY: Thank you Richard. Could you
3 describe how the proposed development will include
4 environmental sustainability features as part of its
5 design?

6 RICHARD LOBEL: Sure. I mean I just nod at the
7 development team and would you like to discuss? I
8 wouldn't mind, would you mind discussing
9 environmental sustainability? Okay, sure, so I'll
10 just continue. So, as was requested by the Borough
11 Presidents Office, there was a request that we look
12 at sustainability measures. Obviously the site here
13 being 3,400 square feet is somewhat limited in terms
14 of being able to provide meaningful sustainability
15 but the one concern as was expressed and as the
16 applicant is happy to abide with, is a green roof.
17 The Borough President specifically requested that the
18 site and the roof be painted white and we were happy
19 to do so. In addition to which the building is
20 intended to be electrified as per current DOB
21 regulations. So, in short, we're trying to do what
22 we can to provide a sustainable building.

23 CHAIRPERSON RILEY: For the community facility
24 space, can you please further describe what type of
25 outreach you have done to fill this space?

1 RICHARD LOBEL: Yeah, I mean, understandably
2 given the fact that this is a small site, there's
3 only going to be about 1,500 square feet of community
4 facility space produced. And so, the Council Member
5 has expressed a preference for a local community
6 facility in the form of, for example, medical
7 offices. Some service that will be able to be
8 utilized by the surrounding residential community
9 particularly in light of the large number of units
10 coming online to the east. So, we just - just being
11 the applicant being from the area, has basically just
12 been seeking guidance in terms of the likelihood of
13 what community facility could locate there and we do
14 have some information that that medical office may be
15 appropriate.
16

17 CHAIRPERSON RILEY: Thank you. Do any members of
18 the community have any questions? There being no
19 questions, this applicant panel may be excused.
20 Counsel, are there any members of the public who wish
21 to testify on 166-11 91st Street Avenue Special
22 Permit, remotely or in person?

23 COMMITTEE COUNSEL: No Chair, no one is signed up
24 to testify online or in person. Just double checking
25 now and if anybody in the room would like to testify,

2 please go see the Sergeant at Arms and if you're
3 online and you have signed up, please raise your hand
4 at this time.

5 CHAIRPERSON RILEY: There being no other members
6 of the public who wish to testify on LU's 9 and 10
7 relating to the 166-11 91st Street Avenue Special
8 Permit proposal, the public hearing is now closed and
9 the item is laid over.

10 I will now open the 5th public hearing on LU's 11
11 and 12 relating to the 230 Kent Avenue Rezoning
12 Proposal in Council Member Restler's district and we
13 are joined here by Council Member Restler District in
14 Williamsburg Brooklyn. This is a proposal to develop
15 a mixed-use residential building with approximately
16 40 apartments. The proposal involves rezoning a
17 Perly Manufacturing District M1-4 to a mixed-use
18 District M1-4/R7X.

19 The proposal includes mapping a Mandatory
20 Inclusionary over the rezoning area which will
21 require applicants to include affordable housing in
22 the proposed development. Because this would be a
23 new mixed-use district in this area, the application
24 would also involve adding the proposed mixed-use
25 district to the regulations in the zoning resolution

1 that governs these districts. For anyone wishing to
2 testify on these items remotely, if you have not
3 already done so, you must register online and you may
4 do that now by visiting the Council's website at
5 council.nyc.gov/landuse. And once again, for anyone
6 with us in person, please see one of the Sergeants to
7 prepare and submit a speakers card. If you would
8 prefer to submit written testimony, you can always do
9 so by emailing to us at
10 landusetestimony@council.nyc.gov.

11
12 I will now like to give the floor to Council
13 Member Restler to give any remarks.

14 COUNCIL MEMBER RESTLER: Chair Riley, can I ask a
15 question? Am I permitted to ask two questions prior
16 to their presentation?

17 CHAIRPERSON RILEY: Uh, that's new but sure, go
18 ahead.

19 COUNCIL MEMBER RESTLER: Uhm, thank you very much
20 Chair for the opportunity today and I just want to –
21 I had two questions for the applicant. One, how much
22 money was spent to remediate this site to make it
23 feasible for development to go forward?

24 JUDITH GALLENT: The applicant, Judy Gallent –
25

1 CHAIRPERSON RILEY: Oh, so hold up, hold up.
2
3 Before we do that, before we do that, one second.
4 So, uh Council, please call the first panel for this
5 item. Let me just swear them in real quick.

6 COMMITTEE COUNSEL: Sorry, sorry. Yes, the first
7 panel consists of Judy Gallent.

8 CHAIRPERSON RILEY: Counsel, please administer
9 the affirmation.

10 COMMITTEE COUNSEL: Please raise your right hand
11 and state your name for the record.

12 JUDITH GALLENT: Judith Gallent.

13 COMMITTEE COUNSEL: Do you affirm to tell the
14 truth, the whole truth and nothing but the truth in
15 response to questions by Council Members and to the
16 Subcommittee?

17 JUDITH GALLENT: I do.

18 CHAIRPERSON RILEY: Thank you. For the viewing
19 public, if you need an accessible version of this
20 presentation, please send an email request to
21 landusetestimony@council.nyc.gov. I would now like
22 to kick it back over to Council Member Restler for
23 his opening remarks.

24 COUNCIL MEMBER RESTLER: Thank you Chair Riley.
25 How much money was spent at this site?

1 JUDITH GALLEN: The applicant spent between \$7
2 and \$8 million remediating the VOC's that were
3 disposed of on the site by the prior owner, which was
4 a paint manufacturing establishment.
5

6 COUNCIL MEMBER RESTLER: And what sustainability
7 kind of green upgrades have you all incorporated into
8 design plan?

9 JUDITH GALLEN: Uhm, the building would contain
10 a variety of green or sustainable measures. First,
11 although the development site is not currently in the
12 floodplain, it is projected that the floodplain could
13 reach the development site by 2080. That's a worse
14 case scenario and rather than waiting for a retrofit
15 of the building to meet that challenge, the building
16 would be built to resist hydrostatic pressures and
17 the foundation would be dry flood proof, which in
18 essence means water tight.

19 That's in anticipation of what's happening. In
20 addition there would be no dwelling units located on
21 the ground floor and below grade mechanical equipment
22 would be limited to the minimum necessary to service
23 utility points of entry with the remainder on the
24 roof and the mechanical bulkhead. In addition, there
25 would be either a green roof or solar panels. The

1 decision as to which would come later as the
2 mechanical equipment for the building is designed and
3 shadow studies are done to assure maximum viability
4 of solar panels if that is selected. The building
5 would also be 100 percent electric, even though that
6 would not be required if plans were filed prior to
7 July 1st of 2027. The building would contain no
8 vehicle parking at all and would contain 20 bicycle
9 parking spaces. And in addition to the six new
10 street trees, that would be provided around the site.
11 The applicant is committed to working with DEP and
12 DOT if necessary to establish the viability of rain
13 gardens on the street surrounding the site.
14

15 COUNCIL MEMBER RESTLER: Oh, that all sounds very
16 good. This applicant took some risk in putting
17 really a small fortune out to remediate a toxic site
18 in our community and to allow it to move forward for
19 development and that's a good thing for our community
20 and I am appreciative that the applicant took that
21 risk before knowing that there was an opportunity for
22 rezoning here and I'm eager to be a good partner and
23 supportive of this effort and look forward to getting
24 this project over the finish line.
25

1 So, thank you and look forward to the
2 presentation.
3

4 JUDITH GALLENT: Thanks. We look forward to
5 working with you as well.

6 CHAIRPERSON RILEY: Thank you Council Member
7 Restler. And now, the applicant team may begin.
8 Panelists, as you begin or continue, I'll just ask
9 that you just please reinstate your name and
10 organization for the record.

11 JUDITH GALLENT: Yes, I am Judy Gallent from BCLP
12 Land Use Council to Kent Riverview, LLC, the owner of
13 230 Kent Avenue, which is located in the northside
14 neighborhood of Williamsburg, Brooklyn. Could I have
15 the slides?

16 Next slide please. As the Chair indicated, this
17 is an application to facilitate the construction of
18 an eight-story building containing 40 apartments, 12
19 of which would be permanently income restricted under
20 MIH Option 2 with ground floor retail. The necessary
21 land use actions to achieve that are rezoning of
22 Block 2362 from an M1-4 District to an MX District
23 pairing an M1-4 and an R7X District. A zoning text
24 amendment to establish an MIH area over the entirety
25 of Block 2362 and a zoning text amendment to

1 establish R7X as a designated residence district
2 within MX8 and CD1 in Brooklyn, in which MIH is
3 required. May I have the next slide?
4

5 The development site is located on North 1st
6 Street between Kent Avenue on the east and River
7 Street on the West. The rezoning area is the
8 entirety of Block 2362, which consists of just two
9 lots. Lot 1, which is a development site and Lot 3
10 to its north. Both lots are currently vacant. Can I
11 have the next slide?

12 This areal photo shows the site and it's
13 surrounding context. To the west is the River Ring
14 Project, which was rezoned in 2021 to facilitate the
15 development of predominantly residential project
16 containing over 1,000 dwelling units of community
17 facility and commercial space, as well as a three-
18 acre waterfront public open space.

19 Grand Ferry Park, Domino Park and the Northern
20 most dominant buildings are shown on the bottom left.
21 Next slide please. The applicant owned development
22 site is shown on the left. It's a 5,400 square foot
23 lot that was formerly occupied by a paint
24 manufacturing facility as I indicated. The applicant
25 purchased the site in 2017 and remediated at a cost

1 of between \$7 and \$8 million through the New York
2 State Brownfields Cleanup Program. DEC issued a
3 certificate of completion for that cleanup in 2021.
4

5 The application proposes to rezone the site to a
6 mixed-use district because the area around it has
7 really changed from a manufacturing area to an
8 increasingly mixed-use area. The proposed MX would
9 facilitate the development of this block at a scale
10 that really provides a rational transition between
11 the 510 and uhm, 560- and 710-foot-tall towers that
12 are proposed that were approved by City Planning and
13 the City Council on the River Ring site.

14 On the waterfront and the five to eight story
15 buildings that are located to the east in the upland
16 blocks, while also allowing manufacturing uses on the
17 site.

18 On the other lot in the rezoning area is the
19 13,380 square foot vacant lot owned by Con Edison and
20 it's shown on the right. May I have the next slide?
21 Land uses in the surrounding area shown in these
22 photos include a mix of manufacturing commercial and
23 residential uses. East of the site across Kent
24 Avenue are two seven story residential building. The
25 block to the southeast on the right contains three to

1 seven story mixed-use buildings as well as fully
2 residential buildings, commercial buildings and light
3 manufacturing. Next slide please.
4

5 To the south across North 1st Street is a four-
6 story commercial building, recently renovated that
7 contains retail, co-working, some light manufacturing
8 and a banquet hall. Further to the south you see the
9 northern most of the Domino buildings, which is a
10 two-tower building containing a two-tower development
11 containing 332 dwelling units, as well as commercial
12 space and retail. Next slide.

13 Directly north of the site, across Metropolitan
14 Avenue is a six-story relatively recently developed
15 building that contains offices, accessory parking and
16 a Trader Joe Supermarket. Below grade and further
17 north, you can see on the right, 7 and 40 story
18 residential buildings. So, the area really has
19 evolved from manufacturing to contain quite a lot of
20 residential development and that's what makes sense
21 for the development site. Next slide please.

22 This is a side-by-side comparison of the existing
23 zoning on the left and the proposed zoning on the
24 right. The rezoning area as well as the block to its
25 north were both rezoned in 2021, as part of the River

1 Ring Application from M31 which is a heavy
2 manufacturing district to M1-4 which is a light
3 manufacturing district, largely to preclude heavy
4 manufacturing uses in close proximity to both
5 existing and proposed residential uses in the River
6 Ring application and what existed in the community.

7
8 The M1 districts are typically mapped as buffers
9 between heavy manufacturing districts or uses and
10 residential or commercial districts and uses. But
11 here as you can see from the slide, the rezoning area
12 is sandwiched between districts on the east and west
13 that permit residential use. There's a C62 on the
14 waterfront and an MX District to the east. And
15 between light manufacturing district on the north
16 where the Trader Joes was recently developed, no
17 manufacturing there at all and a heavy manufacturing
18 district on the south. That is developed with a
19 retail and banquet hall building in which there was
20 recent investment. So, there really is no use for
21 this pure buffer zone on the development site.

22 The proposed rezoning would maintain the M1-4
23 manufacturing designation but it would pair it with a
24 residential district which would facilitate
25 development consistent with the area and at a scale

1 that's already permitted by existing zoning. The
2 proposed rezoning would not change the commercial or
3 manufacturing FAR of 2 but by pairing it with the R7X
4 it would permit residential use with MIH at a FAR6,
5 which is actually less than the maximum FAR permitted
6 on the site today. Today, the maximum FAR under the
7 M1-4 is actually six and a half. That's the
8 community facility FAR. So, we're really not looking
9 to change the density at all but just to shift the
10 uses to which that density can be put in a way that's
11 appropriate to what's there. Next slide.

12
13 This landuse map uhm shows that the rezoning is
14 consistent with the character of the area, which is
15 as you can see from the map, is continuing to move
16 away from its manufacturing past. The red, yellow,
17 and peach are commercial, residential, and mixed-use
18 development respectively. The two River Ring lots
19 shown in gray on the waterfront will soon be peach
20 whenever they get going because it will be mixed-use
21 and the much less prevalent purple is manufacturing.
22 Next slide please.

23 This is an illustrative rendering of an eight
24 story, approximately 33,000 square foot building
25 containing 40 dwelling units and 3,300 square feet of

1 ground floor retail that could be built on the site.
2
3 Approximately 12 of the buildings 40 units would be
4 permanently affordable under option 2. I already
5 spoke about the sustainability measures that would be
6 incorporated in the building.

7 I would just say in closing that the proposed
8 rezoning offers a number of benefits beyond the
9 cleanup that the Council Member mentioned and the
10 sustainability benefits that elicited from me. Not
11 only would it result in the activation of a lot that
12 has been vacant for more than ten years, but it would
13 facilitate development of that lot that is in nature,
14 more consistent with the prevailing land use
15 character of the area and at a scale that is
16 consistent and provides a transition between River
17 Ring and the upland blocks. It would also facilitate
18 development of much needed housing and much needed
19 affordable housing in an area in which residential
20 demand is increasing and by pairing it with the M1-4
21 with an R7X, it would also allow more community
22 facility uses that are needed to serve the area such
23 as schools, which under the M1-4 today are not as of
24 right but require a special permit from the Board of
25 Standards and Appeals.

2 And finally, the proposed MX zone would preserve
3 manufacturing uses as of right on the Con Ed side if
4 Con Ed chooses one day to use the site for utility
5 purposes.

6 I have nothing further but I am happy to answer
7 any questions you may have.

8 CHAIRPERSON RILEY: Thank you so much. Just one
9 question. You mentioned Con Edison. Have they
10 engaged the applicant team at all regarding this
11 rezoning?

12 JUDITH GALLEN: No and I should say, you know I
13 don't represent Con Ed and I don't speak for them but
14 the applicant team did reach out to Con Edison
15 multiple times and really got no response. My
16 understanding is that the Department of City Planning
17 did that as well. They held up the application for a
18 little while while trying to get a response from Con
19 Edison but my understanding from Department staff is
20 that they were not – Con Ed was not forthcoming.

21 CHAIRPERSON RILEY: Thank you. I have no more
22 questions. There being no more questions, you're
23 excused. Thank you.

24 JUDITH GALLEN: Thank you.

2 CHAIRPERSON RILEY: Counsel, are there any
3 members of the public who wish to testify remotely or
4 in person on 230 Kent Avenue?

5 COMMITTEE COUNSEL: No Chair. No one has signed
6 up to testify in person or remotely.

7 CHAIRPERSON RILEY: Thank you. There being no
8 members of the public who wish to testify on LU's 11
9 and 12 relating to 230 Kent Avenue Rezoning proposal,
10 the public hearing is now closed and the item is laid
11 over.

12 That concludes today's business. I would like to
13 thank the members of the public, my colleagues,
14 Subcommittee Counsel, Land Use and other Council
15 Staff and Sergeant at Arms for participating in
16 today's meeting. This meeting is hereby adjourned.
17 Thank you. [GAVEL]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date JANUARY 30, 2024