

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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September 6, 2023
Start: 11:29 a.m.
Recess: 12:56 p.m.

HELD AT: 250 BROADWAY - COMMITTEE ROOM, 14TH
FLOOR

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

COUNCIL MEMBERS:

Shaun Abreu
Erik D. Bottcher
David M. Carr
Farrah N. Louis
Francisco P. Moya
Lynn C. Schulman

OTHER COUNCIL MEMBERS ATTENDING:

Joseph C. Borelli

A P P E A R A N C E S

George Todorovic, Deputy Director of the Staten Island Borough Office at the Department of City Planning

Catherine Ferrera Iannitto, Staten Island Borough Office Director at the Department of City Planning

Ross Moskowitz, Strook and Strook and Lavan LLP

Ashley Doukas, Strook and Strook and Lavan LLP

Brian Newman, Newman Design

Britt Zuckerman, Dirtworks Landscape Architecture

Lisa Sorin, Bronx Chamber of Commerce President

Adam Rothkrug of Rothkrug, Rothkrug, and Spector

Gaetano Donatantonio of Rogers Calvanico Group

Elyse Foladare, Eric Palatnik, PC

Dora Arsenis

Richard Lobel of Sheldon Lobel, PC

2 SERGEANT-AT-ARMS: This is a sound check
3 for the Subcommittee on Zoning and Franchise. Today's
4 date is September 6, 2023, being recorded by Danny
5 Huang (phonetic) on the 14th Floor.

6 SERGEANT-AT-ARMS: Thank you. Good morning
7 and welcome to the Subcommittee on Zoning and
8 Franchises.

9 Please silence all electronic devices.
10 Chair, we are ready to begin.

11 CHAIRPERSON RILEY: [GAVEL] Good morning,
12 everyone, and welcome to a meeting of the
13 Subcommittee on Zoning and Franchises. I am Council
14 Member Kevin Riley, Chair of the Subcommittee.

15 This morning, I am joined by Council
16 Members Louis, Bottcher, Carr, Schulman, and Abreu.
17 We're also joined remotely by Moya. We've also been
18 joined by Minority Leader Joseph Borelli.

19 Today, we will hold one vote on a motion
20 to file an application that has been withdrawn by the
21 applicant and then hold hearings for five proposals.

22 The first public hearing is a proposal by
23 the Administration to streamline the Land Use
24 regulations that apply to South Richmond on Staten
25 Island.

2 We will then hear a proposal for a large
3 residential project in the Bronx followed by hearings
4 for applications in Staten Island, Queens, and
5 finally Brooklyn.

6 Before we begin, I recognize the
7 Subcommittee Counsel to review the hearing
8 procedures.

9 COMMITTEE COUNSEL VIDAL: Thank you,
10 Chair. I'm William Vidal, Counsel to the
11 Subcommittee.

12 This meeting is being held in hybrid
13 format. Members of the public who wish to testify may
14 testify in person or via Zoom.

15 Members of the public wishing to testify
16 remotely may register by visiting the New York City
17 Council website at www.council.nyc.gov/landuse to
18 sign up, or for those of you here in the Chambers,
19 please see one of the Sergeants-at-Arms to prepare
20 and submit a speaker card.

21 Members of the public may also view a
22 livestream broadcast of this meeting at the Council's
23 website.

24 When you are called to testify before the
25 Subcommittee, if you are joining us remotely, you

2 will remain muted until recognized by the Chair or
3 myself to speak. When you are recognized, your
4 microphone will be unmuted. Please take a moment to
5 check your device and confirm that your mic is on
6 before you begin speaking.

7 We will limit public testimony to two
8 minutes per witness. If you have additional testimony
9 you would like the Subcommittee to consider or if you
10 have written testimony you would like to submit
11 instead of appearing before the Subcommittee, please
12 email it to landusetestimony@council.nyc.gov. Please
13 indicate the LU number and/or project name in the
14 subject line of your email.

15 We request that witnesses joining us
16 remotely remain in the meeting until excused by the
17 Chair as Council Members may have questions.

18 Chair Riley will now continue with
19 today's agenda items.

20 CHAIRPERSON RILEY: Thank you, Counsel.
21 Beginning with the vote, I now note that the Council
22 is in receipt of a written statement from the
23 applicant that the application for LUs 253 and 254 in
24 Council Member Yeger's District in Brooklyn has been
25 withdrawn. Therefore, pursuant to Council rule

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2 11.60b, LUs 253 and 254 relating to the 1233 57th
3 Street Rezoning Proposal is void, and I make a motion
4 to file the items to remove from the Council's
5 calendar.

6 I now call for a vote to file LUs 253 and
7 254 relating to the 1233 57th Street Rezoning
8 Proposal. Counsel, please call the roll.

9 COMMITTEE COUNSEL VIDAL: Chair Riley.

10 CHAIRPERSON RILEY: Aye.

11 COMMITTEE COUNSEL VIDAL: Chair Louis.

12 CHAIR LOUS: Aye.

13 COMMITTEE COUNSEL VIDAL: Council Member
14 Bottcher.

15 COUNCIL MEMBER BOTTCHEER: Aye.

16 COMMITTEE COUNSEL VIDAL: Council Member
17 Carr.

18 COUNCIL MEMBER CARR: Aye.

19 COMMITTEE COUNSEL VIDAL: Council Member
20 Moya.

21 COUNCIL MEMBER MOYA: I vote aye.

22 COMMITTEE COUNSEL VIDAL: We have five
23 votes in the affirmative, and this motion is passed.

24 CHAIRPERSON RILEY: Counsel, we would
25 leave the vote open for a few minutes, okay?

2 COMMITTEE COUNSEL VIDAL: Yes, Chair.

3 CHAIRPERSON RILEY: All right, thank you.

4 I will now open the first public hearing
5 on Preconsidered LUs relating to the South Richmond
6 Zoning Relief Proposal in Minority Leader Borelli's
7 District in Staten Island. This proposal by the
8 Administration to streamline the regulations
9 applicable in the Special South Richmond District
10 that is mapped over southern Staten Island. This
11 Special District was created in the 1970s in response
12 to the rapid development of the undeveloped in the
13 South Shore of Staten Island. The goals of the
14 Special District were to balance development with the
15 preservation of natural features. The regulations of
16 this Special District are out of date, and the
17 current proposal is an effort by the Administration
18 to streamline the regulations and make a more
19 effective balance between creating much needed
20 housing and preserving South Shore natural
21 environment.

22 For anyone wishing to testify on this
23 item remotely, if you have not already done so, you
24 may register online, and you may do that now by
25 visiting the Council's website at

2 council.nyc.gov/landuse, and, once again, for anyone
3 with us in person, please see one of the Sergeants to
4 appear and submit a speaker's card.

5 If you prefer to submit written
6 testimony, you can always do so by emailing it to
7 landusetestimony@council.nyc.gov.

8 I'm going to give the floor to Minority
9 Leader Borelli to give his remarks.

10 MINORITY LEADER BORELLI: Thank you, Chair
11 Riley, and thank you to the members of the public and
12 to City Planning for showing up to today's hearing. I
13 want to thank them for their hard work on this for
14 the last couple of years, and I wanna just highlight
15 that this has been genuinely a collaborative process.
16 Just to give a history of this issue, we had
17 approached the last Administration with similar
18 problems, talking about the similar burdens that
19 Staten Island property-owners had to overcome even
20 for the most trivial and basic things that any
21 homeowner or any property-owner would have to do,
22 and, unfortunately, the last Administration decided
23 to make this more about placing even more burdens and
24 more environmental regulations on South Shore
25 homeowners, and it was not a successful endeavor and

2 it was not met with public support. To be clear, most
3 of my constituents who move to this area of the South
4 Shore of Staten Island did so because of the tree
5 canopy, because of the open space available to them,
6 because of the system of parkland that we have,
7 because of the general greenery that you see all
8 throughout my District. I'm probably the only Council
9 Member who on their block, just on my block, I can go
10 bass fishing and probably access five or six miles of
11 biking and hiking trails so we do live in a very
12 unique part of the city, and I, again, am thankful
13 that City Planning has acknowledged that and sought
14 ways to protect that while not making average middle
15 class folks have to go out of their way, and more
16 importantly into their pockets, for some of the most
17 mundane and normal things that homeowners do.

18 I do have some concerns over the tree
19 preservation plan that's included in here. I believe
20 we should be trying to preserve some of the bigger,
21 older, more beautiful trees, but I think the new
22 formula just punishes all tree removal. I think the
23 incentive was to preserve the big ones while at the
24 same time allowing people to develop parts of their
25 property that might have smaller trees so that's a

2 concern, and I'd love to work more on removing or
3 altering some of the designated open space that just
4 hasn't panned out the way it was originally intended
5 to and now creates some undue burdens on additional
6 housing and additional uses for certain sites, but,
7 again, this is night and day compared to about four
8 years ago when the last Administration came with a
9 proposal, and it was met by angry pitchforks and
10 protests so, again, thank you, guys.

11 CHAIRPERSON RILEY: Thank you, Minority
12 Leader Borelli.

13 Counsel, I see we have Council Member
14 Abreu. Can we just open up the vote for him real
15 quick?

16 COMMITTEE COUNSEL VIDAL: Yes, Chair.
17 Council Member Abreu. How do you vote on motion?

18 COUNCIL MEMBER ABREU: Aye.

19 COMMITTEE COUNSEL VIDAL: Thank you.

20 CHAIRPERSON RILEY: Counsel, we're gonna
21 close out the voting portion.

22 COMMITTEE COUNSEL VIDAL: The vote is
23 closed, and, for the record, we have six votes in the
24 affirmative for the motion which is passed.

2 CHAIRPERSON RILEY: Thank you, Counsel.

3 Counsel, can you please call the first panel for this
4 item?

5 COMMITTEE COUNSEL VIDAL: The first panel
6 consists of George Todorovic and Catherine Iannitto.

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

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

11 DEPUTY DIRECTOR TODOROVIC: George
12 Todorovic.

13 BOROUGH DIRECTOR IANNITTO: Catherine
14 Iannitto.

15 COMMITTEE COUNSEL VIDAL: Do you affirm to
16 tell the truth, the whole truth, and nothing but the
17 truth in your testimony before the Subcommittee and
18 in your answers to all Council Member questions?

19 DEPUTY DIRECTOR TODOROVIC: I do.

20 BOROUGH DIRECTOR IANNITTO: I do.

21 CHAIRPERSON RILEY: Thank you. For the
22 viewing public, if you need an accessible version of
23 this presentation, please send an email request to
24 landusetestimony@council.nyc.gov.

2 Now, the applicant team may begin.
3 Panelists, before you begin, I would just ask can you
4 restate your name and organization for the record.
5 You may begin.

6 DEPUTY DIRECTOR TODOROVIC: Great. Good
7 afternoon, Chair Riley and Council Members. My name
8 is George Todorovic, and I'm the Deputy Director of
9 our Staten Island Borough Office at the Department of
10 City Planning. I'm joined today by our Borough
11 Director, Catie Ferrara Iannitto, and we are both
12 very excited to be presenting this proposal for South
13 Richmond Zoning Relief, which Minority Leader Borelli
14 mentioned, which is now coming towards the end of a
15 very successful public referral process.

16 This proposal was unanimously approved by
17 Staten Island Community Board 3 earlier in May,
18 received a favorable recommendation from Staten
19 Island Borough President Vito Fossella in June, and
20 the City Planning Commission unanimously approved the
21 application last month on August 9th.

22 This proposal has a long history as
23 Council Member Borelli stated and has been through
24 many different iterations so I also just want to
25 quickly acknowledge the entire working group that was

1 a part of this proposal including members of the
2 Community Board and Borough President's office as
3 well as Minority Leader Borelli's office and City
4 Council Land Use. Each member of the working group
5 contributed endless amounts of analysis and feedback
6 over the past several years which was crucial to the
7 consensus which was ultimately achieved by all.

8
9 That said, we're very excited to be
10 presenting this proposal today. This proposal is a
11 text amendment to update zoning regulations in
12 Community Board 3 of Staten Island.

13 On slide two, you'll see that we have
14 three items we'd like to discuss, a brief overview of
15 the Special District then a quick outline of the
16 existing zoning just so everybody's familiar with the
17 existing regulations, and we'll finish with the main
18 unique issues in South Richmond that are unique to
19 this District.

20 On slide three, we have a map of the
21 Special South Richmond Development District. This
22 District was created in 1975 in response to the rapid
23 development boom which occurred after the opening of
24 the Verrazzano Bridge nine years prior. The goals of
25 this Special District aim to balance development with

1 natural feature preservation and, as you can see on
2 the map, this Special District includes dozens of
3 neighborhoods and is approximately 1/3 of the
4 borough. A significant portion of properties in the
5 District are classified as low-density land uses,
6 specifically one- and two-family homes, 41 percent of
7 the district is one- and two-family homes.

8
9 Moving on to slide four, this initiative
10 originally started because our Borough Office in
11 Staten Island, we received feedback from the
12 community over the past few decades. They asked us
13 some questions such as why is your approval process
14 so complex and burdensome for small projects or why
15 individual homeowners need to spend extra time and
16 money for City Planning Commission approvals that
17 would simply be filed with the Department of
18 Buildings elsewhere in the borough, and, conversely,
19 requesting that the City focus resources and review
20 on larger sites to help protect sensitive sites that
21 have more natural features.

22 So on the next slide, after these
23 questions were asked of us, we created a working
24 group. As you can see in the timeline at the bottom,
25 the study kicked off in the spring of 2015 and has

solicited feedback from a wide array of stakeholders. There have been over a dozen working group meetings over the past eight years as you can see in the timeline. It's included many stakeholders, some of which we noted earlier, and now, although some of the elements of the proposal have changed from the prior Administration, and since it has changed since we've been on pause in the spring of 2021 due to the pandemic, the core goals of the proposal still remain the same.

On the next slide, you will see the three goals that were established by the working group members that are in response to the three main questions that we got over the few decades on the previous slides. These goals strive to simplify the approval process by creating homeowner-friendly rules for small properties, 2) establish greater predictability for nature feature preservation, and 3) improve regulations on larger sites that have a greater impact on the public realm.

This next section on the next slide, we'll quickly go over the existing and proposed zoning structure. On slide eight, you'll see that the current South Richmond zoning text requires our

Office to review virtually every single residential lot in this Special District. As you can see on the chart on the right, 89 percent of all of the Land Use applications we review are within three of our oldest Special Districts, and 57 percent are in South Richmond alone. The other ones are in the Natural District in Community Board 2 in Council Member Carr's District and Community Board 1 in the Hillside District in Council Member Hanks' District, and 67 percent of the majority in the red box are reviewed for one- and two-family homes, and one of the most striking statistics is that on average 44 percent, or almost half of the applications we review, are simply for the subdivision of land or public school seats, more of which will be discussed in one second. Lastly, in the bottom, you can see there's also some authorizations which have a little bit more review, and those are specific for tree removal, topographic modification, and group parking facilities or parking lots.

On slide nine, at a very high level, here are some of the ways this proposal attempts to simplify the approval process and all those numbers on the last slide, establish predictability for

1 preservation to still maintain the goals established
2 in 1975 and improve regulations for larger sites
3 which the community has been asking us to do for a
4 while. As you can see in the top row, an as-of-right
5 framework would be established for small projects.
6 Small subdivisions of land, one acre in size or
7 lower, would be filed directly with the Department of
8 Buildings just like DOB does for other zoning lot
9 subdivisions across the entire city. The proposal
10 would remove outdated zoning rules which have zero or
11 low applicability to today, more of which will be
12 discussed on the next slide, and, lastly, tree
13 removal, topographic modifications on small sites,
14 also under one acre in size for small homeowners,
15 would be reviewed by DOB exactly the same way DOB
16 already enforces those rules today. In the bottom
17 row, discretionary review would be required for most
18 sites greater than one acre, and regulations related
19 to designated open space, which is a pretty unique
20 element of South Richmond, would remain unchanged and
21 we'd continue to review those on any site regardless
22 of size except we would update the text maps to
23 remove some portions of DOS and improve legibility.
24

On the next slide, you'll see we have one last section. We just want to highlight some unique elements of South Richmond that some of the Council Members may not be aware of.

On the next slide, you'll see eight main buckets or categories that we've broken this down into. The first one is something called Special Areas DFNK. To put it plainly, these rules no longer apply. These areas have been acquired by the Parks Department, they've been acquired by DEC, they have new protections. Another unique element in box one are Parks Streets for curb cuts and street rules, but these rules from 1975 have been made redundant since 1975, and now the City of New York across the entire city now has rules for trees and curb cuts.

The second box, subdivisions and school seats. That striking statistic of 44 percent for one- and two-family homes is very onerous, and this not only causes a burden for homeowners, but it's unnecessary costs and time delay for housing production overall.

The third box is related to tree preservation. Each property in Staten Island needs one tree credit per 1,000 square feet of lot area. We

1 are going to retain that rule to preserve the tree
2 canopy as Minority Leader Borelli noted earlier, but,
3 over the years, we've realized some issues with this
4 rule. We've realized that the rules have become more
5 punitive rather than preventative without improving
6 the health or longevity of the trees.
7

8 The fourth box, designated open space is
9 unique to South Richmond. We are not changing the
10 overall structure or regulatory structure of DOS, but
11 we're doing some administrative cleanups. The text
12 maps and the zoning are pixelated, they contain
13 isolated portions which no longer apply so we're
14 updating that, which has been 50 years in the making.

15 Fifth, this proposal does not step on the
16 State's toes to regulate DEC wetlands. We heard that
17 loud and clear during the public referral process
18 from the previous Administration. However, the goals
19 of South Richmond aim to "avoid the destruction of
20 irreplaceable resources such as lakes, ponds, and
21 watercourses," and the zoning text currently does not
22 acknowledge that so what we're simply doing is
23 correcting this misalignment and acknowledging the
24 existence of State DEC wetlands without creating more
25 rules for them.

2 In the sixth category, there are a
3 handful of streets designated as arterial streets
4 that have curb cut and building location rules. These
5 rules need to be modernized, and they will allow for
6 as-of-right curb cuts if DOT and DOB approve them,
7 and the building location on these arterials are
8 currently restrictive. They do not provide a flexible
9 pedestrian-friendly main street.

10 Seventh, any parking lot with more than
11 30 parking spaces today needs review, any parking
12 lot, but our Office has realized that even a parking
13 lot under one acre in size that has more parking
14 spaces is pretty formulaic. There's already fire
15 code, maneuverability, landscaping standards. There's
16 not much review needed. It's pretty cookie-cutter,
17 but on larger sites over one acre that have very low
18 parking requirements, those don't need review if
19 there's only 20 to 30 parking spaces.

20 Lastly, on bucket eight, any site greater
21 than one acre in size will be classified as a plan
22 review site in the future. Any development of a newly
23 constructed building would require CPC review, but we
24 also acknowledge that even on sites over an acre,
25 there might be some existing buildings requesting a

2 small, small alteration that could be as-of-right and
3 go to DOB so this proposal sets up a logical
4 framework for sites over an acre.

5 On this second to last slide, in summary,
6 the text amendment would remove old zoning
7 regulations with low or no applicability, remove the
8 certification process for school seats and
9 subdivisions, give homeowners flexibility to replant
10 trees without needing 13 votes from the Commission to
11 remove a tree, clean up the DOS text maps to remove
12 conflicts in the build environment, acknowledge the
13 existence of DEC wetlands, modify the structure for
14 arterials to allow curb cuts if DOT and DOB approve
15 them, shift the authorization for parking lots from
16 any site with any 30 parking spaces to any site
17 that's greater than one acre, and, overall, if
18 there's one thing to take away from this proposal, we
19 are simply shifting Community Board and Commission
20 review to sites that are over one acre that have a
21 greater impact on the public realm.

22 This last slide, in closing, we just want
23 to acknowledge all the working group members that
24 have been involved over the past eight years,
25 leadership at Community Board 3, acknowledge the

2 collaborative effort of this proposal, Minority
3 Leader Borelli's Office, who represents the entirety
4 of this District, stated that this proposal strikes a
5 proper balance between property rights and the
6 preservation of natural features, the Borough
7 President, Vito Fossella, who is supportive of these
8 clear and concise rules to help minimize cost for
9 residents, and Mayor Adams has stated that this is an
10 update that is needed to end complicated rules, to
11 get stuff done, and align with the City's BLAST
12 initiative.

13 That is the end our presentation. Thank
14 you very much.

15 CHAIRPERSON RILEY: Thank you, George. I
16 just have a couple of questions then I'm going to
17 yield my time to Minority Leader Borelli.

18 Can you discuss why you selected an acre
19 as the largest site for the proposed control on
20 natural habitats?

21 DEPUTY DIRECTOR TODOROVIC: That was
22 looked at because of two things. One was
23 environmental sensitivity. At one acre, that's when
24 we realized that an ecosystem thrives and has
25 connectivity to other systems. Secondly, more

1 practically, any warehouse that has 30,000 square
2 feet of building size, that only results in 30
3 parking spaces, and a lot of the big warehouses that
4 we see just come under that threshold and they don't
5 have review, and the Community Board and other
6 members of the working group have realized that a lot
7 of these warehouses that are 30,000 square feet and
8 then have a 10,000 square foot parking lot with 30
9 cars just are built as-of-right without any review
10 for traffic, for the destruction of trees, and an
11 acre is 43,560 square feet so it's close to 40,000 so
12 that's kind of why we chose an acre.
13

14 CHAIRPERSON RILEY: Okay, so there was no
15 consideration made to include smaller sites?

16 DEPUTY DIRECTOR TODOROVIC: No, and if a
17 zoning law does subdivide, if a property owner wants
18 to sell their home and move somewhere else in the
19 city or to New Jersey or different state and they
20 subdivide their property, that would result in about
21 four homes, and per zoning lot rules, that wouldn't
22 breach one acre so that's why the threshold was kind
23 of for larger commercial manufacturing sites but
24 still maintaining an as-of-right pathway for
25

2 homeowners to do simple improvements or sell their
3 property more easily.

4 CHAIRPERSON RILEY: Okay, and, lastly, I
5 see that this process took, it started like in spring
6 2015, it's now 2023. Could you just enlighten me on
7 why this took so long and what is the normal time for
8 a process like this?

9 DEPUTY DIRECTOR TODOROVIC: Our Director
10 could speak a little bit more to like our traditional
11 timelines at the Department of City Planning, but,
12 specifically for this Office, I have been working at
13 the Staten Island Office since 2017 when this
14 initiative initially started two years prior, and, to
15 be honest, we did step on the community's toes a
16 little bit. We had a lot of people involved. You
17 could say there was too many cooks in the kitchen.
18 There was a lot of complex rules and analysis that
19 went into it, all for good reasons, but at the end of
20 the day we kind of lost sight of the main goals so,
21 fortunately or unfortunately, the pandemic allowed us
22 to reset after a pause, and we looked back at our
23 notes from 2015 and 2016 and 2017 and just went
24 forward with a proposal that just met the working

2 group's basic goals that were intended at the
3 beginning.

4 BOROUGH DIRECTOR IANNITTO: I'll just add
5 that part of the complexity of the initiative in that
6 first few years was an attempt to have a similar
7 level of simplification and overhaul to the Island's
8 other two Special Districts so you saw in that slide
9 that like 90 percent of our applications come from
10 one of three Special Districts. In the beginning,
11 part of the complexity was that we were working all
12 across the Island to address not only Special South
13 Richmond District but also Hillside and Special
14 Natural Area District which takes up a majority of
15 the rest of the land area of the Island so trying to
16 address those three large and fairly unique areas at
17 the same time resulted in that kind of too many cooks
18 in the kitchen and trying to come completely at
19 shared goals, we realized was not an efficient
20 approach and an effective approach for each
21 individual unique Special District so this is lesson
22 learned. We started here in South Richmond. It
23 remains our goal to address the needs of the other
24 Special Districts as well.

2 CHAIRPERSON RILEY: Thank you so much. I'm
3 going to yield my time to Minority Leader Borelli.

4 MINORITY LEADER BORELLI: Just a few brief
5 questions. I actually would like to hear the public
6 feedback more than my own voice since we have spent
7 so much time working on this, but the chart on the
8 tree restitution. You said it's to encourage
9 preservation and not be punitive. I just think the
10 formula that we're given now and we're seeing is
11 actually still punitive so if the goal really is to
12 preserve some of the larger trees that provide the
13 most canopy, why would we then increase the penalties
14 on the removal of smaller trees when at some point
15 the structure or the building or the required
16 parking, whatever it is, has to go somewhere?

17 DEPUTY DIRECTOR TODOROVIC: Right. That's
18 a good question, and the chart...

19 BOROUGH DIRECTOR IANNITTO: Slide 22.

20 DEPUTY DIRECTOR TODOROVIC: Yeah, it's in
21 the appendix. The chart shows the new system so in
22 the future a 42-inch tree, the biggest one on this
23 chart, today it's only worth 10 credits. In the
24 future, a property owner would get 13 credits for it.
25 In the future, a property owner can remove a tree

2 with a building permit from DOB. They no longer have
3 to come to City Planning and get 13 votes to remove a
4 tree in the back yard so that is the improvement and
5 that is the proposal.

6 We could keep the tree credit system as
7 it is today, but if somebody has a 42-inch caliber
8 tree today on their site, it's only worth 10 credits,
9 and let's say they needed 11, and they removed
10 another tree that was worth 1, they would then need
11 to plant another tree, but, in the future, if we go
12 with this new system and we say that that same 10-
13 inch tree is then worth 13 and they still have 11,
14 then they already have the satisfied amount so that's
15 what the system does. The system doesn't add a
16 penalty. It just provides the credit that is already
17 required because every property in South Richmond
18 regardless of its size, today it needs 1 tree credit
19 per 1,000 square feet and in the future it'll need,
20 we're not changing that.

21 MINORITY LEADER BORELLI: Thank you for
22 actually clarifying that because I had been reading
23 that a totally different way for a period of time.

24 Next question on designated open space.
25 The properties that you've selected to remove or

2 amend the designation, how did you pick those lots
3 and what will be the process going forward if there
4 is some type of discrepancy over whether a lot should
5 be DOS or not?

6 DEPUTY DIRECTOR TODOROVIC: We looked at
7 the maps and, first of all, they're pixelated. Joking
8 aside, they look like papyrus. They need to be
9 updated, and that's an easy administrative
10 correction. Then in terms of removing the regulatory
11 burden on some properties, we looked at isolated
12 portions. In the appendix, you'll see that over the
13 past 50 years, the DEP Bluebelt System, which is very
14 successful and the South Shore has been created, and
15 as that was created and as streets were open since
16 1975, that made this piecemeal chopped up portions of
17 DOS which we think should be removed so the proposal
18 looks at those and removes those.

19 In addition to those, there are some that
20 may be part of a larger system, but we used mapping
21 technologies that weren't available in 1975. We used
22 GIS and AutoCAD to then identify buildings that were
23 built pre-1975 that had this DOS imposed upon them,
24 maybe in an error, so in order for a home that's
25 built in the 1930s or 1940s to make an expansion of a

2 sunroom or something in the back yard, they can't
3 have DOS on it or else they need City Planning
4 approval for this new sunroom, which we think is
5 pretty onerous so we looked at all buildings pre-'75
6 and removed, modified the boundary so that it was
7 further in the rear yard and, in some instances, we
8 removed it entirely, but if it was connected to a
9 Parks property that was in the rear yard, we simply
10 gave them what we called a usable rear yard so that
11 they can then put up a pool or cabana or something in
12 their rear yard.

13 MINORITY LEADER BORELLI: Thank you very
14 much. What would be the mechanism then for a property
15 owner to amend it? Is it possible? Is it still
16 burdensome?

17 DEPUTY DIRECTOR TODOROVIC: If a property
18 owner still has DOS on their property, they would
19 need either certification to build something on their
20 property, and they're certifying that the DOS is
21 still being maintained in its natural state. If the
22 DOS is over a majority of the site, say 50 percent,
23 and they can't build, then they would need to modify
24 the boundaries, and that would be a text amendment
25 similar to this process, which is onerous. 56 William

2 Avenue was voted on by the City Council recently, and
3 that was a small 5,000 square foot lot that had DOS
4 entirely over it. This process removed that. That
5 property owner wanted to go ahead, they wanted to
6 beat this process that we're doing today so that was
7 their right to do. There are other properties, which
8 are waiting, and they're going to be able to take
9 advantage of these rules, but, if a property in the
10 future still has DOS, they would have to do that
11 process that 56 William did, get an environmental
12 consultant, get approval from City Planning
13 Commission, get approval from City Council, and that
14 process is about a year to two years.

15 MINORITY LEADER BORELLI: Thank you very
16 much.

17 CHAIRPERSON RILEY: Thank you so much,
18 Minority Leader.

19 Council Member Carr.

20 COUNCIL MEMBER CARR: Thank you, Chair. I
21 just want to follow up on the questions the Minority
22 Leader was asking about the caliber requirements so
23 you mentioned the benefit to the property owner as an
24 applicant if they have larger trees on site, but
25 let's just take the 9-inch, for example, here in the

1 appendix where you're proposing a slight increase,
2 right, so if I'm doing a project that entails
3 removing a 9-inch caliber tree, am I giving myself
4 more credits to make up for potentially in the
5 example you were giving because maybe I don't have a
6 42-inch on my property and because I'm removing a 9-
7 inch, maybe now I have to change things in order to
8 conform to the new standard whereas I might not have
9 had to when the existing scale was established?

11 DEPUTY DIRECTOR TODOROVIC: I think if I'm
12 understanding your question correctly, if we're
13 giving more credit to existing trees, does then that
14 require more trees to be planted because of the
15 credit.

16 That would be the case in your District,
17 Council Member, in SNAD, and that's an interesting
18 exercise to go through if we do, as our Director
19 said, revive those conversations because in your
20 District, not only is one tree credit required for
21 every 1,000 square feet of lot area, which is just a
22 1:1 ratio, there's another method, and you take
23 whichever is greater, and usually the second one's
24 greater, and that one is 51 percent of what's already
25 existing so if a site does have a lot of credits then

2 that's usually the bigger number so I think that
3 would become maybe a concern or a question in that
4 analysis in the Northern District, and that would be
5 something we'd like to analyze more if we do.

6 COUNCIL MEMBER CARR: And why not in this
7 instance?

8 DEPUTY DIRECTOR TODOROVIC: The South
9 Richmond District only has the one method for some
10 reason, when it was written in 1975, and we're just
11 keeping the same rules, 1 tree credit per 1,000
12 square feet of lot area. It doesn't have that second
13 methodology, that second option, of the 51 percent.

14 COUNCIL MEMBER CARR: But there is a
15 chance where, as a result of that square footage
16 formula you just indicated that somebody could remove
17 a slightly larger tree that today might not trigger
18 them to do a planting and may end up doing so. I
19 think that was the crux of what the Minority Leader
20 is trying to say is that, and I don't think either of
21 us had thought of it from the perspective you raised,
22 right, with the larger caliber trees, but I think
23 that in a world where we're trying to make things
24 less burdensome for folks, this on the lower end
25 seems to be getting in the way of that goal.

2 BOROUGH DIRECTOR IANNITTO: That is a
3 potential scenario. If I could just respond, the
4 trade-off that we've made, George had mentioned, it
5 would no longer be a City Planning Commission review
6 to have the right to remove that one 9-inch tree
7 should that impact your total lot credits. It would
8 be DOB's review.

9 COUNCIL MEMBER CARR: Okay. I think I
10 share the Minority Leader's concerns about that,
11 something to discuss, and I think generally I'm
12 looking forward to getting into this proposal, not
13 just because it's before us today, but because, as
14 you say, it's a template for future discussions with
15 respect to SNAD and Hillside, and I look forward to
16 those happening so thank you for your answers and
17 good to see you both here.

18 CHAIRPERSON RILEY: Thank you, Council
19 Member Carr. Are there any more Council Members with
20 questions for this panel.

21 There being no more questions for this
22 panel, this panel is now excused.

23 Counsel, are there any members of the
24 public who wish to testify on South Richmond Zoning
25 Relief Proposal remotely or in person?

2 COMMITTEE COUNSEL VIDAL: Chair Riley,
3 there are no public witnesses who have signed up to
4 speak on this proposal.

5 CHAIRPERSON RILEY: Thank you, Counsel.
6 There being no members of the public who wish to
7 testify on this Preconsidered LU related to the South
8 Richmond Zoning Relief Proposal, the public hearing
9 is now closed, and the item is laid over.

10 I will now open the second public hearing
11 on Preconsidered LUs relating to 1460-1480 Sheridan
12 Boulevard Proposal in Chair Salamanca's District in
13 the Bronx.

14 This is a proposal to develop a large
15 residential project along the Bronx River just south
16 of Starlight Park. This rezoning from a manufacturing
17 district, M1-1, to a residential district, R7-3, with
18 a commercial overlay, C2-4, is projected to create
19 over 900 apartments. The applicant is seeking to
20 develop this project in partnership with the City to
21 create a mixture low- and middle-income affordable
22 housing. This project, which will be subject to
23 Mandatory Inclusionary Housing, will also be required
24 to provide a publicly accessible waterfront esplanade
25 that will effectively continue the park south along

2 the Harlem River. This rezoning would also involve
3 mapping Mandatory Inclusionary Housing over the
4 rezoned area.

5 For anyone wishing to testify on this
6 item remotely, if you have not already done so, you
7 must register online, and you may do that now by
8 visiting the Council's website at
9 council.nyc.gov/landuse.

10 Once again, for anyone with us in person,
11 please see one of the Sergeants to prepare and submit
12 a speaker's card.

13 If you would prefer to submit written
14 testimony, you can always do so by emailing it to
15 landusetestimony@council.nyc.gov.

16 Counsel, can we please call the first
17 panel for this item?

18 COMMITTEE COUNSEL VIDAL: The first panel
19 consists of Ross Moskowitz, Ashley Doukas, excuse me,
20 sir, is your name Brian Newman or...

21 BRIAN NEWMAN: That's correct.

22 COMMITTEE COUNSEL VIDAL: Brian Newman,
23 and Rachel Lebowski (phonetic).

24 My apologies.

25 BRITT ZUCKERMAN: Britt Zuckerman.

2 COMMITTEE COUNSEL VIDAL: Sorry, so we do
3 not have Rachel Lebowski on the panel, but we do have
4 Britt Zuckerman.

5 CHAIRPERSON RILEY: Counsel, can you
6 please administer the affirmation?

7 COMMITTEE COUNSEL VIDAL: Please raise
8 your right hand and state your name for the record.

9 ROSS MOSKOWITZ: Ross Moskowitz.

10 ASHLEY DOUKAS: Ashley Doukas.

11 BRIAN NEWMAN: Brian Newman.

12 BRITT ZUCKERMAN: Britt Zuckerman.

13 COMMITTEE COUNSEL VIDAL: Do you affirm to
14 tell the truth, the whole truth, and nothing but the
15 truth in your testimony before the Subcommittee and
16 in your answers to all Council Member questions?

17 ROSS MOSKOWITZ: Yes.

18 ASHLEY DOUKAS: Yes.

19 BRIAN NEWMAN: Yes.

20 BRITT ZUCKERMAN: Yes.

21 CHAIRPERSON RILEY: Thank you so much.

22 Before you begin, for the viewing public, if you need
23 an accessible version of this presentation, please
24 send an email request to

2 landusetestimony@council.nyc.gov, and now the
3 applicant team may begin.

4 Panelists, before you begin, I just ask
5 that you please restate your name and organization
6 for the record. You may begin.

7 ROSS MOSKOWITZ: Thank you, Council Member
8 Riley. My name is Ross Moskowitz and along with my
9 colleague we are counsel and are very excited to be
10 here today. You'll be presented also by Brian Newman
11 and Britt Zuckerman who are architects of the
12 project.

13 We represent the Simone Family, the
14 development companies. They are a family-owned and
15 Bronx-headquarter development company and have been
16 visionary leaders in the New York City metropolitan
17 area with a decade-long track record of transforming
18 vacant and underutilized properties into successful
19 real estate developments repurposed for a new
20 generation.

21 Simone has owned the two development
22 sites since 1978, and, again, we are thrilled to
23 bring this 100 percent affordable housing proposal
24 before you today. This project has received positive
25 recommendations from CB9, a positive recommendation

1 from Borough President Gibson. In addition to CB9 and
2 Borough President Gibson, and, of course, the City
3 Planning Commission on August 23rd approved
4 overwhelmingly. We have met with adjacent Community
5 Boards 2 and 3, Youth Ministries for Peace and
6 Justice. We have met numerous times with the Bronx
7 River Alliance, and, of course, have been working
8 directly with the Parks Department. We, of course,
9 have also continued outreach prior to certification
10 also with City Planning as these sites were
11 originally a part of City Planning's Southern
12 Boulevard Neighborhood Study. We also are very
13 appreciative of the support of Council Member
14 Salamanca and his District have given to us, and
15 we've also received support and letters of support
16 that have been submitted from the Bronx Chamber of
17 Commerce, State Senator Luis Sepulveda, Assemblyman
18 Kenny Burgos, and Congressman Ritchie Torres. We are
19 appreciative of all the work that's been done to
20 date, and really this has been a two-and-a-half year
21 effort, and we're very excited to be here today.

22
23 With that, I'm going to turn it over to
24 my colleague, Ashley Doukas, who will run you through
25

2 the presentation along with Mr. Newman and Miss
3 Zuckerman. Thank you.

4 ASHLEY DOUKAS: Good afternoon, Council
5 Members. Next slide, please.

6 Again, Ashley Doukas, Land Use counsel
7 for the applicant.

8 On the screen is the rezoning area. The
9 northern site is 1460 Sheridan Boulevard, and the
10 southern site is 1480 Sheridan Boulevard. Those are
11 the two sites controlled by Simone Development
12 Companies. There are three lots in between that are
13 not controlled by Simone but part of the rezoning
14 area.

15 Across the street, for some context, are
16 the newer Compass Residences, Starlight Park to the
17 north, and all the Starlight new connections, and, as
18 most of you know, Sheridan Expressway has been
19 converted to a boulevard so we feel as though this is
20 the last piece of the puzzle to this neighborhood.
21 Next slide, please.

22 The actions before you today are a zoning
23 map amendment from an M1-1 to an R7-3 with a C2-4
24 overlay and a text amendment, and the only text
25 amendment is to map it Mandatory Inclusionary

2 Housing. There are related waterfront actions that
3 both sites are processing for waterfront
4 certification to build the waterfront public access
5 area. Next slide, please.

6 This is the existing and proposed zoning
7 map. You'll see from the manufacturing to the R7-3,
8 and you can see the surrounding residential
9 districts. Next slide, please.

10 The proposed actions would result in 100
11 percent affordable housing for 1460 Sheridan
12 Boulevard. That will be one building, approximately
13 248,000 square feet and 304 dwelling units, and the
14 larger southern site, 1480 Sheridan Boulevard, also
15 100 percent affordable housing, and that will be two
16 buildings, approximately 660 dwelling units and
17 540,000 square feet. Next slide, please.

18 The applicant has been working with HPD
19 and will be applying to HPD's Mix and Match program
20 for the total 970 units across both sites. On the
21 screen is the preliminary breakdown of the AMI and
22 unit types. 40 percent of the total number of units
23 will be 50 percent or below AMI. Next slide.

24 BRIAN NEWMAN: Thank you. Brian Newman and
25 Design, project architect. What we have here is the

1 site plan at the northernmost site known as 1460
2 Sheridan Boulevard. To the top of the page, that
3 would be plan north, that is Starlight Park just off
4 the page. To the left to orient yourself is Sheridan
5 Boulevard, to the right is the Bronx River. What you
6 can see here at the very top we've pulled the
7 building back 15 feet to the south away from
8 Starlight Park, and we've created a public access
9 directly to the park there. You can sort of see the
10 serpentine shape that meanders on the right side
11 along the Bronx River and then wraps around to the
12 south and then back out to Sheridan Boulevard. That's
13 the public access that's all publicly space, and
14 that's the shore public walkway. The massing, the
15 building is essentially a tower on a base pursuant to
16 the R7-3 waterfront district. It's a seven-story base
17 with a tower that steps from 10, 20, and ultimately
18 24 stories. The tower itself, you could also see as
19 we've pulled further south or the southernmost
20 portion of the building and kept it away from
21 Starlight Park. The massing, again, steps down
22 towards the Bronx River on the righthand side so it's
23 an L-shape there down to five stories there. Next
24 slide, please.

2 Here we have our artistic rendering of
3 what the architectural language could look like. It's
4 still a work in progress, but what's important to
5 take away from this slide are the varying materials
6 in the façade, the varying articulation, whether it
7 be punch windows, window wall rain screen, the
8 undulation of the façade, the varying heights not
9 only obviously the tower on the base but even within
10 the base itself, the play with the materiality, the
11 transparency of the parapet line. Very important here
12 is the ground floor, the activation of that ground
13 floor with the commercial space. Just to orient
14 yourself again, the lefthand side would be the north
15 that opens directly onto Starlight Park. The idea
16 here is to have commercial uses that can open
17 directly onto the park and integrate not only the
18 building and the public and vice versa, having it
19 flow back and forth freely.

20 COMMITTEE COUNSEL VIDAL: Excuse me. Sorry
21 for the interruption. Is your microphone one.

22 BRIAN NEWMAN: Is that better?

23 COMMITTEE COUNSEL VIDAL: Yes. Our
24 apologies for the noise. Welcome to New York City.

2 Apparently, it's outside our building and we cannot
3 control it.

4 BRIAN NEWMAN: As I was saying, the
5 security is evident here and, again, the activation
6 on that ground floor with not only the commercial
7 use, lighting, obviously it would be dark sky
8 compliant. That sort of leads me into the green
9 aspects of the building. You could start to see here
10 green roofs are articulated on the lower roofs there.
11 Photovoltaics will also be analyzed for the
12 feasibility, make sure it's efficient for this
13 building so we'd be in compliance with Local Law 92
14 and 94, and then no fossil fuels will be used in this
15 building. It'll be a fully electrified building so
16 VRFs, ERVs including domestic hot water so that would
17 be in compliance with Local Law 97. Obviously,
18 Enterprise Green Communities with a New York City
19 overlay would be followed as well. Next slide,
20 please.

21 This is the rear basically or the view
22 from the Bronx River. The righthand side is the
23 Starlight Park. It opens there, and we're quickly
24 seeing that that public area wraps around. You can
25 see the articulation of the façade, the glazing, and

2 the interaction of that commercial space on the
3 public façade, and then you can see the stepping down
4 towards the Bronx River as I mentioned before to that
5 lefthand side tower on a base. Next slide, please.

6 Southernmost portion of the site, 1480,
7 two buildings on this particular site. We take
8 advantage of this site. The grade change, there's
9 about a 15-foot grade change from Sheridan Boulevard
10 down towards the river so that allows us to have
11 these similar meandering pathways down to the site.
12 As we get into it a little bit later, between the two
13 buildings, you'll see there's an amphitheater that's
14 incorporated, all fully accessible to the public. It
15 also allows us to incorporate 100-car parking in
16 building one, the northern building on the site here.
17 That vehicular access is directly from Edgewater, and
18 it does not cross over the public access to that
19 amphitheater and the space between the two buildings.
20 What I'd like to reiterate also on this site plan is
21 the space between the buildings, there's 140 feet, so
22 it's almost double the width of a wide public street.
23 The narrowest point is 60 feet between the two
24 buildings. Where the amphitheater is, it's
25 approximately 95, and the northern side is

2 approximately 70 feet. All publicly accessible, very
3 wide, in some cases larger than a wide street. Again,
4 tower on a base, seven-story base, 10, and ultimately
5 24 stories between the two façades. Next slide,
6 please.

7 What I'd like to call this is the gateway
8 if you will. The southern site, we like to call the
9 gateway to this rezoning, and you can see that sort
10 of earmark from that façade where we have a solid
11 façade on the side entering in there, and we've
12 earmarked a space for a mural. I really think that
13 will help announce this from a distance, from the
14 visual corridors, from the prolongation of Jennings
15 Street, from people traveling at a distance. It
16 really helps announce this and draw people into the
17 space. Next slide, please.

18 This is just the same site from the river
19 looking back. You start to see the amphitheater
20 between the two, and you can see the stepping down
21 and the activation of the ground floor. Next slide as
22 I turn it over to Britt, please.

23 BRITT ZUCKERMAN: Thank you. Can you hear
24 me okay?

2 Cut off from years of development, our
3 workforce park is aiming to bring visitors and
4 residents back to the workforce. These parks will
5 activate the streetscape and the recent improvements
6 along Sheridan Boulevard. Next slide, please.

7 Our workforce park borrowed from the
8 serpentine and oxbow bends of the Bronx River, and
9 our southern site, sweeping pathways help visitors
10 traverse that 15-foot grade change while bringing
11 them from streetscape through a series of overlooks
12 along the water. Ducking and circulation paths
13 perform as dams or cut-throughs, and this was
14 inspired by the once plentiful fauna of the North
15 American beaver in the Bronx River, and gracious
16 pathways create an ADA accessible pathway that'll
17 provide choice regardless of ability, and there's
18 almost moments of pause via a series of fixed seating
19 areas. As Brian had mentioned, there's tiered
20 amphitheater seating that offers views of the Bronx
21 River. This will also act as a gathering space for
22 outdoor classrooms, interdisciplinary discussion, or
23 local performances, and cascades of native plantings
24 were designed for sea level and inundation from the
25 river. All planting beds were designed as

2 bioretention basis to further illustrate the beauty
3 and green infrastructure. Next slide, please.

4 As Brian had mentioned, our gateway, so
5 this activated gateway aims to welcome visitors and
6 really draw them towards. We will work with a local
7 artist for the mural, and we'll hope to have trees
8 that create peak and reveal moments framing while
9 also having a sense of safety with lush plantings.
10 Next slide, please.

11 A series of cantilevered overlooks will
12 give visitors a visual connection to the river. We
13 plan to include educational signage throughout the
14 park highlighting the native species that we've
15 observed on the sites such as the cormorant, the wood
16 duck, muskrat, or red newt. I note that in this
17 rendering it's seeming that the overlook would be
18 solid, but it would actually be a perforated metal to
19 allow transparency down to the river. Next slide,
20 please.

21 The plantings are primarily native.
22 Through historic photographs, we were able to
23 determine the history of the site as a promenade, and
24 we noticed that there were weeping willows on the
25 site so we'd like to include those. We would also be

2 supplementing this with more sustainable natives. As
3 I had mentioned, the bioswale plantings will capture
4 stormwater runoff and river overflow, and all our
5 pavement will be permeable as well. Next slide,
6 please.

7 Incredibly vital to the project is this
8 connection to Starlight Park because we're creating
9 this greenway along the river so we've worked with
10 the Parks Department to create an ADA ramp as well as
11 a long stair to create a space of gathering and help
12 welcome you to Starlight Park, and we've also worked
13 with the Parks Department to maintain operations and
14 function of this space. Next slide, please.

15 You can start to see this greenway where
16 our goal is to create this green ribbon or this
17 thread along the Bronx River, and we're creating our
18 own identity but also referencing neighboring green
19 spaces so you can see the thread start to form. Next
20 slide.

21 As we zoom out, we hope that our project
22 is the cornerstone of this green park borrowing off
23 of Starlight Park and (INAUDIBLE)

24

25

2 Can we return to slide one? That's our
3 presentation. You can let us know if you have any
4 questions.

5 CHAIRPERSON RILEY: Thank you so much. I
6 have a few questions.

7 You mentioned that you were filing a
8 separate application for the workforce esplanade. Can
9 you explain why this application was not filed with
10 the current ones, and what is the status of this
11 other application?

12 ASHLEY DOUKAS: The applications are
13 filed. They're formally filed and paid for in public,
14 and they're being processed. We are responding to
15 City Planning's technical review comments and should
16 be wrapping up the waterfront application shortly.

17 CHAIRPERSON RILEY: Okay, and why wasn't
18 it filed together?

19 ASHLEY DOUKAS: Workforce applications are
20 timely and are near-construction level drawings so I
21 think they were filed on the same day or a week
22 apart, but it just...

23 CHAIRPERSON RILEY: Okay, and how would
24 the timing of the application affect the development
25 of this project?

2 ASHLEY DOUKAS: The timing of the
3 waterfront applications?

4 CHAIRPERSON RILEY: Yes.

5 ASHLEY DOUKAS: It should not affect it.
6 While those are being processed and hopefully
7 finalized in the next few months, we'll also be
8 working with DEC and HPD and all the other permits
9 and approvals necessary for construction.

10 CHAIRPERSON RILEY: Can you discuss your
11 coordination with the Parks Department and locally
12 community groups as it relates to the public open
13 space being provided and the connection to Starlight
14 Park. Who will maintain and operate this public open
15 space?

16 ASHLEY DOUKAS: That connection to
17 Starlight Park that Britt had on the screen, it's
18 currently gated off right now. That portion of the
19 park, we found it really important for connection of
20 the greenway, for safety concerns, we pulled the
21 building back 15 feet. We want that ground floor to
22 be commercial. Brian was talking about activating
23 that to get people to the short public walkway and to
24 Starlight Park so we've been working with them for
25 years now to come up with a site plan, and then we

2 will get the necessary permits and a restrictive
3 declaration in place for maintenance of that area.

4 CHAIRPERSON RILEY: My final question, can
5 we pull up the slide with the breakdown of units?

6 ASHLEY DOUKAS: That's slide six.

7 CHAIRPERSON RILEY: Slide six. We have
8 many families in this community in need of safe and
9 affordable housing. The Borough President and myself,
10 this has been a concern for me as well, highlighting
11 that this current proposal includes roughly 70
12 percent of the units as a studio or one-bedroom
13 capacity. Realistically, is your team willing to
14 explore increasing the allotment of family-sized
15 units and realistically when I ask that, is how many
16 more two-bedroom, three-bedroom units would you be
17 able to include in this project?

18 ASHLEY DOUKAS: The numbers on the screen
19 are the preliminary analysis of the financials and
20 breakdown under the Mix and Match program so we are
21 following the Mix and Match program guidelines, but,
22 as stated to Borough President Gibson, Simone is
23 willing to work with them and HPD and have those
24 conversations to increase larger unit sizes.

2 CHAIRPERSON RILEY: Thank you. I
3 appreciate that.

4 Chair Louis has a question.

5 CHAIR LOUIS: Thank you, Chair Riley. As
6 Chair Riley mentioned, I also want to advocate for
7 the enhancement on the three bedrooms. I know that
8 there is a rubric for the Mix and Match program for
9 HPD, but I'm pretty sure you can negotiate and have
10 that conversation with them and you can feel free to
11 ask us for support. We don't mind doing that as well.

12 My other question in regards to Chair
13 Riley's last question regarding the rubric, the
14 current AMIs here, are they conducive with the
15 neighborhood AMIs?

16 ASHLEY DOUKAS: No, these are the HPD
17 AMIs, not the neighborhood AMIs.

18 CHAIR LOUIS: So it would be good to know
19 what's the neighborhood AMIs and is it conducive with
20 what is being presented here.

21 My other question is, and I think this is
22 a beautiful project, I wanted to know if there was a
23 possibility in your planning and in your blueprint,
24 have you thought about the inclusion of ferry
25 service?

2 ASHLEY DOUKAS: No, it has not been a
3 conversation.

4 CHAIR LOUIS: So that may be another
5 option. I know that I saw the roadway there, but
6 there may be an opportunity there for a ferry service
7 so you may want to think about that as another added
8 incentive for the tenants if they have to go to work
9 in particular parts of the city so just wanted to
10 give that.

11 Thank you so much. Thank you, Chair
12 Riley.

13 CHAIRPERSON RILEY: Thank you, Chair
14 Louis.

15 I did like that ferry idea, it's a very
16 unique idea so something to look at maybe.

17 There being no more questions for this
18 applicant panel, I think this is a beautiful project,
19 really excited to see it coming to fruition. You guys
20 are excused.

21 Counsel, are there any members of the
22 public who wish to testify on Sheridan Boulevard
23 Proposal remotely or in-person?
24
25

2 COMMITTEE COUNSEL VIDAL: Chair Riley,
3 there is one public witness who has signed up to
4 speak.

5 If you're a member of the public signed
6 up to testify on the proposal, please stand by when
7 you hear your name being called and prepare to speak
8 when the Chair says that you may begin.

9 Please also note that when all panelists
10 in your group have completed their testimony, if
11 remotely, you will be removed from the meeting as a
12 group, and the next group of speakers will be
13 introduced.

14 Once removed, participants may continue
15 to view the livestream broadcast on this hearing on
16 the Council's website.

17 We will now hear from the person who has
18 signed up to speak which is Lisa Sorin.

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

23 SERGEANT-AT-ARMS: Starting time.

24 LISA SORIN: Thank you and good afternoon,
25 Chair Riley and Chair Louis. My name is Lisa Sorin.

1 I'm the President of the Bronx Chamber of Commerce,
2 and I thought it important today to come on here and
3 give our unwavering support for this project for many
4 reasons. Economic development, especially in that
5 area, has become a priority across our borough. As we
6 work to develop more commercial corridors and access
7 to greenways, there is no better company to do that
8 than the Simone Group. I say that because for the
9 record they are the landlord for us here at the
10 Chamber, but they're also a landlord who provides
11 extreme community support. They're landscaping and
12 care for community for the areas and what they look
13 like is incredible and knowing how hard the community
14 has worked to revitalize that river and the
15 surrounding areas, I think that there is no better
16 company to take on a project like this, providing not
17 only housing, for us especially is the commercial
18 properties and what businesses can go in that area
19 and along with the access to all the greenway and the
20 fact that there is a company that is all about
21 landscaping and the protection of the environment. It
22 was important for me to come here and tell you that
23 from experience, we are thrilled that an area that
24 has looked horribly for so many years has an
25

2 opportunity to sign in the South Bronx. Thank you for
3 the opportunity to address you this afternoon.

4 CHAIRPERSON RILEY: Thank you so much,
5 Lisa, and thank you so much for what you're doing for
6 our community in the Bronx. You have been a
7 tremendous partner in the Bronx so your testimony is
8 really taken into consideration.

9 There being no questions for this panel,
10 this panel is excused.

11 Counsel, there are no individuals who
12 wish to testify from the public?

13 COMMITTEE COUNSEL VIDAL: Let's confirm
14 now. If there are any members of the public who wish
15 to testify regarding the Sheridan Boulevard Proposal
16 remotely, please press the raise hand button now or,
17 if in person, please identify yourself to one of the
18 Sergeants. The meeting will stand at ease while we
19 check for any newly registered members of the public.

20 If you are unable to testify today, you
21 are able to submit written testimony and please do so
22 at the following address,

23 landusetestimony@council.nyc.gov.

24 CHAIRPERSON RILEY: There being no other
25 members of the public who wish to testify on these

2 Preconsidered LUs related to the Sheridan Boulevard
3 Proposal, the public hearing is now closed, and the
4 item is laid over.

5 I will now open the third public hearing
6 on the Preconsidered LUs relating to the mapping of a
7 C2-1 commercial overlay within an existing
8 residential district in Minority Leader Borelli's
9 District in Staten Island. This action will allow the
10 conversion of an existing community facility to a
11 commercial use in the Bay Terrace neighborhood of
12 Staten Island.

13 For anyone wishing to testify on these
14 items remotely, if you have not already done so, you
15 must register online and may do that now by visiting
16 the Council's website at council.nyc.gov/landuse.

17 Once again, for anyone with us in person,
18 please see one of the Sergeants to prepare and submit
19 a speaker's card.

20 If you would prefer to submit written
21 testimony, you can always do so by emailing it to
22 landusetestimony@council.nyc.gov.

23 Counsel, can we please call the first
24 panel for this item?

2 COMMITTEE COUNSEL VIDAL: Yes, Chair
3 Riley. Is anybody here representing 125 Greaves Lane
4 from (INAUDIBLE)

5 ADAM ROTHKRUG: Yes. Can you hear me?

6 COMMITTEE COUNSEL VIDAL: Yes, you're
7 online. I had forgotten. Thank you.

8 ADAM ROTHKRUG: Sorry.

9 COMMITTEE COUNSEL VIDAL: One second.

10 ADAM ROTHKRUG: Sure.

11 COMMITTEE COUNSEL VIDAL: The first panel
12 will consist of Adam Rothkrug and no one else. Is
13 that correct, Mr. Rothkrug?

14 ADAM ROTHKRUG: We have our architect
15 available to answer questions if required. Gaetano
16 Donatantonio.

17 GAETANO DONATANTONIO: Yes, I'm here. My
18 name is Gaetano Donatantonio with Rogers Calvanico's
19 office.

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

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

24 ADAM ROTHKRUG: Adam Rothkrug.

25

2 GAETANO DONATANTONIO: Gaetano
3 Donatantonio.

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

8 ADAM ROTHKRUG: Yes.

9 GAETANO DONATANTONIO: Yes.

10 CHAIRPERSON RILEY: Thank you. For the
11 viewing public, if you need an accessible version of
12 this presentation, please send an email request to
13 landusetestimony@council.nyc.gov.

14 Now, the applicant team may begin.
15 Panelists, as you begin, I just ask that you please
16 restate your name and organization for the record.
17 You may begin.

18 ADAM ROTHKRUG: Yes, great. This is Adam
19 Rothkrug of Rothkrug, Rothkrug, and Spector, and you
20 can go to slide two.

21 I'm here today on behalf of 125 Greaves
22 Lane in connection with an application to extend a
23 C2-1 commercial overlay over an existing R3-2
24 district. The approval will allow the expansion of
25 permitted uses within an existing building from

1 community facility uses to both community facility
2 and commercial uses. No new construction is proposed
3 or will foreseeably be permitted by this proposed
4 rezoning. The property is located in Community
5 District 3, Staten Island, has the support of the
6 local Community Board, Borough President, and
7 Councilman Borelli. If you can advance to slide
8 three.
9

10 The existing zoning lot is over a million
11 square feet in area consisting of several tax lots
12 developed with a variety of uses and includes the
13 existing Evergreen Shopping Center, approximately
14 336,000 square feet in area, along with residential
15 development of 386,000 square feet. Slide five.

16 The rezoning will only affect tax lot 425
17 which is a trapezoidal shaped parcel with 42,500
18 square feet of area developed with an existing one-
19 story community facility building built in 2014. As
20 you can see, when the City rezone created this
21 commercial zoning for the shopping center, they left
22 out this irregular triangular, trapezoidal area so
23 development on that site was limited to a community
24 facility building, but it primarily has the
25

1 appearance of a commercial building. Slides six and
2 seven then you can go to slides eight and nine.

3
4 The proposed rezoning will allow the
5 owner to lease space to a wider variety of uses
6 including retail uses consistent with the rest of the
7 shopping center, which is located within the adjacent
8 commercial overlay, and, as noted, will not allow any
9 new construction.

10 Slide nine. That's the existing building,
11 and if you go to slide 10 now. There was residential
12 development to the west of the existing building, but
13 it is well-screened with a dense thicket of evergreen
14 trees on both sides of the property, approximately 20
15 feet high, and there is no record of any issues with
16 the adjacent residential neighborhood. Community
17 Board 3 indicated that they had reached out to this
18 neighborhood to make sure that there were no issues
19 with regard to the operation of this building.

20 Slide 13. The proposed change to
21 commercial uses will generate a small amount of
22 additional required parking as the existing school
23 does not require any parking, but that will be met on
24 the existing zoning lot which provides parking for
25 735 cars, which exceeds the required amount including

2 the uses that would be permitted by the proposed
3 zoning change.

4 Other than that, as I said, this will not
5 lead to any new development. It will just expand the
6 uses permitted within the existing building, and, as
7 noted, the architect is here to answer any questions
8 the Council may have.

9 CHAIRPERSON RILEY: Thank you so much.
10 Just one question. I recognize that the Community
11 Board and the Borough President approved this
12 application, but did you hear of any concerns from
13 the community about the proposed change during the
14 public review process? If so, what were those
15 concerns?

16 ADAM ROTHKRUG: Yeah, there were
17 absolutely no concerns at all. This is a well-
18 maintained shopping center. The only concern that the
19 Community Board raised was they want to make sure
20 that the residential community behind this building
21 didn't have any problem, and they did reach out to
22 them. As noted, there are two sets of very large
23 trees, over 20 feet in height, that separate this,
24 and actually the playground for the daycare is right
25 behind the building so if there was any impact, it

2 would be more existing now, but that neighborhood had
3 no issues or problems with the operation and/or
4 maintenance of the development and no problem with
5 the zoning change so Community Board I believe was
6 unanimous in favor.

7 CHAIRPERSON RILEY: Thank you. There being
8 no more questions for this applicant panel, this
9 panel is excused.

10 Counsel, are there any members of the
11 public who wish to testify on Greaves Lane Proposal
12 remotely or in-person?

13 COMMITTEE COUNSEL VIDAL: Chair Riley, at
14 this time, there are no members of the public signed
15 up online to testify nor here in person. If there is
16 somebody who is unable to testify but would like to
17 submit written testimony, you can do so by submitting
18 your testimony via email to the following address,
19 landusetestimony@council.nyc.gov.

20 CHAIRPERSON RILEY: Thank you, Counsel.
21 There being no other members of the public who wish
22 to testify on these Preconsidered LUs relating to the
23 Greaves Lane Proposal, the public hearing is now
24 closed, and the item is laid over.

2 I will now open the fourth public hearing
3 on Preconsidered LUs relating to the 42-18 31st
4 Avenue Rezoning Proposal in Council Member Won's
5 District in Queens. This proposal would upzone a
6 residential district from an existing R5 with a C1-2
7 overlay zoning district to an R6A residential zoning
8 district with a C1-3 overlay. The applicant is
9 seeking to build a new mixed-use development
10 consistent of a six-story building with approximately
11 59 residential units and retail space on the ground
12 floor. The proposal includes mapping Mandatory
13 Inclusionary Housing over the rezoned area which will
14 require the applicant to include affordable housing
15 in the proposed development.

16 For anyone wishing to testify on these
17 items remotely, if you have not already done so, you
18 must register online, and you may do that now by
19 visiting the Council's website at
20 council.nyc.gov/landuse.

21 Once again, for anyone with us in person,
22 please see one of the Sergeants to prepare and submit
23 a speaker's card.
24
25

2 If you would prefer to submit written
3 testimony, you can always do so by emailing it to
4 landusetestimony@council.nyc.gov.

5 Counsel, can we please call the first
6 panel for this item?

7 COMMITTEE COUNSEL VIDAL: Yes, Chair. The
8 first panel consists of Elyse Foladare.

9 CHAIRPERSON RILEY: Counsel, can we please
10 administer the affirmation?

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

13 ELYSE FOLADARE: Elyse Foladare.

14 COMMITTEE COUNSEL VIDAL: Do you affirm to
15 tell the truth, the whole truth, and nothing but the
16 truth in your testimony before this Subcommittee and
17 in your answers to all Council Member questions?

18 ELYSE FOLADARE: I do. Thank you.

19 CHAIRPERSON RILEY: Thank you. For the
20 viewing public, if you need an accessible version of
21 this presentation, please send an email request to
22 landusetestimony@council.nyc.gov.

23 Now, the applicant team may begin.
24 Panelists, as you begin, I'll just ask that you
25

2 please restate your name and organization for the
3 record. You may begin.

4 ELYSE FOLADARE: Good afternoon. Elyse
5 Foladare from Eric Palatnik, PC. Thank you. I see you
6 already got the next slide.

7 We are seeking a contextual rezoning for
8 a portion of 31st Avenue at 42nd and Newtown Road for
9 a zoning map amendment from R5/C1-2 to an R6A/C1-3,
10 an amendment from an R5/C1-2 district to an R5
11 district for the mid-block properties, and amend
12 Appendix F of the Zoning Resolution to map a
13 Mandatory Inclusionary Housing area. We've received
14 positive feedback from the Community Board as well as
15 the Borough President, Donovan Richards. Next slide.

16 The proposed development site covers the
17 existing Coco La Reve site and adjacent lots on the
18 blockfront at 31st Avenue between 42nd and 43rd
19 Streets. The surrounding area is predominantly
20 residential with a mix of five- to six-story
21 apartment buildings and two- to three-story houses
22 with mixed-uses along the wider east/west avenues.
23 The site is close to Broadway and Steinway and well-
24 served by public transit. Next slide.

2 The proposed action would facilitate a
3 total of 38,189 square feet, 3.53 FAR, consisting of
4 30,189 square feet of residential floor area with 35
5 dwelling units and 8,000 square feet of ground floor
6 commercial space. Approximately 9 of the 35 dwelling
7 units would be affordable. There will be 12 parking
8 spaces and 25 bicycle spaces. Next slide.

9 As you can see, this is a breakdown of
10 the unit distribution. We heard from the Community
11 Board that they wanted us to try to put in more
12 family-sized units so 38 percent of the building will
13 have two- or three-family bedrooms to accommodate
14 families of different sizes. Next slide.

15 The owner of this building has experience
16 running a local health club, the Rock Health and
17 Fitness, so the proposed ground floor will be a
18 boutique fitness and wellness studio which we have
19 seen a need in the community and would be nice for
20 the people that live within the building. Next slide.

21 The roof will have a green roof that will
22 be accessible to all of the residents within the
23 building. Next slide.

24 The proposed actions would facilitate a
25 small increase in residential density and would

2 reconfigure the location of commercial uses on a wide
3 street and three-way intersection located near two
4 commercial corridors. The addition of residents,
5 commercial spaces facing 31st street, and the build
6 form of the proposed development would help shape and
7 activate the irregularly configured intersection.
8 Retail would be focused on 31st Street and removed
9 from the mid-block to concentrate commercial
10 activities along an existing commercial street. The
11 site's location at the nexus of three streets creates
12 a unique opportunity to bolster a large intersection
13 with an improved pedestrian landscape by creating a
14 strong street wall and providing commercial space on
15 the ground floor. It will help lengthen the robust
16 retail environment that already exists along 31st
17 Avenue's (INAUDIBLE) intersection with Steinway
18 Street just three blocks away. Next slide.

19 As you can see here, our building will be
20 comparable in height to many buildings in the area.
21 These blue ones represent buildings of similar height
22 and size. Next slide.

23 We have an appendix. If you have any
24 questions, there are pictures as well as a set of
25 plans if you need to see.

2 CHAIRPERSON RILEY: Thank you so much.

3 Just one question. Could you describe how the
4 proposed development will include environmental
5 sustainability features as part of its design?

6 ELYSE FOLADARE: Yeah. The green roof is
7 that, but it also could accommodate solar
8 potentially, and the building will allow for that as
9 well.

10 CHAIRPERSON RILEY: Thank you so much.

11 Chair Louis.

12 CHAIR LOUIS: Thank you, Chair Riley.

13 Thank you for the presentation.

14 I wanted to know, I don't know if you
15 want to go to that slide, but the breakdown between
16 market rate and affordable units. Is there a way to
17 go half and half between the one-bedroom and the two-
18 bedroom because the numbers are not that far apart?
19 Would you consider?

20 ELYSE FOLADARE: I think it's something we
21 would consider and take back to the client. It's just
22 because it's a small building, it created really
23 difficulties with there's not things like 421A and
24 different things like that so it created kind of a
25 difficulty so...

2 CHAIR LOUIS: For now, there's no 421A,
3 right.

4 ELYSE FOLADARE: For now, yeah, but it is
5 a discussion we keep having, and we want to provide
6 more affordable. It's just a financial difficulty.

7 CHAIR LOUIS: I think, and you've probably
8 seen this in the news and hearing some conversation,
9 the Speaker, the Mayor, the Governor, trying our best
10 to see how we can enhance affordable units throughout
11 the State and the City, and this is an opportunity to
12 show that you could be in partnership with what we're
13 trying to do so if it could be considered to go half
14 and half on the one-bedroom and two-bedrooms it's a
15 win for all of us.

16 I had a question about the boutique
17 fitness studio. That's not the only commercial
18 property unit that will be on the first level, right?

19 ELYSE FOLADARE: Yeah, that'll be it.

20 CHAIR LOUIS: It'll just be that?

21 ELYSE FOLADARE: It's only 8,000 square
22 feet. It's a pretty small space.

23 CHAIR LOUIS: All right, and what's the
24 square footage of the green roof?

2 ELYSE FOLADARE: Can we go to the roof
3 plan because I don't know that by heart.

4 CHAIR LOUIS: It didn't say it on there.

5 ELYSE FOLADARE: It doesn't say on that,
6 but in the plans.

7 CHAIR LOUIS: I could always get that
8 later if you guys could give us that.

9 ELYSE FOLADARE: I could also do that,
10 sorry.

11 CHAIR LOUIS: The Council Member, is she
12 supporting this project?

13 ELYSE FOLADARE: We've spoken with her
14 office multiple times, and they seem supportive,
15 yeah. We've spoken with the office though multiple
16 times.

17 CHAIR LOUIS: All right. Thank you.

18 CHAIRPERSON RILEY: Thank you. I just
19 would like to state I think you guys should reach out
20 to the office again and speak to the Member just to
21 make sure that she's okay with this project. It does
22 look like a very interesting project. Looking forward
23 to seeing it come to fruition.

24 There being no more questions for this
25 applicant panel, you guys are excused.

2 Counsel, are there any members of the
3 public who wish to testify on 31st Avenue Rezoning
4 Proposal remotely or in person?

5 COMMITTEE COUNSEL VIDAL: Chair Riley,
6 there is approximately one public witness who has
7 signed up to speak.

8 If you a member of the public signed up
9 to testify on the proposal, please stand by when you
10 hear your name being called and be prepared to speak
11 when the Chair says that you may begin.

12 We will now hear from the first panel.

13 CHAIRPERSON RILEY: Members of the public
14 will be given two minutes to speak. Please do not
15 begin until the Sergeant-at-Arms has started the
16 clock.

17 SERGEANT-AT-ARMS: Starting time.

18 COMMITTEE COUNSEL VIDAL: Miss Dora
19 Arsenis, are you able to hear us?

20 CHAIRPERSON RILEY: Miss Dora, if you
21 could hear us, you can begin whenever you're ready.

22 COMMITTEE COUNSEL VIDAL: If you are on a
23 phone, you may have to dial star 9.

24 DORA ARSENIS: Hi. Can you hear me?

25 CHAIRPERSON RILEY: Yes, we can hear you.

2 DORA ARSENIS: Hello.

3 CHAIRPERSON RILEY: Yes, we can hear you.

4 DORA ARSENIS: Hi. I'm sorry. I was in a
5 meeting. How are you guys?

6 COMMITTEE COUNSEL VIDAL: Well, thank you.

7 CHAIRPERSON RILEY: Great. You may begin.

8 DORA ARSENIS: I mean I've known Steve
9 (INAUDIBLE) for about 20 years. I actually run one of
10 his health clubs. I think a fitness club in that area
11 is what they need. There's nothing around that
12 community. Steve and Larry are really good guys. They
13 know what they're doing, and I actually think that
14 what they're doing is the best interest for the
15 community.

16 CHAIRPERSON RILEY: Thank you, Miss Dora.
17 Does that conclude your testimony?

18 DORA ARSENIS: Yes.

19 CHAIRPERSON RILEY: Thank you, Miss Dora.
20 We really appreciate it.

21 DORA ARSENIS: Thank you.

22 CHAIRPERSON RILEY: No problem. There
23 being no other members who wish to testify on
24 Preconsidered LUs relating to the 31st Avenue
25

1 Rezoning Proposal, the public hearing is now closed,
2 and the item is laid over.

3 I will now open the fifth public hearing
4 on the Preconsidered LUs relating to the 2761 Plumb
5 2nd Street Proposal in Council Member Vernikov's
6 District in Brooklyn. This is a proposal to rezone a
7 commercial C3 district that is limited to marina-
8 related uses to an R3-2 residential district with a
9 C2-3 commercial overlay. The rezoning would allow an
10 existing restaurant to become a conforming use rather
11 than continuing to operate as a legal non-conforming
12 use that requires seeking special permits from the
13 Board of Standards and appeals on a recurring basis.
14 The rezoning area is located along Shell Bank Creek.

15 For anyone wishing to testify on these
16 items remotely, if you have not already done so, you
17 must register online, and you may do that now by
18 visiting the Council's website at
19 council.nyc.gov/landuse.

20 Once again, for anyone with us in person,
21 please see one of the Sergeants to prepare and submit
22 a speaker's card.
23

2 If you would prefer to submit written
3 testimony, you can always do so by emailing it to
4 landusetestimony@council.nyc.gov.

5 Counsel, can we please call the first
6 panel for this item?

7 COMMITTEE COUNSEL VIDAL: The first panel
8 consists of Richard Lobel.

9 CHAIRPERSON RILEY: Counsel, can we please
10 administer the affirmation?

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

13 RICHARD LOBEL: Richard Lobel.

14 COMMITTEE COUNSEL VIDAL: Do you affirm to
15 tell the truth, the whole truth, and nothing but the
16 truth in your testimony before the Subcommittee and
17 in your answers to all Council Member questions?

18 RICHARD LOBEL: I do.

19 CHAIRPERSON RILEY: Thank you. For the
20 viewing public, if you need an accessible version of
21 this presentation, please send an email request to
22 landusetestimony@council.nyc.gov.

23 Now, the applicant team may begin.
24 Panelists, as you begin, I'll just ask that you
25

2 please restate your name and organization for the
3 record. You may begin.

4 RICHARD LOBEL: Thank you, Chair Riley.
5 Again, Richard Lobel of Sheldon Lobel, PC for the
6 applicant in the 2761 Plumb 2nd Street Rezoning.

7 This has been a largely successful
8 process as we've gone through the Land Use hearings.
9 Zaliv, LLC, which is the applicant here, is proposing
10 a zoning map amendment to rezone the project area
11 from a C3 district to a R3-2/C2-3 district. This will
12 facilitate the as-of-right operation of a
13 longstanding Use Group 6 Eating and Drinking
14 Establishment, TGI Fridays, at 2761 Plumb Street. We
15 don't intend to pursue any new development. Instead,
16 the applicant is seeking a rezoning to avoid going to
17 BSA for a special permit every five years so this
18 special permit was originally granted by BSA in 1987,
19 and, because of the odd nature of the C3 zoning
20 district, you're required to re-up that special
21 permit at BSA every five years so this is time-
22 consuming, costly for the applicant, a waste of City
23 resources. This minor rezoning will allow us to cure
24 that.

1 The R3-2 zoning district, in addition, is
2 a residential equivalent of a C3 zoning district so
3 we're not seeking any additional residential
4 development rights here. The applicant would be able
5 to develop the same amount of residential square
6 footage under the proposed rezoning as the existing
7 zoning. The only real effect of this is primarily to
8 prohibit the applicant from having to go back to BSA
9 every five years. The C2-3 overlay also supports
10 local service and retail needs, which is a good thing
11 for the area, and, as an indication of the merit of
12 this application, Community Board 15 voted in favor
13 by a vote of 33 to 1, the Brooklyn Borough President
14 approved it, and City Planning subsequently approved
15 it.

17 I'm just going to run through the slides
18 quickly. The next slide is the zoning map. I think
19 probably what's better than that is to fast forward
20 two slides to the area map which demonstrates several
21 things. Number one, we can go to the colored map,
22 next map, thank you, so the area map demonstrates
23 that the R3-2 which is sought here in the dotted
24 lines within the upper right or the center of the
25 plan, an R3-2 is already existing to the southwest of

1 the property, there is already R3-2s also to the
2 northwest of the property. In addition, there are R6
3 districts in the area and R5 districts, both of which
4 districts can build out to a greater floor area than
5 the R3-2 so, again, really, this just involves
6 allowing for the applicant to go about their business
7 and to allow these restaurants to exist without this
8 burdensome BSA process. In addition, there's an added
9 benefit to this which is that the parking spaces,
10 which now number over 90 spaces, would cease to be
11 required for attended parking and would be self-park,
12 so it's just a benefit of putting a C2-3 overlay,
13 reducing the parking requirement in that regard.

14
15 The next slide shows the zoning change
16 map. Again, with the minor change of the R3-2, and,
17 again, we note to the lower left of that portion you
18 can see the existing R3-2 so we're really extending
19 more of the same, and the remainder of the slides
20 show the commercial enterprise at the site, which is
21 the two-story Cold Stone Creamery, the one-story
22 Jordan's Seafood Shack, and then the TGI Friday's, a
23 beloved local institution which is why the Community
24 Board was supportive of the application. The
25 remaining plans show the existing layout of the

2 applicant site which is entirely commercial use split
3 between those two different one- and two-story type
4 buildings.

5 That's the end of the proposal, and I'm
6 happy to answer any questions.

7 CHAIRPERSON RILEY: Thank you, Richard.
8 Just two questions. Did the BSA raise any concerns
9 prior to granting the most recent special permit,
10 and, if so, what were they?

11 RICHARD LOBEL: They did not. The most
12 recent special permit was granted through 2020 so in
13 light of the fact that the applicant was looking at
14 an expiring special permit, they came to City
15 Planning and requested a rezoning, but the conditions
16 and terms of the past special permit approvals were
17 not materially changed. They basically have been
18 granting it every five years or so.

19 CHAIRPERSON RILEY: Given its location
20 adjacent to the waterfront, has the applicant taken
21 any measures to protect their business from potential
22 storm surge and/or sea level rise?

23 RICHARD LOBEL: That's a good question. We
24 note that the existing structure and development is
25 legal and complies with the BSA special permit so

2 they haven't been required to do any new measures in
3 terms of storm safety. The building, itself, is
4 relatively simply built in terms of the nature of the
5 construction. No residential here so there's really
6 no sensitivity as far as any further storm damage. I
7 would note that in the event that they did seek to
8 build something else at this site, they'd have to go
9 into City Planning for a waterfront certification
10 which would require them to comply with and to
11 improve any storm resiliency measures, but, as of
12 now, they're doing fine.

13 CHAIRPERSON RILEY: Thank you, Richard.

14 There being no more questions for this applicant
15 panel, this panel is excused.

16 Counsel, are there any members of the
17 public who wish to testify on the Plumb 2nd Street
18 Proposal remotely or in-person?

19 COMMITTEE COUNSEL VIDAL: No, Chair Riley,
20 there are no members signed up currently to testify.

21 If there are any members who wish to
22 testify at this time, please press the raise hand
23 button or, if you're here in person, please identify
24 yourself to one of the Sergeants-at-Arms.

2 If you're unable to testify today, you
3 can submit written testimony at
4 landusetestimony@council.nyc.gov.

5 CHAIRPERSON RILEY: There being no members
6 of the public who wish to testify on this
7 Preconsidered LU relating to the Plumb 2nd Street
8 Proposal, the public hearing is now closed, and the
9 item is laid over.

10 That concludes today's business. I would
11 like to thank the members of the public, my
12 Colleagues, Subcommittee Counsel, Land Use and other
13 Council Staff, and the Sergeant-at-Arms for
14 participating in today's meeting.

15 This meeting is hereby adjourned. [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 September 16, 2023