

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 18, 2019
Start: 10:17 a.m.
Recess: 11:29 a.m.

HELD AT: Committee Room, City Hall

B E F O R E: FRANCISCO MOYA
Chairperson

COUNCIL MEMBERS:
Barry Grodenchik
Rory Lancman
Stephen Levin
Antonio Reynoso
Carlina Rivera

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

Eric Palatnik

Frank St. Jacque

Ackerman LLP

Appearing for Property Owner, Cipico Construction

Yeni Hernandez

SIU Local 32BJ

Richard Lobel

Sheldon, Lobel, P.C.

Rafaella Dunham

Washington Square Partners

Scott LaRue

Presidency of ArchCare

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David Karnovsky, Esq.

Real Estate Department

Fried, Frank, Harris, Shriver & Jacobson LLP

Joanne Lawson

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Eudora Ortiz

Lifetime Resident of East Harlem

Carol Wills

1199 Member

Nichola Rodney
1199 Member

Teran James
1199 Union Delegate

Jeremy Kozin, Esq.
Fried, Frank, Harris, Shriver & Jacobson LLP

George Fontas
On behalf of LSS Leasing Limited Liability
Company

Seth Wright
On behalf of LSS Leasing Limited Liability
Company

2 Mike Check - Today's date is September 18
3 of 2019 on the Committee of Zoning & Franchises
4 recorded by Stephen Sadowski [phonetic].

5 CHAIR MOYA: [gavel] Good morning, good
6 morning and welcome to the meeting of the
7 Subcommittee on Zoning & Franchises. I'm Council
8 Member Francisco Moya, the chairperson of the
9 Subcommittee and today we're joined by Council
10 Members Grodenchik, Lancman, and Levin. If you are
11 here to testify, please fill out a speaker slip with
12 the Sergeant-at-Arms indicating your full name, the
13 application name or LU number and whether you are in
14 favor or against the proposal. Today we are holding
15 a hearing on LU 530, an application for the E & R
16 U. S. Ventures LLC, Hummus Kitchen for a renewal
17 application requesting a four year term approval for
18 the continued operation of an unenclosed sidewalk
19 café located at 444 3rd Avenue in Manhattan in
20 Council Member Rivera's district. I now open the
21 public hearing on this application. Are there any
22 members of the public who wish to testify? Seeing
23 none, I now close the public hearing on this
24 application, and we will move to our votes. Today we
25 will vote to approve LU 530, the Hummus Kitchen

1 application heard today by this Subcommittee. We
2 will be voting to approve this café, the size of
3 which has been adjusted in response to community
4 concerns from four tables and ten chairs to four
5 tables and eight chairs. With this adjustment,
6 Council Member Rivera is in support of this
7 application for a sidewalk café renewal. We will
8 also vote to approve LU's 508, 509, the Kew Gardens
9 Hills rezoning proposal in Queens. The proposal
10 would rezone portions of existing R2 districts and
11 R2X districts and would include a related zoning text
12 amendment to allow such districts to be mapped in
13 Queens Community District 8. The proposed R2X
14 rezoning would establish contextual bulk regulations
15 in order to maintain the areas existing built
16 character. Council Member Lancman is in support of
17 this application. We will also vote to approve LU
18 517, the 3513 Atlantic Avenue Rezoning proposal in
19 Brooklyn. This proposal would establish a C24
20 overlay district within an existing R5 district along
21 a northern frontage of Atlantic Avenue between
22 Nichols and Grant Avenues in order to facilitate
23 construction of a one-story retail building. Council
24 Member Espinal is in support of this application. I
25

2 now call for a vote to approve LU's 508 and 509, LU
3 517 and LU 530. Counsel, please call the roll.

4 COUNSEL: Chair Moya?

5 CHAIR MOYA: Aye.

6 COUNSEL: Council Member Grodenchik?

7 COUNCIL MEMBER GRODENCHIK: Aye with
8 congratulations to Councilman Lancman and all the
9 people that work so hard to facilitate the Kew
10 Gardens Hills rezoning.

11 COUNSEL: Council Member Lancman?

12 COUNCIL MEMBER LANCMAN: Aye.

13 COUNSEL: Council Member Levin?

14 COUNCIL MEMBER LEVIN: Aye,
15 congratulations to Council Member Lancman.

16 COUNSEL: The roll is 4 votes in the
17 affirmative, 0 in the negative. The vote will remain
18 open.

19 [pause]

20 CHAIR MOYA: We will now hear the
21 preconsidered LU items C 180036 ZMQ and the N 180037
22 ZRQ for the 38th Street, 35th Avenue rezoning related
23 to property in Council Member Van Bramer's district
24 in Queens. The applicant seeks approval for a zoning
25 map amendment to rezone an M11 district to an R6A

2 district including a partial C12 overlay district as
3 well as a zoning text amendment to establish a
4 mandatory inclusionary housing area within the
5 rezoning area utilizing Option 2. As originally
6 proposed, these actions would facilitate the
7 redevelopment of the development site with a new
8 seven-story mixed use building containing
9 approximately 56,000 square feet of zoning floor area
10 and 52 dwelling units in total, including 19
11 affordable units and 43 market rate units,
12 approximately 80 parking spaces would be provided
13 which would be accessed via a curb cut on 38th
14 Street. During the public review process, the
15 applicant received the proposed development to
16 include a total of 57 dwelling units of which 18
17 would be affordable and 39 would be market rate. I
18 now open the public hearing on this application, and
19 I would like to call up the first panel Eric Palatnik
20 [phonetic]. Good morning.

21 ERIC: Good morning, Councilman and
22 members of the Council and staff. Thank you for
23 hearing this application on a beautiful day.

24 CHAIR MOYA: Before you start, let me
25 just get Counsel to please swear you in.

2 COUNSEL: Please state your name and as
3 part of your response, do you swear or affirm that
4 the testimony you are about to give will be the
5 truth, the whole truth and nothing but the truth and
6 you will answer all questions truthfully?

7 ERIC: I do, and I shall.

8 COUNSEL: Thank you.

9 ERIC: Thank you very much. We're
10 excited to be here in front of your Committee which
11 has I think the greatest job in the City, determining
12 how we shape it and we've got a great project here
13 that came to it's start 11 years ago if you can
14 believe that and when the City was entirely different
15 and the process we followed was different and they've
16 been the beneficiary of a refined, streamlined land
17 use that's taken effect the last few years and the
18 project has kicked out and the application that we
19 have in front of you is to take a manufacturing
20 zoning district in Astoria, which I'm gonna click
21 through here and give you the aerial here so you can
22 see where you are. You're right next to Steinway
23 Studios, we've got Steinway Street right there,
24 excuse me, Kaufman Astoria Studios is right behind
25 us, you're basically right in the heart of Astoria.

2 The family that we're representing today is a local
3 family. It's the Pinto family of Ferrari Driving
4 Schools so for those folks who are a little bit older
5 in the audience, you may have seen the commercials
6 when you were younger. They're a family owned
7 business and they've been in the neighborhood for
8 years, so they've owned these properties that were
9 here for now on 38th Street for the better part of
10 the last 20 years or so. They're asking permission
11 to rezone them to and I'm flipping through here. You
12 can see on the right side of the page an R6A zoning
13 district with a C13 overlay. It would facilitate the
14 development as you said before of a 7-story
15 residential building and would have 57 dwelling
16 units, 15 of which would be affordable, so there
17 would be 42 market rate and 16 affordable. It would
18 have 80 parking spaces. You only need about 20. Why
19 are there 80? Because the Pinto family who is the
20 developer is behind it. They're local people. They
21 know that parking is needed in the neighborhood, so
22 they are overparked. The Community Board has been
23 very happy with the development. We've been working
24 with them for the past three to four years very
25 closely. They put forth a recommendation to support

2 the application as it is with the request that the
3 affordability be considered at both Option 1 and
4 Option 2. We had proposed Option 2 originally.
5 After meeting with the Community Board, we then met
6 with Councilman Jimmy Van Bramer who is the affected
7 Councilman in the district and Councilman Van Bramer
8 I understand, although I have not spoken to him
9 personally, but I understand he has gotten back to
10 our team and indicated his support for lower MIH, a
11 20% MIH, a 60% MIH excuse me, 25% of units at 60%
12 which we would be more than happy to agree to and I
13 believe we've indicated such to him. Other than
14 that, I can go through the project in great
15 specificity if you would like me to do. I could walk
16 you through here. This is the block front. What
17 you're looking at right now in these images, lower
18 left, top right, that's the site itself, the
19 development site. I can take you through to the
20 plans and give you an idea of the building itself.
21 This shows you, let me go back a second here. Hit
22 the wrong button. Here you've got the imagery I was
23 talking about before which is the 7-story building.
24 The 7th floor you can see at the very top is not a
25 full floor. It's very well set back. It will not be

1 visible from the street so it will really read as a
2 6-story building from the street. This gives you the
3 parking. There's a sub cellar, there's two levels of
4 parking, actually three. This level is the ground
5 floor and this shows you the really minimal nature of
6 the commercial uses that we're seeking for the ground
7 floor. Only asking for about 2,000 square feet of
8 commercial space to be utilized. The rest of it will
9 be parking and the commercial uses we're envisioning
10 are artistic, immersive arts and meditation studios.
11 We're looking to build upon the art-based history of
12 Astoria. The Pinto family themselves are very
13 involved. The artwork you see on some of the
14 pictures we show you, is their doing. They're
15 involved in a beautification program in Astoria that
16 includes artwork and murals so all the commercial
17 uses will have some sort of artistic or wellness sort
18 of feel to it, nothing corporate so to speak. As I
19 move up to give you an idea just of the floor plans
20 which are very hard to read here, this is a section
21 of the building and another elevation which you saw
22 in a picture. That is essentially the application
23 for you. The height of the building will be 75',
24 just to go through that for a second. We believe
25

2 it's justified if you look, I'm taking you back to an
3 overhead here. You can see just to the left of the
4 rezoning area, you'll see Ice House Sports Complex
5 which stands at a height of about 85' where at 75',
6 two blocks behind us where the blue dot is, Calvin
7 Astoria is building a new complex there that's about
8 85' as well so we're not out of context with what's
9 going on around us. That's our entire presentation.
10 Thank you for listening to me and hello, Councilman
11 Reynoso. How are you? I didn't see you come in. I'd
12 be happy to answer any questions that you have.

13 CHAIR MOYA: Thank you, I just have one
14 quick question here. Can you just, what was the
15 rationale for establishing the commercial overlay on
16 only half of the rezoning area?

17 ERIC: The rationale for that was
18 twofold, first of all replacing existing
19 manufacturing district so the idea to keep some
20 commercial there was the idea that the owner wanted
21 to do there but from a land use perspective, 38th
22 Street has a commercial nature to it both across the
23 street. I can show you some of the imagery if you'd
24 like. It's all commercial across the street.
25 There's warehouses, former warehouses that have been

2 turned into art studios and sports stores across the
3 streets so directly across the street is all
4 commercial and everything to the left of us, if
5 you're looking at the red dots there, and I can show
6 you some imagery, some pictures, that's all
7 commercial as well. There's a Pizzeria Uno over and
8 some other commercial uses so the commercial use we
9 think will be symbiotic with what's going on around
10 us. We're not looking to replace, nothing corporate
11 like I said to come in to replace what's going on on
12 Steinway Street and the uses that we've already
13 actually been speaking to are people that are in like
14 the second story of buildings around that are looking
15 for this kind of space on the ground floor.

16 CHAIR MOYA: Great, thank you very much
17 for your testimony.

18 ERIC: Thanks for listening to me.

19 CHAIR MOYA: Thank you. Are there any
20 other members of the public who wish to testify?
21 Seeing none, I now close the public hearing on this
22 application. Would like to acknowledge that we've
23 been joined by Council Member Reynoso and Council
24 Member Rivera and I'd like to open up the votes
25 again.

2 COUNSEL: Continuing vote of the land use
3 items. Council Member Reynoso?

4 COUNCIL MEMBER REYNOSO: I vote aye.

5 COUNSEL: Council Member Rivera?

6 COUNCIL MEMBER RIVERA: Aye.

7 CHAIR MOYA: Thank you.

8 COUNSEL: By a vote of 6 in the
9 affirmative, 0 in the negative and no abstentions,
10 the items are approved and referred to the full Land
11 Use Committee.

12 CHAIR MOYA: Okay, we will now hear
13 preconsidered LU items C 100421 ZMQ and N 190151 ZRQ
14 and C 190386 ZSQ for the Vernon Boulevard Broadway
15 Rezoning proposal related to property in Council
16 Member Van Bramer's district in Queens. The
17 applicant seeks approval for a zoning map amendment,
18 a zoning text amendment and a special permit for a
19 large scale general development which together would
20 facilitate construction of two residential and
21 community facility buildings, one at 5 stories and
22 one at 9 stories and a 14 story residential,
23 commercial and community facility building. The
24 buildings would contain a total of 351 dwelling
25 units, 113 of which would be affordable to lower

2 income residents, approximately 11,250 gross square
3 feet of commercial space and approximately 7,000
4 gross square feet of community facility space and 164
5 accessory parking spaces below grade. Additionally,
6 the applicant intends to provide a total of
7 approximately 17,700 square feet of publicly
8 accessible open area. The proposed zoning text
9 amendment would establish a mandatory inclusionary
10 housing area utilizing Option 1 and 2. I now open
11 the public hearing on this application, and I call up
12 Frank St. Jacques.

13 FRANK ST. JACQUE: Good morning.

14 CHAIR MOYA: Counsel, can you please
15 swear in the panel?

16 COUNSEL: Please state your name as part
17 of your response. Do you swear or affirm that the
18 testimony you are about to give will be the truth,
19 the whole truth and nothing but the truth and you'll
20 answer all question truthfully?

21 FRANK ST. JACQUE: I do.

22 COUNSEL: Thank you.

23 FRANK ST. JACQUE: Good morning Chair
24 Moya and Subcommittee members. Again, my name is
25 Frank St. Jacques of Ackerman LLP appearing on behalf

of the applicant property owner, Cipico Construction, Inc. We're here today to discuss several land use actions summarized in this slide. I'll note that the project has changed since the description that was just read into the record with a reduced number of units in response to a discussion with the Community Board throughout the public review process and with the local Council Member. The proposed rezoning area and large-scale general development is bounded generally by Vernon Boulevard and Broadway to the north, 11th Street to the east, 33rd Road to the south which are all wide streets and 10th street, a narrow street, to the west. An irregularly shaped block that's approximately 77,000 square feet, about 1.77 acres. The site was zoned R5 in 1961 but despite the residential zoning, the area is predominately developed with non-conforming industrial and commercial uses. The site is currently underutilized and acts as a void between the active commercial, cultural and recreational uses to the west and south to draw visitors to the surrounding area. The surrounding area also lacks local retail and service uses that serve visitors of nearby cultural institutions, Socrates Sculpture Park to the

northwest of the site and then the Gucci Museum directly west of the site. The requested actions including the zoning map amendment, a zoning text amendment and a special permit for a large scale general development will facilitate the development of a new mixed use and mixed income project with a site plan and massing[sic] that will fill the existing void and weave the site into the surrounding community. The rezoning would establish an R7X/C2-4 on the majority of the site, on the northern portion of the site and an R6B on the southern edge of the site. The text amendment establishes a mandatory inclusionary housing area with Options 1 and 2 and the special permit imposes bulk controls over the site as a large-scale general development. The large-scale general development restricts development to the proposed site plan and bulk envelope and allows the bulk to be concentrated at the intersection of Vernon Boulevard, Broadway and 11th Street which are all wide streets. The proposed development is 3 mixed use buildings, a 5-story building on the southern portion of the site within the R6B district, a 9-story building at the center of the site within both the R6B and R7X-C2-4 districts

and a 14-story building on the northern portion of the site. The proposed development would now provide approximately 330 units, including 92 permanently income restricted MIH units. Here's several images showing the site plan which again the large-scale general development would mandate that the site is developed in accordance with. There's commercial space that will be provided along Vernon Boulevard to activate this street and serve local residents and visitors to the area. Again, the area lacks local retail and the proposed development is positioned to meet this local need. We anticipate food and beverage tenants. Additionally, we've been in discussion with the Gucci and the Socrates Sculpture Park about ensuring that they will have space within the new development. The top image shows, and you'll see another image in a moment of the approximately 16,545 square foot landscape public open space at the corner of 10th Street and 33rd Road. The smaller building is shown to the right on the upper slide at 5 stories that creates a transition at the southern edge of the site from a mid-density R5 district mapped to the south. The building B at the center of the top image is limited to 4 stories at 10th Street

1 which is directly across from the Gucci Museum and
2 then the bottom image shows the 11th Street frontage
3 of the building with access to a 166-space cellar
4 level parking garage. Two changes were made to the
5 project after it was filed in response to the
6 applicant's initial meeting with the Community Board
7 and ongoing discussion with the Council Member and
8 community. The number of larger units was increased
9 which resulted in a decrease in the total number of
10 units and MIH units and the applicant committed to
11 using Option 1 on buildings A and B, instead of
12 Option 2 across the entire development. This slide
13 shows the unit distribution and MIH breakdown for the
14 project, again resulting in 330 total units, 92 of
15 which would be mandatory inclusionary housing units
16 using both MIH Option 1 and MIH Option 2. I know
17 you're familiar with the facts of this project, so
18 I'll just run quickly through the next few slides.
19 These here in green, the site plan shows the
20 significant amount of open space that's provided with
21 this project. About an 1,100 square foot public open
22 space at the northern edge of the site, approximately
23 15,000 square feet at the center of the site for
24 building residents and about 16,000 square feet at
25

2 the southern edge of the site which will be a
3 publicly accessible open space and here's a rendering
4 of that. That open space is a significant public
5 benefit to this project. This space will be a POPS
6 subject to POPS enforcement. The site is designed to
7 allow for passive recreation. There's extensive
8 landscaping for use by all members of the community
9 and visitors to the area and it will also allow
10 flexible use for programming. The applicant has had
11 ongoing discussions, as I mentioned, with the Gucci
12 Museum and Socrates regarding both institutions
13 taking space within the proposed development and we'd
14 like to include them in discussions with respect to
15 programming ideas for the project's open space and
16 finally, overall the application would allow new
17 mixed use development in under-utilized,
18 nonconforming site located along three wide streets,
19 92 permanently income restricted units would be
20 provided pursuant to the MIH program. The applicant
21 has also partnered with 32-BJ to provide union labor
22 for building positions and we'll partner with local
23 non-profit Hannock to administer the mandatory
24 inclusionary housing program. That's my
25 presentation. I'm happy to answer any questions.

2 CHAIR MOYA: Great, well I'm glad to hear
3 that you've gotten together with the Service Workers
4 Union. That's always good to hear when good paying
5 jobs are going to be happening in projects like this
6 so I'm glad to hear that. Just to go back to the
7 public space for a second. How will that space
8 operate on that site?

9 FRANK ST. JACQUE: Sure, so while we're
10 not obtaining a zoning bonus for providing the space,
11 it will be subject to the restrictions for POPS so
12 there will be a restrictive declaration recorded
13 against the property requiring certain maintenance
14 and upkeep and operating hours that are set forth in
15 the restrictive declaration so it will function
16 essentially as a public amenity similar to a park but
17 it's privately owned and will be enforceable under
18 the POPS program.

19 CHAIR MOYA: So, is the open space
20 required to be open to the public as part of the
21 large-scale special permit?

22 FRANK ST. JACQUE: It is not. This is an
23 amenity that we worked with the community, the local
24 Council Member to provide as part of this project.
25 So, the large scale establishes the site plan so as

2 part of the site plan we're committed to providing
3 this open space but providing the open space unlike
4 in other areas doesn't add to the project's bulk
5 envelope. There's no zoning bonus attached so this
6 is just a commitment that the applicant has made in
7 response to ongoing discussions with the community.
8 In particular, taking account of the Gucci Museum and
9 its sculpture garden which is located directly to the
10 west of this open space.

11 CHAIR MOYA: And will the property owner
12 maintain the public space?

13 FRANK ST. JACQUE: Yes, the property
14 owner would be required to and actually any future
15 property owners as this would be a restrictive
16 declaration recorded against the property itself.

17 CHAIR MOYA: And when will the public
18 have access to the open space?

19 FRANK ST. JACQUE: When the project is
20 built essentially. This is not, this project isn't
21 contemplated in phases so it's expected to come
22 online essentially all at one time so to answer your
23 question, once the building is complete and once the
24 public open space is complete, it will be accessible
25 to the public.

2 CHAIR MOYA: And how will that open space
3 be identified as open to the public?

4 FRANK ST. JACQUE: So, part of the POPS
5 requirements, there is signage that's required at all
6 entry points, indicating the hours of operation, the
7 rules and identifying it as a POPS space that's open
8 to the public. My understanding is that it will also
9 be included in the public databases as a public POPS
10 open space so that members of the public can research
11 and determine that it's there. That signage is
12 actually part of the approved plans for the large-
13 scale so those landscape plans actually will be, they
14 have been approved by the City Planning Commission
15 and will be part of this approval going forward.

16 CHAIR MOYA: Last question, since this
17 project is in a flood hazard area, what kind of
18 resiliency measures are included in the site design?

19 FRANK ST. JACQUE: Sure, so essentially
20 the site itself, there's a significant grade change
21 so from the northern end of the site is located, the
22 elevation is lower at the northern edge of the site
23 than it is at the southern portion so rather than dry
24 flood proofing the commercial area, the architects
25 have built the building, have raised the first floor

2 level so you can see on the upper right hand image
3 and the lower images, there's actually stairs and AD
4 accessible ramps leading up to that commercial
5 frontage along Vernon from its intersection with
6 Broadway so we determined that it was better to just
7 raise the space up rather than having potential
8 commercial tenants incur the cost of dry flood
9 proofing their spaces so, it's essentially, to answer
10 you question, the building is raised up as a
11 resiliency measure.

12 CHAIR MOYA: Great, thank you so much for
13 your testimony today.

14 FRANK ST. JACQUE: Thank you.

15 CHAIR MOYA: And now would like to call
16 up Yeni [phonetic] Hernandez. Good morning, Yeni.

17 YENI HERNANDEZ: Good morning, Chair
18 Moya. Good morning, Chair Moya and members of the
19 Committee. My name is Yeni Hernandez. I am
20 [Inaudible] Manhattan. I have been a member of SIU
21 Local 32BJ for 14 years. I am here today on behalf
22 of my Union to share all support of this project.
23 32BJ represents about 4,500 members who live and work
24 in Queens Community District 1. As residents and
25 members, we [Inaudible] development and old neighbors

1 seriously. New projects shall come with community
2 benefits like affordable housing and jobs that pay
3 the premium wage. I am happy to report that Cipico
4 Construction, the developer for this project, has
5 made a credible commitment to provide premium wage
6 jobs for the future building service worker at this
7 site. This project will also come with other
8 significant community benefits such as open space
9 available to the public, community festivities space
10 and 92 units of much needed permanent affordable
11 housing on the [Inaudible] waterfront. We see this
12 as an example of responsible development and
13 respectful urge you to approve this project. Thank
14 you.
15

16 CHAIR MOYA: Thank you so much for your
17 testimony today. Are there any other members of the
18 public who wish to testify? Seeing none I now close
19 the public hearing on this application, and we will
20 now hear the preconsidered LU item C180282ZMQ for the
21 91-05 Beach Channel Drive rezoning relating to
22 property in Council Member Ulrich's district in
23 Queens. The applicant seeks approval for a zoning
24 map amendment to map a C2-3 commercial overlay within
25 an existing R4-1 district. The proposed amendment

2 would bring an existing funeral home and its
3 accessory parking lot into conformance with zoning.
4 I now open the public hearing on this application,
5 and I'd like to call up Eric Palatnik.

6 COUNSEL: Please state your name as part
7 of your response. Do you swear or affirm that the
8 testimony you are about to give will be the truth,
9 the whole truth and nothing but the truth and that
10 you'll answer all questions truthfully?

11 ERIC: Eric Palatnik, yes I do.

12 COUNSEL: Thank you.

13 ERIC: Thank you, sorry I was outside
14 speaking with some of your colleagues. Eric
15 Palatnik, good morning again to everybody. It's a
16 pleasure to be here again in front of your Committee
17 and this is with another, what I consider to be a
18 good application, to allow for the continuation and
19 the legalization of the Dennis O'Connor Funeral Home
20 which is at the foot of the Cross Bay Bridge as you
21 enter into The Rockaways. You can see it right
22 there. The funeral home is on the left side of the
23 middle of the page. It's the site with the red arrow
24 that says site. You can see on the left side of the
25 top left corner, you can just see that the top, the

1 very end of the approach ramp to the Cross Bay
2 Bridge. The property is the Dennis O'Connor Funeral
3 Home. It's bound by Beach 92nd and Beach 91st
4 Streets. It's been there for approximately 70 years
5 operating as a funeral home. It's in a pure
6 residential zoning district and you need to have a
7 commercial overlay so we are asking you permission to
8 have a C2-3 to allow the funeral home to continue to
9 exist, and I'll clarify what I mean by that. It was
10 built before the zoning resolution took effect and
11 within the residential zoning district. It was
12 enlarge subsequently by BSA Variance and then it was
13 enlarged again after that on the left side of the
14 property, the portions with the gray roof was
15 enlarged without any permits at all so the site is
16 non-complying and this action, the rezoning will
17 cause it to come into compliance. It will add the
18 C2-3 overlay over the entire parcel which only has a
19 parking requirement of 10 spaces which we are
20 complying with, although we could fit much more on
21 during a funeral. They fit as many as 20 cars onto
22 the site. We've been working closely with Community
23 Board 14 who's office, meeting place is right around
24 the corner. They're very familiar with the site.
25

1 They supported it almost unanimously I believe, if
2 not unanimously. It's also received good support
3 from Councilman Ulrich who is in support of it as
4 well. It is the only funeral home servicing the
5 Rockaways and it is non-denominational so it's open
6 to everybody and nothing is going to be changing. I
7 should call out one more thing for you just so you're
8 aware, just at the last minute, which is that the
9 rezoning does facilitate future redevelopment of the
10 site should that take place. Right now it's R4 so
11 when we rezone it, it will become a commercial
12 overlay and somebody could theoretically come in and
13 built another McDonalds or a White Castle or any
14 commercial use on the site so the community was
15 concerned about that when we went through the
16 community level review. Mr. O'Connor of O'Connor
17 Funeral Homes is there himself as well as two young
18 men who are succeeding him in the business. He
19 introduced them. They all explained the business
20 plan right now is to the younger generations come
21 into place and there's a business agreement in place
22 and that nobody has any intention of leaving the site
23 for the next 50 to 60 years. The community based
24 upon their relationship and experience with O'Connor

2 Funeral Home took them at their word on that and
3 O'Connor Funeral Home is committed to maintaining
4 their location there. They are in no position to be
5 selling and we submitted a letter to this effect as
6 well and we just wanted to let your Committee know
7 that they are committed to the Rockaways, there is
8 not going to be any other commercial use here for the
9 foreseeable future other than the continuing of
10 O'Connor Funeral Home.

11 CHAIR MOYA: Well, that was gonna go
12 into the question. If the applicant planned to
13 redevelop or enlarge the existing development on the
14 site.

15 ERIC: I figured as, yeah, that was the
16 logical question only because I've heard it since
17 we've started the application, you know, people say
18 that. There's no intention to build anything larger
19 than what's here. They do free up approximately
20 8,000 square feet of development rights as a result
21 of this so there could be an enlargement. They're a
22 very forthcoming family that owns the property and
23 that operates there. They're very straight forward.
24 If we had any desire to enlarge, we would have
25 presented it right. We have no reason not to. We

2 came in with an illegal condition asking for this
3 permission so we're once again stating to you on our,
4 not on my good word only, but only on the good word
5 of a neighborhood business that's been there for
6 decades that there's no desire to enlarge or change
7 ownership or to change the property in any way, shape
8 or form.

9 CHAIR MOYA: Great, thank you very much
10 for testimony today.

11 ERIC: Thank you. Thank you for hearing
12 me.

13 CHAIR MOYA: Are there any other members
14 of the public who wish to testify? Seeing none, I
15 now close the public hearing on this application, and
16 we will now hear preconsidered LU item C180291 ZMQ
17 for the 15-33 Clintonville Street Rezoning related to
18 property in Council Member Vallone's district. The
19 applicant seeks approval for a rezoning map amendment
20 to map a C1-3 overlay within an existing R3-1
21 district. Under the proposal, the existing retail
22 use on the property would be brought into conformance
23 with zoning and the site could also be redeveloped
24 and modernized which would not be permitted under the

2 current zoning. I now open the public hearing on
3 this application and call up Frank St. Jacque.

4 COUNSEL: Please state your name as part
5 of your response. Do you swear or affirm that the
6 testimony you are about to give will be the truth,
7 the whole truth and nothing but the truth and that
8 you will answer all questions truthfully?

9 FRANK ST. JACQUE: Frank St. Jacque, I
10 do.

11 COUNSEL: Thank you.

12 FRANK ST. JACQUE: Good morning again
13 Chair Moya and subcommittee members. Frank St.
14 Jacque of Akerman LLP here on behalf of the applicant
15 for this proposed rezoning project. I'll run through
16 this presentation quickly and I'm happy to answer any
17 questions. This application seeks to establish a C1-
18 3 within an existing R3-1 zoning district at 1533 and
19 1535 Clintonville Street that is comprised of two tax
20 lots on Block 471, lots 6 and 7, in Queens community
21 district 7. The proposed rezoning area has frontage
22 on the Cross Island Parkway, service roads south, to
23 the north and Clintonville Street to the west. It's
24 approximately 6,400 square feet. The site is
25 currently improved with illegal non-conforming

1 obsolete commercial building and a vacant two-story
2 home. This is another view of the small commercial
3 building at the site which cannot be reconfigured for
4 a new commercial use without structural alterations.
5 Hence this zoning map amendment application. The
6 proposed action is a zoning map amendment to add a
7 C1-3 overlay to the existing R3-1 district. The
8 proposed overlay would facilitate redevelopment of
9 the site with a new one-story commercial building.
10 This would have a small service parking lot that will
11 be landscaped to screen that new commercial
12 development from surrounding properties and that's
13 shown in the site plan here with the proposed new
14 one-story building on the lower portion of the site
15 plan with the service parking lot and screening
16 landscaping surrounding it. Here's a massing of the
17 development. Again, it's just a one-story commercial
18 building to replace an existing, non-conforming
19 commercial use of the site. Throughout public
20 review, the Community Board and the Queensboro
21 president had asked for several conditions which the
22 applicant as agreed to and we're happy to answer any
23 questions today.
24

2 CHAIR MOYA: Great, leading with that,
3 Community Board 7 had several conditions to their
4 approval related to the site considerations. Is the
5 applicant still willing to meet those conditions?

6 FRANK ST. JACQUE: The applicant is, yes.

7 CHAIR MOYA: And how will you memorialize
8 those commitments?

9 FRANK ST. JACQUE: So the applicant has
10 agreed to record a restrictive declaration against
11 the site with respect to the listed conditions and
12 the Community Board's approval. I believe there's a
13 draft of that that either has been provided to your
14 office and if, I can make sure they do.

15 CHAIR MOYA: Yeah, if we could get a copy
16 of it, that would be great. Thank you very much for
17 your testimony today.

18 FRANK ST. JACQUE: Thank you.

19 CHAIR MOYA: Are there any other members
20 of the public who wish to testify? Seeing none, I
21 now close the public hearing on this application and
22 we will now hear a preconsidered LU item C 190422 ZMQ
23 for the 112-06 71st Road Rezoning relating to
24 property in Council Member Koslowitz's district in
25 Queens. The applicant seeks approval for a zoning

2 map amendment to rezone a portion of an existing R1-
3 2A district to an R3-2 district. The proposal would
4 bring into conformance two separate existing non-
5 conforming use group for medical offices within the
6 rezoning area and I now open the public hearing on
7 this application. Richard Lobel, good morning.

8 RICHARD LOBEL: Good morning.

9 COUNSEL: Please state you name as part
10 of your response. Do you swear or affirm that the
11 testimony you are about to give will be the truth,
12 the whole truth and nothing but the truth and that
13 you will answer all questions truthfully?

14 RICHARD LOBEL: Richard Lobel, I do.

15 COUNSEL: Thank you.

16 RICHARD LOBEL: Good morning, Chair Moya,
17 Committee Members, Richard Lobel from Sheldon,
18 Lobel, P.C. and we're here for the 1122-06 71st Road
19 Rezoning in Queens. The rezoning area is indicated
20 in this circled area on the map is currently located
21 within an R1-2A zoning district. This district is
22 notable for several reasons. The first is that it
23 only permits a .5 residential FAR, with a one for
24 community facility and it also only allows for single
25 family home use so the area that's highlighted in the

1 dotted line is currently zoned R1-2A and the proposal
2 is to rezone that to a R3-2. This would have the
3 primary effect of allowing for the legalization of a
4 doctor's office which is in the building that's
5 highlighted in red on the map. The rezoning would
6 include these four lots fronting on 112th street in
7 this area. We feel that the land use rationale here
8 is particularly appropriate given the fact that
9 there's an R71 district across to the northwest and
10 southwest of the site as well as several large
11 community facilities located in and around this
12 block. There's a public school on the same block as
13 this site and to the north, across 71st Road, there
14 is both a college, Touro College, as well as a house
15 of worship. Again, from the land use map, you can
16 see that the building stock here is relatively large
17 to the west of the site. There is buildings ranging
18 from six to ten stories in the immediate view of the
19 site so the R3-2 here actually offers a nice
20 transition between the denser R7-1 and the relatively
21 low density R1-2A to the east and northeast. The
22 actual change to the zoning map would be as indicated
23 on this map which would include the R3-2. It would
24 run for 100 feet from 112th Street and finally to
25

2 note, in addition we have pictures, but the zoning
3 calculations comparison table, the bulk for these two
4 zoning district is essentially the same. It's the
5 same maximum bulk. The real critical issue here is,
6 of course, the use. The doctor's office here,
7 Dr. T's Pediatrics office is a local institution
8 that's heavily utilized by the local community. In
9 these surrounding dense residential areas, there's
10 many families that use this practice. Indeed, it was
11 submitted into the record that over 8,000 local
12 families use Dr. T's Pediatrics and so we did have
13 the support of the Community Board, the Queensboro
14 president and the City Planning Commission. I would
15 note, just paging through the pictures of this site
16 as well as the surrounding larger residential that
17 the Community Board did request that only the site
18 itself be rezoned so only that 72 square foot lot
19 while the Queensboro president and City Planning
20 Commission all recommended rezoning of the four lots
21 for context so that's really the entirety of the
22 application. I'd be happy to answer any questions.

23 CHAIR MOYA: Great, well let's stick with
24 the Community Board for a minute. What was the

1 discussion like at the public hearing on this
2 application?
3

4 RICHARD LOBEL: So the vote itself was 38
5 to 4 in favor of this modified zoning district
6 boundary. I think that the discussion was around
7 density and whether or not there would likely be any
8 redevelopment of the other lots. There were only
9 four lots included in this application. I think what
10 was compelling to the City Planning Commission and
11 the Queensboro president is that any development,
12 first of all, would be hampered by the fact that you
13 are still within that .5 residential FAR and so of
14 the four buildings on that block frontage, 2 of those
15 buildings are already built above a .5 FAR and so
16 changing them to an R3-2 would actually bring them
17 closer to being in compliance. There's a attic rule
18 in the R3-2 which would allow them to go to .6 so it
19 just is not a case where, for example, on many
20 applications we come in with a sizeable residential
21 rezoning where you definitely creating soft sites and
22 you're creating an opportunity for development. Here
23 the prevailing view at the Queensboro president and
24 the City Planning Commission was that's that highly
25

2 unlikely to happen and that this would merely allow
3 for this use to continue.

4 CHAIR MOYA: So was that their concern
5 that it was related to the rezoning area into the
6 other lots along 12th Street?

7 RICHARD LOBEL: Correct, that was the
8 sole concern. They were very supportive of the
9 doctor's office but I think that this was the second
10 application that had come before them in about six
11 months with a similar set of factors and so they
12 just, I think, just kind of naturally said well, if
13 we can curb, we'd like to curb it back.

14 CHAIR MOYA: Right, okay, great. Thank
15 you very much for your testimony today.

16 RICHARD LOBEL: Thank you, of course.

17 CHAIR MOYA: Are there any other members
18 of the public who wish to testify? Seeing none, I
19 now close the public hearing on this application. We
20 will now hear preconsidered LU items C 190158 ZMM and
21 N 190156 ZRM for the Terence Cardinal Cooke proposal
22 relating to property in Council Member Ayala's
23 district in Manhattan. The applicant seeks approval
24 for a zoning map amendment to change an existing R7-2
25 district to an R8 district and an R7-2 to C1-5 to an

2 R8-C1-5 as well as a zoning text amendment to map the
3 site, a mandatory inclusionary housing area, using
4 option 2. These actions will facilitate the
5 rehabilitation of the existing Terence Cardinal
6 Cooke, Flower Hill Skilled Nursing Facility and
7 redevelop the eastern portion of the site to include
8 150 units of supportive housing, 379 residential
9 units and a Pace medical facility. The applicant
10 current operates a multi-building campus known as
11 Terence Cardinal Cooke Health Care Center that serve
12 low income populations. The proposal would allow
13 T.C.C. to invest in the redevelopment and
14 modernization of their facility. I now open up the
15 public hearing on this application and I'd like to
16 call up David Karnovsky, Rafaella Dunham and Scott
17 LaRue.

18 COUNSEL: Please state your name as part
19 of your response. Do you swear or affirm that the
20 testimony you are about to give will be the truth,
21 the whole truth and nothing but the truth and that
22 you will answer all questions truthfully?

23 RAFAELLA DUNHAM: Rafaella Dunham, I do.

24 SCOTT LARUE: Scott LaRue, I do.

25 DAVID KARNOWSKY: Karnowsky, I do.

2 COUNSEL: Thank you.

3 RAFAELLA DUNHAM: Good morning chairman
4 Moya and

5 CHAIR MOYA: Is the microphone on?

6 RAFAELLA DUNHAM: There we go.

7 CHAIR MOYA: Great, thank you.

8 RAFAELLA DUNHAM: Better, sorry. Okay,
9 my name is Rafaella Dunham with a company called
10 Washington Square Partners. We're advisors to
11 ArchCare and Terence Cardinal Cooke on the rezoning
12 of their property in East Harlem. Just, I have a
13 little background on ArchCare and Terence Cardinal
14 Cooke. ArchCare is the long-term care division of
15 the Arch Diocese of New York. Terence Cardinal Cooke
16 operated one of their skilled nursing facilities
17 that's located on a full block bounded by 5th Avenue,
18 E. 105th Madison and E. 106th. The block operated as
19 a campus, but it was originally, it's located in
20 buildings that were originally constructed for
21 different uses and eventually we're put together in
22 order to allow the facility to operate as a campus.
23 The facility is a \$559 bed skilled nursing home
24 together with a 56-bed specialty hospital. Terence
25 Cardinal Cooke is a safety net provider which means

1 that most of their resident population is a Medicaid
2 population so 86% of their patients historically
3 receive Medicaid. They are also the last remaining
4 HIV/AIDS skilled nursing facility in Manhattan and
5 35% of their residents come from the immediate East
6 Harlem zip code with an additional 30% coming from
7 the greater Harlem area so the genesis of this
8 project was because Department of Health issued a
9 policy directive to move away from institutional care
10 settings for long-term care and more towards home and
11 community based health care system for the frail and
12 the elderly and as a result, my company started
13 working with Terence Cardinal Cooke and ArchCare to
14 evaluate how they could rebalance their provision of
15 care on the property that they own, and we were given
16 two goals. The first was to continue to serve the
17 vulnerable population and the second was to remain a
18 health care provider and major employer in the East
19 Harlem neighborhood so through this evaluation, we
20 established that really looking at new construction
21 and potentially lower cost alternatives, the only
22 option was to renovate the Flower Hill Hospital
23 Building which is located on 5th Avenue which was
24 large enough to allow the consolidation of the
25

1 ongoing skilled nursing facility. Several years ago,
2 well I would say Terence Cardinal Cooke is a 5 star
3 health care provider for long-term care but two years
4 ago, Department of Health does an annual inspection,
5 and they received a three star rating as it related
6 to the status of their facility so this project's
7 been in the works for quite some time but the
8 building itself is very aged and in need of
9 significant improvement and so earlier this year,
10 T.C.C. entered into a \$25 million loan so that they
11 could initiate some of the improvements that are
12 required to the building. There's a second tranch
13 of money that they'll close on later this year but in
14 order to repay that \$50 million loan and to fund the
15 additional \$50 million of alterations that are due
16 renovations to the building, they intend to ground
17 lease or sell a portion of the site for residential
18 development, which is the reason why we are looking
19 to rezone so as I mentioned, the facility operated as
20 a campus and as a result they need to renovate the
21 Flower building first in order to be able to relocate
22 their resident population into that building and
23 unencumber the balance of the property so they need
24 to relocate the boilers and the chillers, the OT/PT
25

1 lab into that building so that the other real estate
2 can become available. The second step is to build a
3 supportive housing building on the corner of 105th
4 and Madison Avenue. That's the current location of a
5 parking garage which has been closed for a number of
6 years because it had structural problems but that is
7 the first portion of the site that we are able to
8 unencumber and then the last phase is to develop a
9 residential building with a 500 member, program for
10 all inclusive care for the elderly on the balance of
11 the property so the land use actions are to rezone
12 the R7-2 and R7-2 C1-5 portions of the property to an
13 R8 and an R8 C1-5 district and to establish a
14 mandatory inclusionary housing area. The effect of
15 the rezoning doesn't increase the amount of floor
16 area that can be developed on the property. It
17 shifts 145,000 square feet of that potential
18 development from community facility use to
19 residential use. This is an illustrative massing.
20 Terence Cardinal Cooke is the applicant. There is no
21 development partner for the residential building so
22 this is just illustrative the maximum massing that's
23 possible under the rezoning. As far as context is
24 concerned, we believe the new buildings will be
25

1 consistent with other nearby projects. The height of
2 the residential building, maximum envelop is 356
3 feet. That's about 150 feel lower than the Mt. Sinai
4 building that is located two blocks away. Our
5 original application was to do MIH Option 2 and at
6 the request of the Borough president, we were asked
7 to expand that to include Option 1 as well which we
8 did. We modified the application and we do now
9 understand that Council woman Ayala has requested
10 that we only include Option 1 in our application and
11 so to the extent that the Council agrees with that,
12 the applicant is willing to make that adjustment and
13 then in addition to MIH Option 1, the new residential
14 building would conform with 421A. City Planning
15 Commission had asked us just to put together some
16 illustrative renderings of what the potential
17 developments could look like. This was an
18 illustration of the Supportive Housing building at
19 the corner of 105th and Madison and this an
20 illustration of the potential residential building at
21 the corner of 106th and Madison and this just shows
22 mid-block, the entrance to the pay center which
23 Terence Cardinal Cooke will continue to own and
24 operate. So just to review, we're now in the middle
25

1 of doing the renovations to the ongoing skilled
2 nursing facility. Once those are complete, we'll
3 move all the activities and residents from the other
4 buildings into that building, construct the
5 supportive housing building in a partnership with a
6 qualified provider on the corner of 105th and Madison
7 and sell or ground lease that residential building
8 where T.C.C. will retain an ownership interest in the
9 program of all inclusive care for the elderly.
10

11 CHAIR MOYA: Great, thank you. Let's go
12 back to your MIH, so how much affordable housing is
13 required per MIH and what were the MIH options that
14 you were considering again.

15 RAFAELLA DUNHAM: We originally started
16 the application with Option 2 which is 30% of the
17 floor area at an average of 80% AMI. We were asked
18 to expand that to include both options at one point
19 but now we've been asked to focus on 25% of the floor
20 area at an average of 60% AMI. That's approximately
21 85,000 square feet.

22 CHAIR MOYA: And will the MIH housing be
23 the supportive housing?

24 RAFAELLA DUNHAM: Yes.
25

2 CHAIR MOYA: Okay, and can you explain
3 the phasing of the different elements of the plan?

4 RAFAELLA DUNHAM: Yes, the first phase is
5 to consolidate all of the activities into the
6 renovated Flower Hill hospital building which is
7 about three years of construction but has already
8 started because there were improvements to the
9 building that were necessary. The next phase would
10 be to do the supportive housing building on the
11 corner of 105th and Madison and the last phase is to
12 do the residential building with the pay center in
13 the base of it.

14 CHAIR MOYA: And is T.C.C. committed to
15 staying in the Flower Hill building and staying at
16 this site long term?

17 RAFAELLA DUNHAM: I can, this, go ahead.

18 SCOTT LARUE: Yes, good morning, Scott
19 Larue, presidency of ArchCare, which is the health
20 care ministry for the Arch Diocese of New York and
21 we're completely committed to the mission of our
22 programs there on 5th Avenue and that is certainly
23 demonstrated by our recent \$50 million loan that we
24 took out in order to move this project forward.

2 CHAIR MOYA: And can you discuss your
3 efforts around ensuring good wages for operations
4 staff?

5 SCOTT LARUE: The majority of our staff
6 are members of SCIU and represented by collective
7 bargaining. We fully support that and have been
8 excellent partners with labor and it's our intention
9 that that will continue.

10 CHAIR MOYA: Right, and just seeing one
11 of the recommendations that the Community Board had
12 made was that the project team utilize a local non-
13 for-profit developer. Is that something that you're
14 still committing to or?

15 SCOTT LARUE: Yes.

16 CHAIR MOYA: Okay, great. That's it for
17 me. Thank you very much for your testimony today.
18 Appreciate your coming down here. I'd like to call
19 up the next panel, JoAnne Lawson, Eudora Ortiz, and
20 Carol Wills.

21 [pause]

22 CHAIR MOYA: Good morning

23 ALL ON PANEL: Good morning.

24 CHAIR MOYA: If you would just state your
25 name and then we can begin, and you can begin your

2 testimony if you like and just make sure that the
3 button is on so that the microphone. There we go.

4 JOANNE LAWSON: I'm Joanne Lawson and I'm
5 here to support this project. I am the TA President
6 of Lakeview which is directly across the street from
7 ArchCare. It's a complex of 446 units of affordable
8 housing. We have just got a 40-year deal where we
9 have 40 years, and my tenants use the facilities.
10 This going to be great for my tenants. I have a
11 large population of multi-cultural people that use
12 Terence Cardinal Cooke. They use it as their
13 dialysis center. They use it for short-term care,
14 rehabilitation. It has been in our neighborhood for
15 I would say over 100 years because I also was born
16 there which makes it a

17 CHAIR MOYA: Of course.

18 JOANNE LAWSON: Treasure in the community
19 and one that we really have to keep. Again, I say I
20 have thousands of people in my complex that will use
21 the facilities and it's a necessary facility. It's an
22 advantage. We can walk straight across the street
23 when someone is rehabbing. You can do dialysis and
24 still come home in the evening and come straight back

2 and walk across the street so we have a great
3 partnership.

4 CHAIR MOYA: Thank you.

5 EUDORA ORTIZ: Good morning members of
6 the Council. My name is Eudora Ortiz. I am a
7 lifetime resident of East Harlem. I had my daughter
8 at Flower which is T.C.C. now and I've had many
9 experiences with the rehabilitation at T.C.C. My
10 sister, myself and my brother, we've all been there
11 and it's a very vital organization for the community.
12 I know many people who love it because it's been
13 servicing them for many, many years and I just want
14 to say that it's very important for East Harlem.

15 CHAIR MOYA: Thank you.

16 CAROL WILLS: Good morning. My name is
17 Carol Wills. Morning to you, Chair Moy

18 CHAIR MOYA: Good morning.

19 CAROL WILLS: And all the Council
20 Members. First, I'm an 1199 member and I have worked
21 with T.C.C. for over 25 years. This project would
22 mean a lot to us. It would be for the great
23 expansion to the community because of the residents
24 who reside there. Also, we're going to save jobs and
25 we're also going to have new jobs. We're going to

2 create new jobs with all the new technology that
3 would be coming in. Right now, the ambiance of the
4 place is not so appealing because we are given five
5 star care but we're in a three star building so that
6 is why we would like this project to go through so
7 I'm in favor of this project.

8 CHAIR MOYA: Great, thank you all for
9 coming down here and for your testimony today. Thank
10 you so much. I'd like to call up the next panel,
11 Nichola Rodney and Doreen James. Good morning. You
12 can just state your name and then you can begin.

13 NICHOLA RODNEY: Good morning. My name
14 is Nichola Rodney. I'm an 1199 member. I have
15 worked at Terence Cardinal Cooke for over 25 years.
16 I approve of the project because it will benefit the
17 community. It will benefit the residents and also
18 the staff and I love working there because I wouldn't
19 be working there for over 25 years if I didn't love
20 the mission that ArchCare and the Arch Diocese stands
21 for so I back this project.

22 CHAIR MOYA: Great, thank you so much for
23 your testimony.

24 TEHRAN JAMES: Good morning. My name is
25 Tehran [phonetic] James, Union 1199 Union delegate

2 and I'm a young ArchCare workers. I'm here to
3 advocate for this project because I think it would be
4 meaningful to my employees to staff the community and
5 I would like to work another 25 years with them.

6 [Laughter]

7 TEHRAN JAMES: I love my job. I love
8 where I work and I'm just looking forward to giving
9 them more of my service for them. Hence, we're here
10 for it.

11 CHAIR MOYA: Great, thank you so much
12 both of you for your testimony today. Are their
13 other members of the public who wish to testify?
14 Seeing none, I now close the public hearing on this
15 application. We will now hear LU items 534 and 535
16 for the LeFrak City Parking Garage proposal relating
17 to property in my district in Queens. The applicant
18 seeks approval for a new zoning special permit as
19 well as a zoning text amendment that would establish
20 the new special permit. If approved, the action
21 would facilitate the continued use of an existing
22 three-floor public parking garage located in Corona,
23 Queens and adjacent to the residential portion of the
24 LeFrak City residential complex to the north and
25 east. The existing garage currently includes 356

2 unattended parking spaces on the ground and second
3 floors, and 350 attended parking spaces located on
4 the roof which are leased to the New York City
5 Department of Environmental Protection. No
6 expansion, enlargement or alteration is intended as
7 part of the application with the exception of
8 additional screening on the garage's roof. I now
9 open the public hearing on this application and would
10 like to call Jeremy Kozin, George Fontas, and Seth
11 Wright. Good morning.

12 COUNSEL: Please state your name as part
13 of your response. Do you swear or affirm that the
14 testimony you are about to give will be the truth,
15 the whole truth and nothing but the truth and that
16 you will answer all questions truthfully?

17 JEREMY KOZIN: Jeremy Kozin, I do.

18 GEORGE FONTAS: George Fontas [phonetic],
19 I do.

20 SETH WRIGHT: Seth Wright, I do. Thank
21 you.

22 CHAIR MOYA: You may begin.

23 JEREMY KOZIN: Good morning, my name is
24 Jeremy Kozin with the law firm Fried, Frank, Harris
25 Shriver and Jacobson. I'm here with Seth Wright and

George Fontas, two members of the applicant's team.

We're here today on behalf of LSS Leasing Limited

Liability Company to present an application to

facilitate the continued use of an existing three-

floor garage at 5817 Junction Boulevard which is the

commercial section of LeFrak City. The garage was

subject to a prior special permit pursuant to zoning

resolution 74-512 which was approved by the Board of

Estimate in January 1968 with a term of 50 years.

The garage has operated continuously throughout that

51-year period. This application does not include

any new development or enlargement. It only includes

additional roof screening and bike parking to comply

with current zoning regulations. The application was

certified by City Planning in June and Queens

Community Board 4 issued a recommendation on June 21

approving this application. The vote was 22 to 1.

On July 29, the Queens borough president recommended

approval and on September 11, City Planning

Commission unanimously adopted a favorable report on

this application, so the site is located on the

southwest corner of the LeFrak City Complex. The

zoning district is a C4-4 commercial district and the

site has approximately 212,402 square feet of lot

1 area. There are two office buildings with primarily
2 government tenants located in the buildings. That
3 includes DEP, NYPD, IRS and CONED and the DEP has
4 exclusive access to 350 parking spaces on the roof of
5 the parking facility. The remaining spaces in the
6 parking facility are for other tenants and there's a
7 small number of parking spaces for the public. Two
8 other uses on the zoning lot include a post office
9 and coffee shop which we can see in these pictures.
10 The post office is to the right of the top right of
11 the picture in the top right-hand corner as is the
12 coffee shop and there are two curb cuts that can be,
13 one accessed off of Junction Boulevard and the other
14 off of Horace Harding Expressway. The Horace Harding
15 Expressway curb cut which you can see on all three of
16 these pictures is used exclusively by DEP and the
17 post office, the post office for deliveries and the
18 DEP to access their entry into the parking facility
19 at the end of a 224 foot driveway. The current
20 application is to essentially renew the special
21 permit that was granted by the Board of Estimate in
22 1968. However, instead of 870 parking spaces, the
23 amount of parking spaces under this application will
24 be 706 and this is to match the existing condition
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1 today. It is our understanding that 870 parking
2 spaces was actually never stripped in the garage and
3 that the garage has essentially existed in the
4 current condition which we are seeking to, I guess,
5 include as part of this special permit application.
6 There will be 71 bicycle parking spaces on the ground
7 floor. There are currently 21 there today and there
8 will be additional screening added to comply with the
9 zoning resolution on the roof level. In addition to
10 the special permit, the applicant seeks a zoning text
11 amendment to allow the garage, which has operated
12 successfully for 50+ years, to continue meeting its
13 parking demands without having to provide unnecessary
14 and excessive reservoir spaces. In other to achieve
15 this finding that is the subject of the text
16 amendment, the applicant much show that the continued
17 use will not add to serious traffic congestion or
18 unduly inhibit vehicular traffic and pedestrian flow
19 in the surrounding area and we've included in our
20 application a traffic study that supports this
21 proposition. Because the garage is currently in
22 operation, we were able to observe and determine
23 exactly how many reservoir spaces were needed so in
24 conclusion, this application is for the continued use
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2 of a garage in the same manner as operated for
3 decades. The DEP to have parking spaces on the
4 parking facilities roof and for the commercial
5 tenants to continue to park in a off-street parking
6 facility and based on the foregoing, we request that
7 this application is approved. I'll now take any
8 questions.

9 CHAIR MOYA: Great, thank you very much.
10 Just one quick question, do you know whether the text
11 amendment will only apply to this project site or
12 will it affect the development of, the potential
13 development on other sites?

14 JEREMY KOZIN: Only this site. The text
15 amendment applies only in Queens Community District 4
16 in C4-4 districts and this is the only C4-4 district
17 in Community District 4.

18 CHAIR MOYA: Great, thank you so much for
19 your testimony today. Are there any other members of
20 the public who wish to testify? Seeing none, I now
21 close the public hearing on this application. This
22 concludes today's meeting and I would like to thank
23 the members of the public, my colleagues, counsel and
24 land use staff for their hard work and attending.
25 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 30, 2019