

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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July 27, 2009
Start: 10:03 am
Recess: 02:00 pm

HELD AT: Committee Room
City Hall

B E F O R E: TONY AVELLA
Chairperson

COUNCIL MEMBERS:
Tony Avella
Joel Rivera
Simcha Felder
Eric N. Gioia
Robert Jackson
Melinda R. Katz
Larry B. Seabrook
Helen Sears
Mathieu Eugene
David Yassky
Elizabeth Crowley
Diana Reyna
Inez E. Dickens

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

Michael Kelly
Groove Enterprises, Inc.

Richard Burns
Attorney, Office of Robert Ferrari
Representing Chez Josephine, LTD

Shlomo Steve Wygoda
Representing Slaughtered Lamb Pub

Glen Falcone
Senior Vice President
Slaughtered Lamb Pub

Christopher Ward
Executive Director
Port Authority

Paul Selver
Kramer Levin Naftalis & Frankel

Kyle Wiswall
General Counsel
Tri State Transportation Campaign

Nicholas Ronderos
Director of Urban Development Programs
Region Plan Association

Dan Pisark
34th Street Partnership

John Young
Director of the Queens Office
Department of City Planning

Tom Smith
Planner
Department of City Planning

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

Winston Von Engel
Deputy Director of Brooklyn Office
Department of City Planning

David Parish
Planner/Project Manager
Department of City Planning

Alvin Berk
Chairman
Community Board 14

Mark Dicus
Church Avenue BID

John McVicker
Resident

Jan Rosenberg
Founder
Friends of Cortelyou

Louisa Ramone
Pediatrician

Glen Roland
Resident

Robert Pandolfo
Co-president
Beverly Square West Neighborhood Association

Joel Siegel
President
Ditmas Park West Neighborhood Association

Richard Silverman
President
South Midwood Residents Association

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

Carol Vereck
Member
Beverly Square West Neighborhood Association

Janet Crice
Resident
Ditmas Park West

Gary Sucher
Resident
Ditmas Park West

Stanley Cashell
Resident
Ditmas Park West

Morris Sachs
Resident

Henry Pensker
Resident
Ditmas Park West

Vanilla Marmody
Resident
Ditmas Park West

Stonewall Jackson McMurray III
Resident
Ditmas Park West

Michael Landy
Resident
Beverly Square West

Ula Sonderson
Resident

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

Warren Dingot
Resident

Sarah Goldwyn
Team Leader/Planner
Brooklyn Office
Department of City Planning

Lish Whitson
Planner/Project Manager
Brooklyn Office
Department of City Planning

Joe Chan
Downtown Brooklyn Partnership

Carl Hum
President/CEO
Brooklyn Chamber of Commerce

Kate Kerrigan
Executive Director
Dumbo Improvement District

Christopher Masotto
Resident

Gus Sheha
President
Dumbo Neighborhood Alliance

Doug Biviano
Member
Dumbo Neighborhood Alliance

Miriam Songster
Member
Dumbo Neighborhood Alliance

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

Kurt Demetriadis
Member
Dumbo Neighborhood Alliance

Adam Ginsburg
GDC Properties

Jane Kojima
Director of Communications & Marketing
Dumbo Improvement District

Marcia Hillis
Resident
Dumbo

David Benedetto
Resident
Dumbo

Thomas McMan
On behalf of
Jack Guttman
President
Pearl Realty

Simeon Bankoff
Historic Districts Council

John Borall
Resident

Doreen Gallo
Executive Director
Dumbo Neighborhood Alliance

Julia Ryan
Resident
Dumbo

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

Gail Benjamin
Director
Land Use Division
New York City Council

Howard Slatkin
Deputy Director of Strategic Planning
Department of City Planning

Arden Sokolow
Director of Inclusionary Housing
HPD

Carol Clark
Assistant Commissioner
HPD

Juan Barahona
VP of Development
BFC Partners

Norman Williams
St. Nicholas Neighborhood Preservation Corp

Brad Lander
Senior Fellow
Pratt Center for Community Development

Marian Emperiatori
American Institute of Architects

Stephen Leonard
Planner/Project Manager
Brooklyn Office
Department of City Planning

Theresa Cianciatta
Vice President
Concerned Citizens of Withers Street

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

Tom McKnight
EDC

Jordan Most
Skanska

Adam Rothcurbos
Skanska

Gene Kelty
Chair
Community Board 7

CHAIRPERSON AVELLA: Good morning, everyone. I'd like to call this meeting of Zoning and Franchises to order. Joining me are committee members Larry Seabrook, Melinda Katz, Helen Sears, Eric Gioia and we're also joined by Council Member Mathieu Eugene. We have a very heavy schedule today. What we're going to try and do is get through some of the non-controversial items first and then move on to the rest of the agenda. If you want to speak on any of the items, please see the sergeant-at-arms over there at the desk and fill out a speaker slip. It is always helpful, and actually necessary, if you indicate whether you're in favor or in opposition to the particular item. Bear with me a second. The first application is by Groove Enterprises for an unenclosed sidewalk café located at 125 Macdougall Street. Call up the applicant.

MICHAEL KELLY: Good morning, Chairperson Avella and members of the Council. My name is Michael Kelly representing Groove Enterprises, Inc. We have come to an agreement with Speaker Quinn's office and I'd like to thank her and her staff for all of their assistance.

2 I'd like to read into the record the agreement.

3 We agreed to move the news boxes and bank rack
4 currently present in the sidewalk café area to the
5 east. We agreed to level the tree pit. We agreed
6 to reduce the size of the eastern most tables to
7 18 inches each. All of these have been
8 accomplished at this point.

9 CHAIRPERSON AVELLA: All of that is
10 in a letter to Speaker Quinn dated 7/24?

11 MICHAEL KELLY: Yes.

12 CHAIRPERSON AVELLA: Any questions
13 from my colleagues? Seeing none. Thank you.

14 MICHAEL KELLY: Thank you.

15 CHAIRPERSON AVELLA: I see no one
16 signed up to speak on this item. Is that correct?
17 With that I will close the public hearing on this
18 item and we will move to the next sidewalk café
19 application. Okay, Mike, you're for the next one
20 as well I see. Application made by Ali Baba's
21 Terrace to operate and maintain an unenclosed
22 sidewalk café at 862 Second Avenue.

23 MICHAEL KELLY: We've also come to
24 an agreement with Council Member Garodnick's
25 office. We'd like to thank him and his staff for

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2 all their help. I'd like to read the agreement
3 into the record. Please accept this letter as
4 confirmation that as per our agreement, we will
5 have four tables and eight chairs in the sidewalk
6 café which will only be on 46th Street. We will
7 also move this café at least 15 feet from the
8 phone booth. We will keep the sidewalk vault
9 doors down at all times except when we're not
10 getting a delivery. Finally, we will comply with
11 the Department of Buildings requirement that we
12 have planters on the roof deck between our tables.

13 CHAIRPERSON AVELLA: Again, this is
14 confirmed in a letter to Council Member Garodnick,
15 dated 7/24.

16 MICHAEL KELLY: Yes.

17 CHAIRPERSON AVELLA: Any questions
18 from committee members? We've also been joined by
19 Council Member Joel Rivera. Seeing none. Thank
20 you.

21 MICHAEL KELLY: Thank you.

22 CHAIRPERSON AVELLA: I do not see
23 anyone signed up to speak on this public hearing
24 item. Is that correct? Seeing none, we'll close
25 the hearing on this item. The next is Gin Lane.

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2 An application by Luck 13 LLC, also known as Gin
3 Lane for an unenclosed sidewalk café at 355 West
4 14th Street. It does make it easy though.

5 MICHAEL KELLY: We have also come
6 to an agreement with Speaker Quinn's office. I
7 will read that into the record. We will have a
8 printed notice posted on the exterior of the
9 restaurant which states that ten tables with 20
10 seats has been approved for the sidewalk café. We
11 will have the outer boundaries of the sidewalk
12 café marked on the sidewalk as required by the
13 Department of Consumer Affairs Sidewalk Café
14 Regulations. Both of these have been done and
15 photos have been forwarded to the Speaker's
16 Office.

17 CHAIRPERSON AVELLA: Once again,
18 that I confirmed in a letter to Speaker Quinn
19 dated 7/24.

20 MICHAEL KELLY: Yes.

21 CHAIRPERSON AVELLA: Any questions
22 from my colleagues? Thank you. I see no one
23 signed up to speak on this item. Is that correct?
24 Seeing none, I'll close the public hearing on this
25 one. We will move to Pizza from Naples, an

1 application to operate and unenclosed sidewalk
2 café at 26-28 Carmine Street.

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4 MICHAEL KELLY: We also have an
5 agreement with the Speaker's Office. We agree to
6 adjudicate and satisfy any violations that we may
7 receive in an expeditious manner in the future.

8 CHAIRPERSON AVELLA: That is
9 confirmed in a letter to the Speaker dated 7/24.
10 I see you were busy on 7/24.

11 MICHAEL KELLY: Yes.

12 CHAIRPERSON AVELLA: Any questions
13 from my colleagues? Seeing no one signed up on
14 the public hearing, is that correct? Seeing none,
15 I'll close the public hearing on this item.

16 MICHAEL KELLY: Thank you. That's
17 it. Hopefully the rest will move quickly.

18 CHAIRPERSON AVELLA: At least for
19 you that may be good.

20 MICHAEL KELLY: Thank you.

21 CHAIRPERSON AVELLA: The next café
22 is Chez Josephine. Call up the applicant. An
23 application to establish, maintain and operate an
24 unenclosed sidewalk café at 414 West 42nd Street.

25 RICHARD BURNS: Good morning. My

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2 name is Richard Burns. I'm an attorney with the
3 Office of Robert Ferrari. I appear on behalf of
4 Chez Josephine, LTD. We have entered it an
5 agreement with Speaker Quinn's Office. It's been
6 reduced to a letter this morning. If I may, I'll
7 read the terms of the agreement.

8 CHAIRPERSON AVELLA: Do you have an
9 extra copy? We do not have a copy of it?

10 RICHARD BURNS: I do have a copy
11 that was made for me by Carmen. Here's the
12 letter. This is to confirm that Chez Josephine,
13 LTD has complied with the following Manhattan
14 Community Board 4 stipulations. Chez Josephine
15 has removed and ceased to use the existing weather
16 vestibule. It has furnished the New York City
17 Council and CB 4 with new drawings with the tree
18 pit, noting the distance to the café barriers. It
19 has demarked the sidewalk café barriers.

20 CHAIRPERSON AVELLA: I notice there
21 is no date on this letter.

22 RICHARD BURNS: I'm so sorry. I
23 was writing it quickly before this meeting.

24 CHAIRPERSON AVELLA: I see that.

25 RICHARD BURNS: Yes. My penmanship

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2 was failing but I also failed to job down the
3 date. It is today's date.

4 CHAIRPERSON AVELLA: With the
5 advent of computers, nobody knows how to write
6 anymore and I'm one of the worst people in that
7 respect. Now the Speaker will be in favor of the
8 application based upon the letter.

9 RICHARD BURNS: Yes.

10 CHAIRPERSON AVELLA: Are there any
11 questions from my colleagues? Seeing none, and I
12 see no one signed up to speak on this item, is
13 that correct? Seeing none, I will close the
14 public hearing on this item. We will put today's
15 date on this letter.

16 RICHARD BURNS: Yes, sir. Thank
17 you.

18 CHAIRPERSON AVELLA: Thank you.
19 The last sidewalk café application is an
20 application by SLP Management, also known as
21 Slaughtered Lamb Pub for an unenclosed sidewalk
22 café at 182 West 14th Street.

23 SHLOMO STEVE WYGODA: Good morning.
24 My name is Shlomo Steve Wygoda [phonetic] and this
25 is Mr. Glen Falcone [phonetic].

2 GLEN FALCONE: Good morning.

3 SHLOMO STEVE WYGODA: Glen is the
4 Senior Vice President of Slaughtered Lamb Pub. We
5 have also written a letter to the Speaker. The
6 letter reads, "Dear Honorable Speaker Quinn,
7 pursuant to previous agreements between SLP
8 Management and various city agencies, including
9 the City Council, the Department of Consumer
10 Affairs and Community Board 2, please note the
11 following. Drawings have been filed by SWA
12 Architecture depicting the revised layout.

13 CHAIRPERSON AVELLA: Can you speak
14 a little louder.

15 SHLOMO STEVE WYGODA: Drawings have
16 been filed by SWA Architecture depicting the
17 revised layout of the sidewalk café showing legal
18 clearances and table placement. See attached
19 drawings of 8/30/09 and 8/04/06. We, SLP
20 Management, Inc., have corrected the pedestrian
21 right of way violation. We, SLP Management, Inc.,
22 have posted a sign on the exterior wall and have
23 informed our staff that "all patrons are to
24 conduct themselves on the public sidewalk in a
25 manner that is respectful of the adjacent

2 residents at all times" and we've attached photos
3 of the sign. We, SLP Management, Inc., would be
4 willing to meet with Community Board 2 and the
5 City Council Office if there are any concerns
6 raised with local residents about the noise. That
7 is signed by Mr. Glen Falcone.

8 CHAIRPERSON AVELLA: And that is
9 the letter that I have in my hand dated July 24th
10 to the Speaker.

11 SHLOMO STEVE WYGODA: Correct.

12 CHAIRPERSON AVELLA: With this, the
13 Speaker is in favor of the application. Are there
14 any questions or comments from my colleagues?
15 Seeing none. Thank you.

16 SHLOMO STEVE WYGODA: Thank you.

17 CHAIRPERSON AVELLA: I see no one
18 signed up to speak on this sidewalk application.
19 Is that correct? Seeing none, I will close the
20 public hearing on this item. I will ask counsel
21 to call the vote on the sidewalk applications.
22 Chair recommends approval.

23 CAROL SHINE: Carol Shine, Counsel
24 to the Subcommittee. Chair Avella?

25 CHAIRPERSON AVELLA: Aye.

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CAROL SHINE: Council Member
Rivera?
COUNCIL MEMBER RIVERA: I vote aye.
CAROL SHINE: Council Member Katz?
COUNCIL MEMBER KATZ: [no response]
CAROL SHINE: Council Member
Seabrook?
COUNCIL MEMBER SEABROOK: I vote
aye.
CAROL SHINE: Council Member Sears?
COUNCIL MEMBER SEARS: Aye.
CAROL SHINE: Council Member Gioia?
COUNCIL MEMBER GIOIA: Thank you.
I vote yes.
CAROL SHINE: Council Member
Felder?
COUNCIL MEMBER FELDER: Yes.
CAROL SHINE: Council Member
Jackson?
COUNCIL MEMBER JACKSON: I vote
aye.
CAROL SHINE: By a vote of seven in
the affirmative, none in the negative and no
abstentions, the aforementioned items are approved

and referred to the full committee.

CHAIRPERSON AVELLA: The next item we will hear is application submitted by the Port Authority of New York and New Jersey relating to railroad passenger stations in Community Districts 4 and 5 in the Borough of Manhattan. We have Christopher Ward, the Executive Director of the Port Authority here to give testimony.

CHRISTOPHER WARD: Thank you, Chairman. It's my privilege to be back. Not only is it my privilege, I now know how to use the mike. It's my privilege to be back in front of the Council again, this time as executive director of the Port Authority. Thank you, Chairman for your introduction. Today we're here to talk about the land use approval for the access to the Region Core. I will give you a brief summary of it and then our attorney Paul Selver will give you the more detailed explanation of the actual item to be approved. Let me just say that I'm delighted to be here in the sense that this is truly a once in a lifetime project. This is solving 100-year bottleneck for New Jersey Transit. It will double the number of trains coming into Manhattan from 23

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2 to 48 per hour. It will create 6,000 construction
3 jobs and it will definitely support the Hudson
4 Yards project, Moynihan Station and Javits. This
5 is a large project and we have worked very closely
6 with Community Board 4, Community Board 5, the
7 Speaker and also I'd like to thank particularly
8 Amanda Burden for her staff and their work in
9 bringing this project to the state it is today.
10 But let's just take a quick look at what the
11 tunnels look like today. You can begin to see
12 that this is 100-year project. It was started in
13 1908. And like the Lincoln Tunnel, like the
14 Holland Tunnel, the George Washington Bridge,
15 we've reached capacity. We simply cannot grow
16 without new construction. This project will in a
17 sense bring us into the 21st century and leaving
18 behind the 20th century solutions that we had seen
19 before of building bridges and tunnels for cars.
20 We must add new transit capacity and this is what
21 the access to the Region's Core Tunnel does. As
22 you can see on this map, it starts at the
23 Meadowlands, building new track along the
24 northeast corridor, including about 3.6 miles of
25 tunnels leading to a new six track station below

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2 34th Street. As I said, it will double the amount
3 of capacity coming into Manhattan. And
4 significantly, it also adds additional capacity
5 for Amtrak to run into Penn Station. This is what
6 the project will look like in Manhattan. The
7 tunnels come deep below Hudson River. If you've
8 been following this project, there has been
9 considerable discussion about whether or not this
10 was the appropriate way to bring the tunnel into
11 Manhattan. We believe it is. We've looked at a
12 variety of engineering alternatives, but by
13 staying deep we've minimized the number of
14 properties that we would have to take in order to
15 construct the tunnel. Perhaps most importantly,
16 we have avoided the difficulty of a cut and cover
17 construction, basically having to rip up portions
18 of Manhattan from literally the water's edge deep
19 into the community board. So there were
20 evaluations of other alternatives and we believe
21 this meets the demands that we've laid out before
22 us. This is what the 34th Street station will
23 look like. This is the model of the Port
24 Authority in providing connectivity to the region.
25 It'll have direct access to 14 subway lines,

1 including the lines under the Broadway Herald
2 Center for the first time. It will give us
3 underground connection to the Long Island Railroad
4 and Amtrak Penn Station and hopefully the future
5 Moynihan Station. This additional capacity will
6 ensure that that project has the kind of
7 transportation benefits that we've all been
8 looking for. At street level, one of the things
9 that we've been very careful with is that we're
10 building entrances in the buildings and taking out
11 the stations for mass transit that are currently
12 in the sidewalk, easing pedestrian flows in and
13 around this area. This is Macy's, as you know,
14 that's probably the most congested street in terms
15 of pedestrian traffic in all of Manhattan. By
16 moving these entrances into the buildings we think
17 we'll be adding a significant community amenity.
18 These are the portions of the project which will
19 involve takings, but we have worked very closely
20 with Community Board 4 and Community Board 5, the
21 Borough President, and we've worked out a variety
22 of community cooperation agreements creating a
23 construction task force. We've met with CB 4 and
24 CB 5 as it relates to the fan plant and station
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1 design. We do recognize that these stations will
2 be landmarks for the next 100 years and they must
3 be done in an appropriate way that speaks to the
4 architecture and contextual parts of the
5 community. We have made a commitment to provide
6 open space on the Dyer Avenue fan plant. Another
7 aspect of this project, which again we recognize
8 must be dealt with some sensitive, we are
9 committed to working with all of the land owners
10 where property must be taken under the federal
11 process to provide fair market value for that
12 property. We understand that there are businesses
13 that have been in this area and we have begun that
14 process and will continue to do so. We have made
15 commitments to the Speaker and the Borough
16 President that process will be fair and open. But
17 again, this is a project that we think is a game
18 changer for the City of New York. If we envision
19 what the West Side might become, it will only
20 happen we believe with this kind of transportation
21 access going forward. The 6,000 construction jobs
22 are obviously important, but the environmental
23 benefits are a lifetime worth of achievements. It
24 will be eliminating 22,000 car trips, 600,000
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2 vehicle miles per day and 65,000 fewer crossings
3 and reducing greenhouse gases. We really are
4 committed to this project. As you can see, it is
5 an expensive one. The Port Authority and with our
6 partners in New Jersey Transit, but perhaps most
7 importantly the federal government and President
8 Obama's commitment to see this project get funded.
9 You can see the timetable here in front of us. We
10 need to start now to realize this project by 2017.
11 Paul Selver of our firm will now walk you through
12 the more particular aspects. I'll be available
13 after that for any questions.

14 PAUL SELVER: Thank you, Mr.
15 Chairman and members of the committee. I'm Paul
16 Selver. I'm a member of the firm of Kramer Levin
17 Naftalis and Frankel and we're special counsel to
18 the Port Authority on the zoning applications.
19 There are two applications here. One is a special
20 permit pursuant to Section 74-62(b) of the zoning
21 resolution relating to railroad stations. The
22 second is a text amendment to the same section of
23 the zoning resolution. The elements of the ARC
24 project that are subject to this special permit
25 are first the railroad station to be located below

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2 34th Street between about Ninth and Sixth Avenues.
3 It'll be about 90 to 180 feet below grade. Six
4 station entrances along West 34th Street and
5 related below grade elements and four fan plants
6 to provide emergency ventilation to the railroad
7 tunnel and to the station. Section 74-62 permits
8 railroad passenger stations in any area of the
9 city by special permit. It was included in the
10 1961 zoning resolution but it actually hasn't been
11 used and hasn't been amended since that time. As
12 it exists today, it emphasizes the vehicular
13 impact and requires that any station include
14 accessory parking. So the proposed amendment
15 would update these findings for special permits
16 and for railroad stations within Community Boards
17 4 and 5 in Manhattan. It would eliminate the
18 requirement for accessory parking. It would
19 require that the entrances to the station be well
20 integrated with other transit facilities and with
21 existing and planned pedestrian circulation
22 networks. It would allow the City Planning
23 Commission to approve the location of two of the
24 railroad station's fan plants in commercial zoning
25 districts rather than manufacturing zoning

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2 districts where they would be permitted today as
3 of right. It would allow the City Planning
4 Commission to approve bulk modifications for two
5 of the fan plants. It would permit an entrance to
6 a railroad passenger station to be located within
7 a bonus public plaza subject to future approval by
8 the chair of the City Planning Commission. This
9 part of the proposal would be utilized for
10 entrances at both the east and west end of One
11 Penn Plaza where there are actually bonus public
12 plazas today. On January 14th, 2009, the Federal
13 Transportation Administration issued a record of
14 decision which the federal approval required for
15 the Port Authority and for New Jersey transit to
16 move forward with the project. The environmental
17 impacts of the ARC project were analyzed by the
18 FTA and a final environmental impact statement
19 that was published on November 7th, 2008 and the
20 FEIS has been filed with this application and it
21 formed the basis for the City Planning
22 Commission's findings on June 29th with respect to
23 the city environmental quality review. The
24 Manhattan Borough Board has recommended
25 conditional approval of the project and both

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2 Community Boards 4 and 5 are voting in favor of
3 that resolution. The Manhattan Borough President
4 recommended conditional approval on April 24th
5 based on specific commitments by the Port
6 Authority and New Jersey transit regarding design
7 and construction impacts. City Planning approved
8 it on January 29th, and we're here today. We're
9 happy the answer any of your questions.

10 CHAIRPERSON AVELLA: I think the
11 first thing that would be helpful, as you
12 mentioned the borough president and the community
13 boards approved it but with modifications and
14 suggestions. How have you addressed those issues?
15 What have you done?

16 PAUL SELVER: I think the main
17 thing we have done is working with each community
18 board under the aegis of City Planning is that we
19 have created a task force that will be working
20 through those issues which are primarily design
21 and construction. There is a memorandum of
22 understanding which was signed by the Port
23 Authority and the City Planning Commission to
24 institute that task force.

25 CHAIRPERSON AVELLA: Before I take

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2 questions from my committee members and Council
3 Members, if you could go through the properties
4 that you need to take. I think one of the
5 questions I had when your staff briefed me
6 individually that how many mom and pop stores
7 actually are involved as opposed to how many chain
8 stores and what other buildings may be taken. I
9 think that would be helpful for you to go through.
10 What steps have you taken to work with those
11 property owners?

12 PAUL SELVER: There are about 12 to
13 15 properties. I'm not quite sure what mom and
14 pop refers to, but there are about four to five
15 small family-owned businesses. Included, just
16 quickly as you can see in this photo here, if you
17 know the site you can see. Obviously, one of the
18 entrances will be on 34th for both at the Citibank
19 site. You can also see the Sunglasses Hut which
20 is at Macy's. There is a fan plant which is
21 requiring the relocation of a pub which would
22 probably be classified as a mom and pop operation.
23 On the north side of 34th Street, there are some
24 commercial properties which are leased to large
25 chains. We've been meeting with all of these land

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2 owners and property owners and lessees. We are
3 under the federal process so we have not actually
4 yet engaged in the discussion on the value of
5 their property. Until this is actually approved
6 by the City Council and the federal process begins
7 that's when we will actually sit down in earnest.
8 We are committed to working with each one of these
9 property owners to provide fair value for their
10 property.

11 CHAIRPERSON AVELLA: If I can ask
12 you to sort of keep us up to date, especially with
13 the smaller owners. That's the key. The chain
14 stores, you know, they can take care of
15 themselves. It's the small mom and pop stores
16 that could be overwhelmed by the bureaucratic
17 process.

18 PAUL SELVER: We will keep you
19 informed.

20 CHAIRPERSON AVELLA: Thanks. Are
21 there any questions from committee members?
22 Council Member Helen Sears has a question.

23 COUNCIL MEMBER SEARS: It's good to
24 see you again.

25 PAUL SELVER: Good to see you,

Councilwoman.

COUNCIL MEMBER SEARS: The enormity of this project and also the scope and size of east side access, so I just wonder where these huge projects fit into the financial scheme. Actually, how long has east side access been going on? I know it's a long time.

PAUL SELVER: I think the east side access has literally been going on for about 15 years and its actual construction now in probably year four or year five. This is a large project. Make no mistake about it. It's an \$8.7 billion project. It will require very sophisticated tunnel boring machine work underneath the Hudson River and then into Manhattan. The Port Authority is committed to this project. We have within our current financial ten year plan \$3 billion. President Obama and Secretary LaHood have committed to this project \$3 billion, and in fact, \$2 billion in the current federal budget, as Secretary LaHood made clear that that money is available. Then, finally, through New Jersey Transit and the state has committed \$2.7 billion. In order to start this project, we are working

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2 with the federal government on an early systems
3 work agreement, on an early start agreement so
4 that hopefully with your approval we'll be
5 starting this project, tunnel boring machine
6 starting by the end of this year. But it will be
7 a very large project that we are committed to
8 being as transparent and open as to both time and
9 cost.

10 COUNCIL MEMBER SEARS: Thank you
11 very much.

12 CHAIRPERSON AVELLA: Council Member
13 Gioia and then Council Member Jackson.

14 COUNCIL MEMBER GIOIA: Thank you,
15 Chair. It's a very impressive presentation. What
16 does it mean for the average person? So you're
17 living in New Jersey and you're currently
18 commuting to New York and it takes you x amount of
19 time. When this is done it will take you y amount
20 of time.

21 PAUL SELVER: The trains won't be
22 coming in any faster; it's just that there will be
23 far more frequent trains because we are doubling
24 the amount of capacity. So we're going from
25 basically 23 or 24 trains per peak hour to 48.

1
2 New Jersey Transit literally today is at capacity
3 and that this will allow the forecasted growth
4 that we see within the region. Literally, we
5 expect 3 million additional people to come into
6 this region on top of the 1 million that are
7 coming into the five boroughs. This will provide
8 the kind of transit capacity to handle that
9 growth. Absent that, New Jersey Transit would
10 just literally be swamped with the number of
11 passengers potentially coming in by train. So we
12 are doubling the capacity.

13 COUNCIL MEMBER GIOIA: But it
14 doesn't actually create any new neighborhoods that
15 will ease access? It's actually taking the
16 current route and expanding capacity on the
17 current route?

18 PAUL SELVER: The best thing about
19 it is it's taking the 18 lines in New Jersey
20 Transit which currently stop in the Secaucus
21 Transfer location. As in the earlier map you can
22 see, bringing them directly into Manhattan and
23 avoiding that bottleneck that you have now. One
24 of the things I would emphasize since it's the
25 Port Authority of New York and New Jersey, that

1
2 the connectivity into Manhattan will really be the
3 foundation for what we believe will be the
4 economic revitalization of the West Side Yards.
5 These will be the workers coming in to fill the
6 office towers that will one day get constructed we
7 believe in and around Moynihan Station. So it's
8 not that we're bringing people in faster; we're
9 just bringing in more, more frequently with a
10 higher quality of service.

11 COUNCIL MEMBER GIOIA: Thank you.

12 COUNCIL MEMBER JACKSON: Good
13 morning. The ARC project does it only have to do
14 with commuter rail or is it also commercial rail?

15 PAUL SELVER: It's just commuter
16 rail.

17 COUNCIL MEMBER JACKSON: How does
18 this connect, if at all, with the proposed tunnel
19 that Congressman Nadler has been proposing in
20 order to reduce the amount of truck traffic coming
21 into New York?

22 PAUL SELVER: They are two wholly
23 separate different projects. This is providing
24 for New Jersey Transit commuter riders as well as
25 Amtrak commuter riders. Congressman Nadler's rail

1
2 freight tunnel is currently being managed by the
3 Port Authority. We are conducting an environment
4 impact statement siting analysis. We are also
5 conducting a cross harbor freight analysis for
6 that project and working quite closely with
7 Congressman Nadler within that federal process as
8 well. But these are two wholly separate projects.

9 COUNCIL MEMBER JACKSON: So these
10 expanded subway or rail lines would be separate
11 and apart from any proposed commercial rail lines?
12 Or will they be connected in some manner, shape
13 and form?

14 PAUL SELVER: They are wholly
15 separate. They will not be connected.

16 COUNCIL MEMBER JACKSON: I'm
17 looking at the picture here. The northeast
18 corridor at capacity today, which is basically two
19 railroads, one in each direction, is that correct?

20 PAUL SELVER: Yes, we have a track
21 coming in and a track going out used by New Jersey
22 Transit and Amtrak.

23 COUNCIL MEMBER JACKSON: I believe
24 you or your colleague indicated that there would
25 be six rails.

2 PAUL SELVER: Yeah. We'll be
3 doubling the amount of capacity in terms of the
4 number of trains coming into Manhattan.

5 COUNCIL MEMBER JACKSON: I saw the
6 projected cost factor and who is going to pay for
7 what portion of it. The total cost is about \$8.7
8 billion.

9 PAUL SELVER: Yes.

10 COUNCIL MEMBER JACKSON: As far as
11 the economy stimulus, it says 6,000 jobs created
12 annually during the construction and the
13 construction is for how long?

14 PAUL SELVER: Between now and 2017.

15 COUNCIL MEMBER JACKSON: I'm sorry?

16 PAUL SELVER: Between now and 2017.

17 COUNCIL MEMBER JACKSON: And 44,000
18 permanent jobs, what type of jobs?

19 PAUL SELVER: Let me be clear.
20 That's the input/output model for the
21 macroeconomics of once the capacity on the train
22 system is realized. That would be all of the jobs
23 that are potentially created in the rejuvenation
24 of the West Side of Manhattan.

25 COUNCIL MEMBER JACKSON: Who's

1
2 figures and analysis are those? Are those the
3 Port Authority's in conjunction with the New York
4 City Economic Development Corp or whom?

5 PAUL SELVER: They were done by the
6 Port Authority and the EIS process with the
7 federal government.

8 COUNCIL MEMBER JACKSON: You talk
9 about 6,000 jobs created annually. How many of
10 those jobs are going to be minority and women-
11 owned business jobs, if you have any idea?

12 PAUL SELVER: The Port Authority
13 has probably the most robust MWBE program in the
14 entire region. Last year we let contracts to MWBE
15 firms over \$530 million. We will attempt to meet
16 those same goals and objectives for the ARC
17 project. Typically, depending on the type of work
18 that's to be done, we would hope that about 17%
19 would be our minimum performance for MWB
20 participants in this project, but we have exceeded
21 that before and we will do all we can for this
22 project as well.

23 COUNCIL MEMBER JACKSON: So,
24 basically, this project will expand and increase
25 capacity of the number of trains that can come

1
2 into New York City and then hopefully increase the
3 ridership.

4 PAUL SELVER: Correct. I would say
5 accommodate the ridership because we know the
6 ridership is coming. We would rather have people
7 come into Manhattan by train as opposed to car.

8 COUNCIL MEMBER JACKSON: What is
9 the current capacity right now?

10 PAUL SELVER: We're handling about
11 24 trains per peak hour. We'd like to go to 48.

12 COUNCIL MEMBER JACKSON: And the
13 peak hours run from what, 6 in the morning to
14 what?

15 PAUL SELVER: I think it's 6 to 10.

16 COUNCIL MEMBER JACKSON: Then going
17 in the opposite direction, 4 to 7?

18 PAUL SELVER: Pardon me? Yeah.
19 Then the evening peak as well.

20 COUNCIL MEMBER JACKSON: Thank you,
21 Mr. Chair.

22 CHAIRPERSON AVELLA: Thank you.
23 Council Member Crowley has a question.

24 COUNCIL MEMBER CROWLEY: Thank you,
25 Chairman. I have a question as it relates to the

1
2 Cross Harbor freight tunnel. Your plan is to
3 build this from now until 2017.

4 PAUL SELVER: This project, yes.

5 COUNCIL MEMBER CROWLEY: Right.

6 And at the same time simultaneously be working on
7 an even larger endeavor with the Cross Harbor
8 Freight Tunnel.

9 PAUL SELVER: Let me be clear, we
10 are going through the siting, EIS for the Cross
11 Harbor Tunnel and we are conducting the diversion
12 study, which would justify the construction of the
13 Cross Harbor rail freight tunnel. We are working
14 with Mr. Nadler and his congressional colleagues
15 on that project. It is currently not funded
16 within the Port Authority's ten year capital plan.
17 If and when it successfully goes through that
18 process and the cost benefit ratio justifies that
19 project, we would have to bring it back and fund
20 it within our capital capacity. But we are at the
21 front end of that process now. Until that work is
22 concluded, I couldn't say when they are going to
23 be being done simultaneously.

24 CHAIRPERSON AVELLA: Seeing no
25 other questions, thank you. We do have a couple

1
2 of people signed up to speak on this item. Before
3 we move to the speakers, I'd like to call upon
4 Council Member Katz for her vote on the previous
5 items.

6 COUNCIL MEMBER KATZ: I vote aye.

7 CAROL SHINE: The vote stands at
8 eight in the affirmative, none in the negative and
9 no abstentions on the coupled sidewalk cafes.

10 CHAIRPERSON AVELLA: I have three
11 speakers signed up to speak. This is obviously
12 for everybody. We limit people to two minutes per
13 speaker and that'll be the case throughout the
14 hearings today. This panel will be Kyle Wiswall
15 from the Tri State Transportation Campaign;
16 Nicholas Ronderos from the Regional Plan
17 Association; and Dan Pisark from the 34th Street
18 Partnership. That is all the speakers on this
19 item. Is there anybody else who wishes to speak
20 on this item?

21 KYLE WISWALL: Good morning,
22 Chairman and committee members. My name is Kyle
23 Wiswall. I'm the general counsel and staff
24 attorney for the Tri State Transportation
25 Campaign, a regional nonprofit working for an

1
2 environmentally friendly and equitable
3 transportation system. Tri State strongly
4 supports the ARC project and we have for a very
5 long time all the way through this process. The
6 Port Authority conveyed the critical need for this
7 transit capacity very well. I'd like to just
8 underscore that need. These trains in New Jersey
9 coming in are packed to the limit. People get
10 left on the platforms currently trying to get on
11 these trains. So the need for this added capacity
12 is incredibly important. It'll cut congestion in
13 the city. We have talked about congestion a few
14 times in these chambers before in recent memory.
15 We know the damage that congestion can do in the
16 city and the costs it has for people. So this is
17 an anti-congestion project as well. In addition,
18 the economic climate has increased the importance
19 of transit infrastructure generally and this
20 project specifically. Obvious transit benefits
21 aside, Tri State is pleased that concerns about
22 the impacts to the pedestrian environment
23 surrounding the proposed station are being
24 addressed in a comprehensive and serious fashion.
25 Currently there is current inadequate pedestrian

1 features surrounding Penn Station and they're
2 causing dangerous conditions for commuters and
3 residents alike. With that in mind, Tri State is
4 happy to see the agency's cooperation with they
5 New York City DOT to mitigate the increased
6 pedestrian volumes and their impacts on the
7 sidewalks, crosswalks and corners in the project
8 area. The final EIS cites several planned
9 mitigation measures including the relocation of
10 street furniture and vendors and the retiming of
11 crosswalk signals and the location of some subway
12 and station entrances within the buildings and it
13 also opens up scarce sidewalk space. We encourage
14 the agencies to continue their cooperation with
15 the DOT to ensure that the ARC project is
16 maximally compatible with pedestrian improvements
17 and mitigation. The proposed language before the
18 committee appropriately addresses and responds to
19 this context. We encourage the City Council and
20 this committee to engage the lead agency per the
21 zoning amendment and ensure that the pedestrian
22 impacts are minimal, including impacts projected
23 by future pedestrian volumes. We'd also like to
24 say that it's very important that the language
25

1
2 that eliminates the need for accessory parking is
3 also very important for the location of the
4 proposed station. In sum, the ARC project is
5 vital for the health of the city and the regional
6 economy and the environment and we fully support
7 the work of the Port Authority and the other
8 agencies involved. The project can and does serve
9 as an opportunity to not only improve transit but
10 also improve the walking environment in Midtown.
11 We urge the committee to approve the special
12 permit, zoning text amendment. Thank you very
13 much for the opportunity to speak.

14 NICHOLAS RONDEROS: Good morning.
15 My name is Nicholas Ronderos. I'm the director of
16 urban development programs for Regional Plan
17 Association, a private nonprofit research and
18 planning organization serving the greater New York
19 metropolitan region. RPA is a strong supporter of
20 the access to the Region's Core project which
21 would double commuter rail access to Midtown.
22 This project will end the bottleneck of the 100-
23 year old Amtrak tunnel which is the only trans-
24 Hudson rail connection serving Manhattan. ARC is
25 critical to maintaining regional mobility which is

1 the cornerstone of the metropolitan area economy.
2 Construction of ARC will also support growth and
3 create jobs at a time when New York needs them the
4 most. RPA believes that ARC will support future
5 development of the Penn Station area through
6 projects such Moynihan Station and the Hudson
7 Yards development. RPA supports the application
8 for the ARC railroad passenger station, concurrent
9 zoning text change and applications in Community
10 Boards 4 and 5 as the proposed actions meet
11 optimal pedestrian location for entrances. The
12 proposed modifications are the minimal required
13 and the site for the facility will blend
14 harmoniously with the community's character. The
15 City Council should allow the construction of
16 these railroad passenger stations and ventilation
17 facilities as defined in the application. The
18 Port Authority has designed the project to fit
19 well into the Penn Station area. Furthermore, RPA
20 believes that any below grade pedestrian
21 circulation elements provided in connection with
22 the railroad passenger station are well integrated
23 with any existing or planned below grade
24 pedestrian circulation networks allowing
25

1
2 connections to and from transportation facilities
3 included connections to four subway lines and to
4 path. This is a project of national significance
5 and the culmination of years of regional planning.
6 It is a comparative effort on both sides of the
7 river and RPA believes the Council should give ARC
8 its full support. Thank you.

9 DAN PISARK: Good morning and thank
10 you to the committee for giving me this
11 opportunity to speak today. My name is Dan Pisark
12 and I represent the 34th Street Partnership
13 Business Improvement District. We voice our
14 strong support for the ARC project during the
15 ULURP process. We continue to believe that this
16 is an important project and appreciate all of the
17 efforts made by the Port Authority and New Jersey
18 Transit to work with us on the project thus far.
19 ARC presents a significant opportunity for the
20 Penn Station area and the entire 34th Street
21 district. In light of the current economic
22 hardships facing New York City, the ARC project
23 takes on more importance to the region and to our
24 district. ARC will ensure that New York can
25 compete for jobs in the future by doubling transit

1 access. We believe that by selecting 34th Street
2 as the terminus for the new tunnels, New Jersey
3 Transit and the Port Authority have chosen very
4 wisely. 34th Street is a world class destination
5 and when all is said and done, ARC will mean more
6 patrons for the businesses along the 34th Street
7 corridor and a healthier economy throughout the
8 entire city. We believe the Port Authority and
9 New Jersey Transit have developed a plan that
10 really integrates the station into the 34th Street
11 area. We are pleased with their commitment to
12 improve the sidewalks and streets. We look
13 forward to such design features as moving the
14 subway entrances off of the sidewalks and adding
15 retail into the base of the planned fan plants to
16 make the streets as lively as possible. We know
17 that construction will take time and are happy to
18 hear that the Port Authority is establishing a
19 construction task force with many of our BID
20 constituents. This project has come a long way
21 and it's very exciting to see such strong momentum
22 behind a long overdue investment. Transit is the
23 future of New York City. On behalf of our local
24 stakeholders, this is exactly the kind of project
25

1
2 we should all be supporting. We encourage the
3 Council to vote in favor and we ask for your
4 approval. Thank you.

5 CHAIRPERSON AVELLA: Thank you.
6 Seeing no questions, I thank you for your
7 testimony. Seeing no one else signed up to speak
8 on this item, I will close the public hearing on
9 this matter. I think we actually have quorum and
10 we will take a vote on this item. Chair will
11 recommend approval.

12 CAROL SHINE: Chair Avella?

13 CHAIRPERSON AVELLA: Aye.

14 CAROL SHINE: Council Member
15 Felder?

16 COUNCIL MEMBER FELDER: Yes.

17 CAROL SHINE: Council Member Katz?

18 COUNCIL MEMBER KATZ: Aye.

19 CAROL SHINE: Council Member Sears?

20 COUNCIL MEMBER SEARS: Aye.

21 CAROL SHINE: Council Member
22 Jackson?

23 COUNCIL MEMBER JACKSON: Aye.

24 CAROL SHINE: By a vote of five in
25 the affirmative, none in the negative and no

1
2 abstentions, the aforementioned item is approved
3 and referred to the full committee.

4 CHAIRPERSON AVELLA: Thank you.

5 I'm going to try and move the rest of the agenda
6 as expeditiously as I can and try to get through
7 some of the quicker items. We do have a number of
8 speakers on some of the rezonings. I'd like to
9 call up Queen City Planning to do the Middle
10 Village/Maspeth rezoning which is in Council
11 Member Crowley's district. Then we will move to
12 the Brooklyn rezonings which we have a number of.

13 JOHN YOUNG: Good morning, Chair
14 Avella and Chair Katz, Council Members, ladies and
15 gentlemen. My name is John Young and I'm director
16 of the Queens Office for the Department of City
17 Planning. On behalf of City Planning Director
18 Amanda Burden I'm very pleased to be here this
19 morning to present the department's efforts to
20 update zoning designations that generally date to
21 1961 for 300 blocks in portions of Middle Village,
22 Glendale and Maspeth in west central Queens. I'm
23 joined by Tom Smith, who will present our rezoning
24 proposal to you. The rezoning proposal is a
25 comprehensive collaboration effort to provide six

1 contextual zoning designations that will more
2 closely match lower density building patterns on
3 residential blocks and reinforce the three to
4 four-story scale that defines development along
5 primary corridors including Woodhaven Boulevard
6 and Myrtle Avenue. The proposal will also update
7 commercial overlay designations to reflect
8 existing land use patterns and ensure that
9 nonresidential uses do not encroach on residential
10 block portions. It will complement three
11 department sponsored rezonings of nearby areas all
12 adopted by the City Council in 2006, including the
13 Middle Village/Glendale, Maspeth/Woodside and
14 Middle Village follow up rezonings. With the
15 passage of this rezoning proposal, more than 4,500
16 blocks will have been rezoned in Queens since
17 2002. Protecting the appealing qualities of these
18 neighborhoods has been an important goal of many
19 dedicated residents and civic groups, including
20 the Glendale Civic Association, the Glendale
21 Property Owners Association and the Juniper Park
22 Civic Association. It has been the department's
23 privilege to have worked closely with them as well
24 as with members of Community Board 5 to shape and
25

1
2 refine this proposal. We could not have made it
3 here without their important contributions.

4 Council Members Elizabeth Crowley and Melinda Katz
5 have provided valuable leadership and advocacy
6 during the rezoning process and we are very
7 grateful for their partnership in achieving
8 consensus on the proposal. Following the April
9 20th certification of the proposal, we were very
10 pleased with the support it has achieved from
11 Community Board 5 as well as from Borough
12 President Helen Marshall. We thank them for
13 expediting their reviews of it. We know how
14 important it is for the community stakeholders
15 that the rezoning proposal be implemented as
16 quickly as possible. We hope that you too will
17 support this well considered rezoning initiative
18 to reinforce the built character and development
19 patterns of the deeply cherished neighborhoods of
20 Middle Village, Glendale and Maspeth. And now Tom
21 will present the details of the proposal. You
22 should be receiving a copy that has a summary as
23 well as a map at the end of it similar to the map
24 that Tom has.

25 THOMAS SMITH: Thank you, John.

1
2 Good afternoon. The roughly 300 block rezoning of
3 the Middle Village, Glendale and Maspeth area is
4 located in west central Queens in Community
5 District 5. The majority of the exiting zoning
6 districts in the area are R3, R4 and R5. If you
7 look on one of the pages in your packet, you can
8 see these existing zoning districts. They are
9 general residence districts which allow for all
10 types of housing. In the R4 and R5, in fill
11 provisions are allowed, which allow for a slightly
12 greater FAR and other things with greater density.
13 We have proposed six contextual districts for the
14 rezoning area, an R-3A districts and R-4A
15 districts which allow for detached one and two
16 family houses, R-3A with a slightly lower FAR and
17 R-4A with a slighter higher. Then we have R-4B
18 districts, which allow for all building types but
19 only one and two family houses. R4-1 districts,
20 which allow for one and two family houses, which
21 are single and two families. Then we have R-5B
22 which allow for all building types with a slightly
23 lower FAR and then R-5D which allows for all
24 building types with a slightly higher FAR. In the
25 eastern Glendale section of the rezoning area, we

1
2 are proposing three contextual districts, R-4-1,
3 R-4A, and R-4B. We are also changing three small
4 sections of residential development which are in
5 manufacturing districts to R-4-1 and R-4A. The
6 area is about 20 blocks. In the western section
7 of Glendale, which is roughly a 90 block area, we
8 are proposing R-4-1 districts, R-5B districts, R-
9 3A districts and R-5D districts. Also in the area
10 of western Glendale we have been narrowing the
11 commercial overlays to prevent commercial
12 intrusion onto residential blocks. In the Maspeth
13 section of the rezoning which covers approximately
14 125 blocks, we are proposing R-5B districts, R-4B
15 districts, R-4-1 districts and R-4A districts.
16 Again, in this area we will also be narrowing
17 commercial overlays to prevent intrusion onto
18 residential blocks. We will also be adding
19 commercial overlays where appropriate. In the
20 Middle Village section of the rezoning, which
21 covers about 65 blocks, we are proposing R-5D
22 districts, R-4A districts, R-4B districts and R-4-
23 1 districts. Thank you.

24 CHAIRPERSON AVELLA: I'd like to
25 call on Council Member Crowley.

1
2 COUNCIL MEMBER CROWLEY: Thank you,
3 Chairman Avella. This is a plan that I support.
4 It's been a priority to me since before I was
5 elected to rezone Maspeth/Glendale and Middle
6 Village. After being elected, I met with
7 Chairwoman Burden and I'm glad that this plan has
8 moved forward as quickly as it has. I'd like to
9 thank Tom Smith and John Young for the work that
10 they have done in rezoning. I firmly believe this
11 is a plan that the community has supported, the
12 borough president has supported and one that will
13 protect the quality of the neighborhood as it
14 relates to the continuity of the architecture and
15 the development. It's one that preserves our
16 history and it's one that our community can be
17 proud of. So thank you for the work that you've
18 done on this. I urge my colleagues to support
19 this plan.

20 COUNCIL MEMBER KATZ: This
21 committee I think has done a great job citywide in
22 down-zoning and protecting communities. We have
23 been working for this rezoning for many, many
24 years. This is a follow up action expansion of
25 one that we did quite a few years ago. I think if

1
2 was five years ago or four years or three years
3 ago. It seems like forever ago. It may seem like
4 forever but City Planning really did work very
5 quickly in moving this forward and making it a
6 priority. So we do thank you for working so
7 closely with the community and of course the
8 community board which is always extremely involved
9 in the rezonings throughout the city, but
10 Community Board 5 happens to be very active and
11 has a lot of expertise on land use as well.
12 Considering the community, that's an important
13 aspect of our rezoning. I want to thank City
14 Planning and the electeds and really the community
15 for being so involved with this. I'm proud of
16 this extension. It is part of the good work we've
17 done in the community. I thank you very much for
18 the work that City Planning has done.

19 CHAIRPERSON AVELLA: Any other
20 comments from committee members or questions?
21 Seeing that there are none, I thank you John. I
22 see no one signed up to speak on this item, which
23 obviously everybody is in favor so they don't have
24 to come down. I will close the public hearing on
25 this item and we will move to the Flatbush

1 rezoning. I'd like to call up City Planning for
2 that.
3

4 WINSTON VON ENGEL: Good morning,
5 Chair Avella. My name is Winston Von Engel. I am
6 the Deputy Director of the Department of City
7 Planning's Brooklyn Office. I'm joined here by
8 David Parish who is a planner and project manager
9 for the Flatbush rezoning. I thank you and all of
10 the other commission members for being here this
11 morning to present to you the Flatbush rezoning
12 which is a longstanding request by the community
13 board, many civics, the Brooklyn Borough President
14 particularly and Council Members such as Council
15 Member Eugene to rezone and down-zone and protect
16 the historic character of Flatbush. It is a 180
17 block rezoning that protects the historic
18 Victorian homes of Flatbush as well as recognizes
19 the strong historic apartment building character
20 of the area, as well as provides for incentives
21 for affordable housing. I'm going to ask David
22 Parish to now walk you through the existing zoning
23 and the proposed zoning. Thank you.

24 DAVID PARISH: Thank you. As
25 Winston said, my name is David Parish. The

1
2 Flatbush rezoning is a 180-block proposal for a
3 zoning map amendment and zoning text amendment in
4 Brooklyn's Community District 14. Flatbush is a
5 collection of neighborhoods, as Winston said,
6 known both for its large architecturally distinct
7 Victorian homes as well as pre-war apartment
8 buildings that are high lot coverage, typically
9 four to eight stories tall. The rezoning area is
10 located south of Prospect Park in the northern
11 portion of Community District 14, generally
12 between Coney Island Avenue on the west and
13 Bedford Avenue and the Community District 14
14 boundary on the east. The southern boundary is
15 the Long Island Railroad Bay Ridge freight line
16 and Brooklyn College. There are a number of
17 historic districts that include the neighborhoods
18 known as Victorian Flatbush, the detached home
19 areas. The land uses in the rezoning area are
20 generally residential with major exceptions for
21 commercial corridors such as Coney Island Avenue,
22 Church Avenue and Flatbush Avenue. Building types
23 within the study reflect, as we said earlier, the
24 detached home character predominately in the
25 western and southeastern portion of the rezoning

1
2 area and the apartment buildings predominately on
3 the eastern portion of the rezoning area. There
4 are a mix of building types in some areas,
5 typically east of Flatbush Avenue. The existing
6 zoning district, seen here on the left, have been
7 in place since 1961. Districts range from R-1-2
8 to R-7-1 and include a couple of C-4 districts at
9 Flatbush and Church Avenues and at Flatbush and
10 Nostrand Avenues. Currently, these existing
11 zoning districts do not reflect the building types
12 within the neighborhood. Today, R-3 and R-6
13 districts are mapped in areas with detached homes.
14 These districts permit row houses and tall
15 apartment buildings where today the streets are
16 lined with detached homes. R-6 and R-7-1
17 districts allow apartment buildings without height
18 limit in neighborhoods that have apartment
19 buildings with high lot coverage and have a
20 distinct four to eight story character. The
21 zoning proposal seeks to match new zoning to the
22 existing built character of the neighborhood by
23 preserving detached home neighborhoods, preserving
24 areas of mixed building type and providing height
25 limits and preserving the apartment building

1 context. Also, we're seeking to provide
2 incentives for affordable housing and improvement
3 for commercial districts. To do this, the
4 department's proposal proposes to expand existing
5 R-1-2 districts and to map new R-3X and R-4A
6 districts to protect detached home neighborhoods.
7 In mixed building type areas, the proposal would
8 provide R-5B, R-6B and R-5D districts that would
9 provide a distinct height limit and require new
10 buildings to line up at the street line with their
11 neighbors. In apartment building areas, the
12 proposal would provide R-6A and R-7A districts
13 that would provide height limits in context with
14 building neighbors and require street walls to
15 line up. In addition, the propose text amendment
16 would apply the inclusionary housing program in
17 areas of the rezoning area where we are going up
18 in density from R-6 to an R-7A or C-4A. This
19 would provide 20% of buildings that choose the
20 optional program as permanent affordable housing
21 available for residents up to 80% of the area
22 median income. In addition, this proposal has had
23 wide support throughout the ULURP process.
24
25 Community Board 14 voted to recommend approval

1
2 unanimously. The borough president recommended
3 approval without condition. The City Planning
4 Commission approved without modifications.

5 CHAIRPERSON AVELLA: Thank you. I
6 know a lot of work has gone in on this. I know
7 even I've sent some letters back and forth to City
8 Planning. Council Member Eugene has a question.

9 COUNCIL MEMBER EUGENE: Thank you
10 very much, Mr. Chair. I just want to express my
11 support to the Flatbush rezoning proposal. When
12 enacted, this proposal will help to protect the
13 residential character of the Flatbush neighborhood
14 and especially the beautiful neighborhood that we
15 are privileged to have. Also, it will prevent
16 developments that will be constructed out of scale
17 with the surrounding area. We know that a large
18 number of homes in the rezoning area were built in
19 the Victorian style. They represent the history
20 of Flatbush, part of the history of Brooklyn.
21 They are facing also the threat of being torn
22 down. I think by passing the rezoning of Flatbush
23 we will protect those beautiful houses that are
24 part of the history of Brooklyn. I want also to
25 congratulate the leadership of the Community Board

14 and also the members of the community, the members of different community groups and also the staff of the Department of City Planning for the wonderful job that they are doing. I urge all of my colleagues to vote yes to support the rezoning of Flatbush. Thank you very much.

CHAIRPERSON AVELLA: Are there any other questions from my colleagues? Council Member Felder has a question.

COUNCIL MEMBER FELDER: Thank you. When I got elected to the City Council for the first term, a portion of this area was included in my district. I grew up not far away from here on 18th Avenue and 49th Street. I always said that if you took somebody and blindfolded and drove them around for an hour and half and then let them out and took off the blindfolds they would say that they were in the most beautiful neighborhood in the world. I haven't traveled the world, but one of the most beautiful neighborhoods in the world. There is no question about it. Anybody in the city that wants to take a break for the summer just to walk around the neighborhood, it's beautiful, a beautiful, beautiful neighborhood.

1
2 Unfortunately, during redistricting they took that
3 neighborhood out of my district. I believe it was
4 a conspiracy. I would just say that the
5 neighborhood and the people who live there, it
6 reflects a passion and a commitment for community.
7 I think both together, the people who live in the
8 neighborhood there are very, very passionate about
9 the neighborhood and the neighborhood itself just
10 brings out a certain passion and compassion. I'm
11 sorry I don't represent it. I applaud you Dr.
12 Eugene for getting the better part of it. It's
13 just wonderful and the community board as well.
14 There are four community boards in my district and
15 I've said it openly that the Community Board 14 is
16 by far the most aggressive, in a good way,
17 community board of the four that I represent and
18 they deserve a lot of credit for working together
19 with City Planning and making this a wonderful,
20 wonderful rezoning. I thank you for your work and
21 I'm proud to be here today.

22 COUNCIL MEMBER EUGENE: I will
23 always give you a visa to get back to the
24 beautiful neighborhood.

25 CHAIRPERSON AVELLA: Seeing no

1
2 other questions, thank you gentlemen. Now we will
3 go to the public hearing on this item. We do have
4 a number of speakers. Again, I remind everybody
5 you have two minutes. We are adding another chair
6 so we can call people up. For this item and for
7 any item, what we do is we call up a panel in
8 favor and then we call up a panel in opposition
9 and we keep going through it until we're done.
10 The first panel will be a panel in favor with
11 Alvin Berk from Community Board 14; Mark Dicus
12 from the Church Avenue BID; John McVicker
13 [phonetic] and Jan Rosenberg [phonetic]. Is
14 everybody here? I see three people, so we're
15 missing somebody. He's coming, okay.

16 ALVIN BERK: Good morning members
17 of the committee, members of the Council and
18 guests. My name is Alvin Berk. I'm chairman of
19 Community Board 14. I'm privileged to be able to
20 speak in favor of this proposal. This proposal is
21 the result of a long and sensitive process
22 involving the staff of the Brooklyn Office of the
23 Department of City Planning and the members of the
24 community. The Community Board did not lead this
25 proposal so much as we provided an opportunity for

1
2 the members of the community to express their
3 views on it. I think you're going to hear today
4 that there are many members of the community who
5 are, as it was already said, passionately in favor
6 of this proposal. It does preserve the essential
7 character of Flatbush while permitting development
8 opportunities particularly in the commercial
9 corridors and a balance approach to affordable
10 housing. It is truly an excellent proposal and we
11 are grateful to the members of the community and
12 the Department of City Planning for the quality of
13 the product. Thank you.

14 CHAIRPERSON AVELLA: Thank you.

15 MARK DICUS: Good morning

16 Chairperson Avella and members of the
17 subcommittee. My name is Mark Dicus. I'm here to
18 testify on behalf of the Church Avenue Business
19 Improvement District which is located within the
20 area covered by the Flatbush rezoning. I'm here
21 today to voice the BID's overall support for this
22 rezoning proposal, and to point out a few areas
23 where we would like to see some minor
24 modifications. The BID supports the steps taken
25 by the rezoning to preserve the existing

1 residential context, the incentives for affordable
2 housing and the expansion of the commercial uses
3 and reduction in the parking requirements that are
4 found in the proposed C-2-4 commercial overlay
5 which was spoken about earlier. What is more
6 difficult for the BID to accept is the reduction
7 of the commercial overlay from 150 to 100 feet.

8 As a Business Improvement District, any reduction
9 in commercial capacity is a restriction on
10 possible future growth. However, this reduction

11 is balanced by the benefits provided by the C-2-4
12 overlay and therefore we can accept the reduction
13 and support the overall package. Notwithstanding

14 the support, the BID would like to point out a
15 couple of instances where the 100 foot overlay
16 would allow less commercial depth than currently
17 exists. At 2101 Church Avenue, the existing

18 commercial configuration is 31 feet deeper than
19 the proposed 100 foot overlay. On three side
20 streets the commercial overlay leaves out the

21 following buildings: 66 Westminster, 66 Argyle and
22 55 though 61 East 18th Street. While existing
23 retail uses are grandfathered, in a redevelopment

24 scenario, ground floor retail beyond the 100 foot
25

1
2 overlay would not be permitted. It is our
3 understanding that this outcome may have been an
4 oversight. If possible, the BID asks that the
5 proposal be amended to extend the commercial
6 overlay to cover these and any other buildings
7 where there is existing ground floor retail beyond
8 the proposed 100 foot overlay. The BID would like
9 that thank the staff in the Brooklyn Office of the
10 Department of City Planning for making themselves
11 available and coming to meetings. The BID would
12 also like to thank the Pratt Center for Community
13 Development for their help in evaluating this
14 proposed rezoning. In closing, the BID is
15 optimistic and excited about the positive impact
16 the rezoning will have and with the previously
17 mentioned revisions we believe that it strikes an
18 equitable balance that serves the different
19 interests of the Flatbush community. We are
20 therefore pleased to support the rezoning.

21 JAN ROSENBERG: Thank you for the
22 opportunity to speak a little bit about our
23 neighborhood. My name is Jan Rosenberg and I'm
24 here as a long-term resident, almost 25 years, and
25 founder of Friends of Cortelyou, a volunteer group

1
2 of residents who wanted to revitalize what we felt
3 could become our own Victorian Flatbush main
4 street. It's made wonderful strides in that
5 direction and helped to create a vibrant urban
6 neighborhood that is really a new urbanist dream.
7 As you've heard, we live in a neighborhood that
8 combines detached houses that have typically front
9 porches, driveways and front and back yards with
10 apartment buildings that enhance the density and
11 provide other kinds of housing opportunities in
12 our neighborhood that together create one of the
13 most diverse neighborhoods in the U.S. It's a
14 unique neighborhood. I would echo what Councilman
15 Felder said. People walk through our neighborhood
16 all the time that haven't been there before and
17 say I can't believe it is Brooklyn. It's
18 distinctive, it's unique and worth preserving.
19 Thank you very much.

20 CHAIRPERSON AVELLA: Thank you.

21 JOHN MCVICKER: My name is John
22 McVicker. I've been a resident of the Beverly
23 Square West area for about 34 years. My wife and
24 I own a magnificent 18-room Victorian. Last
25 December Michael Douglas and Danny DeVito were in

1
2 our living room filming a movie called, "The
3 Solitary Man". You're talking about a
4 neighborhood that is an extremely unique
5 neighborhood in New York City. It is really a
6 treasure. I know everyone sits here and says
7 what's in it for us. What's in it for the city is
8 a win/win situation. We have movie vans in the
9 area almost every week filming a movie and they
10 just don't do that anywhere. They do it in an
11 area that's extremely unique. The character of
12 the area is extremely important to preserve.
13 Unfortunately, about three months ago a gentleman
14 down the block from us started putting up 4x8
15 plywood pieces and an eight foot cinderblock wall
16 in the back of his yard and has blown out the
17 front part of his house and blown out the back
18 part of his house just almost to antagonize the
19 area. None of us can figure it out, but it's that
20 kind of a thing that has to be stopped by this
21 rezoning.

22 CHAIRPERSON AVELLA: Thank you.

23 The next panel is a panel in opposition with
24 Louisa Ramone. I see two people coming up and I
25 only have one slip. If she wants to speak, she

1
2 can speak; she just needs to fill out a slip.

3 LOUISA RAMONE: Thank you very much
4 Mr. Chairman and the members. My name is Louisa
5 Ramone. I'm a pediatrician right at the corner of
6 East 16 and Beverly Road for about 25 years. I
7 apologize for being the sore loser today and
8 please be gentle when you want to attack me. I
9 mainly take care of patients and do not have the
10 time really to look into anything. Only about a
11 week ago did I find out that this is happening. I
12 have an architect and a builder who is working on
13 this since three years ago. I have plans in the
14 Building Department to build up seven stories
15 since on my east there is a seven story and on my
16 north there is a six story and on my west is a
17 subway and I only have one place that is exposed
18 to the Victorian building. When Caledonia
19 Hospital closed about three years ago, some of my
20 patients asked me whether I would be able to have
21 an 8 to 8 office and that's when I started
22 planning for this. I have already finished paying
23 for the architect. The only thing is I don't have
24 anything except for the plans admitted. I'm here
25 to see if there is a loophole. I am in support of

1
2 what is being planned but I would love to have
3 that building stay as C-7, residence 7-1. I don't
4 even know whether at this stage there is anything
5 that you can do. If there is great, if not, I
6 guess I'll have to see what my architect can do.
7 She couldn't even show up today because she's
8 supposed to really have been the one to fight all
9 of this. I don't know anything about what is
10 happening here. Thank you very much for listening
11 to me.

12 CHAIRPERSON AVELLA: What I would
13 suggest is I'm sure Brooklyn City Planning is
14 still here. They should have a conversation with
15 you about your situation. You may want to talk to
16 the Council Member. The rule of thumb has always
17 been that in order to be grandfathered in under
18 the previous zoning once the new zoning goes into
19 effect, if it's a new building, you have to
20 substantially complete a foundation. It sounds
21 like to me that you don't even have a building
22 permit yet.

23 LOUISA RAMONE: Not yet.

24 CHAIRPERSON AVELLA: I'm sure City
25 Planning is willing to have a conversation with

1
2 you to explaining what happens with the rezoning
3 and what your individual rights are.

4 LOUISA RAMONE: Thank you so much
5 Mr. Chair.

6 CHAIRPERSON AVELLA: Thank you.
7 The rest are all panels in favor. Glen Roland,
8 Robert Pandolfo, Joel Siegel, Richard Silverman.

9 GLEN ROLAND: Hello. Thank you for
10 allowing us to speak. My name is Glen Roland, a
11 Beverly Square West resident that's been working
12 with City Planning and many of our local
13 representatives for about four years. I'm very
14 strongly in favor of this. All I wish to say at
15 this time is thank you to City Planning and thank
16 you very much to Councilman Eugene who has been a
17 very strong supporter. Thank you to Councilman
18 Felder. Many of you aren't aware that Councilman
19 Avella also was a big help to us early on, so
20 thank you very much. That's it. Thank you.

21 ROBERT PANDOLFO: Hi. I'm Bob
22 Pandolfo, co-president of the Beverley Square West
23 Neighborhood Association. The majority of the
24 members of my association are strongly in favor of
25 this zoning change. We believe that, for us, the

1
2 edges of our area, that is near Coney Island Ave
3 and near Cortelyou Road would have zoning more in
4 keeping with the rest of the neighborhood. Thank
5 you.

6 JOEL SIEGEL: Hello. I'm Joel
7 Siegel. I'm the current president of the Ditmas
8 Park West Neighborhood Association. There is a
9 famous baseball story that in 1968 as Mickey
10 Mantle was approaching a milestone at the end of
11 his career to become the third place on the
12 homerun list, Denny McLain gave him a gift grooved
13 pitch that he could hit a home run and then be the
14 third on the list. The Tigers had already
15 clinched the pennant for the American League. I
16 believe this proposal is a pitch headed to the
17 plate for you Council Members to hit a homerun.
18 Not a single person in my neighborhood has voiced
19 the slightest opposition to this. There is at
20 least 2,000 people that live in our neighborhood
21 and probably more. It is an extremely well
22 thought out proposal that reconciles all the
23 interests of the various constituencies and I
24 believe it's essential to preserve Victorian
25 Brooklyn, which as you've heard is an oasis in

1
2 this city. Aesthetics matter. Several decades
3 ago Flatbush was in decline and the fundamental
4 reason that Victorian Flatbush has rebounded is
5 because these beautiful homes are there. If it
6 was cookie cutter homes or apartment buildings we
7 would not be flourishing as we are now. I think
8 it's essential for the city to weather future
9 economic downturns that we preserve these
10 beautiful neighborhoods in Brooklyn. I thank
11 everybody that worked on this, particularly David
12 and Winston, our community board and the Council
13 Members who have support us, Councilman Eugene, I
14 thank you for your support.

15 RICHARD SILVERMAN: Good morning.
16 I'm Richard Silverman, president of the South
17 Midwood Residents Association. Our community is
18 in the southeast corner of Victorian Flatbush. It
19 was begun in 1899. Our association was founded in
20 1901. The majority of homes in our community are
21 late Victorian wood frame houses on 50x100 lots.
22 The smallest detached lots were 40x100 and the
23 largest were 100x100. In spite of that, all but
24 two blocks of South Midwood are zoned R-3-2
25 general zoning and two blocks are zoned R-6. One

1
2 house on an R-6 block was torn down to make way
3 for a seven story apartment house which in fact
4 was never built. We now have a weed strewn lot, a
5 part time home for squatters where a Victorian
6 home once stood. If the housing bubble had not
7 burst, we would likely have lost other houses on
8 those blocks. The excellent rezoning plan
9 proposed is vital to the survival of our community
10 and to all of the Victorian Flatbush communities.
11 As Councilman Felder has pointed out, these are
12 unique neighborhoods. SMRA enthusiastically
13 endorses this plan and we have many residents from
14 South Midwood here. I'd like to ask them to raise
15 their hands in support. I'd like to thank
16 Councilman Kendall Stewart and Mathieu Eugene for
17 their solid support. We urge the committee and
18 the full Council to enact this zoning change
19 without delay. Thank you.

20 CHAIRPERSON AVELLA: Thank you.

21 The next panel is Carol Vereck [phonetic], Janet
22 Crice [phonetic], Gary Sucher [phonetic] and
23 Catherine Aks, A-K-S, I hope I pronounced that
24 right.

25 CAROL VERECK: Good morning, my

1
2 name is Carol Vereck. For 25 years I have lived
3 on the corner of Beverly Road and Stratford Road.
4 I raised two wonderful, intelligent, great
5 children and my daughters will tell you very
6 easily that I made a lot of mistakes but growing
7 up in Brooklyn was not one of them. Where else
8 could you live where there is grass and trees and
9 beautiful flowers and then be at the Museum of
10 Natural History or something in 40 minutes? It's
11 a beautiful place to live. I am a member of
12 Beverly Square West and as a member I'd like to
13 say that we love our neighborhood. We want it to
14 remain the way it is. We don't want anybody else
15 coming in and tearing down a beautiful house. I
16 am so happy to be a custodian of a 100-year old
17 house. I feel it's my third child. It's
18 something that always wants money and I can't
19 always give it at the time that it needs it, but
20 we know that that's what we want to do with our
21 house. We know we're custodians. We want to fix
22 it and we want to keep it going. We want to
23 maintain its heritage. Thank you so much for the
24 opportunity to speak.

25 JANET CRICE: Good morning. My

1
2 name is Janet Crice. I've lived also in Victorian
3 Flatbush for about 25 years. I live in Ditmas
4 Park West and have been active in the
5 neighborhood. I want to say thank you to the
6 neighborhood association these last four or five
7 years for their incredible work and working with
8 Community Board 14, our elected officials and City
9 Planning. Unfortunately, my block has had two
10 homes come down. For a couple of years before
11 they came down I was asked daily every time I got
12 outside my house if I wanted to sell. I was well
13 aware of the dangers and I'm hoping that this
14 passes your committee and the Council and that the
15 things that I worked so hard for 25 years in the
16 neighborhood will remain. Thank you very much.

17 GARY SUCHER: Good morning. My
18 name is Gary Sucher. I'm a resident and past
19 president of Ditmas Park West. I see there are a
20 lot of speakers so I'm going to be very brief and
21 just express my support for this. It's very
22 important for this to be passed to preserve our
23 beautiful neighborhood. In New York City, which
24 is a very large and varied place, there is room
25 for all kinds of housing and all kinds of

1
2 businesses and there is also room to preserve
3 what's important in what's there. In our
4 neighborhood that would be relatively small
5 buildings and Victorian homes that the zoning of
6 1961 and prior seemed to have overlooked the
7 importance of preservation. In the right economic
8 conditions a lot of houses were torn down over the
9 years and a few recently. So we want to put a stop
10 to that for future generations. Thank you very
11 much.

12 CATHERINE AKS: Good morning. My
13 name is Catherine Aks. I'm a resident of Ditmas
14 Park West. I've been a homeowner for 25 years. I
15 don't have all that much to add to the wonderful
16 comments that everyone else has made. I would
17 like to say that there are a lot of neighborhoods
18 that people move to in anticipation that the
19 neighborhood will improve and then they will love
20 it. People move to Ditmas Park and Beverly Square
21 West and all of Flatbush because they love and
22 they stay there because they love it. It's a
23 neighborhood that works. It works in many ways.
24 It works with a diverse ethnic population. It
25 works in terms of its beautiful surroundings and

1 lush greenery. It is a place well worth
2 preserving. On the subway platform this morning
3 my husband and I were standing at Newkirk Plaza
4 and were quite hot because it's a hot day and my
5 husband said, "Can you imagine 75 years ago what
6 this platform looked like?" And we both said,
7 "Well it had men in suits and hats." And then my
8 husband added, "And they were mostly men, mostly
9 white men." The platform looked very different
10 today and it's reflective of what the community is
11 today. We don't know what it will look like in 75
12 years. We don't know what the subway will look
13 like in 75 years. Hopefully it will be a little
14 bit better. But I think the proposal before you,
15 the City Council, gives you a really unique
16 opportunity to do your part in preserving a real
17 gem for our descendants 75 years from now.

18
19 CHAIRPERSON AVELLA: Thank you for
20 your testimony. The next panel is Stanley Cashell
21 [phonetic], Morris Sachs [phonetic], Henry Pensker
22 [phonetic] and Vanilla Marmody [phonetic].

23 STANLEY CASHELL: My name is
24 Stanley Cashell. I live at 485 Argyle Road in
25 Ditmas Park West. I've lived there for 25 years.

1
2 I'd just like to relay a little anecdote that may
3 be a metaphor for how I feel about the
4 neighborhood. In 1976, I borrowed a cello from a
5 violin maker with the possibility of buying it.
6 It was on loan. The cello was made in the
7 Austrian Tirol we gather in the late 18th century.
8 I played it for a few weeks and I said I'll go for
9 it. I showed it to some other music playing
10 friends of mine. I said I bought it now it's
11 mine. A very, very astute violinist said, no it's
12 not yours. You're just holding it for the future.
13 That's exactly the way I feel about my house and
14 that's the way I feel about this beautiful,
15 beautiful area that we live in. The area has
16 flourished in the in the 25 years that I have been
17 there. It shows no signs of letting up. The
18 biggest scars in the neighborhood though are those
19 houses that Ms. Crice mentioned that were bought
20 up by a speculator, torn down and now sit as
21 vacant lots. It's a reminder to all of us that
22 this could happen on every block in this
23 neighborhood and this proposal I hope will stop
24 that. Thank you.

25 CHAIRPERSON AVELLA: Thank you.

1
2 MORRIS SACHS: Good morning. My
3 name is Morris Sachs. I'm going to be a 29 year
4 resident of the neighborhood on Election Day.
5 Thank you for this opportunity to appear before
6 the committee and voice my unreserved support for
7 the City Planning Commission Flatbush zoning
8 proposal. It has taken a long time to reach this
9 point. This is a true grassroots effort that
10 began five or six or seven years ago when a group
11 of us met with City Planning. We got the
12 community board involved and under the leadership
13 of Alvin Burk we have moved this far along. City
14 Planning gave us a precise detailed plan and David
15 Parish and Winston Von Engel have been remarkably
16 cooperative in tailoring this to meet all the
17 community's concerns. They have made themselves
18 available and it's almost the best we've ever seen
19 from city employees. Every time we had a question
20 they were available. Winston, almost the best,
21 some other people are good too, Winston. During
22 the past two years, four Victorian homes have
23 benefit lost to speculative developers who have
24 yet to make any progress in building their high
25 rise condos. This will at least preserve us for

1
2 the future. I thank Councilman Mathieu Eugene for
3 being involved in this process. My former Council
4 Member Simcha Felder, who I was redistricted away
5 from. Simcha, he's welcome to move back once his
6 Council term is over. We can find him a home in
7 our Victorian community. Thank you.

8 CHAIRPERSON AVELLA: Thank you.

9 HENRY PENSKER: Hi. My name is
10 Henry Pensker. I live on 484 Stratford Road.
11 I've been a resident of Ditmas Park West for 21
12 years. One of the reasons I moved there is I
13 remember seeing an article in the real estate
14 section of "The New York Times" about this area
15 called the suburb in the city. I read the article
16 and I was very intrigued about it. That's one of
17 the reasons I moved there. Unfortunately, this
18 situation in regards on my block has really
19 affected me a lot. The house that was next door
20 to me, this is the house on 480 Stratford Road in
21 2007 existed. As of today, this is what it looks
22 like. You don't realize how much affect it has
23 had on my house having to have wooden boards next
24 to me as my border. I just hope that we finally
25 get completion on the zoning. Thank you.

2 VANILLA MARMODY: I'm Vanilla
3 Marmody. In 1988, I was relocating from the
4 desert.

5 CHAIRPERSON AVELLA: Move the
6 microphone a little bit closer. Now you've turned
7 the button off. Just move it closer to you.

8 VANILLA MARMODY: I'm Vanilla
9 Marmody. In 1988, I was relocating from the
10 Middle East to America. The person took me
11 through Ditmas Park and I said this is where I
12 would like to live and that's where I've been
13 living since 1988. I love the area. It's very
14 diverse and the houses are beautiful. Thank you
15 very much.

16 CHAIRPERSON AVELLA: Thank you.
17 The next panel is Stonewall McMurray [phonetic],
18 Michael Landy [phonetic], Ula Sonderson
19 [phonetic]. Did I pronounce that right? That is
20 all the speakers I have signed up on this item.
21 Is that correct? Seeing none after this panel,
22 there's one more. Warren, you might as well come
23 up to this panel. I assume after that this will
24 be the last panel on this item.

25 STONEWALL JACKSON MCMURRAY III:

1
2 Good morning Mr. Chairman and members of the
3 committee. My full name is Stonewall Jackson
4 McMurray III. As you might detect from that name
5 and my accent, I am not a native New Yorker. I
6 did move here however in 1966 as a yuppie engineer
7 before the term yuppie existed and lived in
8 Manhattan for eight years. At that point, with a
9 wife in tow, jobs took us out of the city for five
10 years. When we returned, which was 30 years ago
11 this coming Saturday, we moved into a house in
12 Flatbush in the Ditmas Park West neighborhood of
13 which you've heard a good deal. We're just a
14 block from this place where houses have been torn
15 down, of which you were just presented a picture
16 by Mr. Pensker. That has to stop. It's that
17 simple. We cannot have a good neighborhood
18 destroyed by people who can't complete the kind of
19 work that they undertake and who moreover would
20 destroy the character of the neighborhood. It
21 just can't be allowed to go on. Mr. Avella, you
22 were a big help in the beginning of this process
23 and we thank you. Councilman Eugene and
24 Councilman Felder, we thank you as well. I would
25 say the other elected officials in the area have

1 all been supportive as well, as you well know.

2
3 Finally, I want to say thanks to the two gentlemen
4 from the City Planning Commission. You did a
5 phenomenal job of working with us and we do
6 appreciate it. As Mr. Sachs said, you're among
7 the best civil servants we've encountered. Please
8 keep it up. Thank you.

9 CHAIRPERSON AVELLA: I don't know.
10 They're going to be asking for a raise when they
11 get back.

12 Thank you all for this opportunity
13 to speak and for all the work that you've done on
14 this previously. My name is Mike Landy. I'm a 20
15 year resident of Beverly Square West. Pretty much
16 everything that I would have said has already been
17 said. So I just second those emotions. Thank you
18 for this. I hope this gets approved.

19 ULA SONDERSON: My name is Ula
20 Sonderson. I moved to our neighborhood six years
21 ago in 2003. My wife and I got on our bikes and
22 tried to find a place to buy a house. I guess I
23 represent the next generation. Everybody else has
24 been here 25 years plus. We love the
25 neighborhood. I'm an architect and she's an

1
2 artist. We have a lot of artist friends that have
3 moved to the neighborhood. I have been fortunate
4 enough to design some new restaurants and such in
5 our neighborhood on Cortelyou Road, which is
6 lovely. We love it. I guess I'm proof. The
7 proof is in the pudding, right? I am the next
8 generation. Thank you everybody.

9 WARREN DINGOT: Hi, my name is
10 Warren Dingot [phonetic]. I moved to West Midwood
11 in 1968 and lived there for a bunch of years as a
12 single person and loved the area. In 1989, I got
13 married and felt that my wife and I should start
14 off someplace brand new so we moved 12 blocks to
15 the east, still within Victorian Flatbush. I
16 would like to thank everybody who worked on behalf
17 of getting this done. I'd like to suggest that in
18 driving, if you drive down Westminster Road, which
19 was where my original house was, starting from
20 Church Avenue in the hottest day in the summer
21 there is a canopy of trees all the way from Church
22 Avenue to Avenue H. It's an amazing scene that on
23 a brutally hot people work not only to preserve
24 their houses but to preserve the character of the
25 neighborhood. One thing that we did when I got

1
2 married and my wife's an artist; we got one of the
3 city photographs of the way the houses looked in
4 1935. My wife insisted on restoring an upper
5 porch railing that was in the original photograph
6 of the house. That's the mentality of the people
7 that live here. Someone said before we're
8 custodians and it's truly the case. We are
9 holding, we're restoring and we're keeping these
10 houses for future generations. The city is doing
11 everything it can, which is great for us, to help
12 in that process. So thank you all, Winston, David
13 and everybody on the Council. We really
14 appreciate it.

15 CHAIRPERSON AVELLA: Thank you. I
16 want to compliment everybody who came down. It's
17 very rare that so many people come down to say
18 they're in favor of a rezoning. Usually when the
19 people are in favor, they know it's going to pass
20 and this will obviously pass. I want to thank all
21 of you for coming down. I have been out there
22 several times. It is a wonderful community and
23 neighborhood. I appreciate all the work that
24 you've put into this, and rest assured, when the
25 vote comes, we're going to pass this. That closes

1
2 the public hearing on the Flatbush rezoning. I'll
3 ask City Planning to come back to discussion the
4 Dumbo rezoning.

5 [Pause]

6 WINSTON VON ENGEL: Good morning
7 Chair Avella and honored Council Members. It is
8 still morning for another 16 minutes. Thank you.
9 We are very proud here to present to you the Dumbo
10 rezoning. I'm joined here by Sarah Goldwyn who is
11 a team leader and planner in our Brooklyn Office,
12 as well as Lish Whitson who is the planner and
13 project manager for the rezoning. The Dumbo
14 rezoning is a 12 block rezoning that proposes to
15 extend the extremely successful premier mixed use
16 Dumbo district from the west of the Manhattan
17 Bridge to the eastern side of the Manhattan
18 Bridge. It is a longstanding project of our
19 office at the request of the local community
20 board, the local community organizations and the
21 elected officials. In fact, it was some time ten
22 years ago that our staff started to work on this
23 at the request of the community. We're very happy
24 to be here today after a series of meetings,
25 numerous meetings and consultations that we had

1
2 with the community, the Dumbo Neighborhood
3 Association, the Brooklyn Borough President. The
4 City Planning Commission and the Brooklyn Borough
5 President both voted to approve this project and I
6 will now ask Sarah Goldwyn to give a brief
7 introduction.

8 SARAH GOLDWYN: Good morning, Chair
9 Avella and honorable Council Members. My name is
10 Sarah Goldwyn and I'm a planner and team leader in
11 the Brooklyn Office of the Department of City
12 Planning. We're very pleased to present the
13 department's rezoning proposal for a 12-block area
14 within the Dumbo neighborhood. As Winston
15 mentioned, this would extend the mixed use
16 district that's been highly successful in the
17 Dumbo neighborhood, making this side of the bridge
18 into as vibrant and successful and desirable place
19 to live as the Dumbo neighborhood has become. The
20 comprehensive rezoning of the Dumbo neighborhood
21 has been a longstanding request of neighborhood
22 residents and local stakeholders, including the
23 Dumbo Neighborhood Association and Community Board
24 2. In response to this request, our office has
25 developed this mixed use rezoning proposal in

1
2 close collaboration with all community
3 stakeholders, including Board 2, Borough President
4 Markowitz, Council Member David Yassky and Council
5 Member Letitia James. Our proposal has broad
6 based support from longstanding from Dumbo
7 residents, property owners and area stakeholders
8 who you will hear from today. As you can see from
9 the zoning map of the area to my left, our
10 rezoning lies within a well established context of
11 mixed use and contextual rezoning districts that
12 are products of recent zoning initiatives in the
13 Dumbo neighborhood. Following Dumbo's industrial
14 decline, which mirrored citywide trends in the
15 1970s and 80s, these rezonings have supported the
16 light industrial and commercial uses that have
17 remained in the area and have introduced new
18 residential and local retail uses, which have
19 contributed to the successful transformation of
20 the neighborhood over the past decade. These
21 efforts have built upon Dumbo's rich industrial
22 history while inviting a new range of uses that
23 have encouraged a critical mass of people who live
24 and work in Dumbo that is needed to support a
25 vibrant 24/7 community. This proposal we'll

1 present to you today would employ the same mixed
2 use zoning approach that has been successful in
3 revitalizing the area west of the Manhattan Bridge
4 to our 12-block rezoning area. In recognition of
5 the neighborhood's rich historic character, we
6 worked closely with the Landmarks Preservation
7 Commission to advance the historic district
8 designation of the Dumbo Historic District prior
9 to advancing this rezoning effort. As you are
10 aware, this effort was approved by the Council
11 just last year. This rezoning, in tandem with the
12 designation of the Historic District, would
13 provide a comprehensive framework for new
14 contextual development that respects the historic
15 character of Dumbo while allowing for continued
16 growth of the neighborhood. And last but not
17 least, for the first time in the Dumbo
18 neighborhood, this rezoning would apply the city's
19 inclusionary housing program providing incentives
20 for the creation of nearly 100 units of new
21 affordable housing which would add to the
22 diversity and vitality of the Dumbo neighborhood.
23 Lish Whitson, the project manager for this
24 rezoning will now walk you through the details of
25

1
2 the proposal. After his presentation, we're happy
3 to answer any questions you may have.

4 LISH WHITSON: Good morning Chair
5 Avella and honorable committee members. My name
6 is Lish Whitson and I'm a planner with the
7 Department of City Planning for Brooklyn Community
8 District 2. The Dumbo neighborhood at the base of
9 the Brooklyn and Manhattan Bridges has been
10 transformed in the last 15 years from an
11 underutilized warehouse and government office
12 district into a vibrant, exciting mixed use
13 neighborhood that is attractive to both businesses
14 and residents. The Dumbo rezoning seeks to build
15 on that success by encouraging a continued mix of
16 uses through contextual mixed use districts that
17 maintain the area's scale and character and
18 through the use of the inclusionary housing
19 program. Dumbo is characterized by large loft
20 buildings that rise without setback from the
21 ground to their roof. Many of these buildings
22 were built in the first two decades of the 20th
23 century and were home to businesses that were key
24 to Brooklyn's growth as an industrial powerhouse.
25 The historic significance of the neighborhood is

1
2 recognized by the Dumbo Historic District which
3 the City Council approved last year. Between the
4 Brooklyn and Manhattan Bridge is a mixed use
5 district put in place ten years ago and it has
6 allowed new development and residential conversion
7 of vacant buildings. In this mixed use district,
8 larger buildings have continued to be used for
9 office and industrial uses and have not converted
10 to residential use. Under the mixed use zoning
11 district, Dumbo has remained a truly mixed use
12 area. The Department of City Planning has worked
13 with the LPC, neighborhood residents, businesses,
14 property owners and Council Member Yassky to
15 develop a zoning proposal for the 12-block area
16 east of the Manhattan Bridge that builds on the
17 success of this earlier rezoning and respects the
18 existing character of the neighborhood and allows
19 it to continue to thrive. The rezoning area steps
20 down in height from tall full block buildings
21 adjacent to the Manhattan Bridge to shorter, small
22 buildings closer to the Vinegar Hill neighborhood
23 to the east. Buildings in the rezoning area
24 generally rise without setback to their roof. The
25 rezoning area has seen a significant trend toward

1 a healthy mix of residential, arts, light
2 industrial, retail and office uses. New
3 residential uses are already being added to the
4 rezoning area through the use of BSA special
5 permits. The rezoning will allow this mix of use
6 and activity to thrive, bringing a critical mass
7 of people to the neighborhoods to support local
8 businesses and will provide more eyes on the
9 street that will improve neighborhood safety. The
10 proposed rezoning also builds on the Dumbo
11 Historic District adopted last year. Most
12 properties in the rezoning area are within the
13 boundaries of and contribute to the Historic
14 District. Consequently, the LPC will review most
15 development that proceeds under the proposed
16 zoning. A new construction would occur on only
17 vacant or noncontributing sites. The proposed
18 rezoning would extend the mixed use zoning that
19 has helped to revitalize the area west of the
20 Manhattan Bridge to 12 blocks under and east of
21 the Manhattan Bridge. Experienced with the mixed
22 use zoning already present in Dumbo has shown that
23 a combination of residential and manufacturing
24 districts can allow residential growth while
25

1
2 maintaining the employment that is vital to the
3 neighborhood. The proposed M-1-4, R-7A and M-1-4,
4 R-8A mixed use zoning districts were carefully
5 selected to support the existing character of the
6 area, matching the street wall and building
7 heights of existing structures in the area. The
8 district reflects the existing character of the
9 area by stepping down in scale from the dense area
10 along J Street and adjacent to the Manhattan
11 Bridge to the lower scale Vinegar Hill
12 neighborhood to the east. In addition, the
13 proposed zoning would apply the inclusionary
14 housing program for the first time in Dumbo,
15 encouraging the development and preservation of
16 affordable housing in the area. In summary, the
17 proposed districts will help the neighborhood to
18 thrive while maintaining the neighborhood's
19 historic and mixed use character. We're happy to
20 take any questions you may have.

21 CHAIRPERSON AVELLA: Council Member
22 Felder has a question. Council Member David
23 Yassky was here earlier today and did want to stay
24 for this part of the hearing, but unfortunately he
25 had another commitment. He did want me to mention

2 that he is in favor of the application. Council
3 Member Felder?

4 COUNCIL MEMBER FELDER: Good
5 morning. I just wanted to know how much of the
6 Manhattan Bridge's view is blocked by this
7 rezoning?

8 LISH WHITSON: None of the
9 Manhattan Bridge's view is blocked by this
10 rezoning. The buildings adjacent to the Manhattan
11 Bridge are all contributing to the Historic
12 District.

13 COUNCIL MEMBER FELDER: What about
14 the Brooklyn Bridge?

15 LISH WHITSON: The Brooklyn Bridge
16 is about four blocks away from this rezoning and
17 it would not be affected.

18 COUNCIL MEMBER FELDER: And the
19 Williamsburg Bridge?

20 LISH WHITSON: I can assure you the
21 Williamsburg Bridge is fine.

22 COUNCIL MEMBER FELDER: Thank you.

23 CHAIRPERSON AVELLA: That's an
24 inside joke, everyone. Thank you. We'll proceed
25 to the public hearing. I have a number of

1
2 speakers in favor and opposition. We'll call the
3 first panel in favor. Joe Chan, Carl Hum, Kate
4 Kerrigan, and Christopher Masotto.

5 JOE CHAN: Thank you, Chair Avella
6 and the members of the subcommittee. I'm Joe Chan
7 and I run the Downtown Brooklyn Partnership which
8 is a 501(c)3 not-for-profit local development
9 corporation charged with advancing economic
10 development in the Downtown Brooklyn area. We're
11 here today to support this project for a few
12 reasons. One is the creation of a diversity of
13 housing options in the broader Downtown Brooklyn
14 area. One thing that we've seen in Downtown
15 Brooklyn over the last couple of years is a
16 diversification of the commercial office space.
17 Traditionally, Downtown Brooklyn has been
18 government tenants, back office of finance and
19 insurance companies, but in the last few years
20 we've seen something very exciting happen. We've
21 seen new industries, whether it's advertising or
22 media or really creatively driven industries
23 coming to Downtown Brooklyn. One reason why
24 they're coming is because their employees live in
25 the surrounding areas and want to live in the

1 surrounding areas. We're very proud to say that
2 in Downtown Brooklyn we've got thousands of new
3 apartments coming online. Unfortunately, not
4 everyone is going to want to live in Downtown
5 Brooklyn proper and the creation of a diverse set
6 of housing options within the broader Downtown
7 Brooklyn area will result in Downtown Brooklyn
8 being more competitive. So we support the
9 rezoning for that reason. We obviously support
10 the rezoning because it does create diverse
11 housing from a socioeconomic standpoint as well.
12 We applaud City Planning for the inclusion of an
13 inclusionary text within the rezoning. We think
14 that making Dumbo more accessible as it now is the
15 most expensive residential neighborhood in
16 Brooklyn is a good thing. In total, I would say
17 that advancing the comprehensive growth of the
18 entire Dumbo neighborhood is important. I used to
19 live in the area and I think for so many years the
20 east side and the west side of Dumbo grew in
21 different ways with the east side really lagging
22 behind the more established west side. This
23 zoning looks to address that in a way that's
24 respectful of the historic buildings in the area,
25

1
2 respectful of neighborhood context, and again,
3 diversifies the housing stock. So we support the
4 Dumbo rezoning.

5 CARL HUM: Good morning Chair
6 Avella and distinguished member of the
7 subcommittee. My name is Carl Hum. I'm the
8 president and CEO of the Brooklyn Chamber of
9 Commerce. On behalf of the chamber and our
10 members, some of whom either live or operate their
11 business in Dumbo, I am here to express our
12 support for the Dumbo rezoning proposal. Over the
13 years Dumbo has become one of Brooklyn's premier
14 neighborhoods attracting tourists, commercial
15 activity and new residents, all vital elements to
16 the street vibrancy and community building.
17 However, there remains a portion of the
18 neighborhood where the current zoning does not
19 allow for the full potential of Dumbo as a live,
20 work and play community to blossom. The proposal
21 before you provides that opportunity by supporting
22 a mixed use environment, allowing residential
23 conversion of existing buildings and providing
24 incentives for affordable housing. Moreover, the
25 proposal will allow Dumbo to grow its residential

1
2 and commercial components while maintaining the
3 neighborhood's unique scale and character. The
4 chamber believes that the zoning proposal before
5 you will not only enhance this environment, but
6 provide the mechanisms for additional and
7 responsible and manageable growth for both the
8 residential and business communities. The chamber
9 is proud to join with other community leaders and
10 organizations here today in support of the
11 rezoning. It's a plan that would be beneficial
12 not only to Brooklyn but to the city as a whole.
13 Thank you.

14 KATE KERRIGAN: Chair Avella,
15 honorable Council Members, my name Kate Kerrigan.
16 I'm the executive director of the Dumbo
17 Improvement District. That's the Business
18 Improvement District in the area. Thank you for
19 the opportunity to speak in support of the Dumbo
20 rezoning. I would also like to thank the staff of
21 City Planning. It's a very thoughtful proposal
22 and one that arises from years of collaboration
23 with the residents and the other stakeholders in
24 Dumbo. Dumbo, as you know, is a small community
25 of residents, businesses and artists. There is a

1
2 modest residential population and limited foot
3 traffic on our streets. This Dumbo rezoning will
4 go a long way to helping to grow a customer base,
5 something very important to Dumbo's retail
6 community and the community as a whole. In
7 conversations with numerous residents and
8 businesses in Dumbo, I have heard only wide
9 support for the Dumbo rezoning. But I would like
10 to address a few concerns that did come up by one
11 opponent at the last hearing which was at City
12 Planning. One is on the issue of contextual
13 development. The area the city proposes to rezone
14 is nearly entirely within the Dumbo historic
15 district. This is a significant overlay of
16 regulation on building owners impacted by this
17 rezoning. Owners taking advantage of the rezoning
18 will build in accordance with the rules of the
19 historic district designation. On the issue of
20 jobs, and this is a critical issue, and one that
21 we've studied quite deeply at the Dumbo
22 Improvement District. Not only will market
23 conditions dictate whether and when buildings
24 might convert to residential use but certain
25 buildings, by their mere shape and their size are

1 simply not conversion candidates. The buildings
2 at 20 Jay and 68 Jay for instance are too large
3 and too square to be converted. Along with Green
4 Desk, which is 155 Water and I believe you'll from
5 them this afternoon, and 51 Jay, these buildings
6 house roughly 2,000 employees, artists and
7 freelancers and many other types of businesses
8 that Joe Chan referred to growing there in Dumbo.
9 These businesses will remain, we hope, in Dumbo
10 and that these buildings will remain we know
11 suited to commercial use. Last, on the issue of
12 infrastructure, it's important to know that we're
13 working very hard with the help of the City
14 Council and the City of New York as a whole to
15 rebuild Dumbo's historic streets. We are very
16 glad that the investment is being made in the
17 public infrastructure in Dumbo to allow for the
18 growth that this rezoning proposes. Thank you
19 very much.

21 CHRISTOPHER MASOTTO: Good
22 afternoon. My name is Chris Masotto. I'm
23 speaking because my family has owned three small
24 buildings in the Dumbo area since the 40s and also
25 because I'm a current resident. We are in full

1 support of this rezoning. In addition to running
2 our family business there since the 40s I've lived
3 in 70 Washington Street for over two years and my
4 brother has lived in the area for about 25 years.
5 We have literally seen the neighborhood change
6 over the years. I personally have seen it as my
7 father had me working back when I was young
8 teenager, which I thought was against every labor
9 law out there but he did it anyway. I think
10 that's important to know that we are and have been
11 located there for such a time and are owners as
12 well as my brother and I are raising our families
13 there. I think if this rezoning does not go
14 through, the Dumbo population will remain small in
15 retail and other services will remain limited.
16 Businesses will continue to be attracted to other
17 more highly populated areas. The area won't
18 survive in a sustainable manner like other robust
19 neighborhoods of New York and Brooklyn. I feel
20 that the area is far from overcrowded and it's
21 empty at night. The subways are dark at night and
22 the mornings. My girlfriend who lives with me, my
23 brother's fiancé and new child, they feel it's
24 unsafe and they're a little nervous to take them.
25

1
2 That's something that I don't like. There are
3 cars broken in on the streets all the time. The
4 neighborhood store was broken into. Someone tried
5 to break into my brother's apartment recently. I
6 feel that the more residents' eyes that are there
7 of people that care, they deter this type of
8 actions from happening. I think it's only a good
9 thing. I've seen that as the population has grown
10 over the past ten years, the safer the area has
11 obviously become. It also has made the schools
12 become better. I don't feel that there has been
13 any job losses. I feel that the more people to
14 the area will create more demand for jobs. Also,
15 it will create more office and retail use
16 attracting by the growing population. Thank you.

17 CHAIRPERSON AVELLA: Thank you.

18 The next panel is a panel in opposition. I have a
19 number of slips from the Dumbo Neighborhood
20 Association, so why don't you pick the first four
21 people you'd like to speak.

22 GUS SHEHA: Good afternoon. My
23 name is Gus Sheha and I'm the president of the
24 Dumbo Neighborhood Alliance, formerly the Dumbo
25 Neighborhood Association. There are six of us

1 presenting DNA's official testimony in opposition
2 to this proposal. The Dumbo Neighborhood Alliance
3 is strongly opposed to the Department of City
4 Planning sponsored proposed 12-block rezoning east
5 of the Manhattan Bridge as it flies in the face of
6 both the Community Board 2 initiated and
7 community-supported old Brooklyn District 197A
8 plan designed a decade as well as our own proposal
9 for a comprehensive rezoning plan for Dumbo,
10 Fulton Ferry and Vinegar Hill. This comprehensive
11 rezoning plan designed by urban planner Paul
12 Gratziano [phonetic] in 2008 was initiated in
13 response to the piecemeal efforts over the past
14 decade by the Department of City Planning who has
15 ignored the Old Brooklyn District plan in its
16 entirety. With the exception of the rezoning of a
17 small portion of Vinegar Hill, DCP has supported
18 high density growth driven by developers in the
19 Dumbo area. The current DCP proposal is no
20 exception. We urge the City Council to join
21 Community Board 2 in rejecting this rezoning and
22 to adopt the recommendations made by Borough
23 President Marty Markowitz in regard to this
24 application which are: that blocks containing 10,
25

20, 68 Jay and 155 Water Street be rezoned to M-1-4 in lieu in M-1-4/R-8A; that the remainder of the M-1-4/R-8 zoning district be reduced to 100 feet east of Jay Street in lieu of 150 feet with the air beyond 100 feet becoming part of the proposed M-1-4/R-7A district; that the remaining blocks fronting Pearl Street be rezoned M-1-4/R-7A in lieu of M-1-4/R-8A. The Dumbo Neighborhood Alliance stands behind and supports Mr. Markowitz's recommendations which are sound, well thought out and closer in line with DNA's comprehensive rezoning plan. We are grateful for the thoughtful consideration that the borough president and his office have provided. Despite repeated statements by DCP to the contrary, there has been little outreach to the actual residential or industrial commercial community within the targeted area. In fact, the unveiling of their study approximately one year at DCP's offices, out of two dozen or so attendees, there were three residences and small business owners, two staffers and about ten landlords, developers and their legal representatives. Our testimony will be broken up into several parts based upon different

1
2 issues that are pertinent to the DCP's proposed
3 rezoning as justified by the environmental
4 assessment statement: height, scale and density;
5 Dumbo Historic District; existing manufacturing
6 and commercial jobs; population and schools; and
7 inclusionary zoning and affordable housing.

8 DOUG BIVIANO: Hi, my name is Doug
9 Biviano. I'm here with DNA today and I'm also
10 running for City Council in Brooklyn's 33rd. I'm
11 a resident of the community, a parent and I care
12 deeply about it. I'm going to pick up on the rest
13 of the statement; height, scale and density,
14 because I feel strongly about this. Department of
15 City Planning's reasoning to rezone the
16 residential component of this R-8A with and R-7A
17 zone, 150 foot east of Jay Street is flawed. The
18 summary of why DCP is proposing this particular
19 zone has its basis in what they described as
20 planning principles. However, we believe that
21 these same planning principles can be achieved by
22 redrawing the map to better reflect the existing
23 built environment in the proposed rezoning area.
24 In this way, development potential will more
25 carefully be balanced with the current physical

1
2 form and fabric of Dumbo. Based upon figures and
3 statistics with the EAS report, it is clear that
4 there are all or parts of four blocks that
5 basically meet the criteria for an R-8A zone.
6 Three of those blocks are between Adams and Jay
7 Streets, north of Plymouth Street and the fourth
8 is bounded by Pearl, Water, Jay and Front Streets.
9 Those four blocks are also significant in terms of
10 how they relate to other large buildings in Dumbo.
11 They are full block industrial type buildings
12 which have more in common with the buildings west
13 of the Manhattan Bridge. The remaining blocks in
14 the proposed rezoning are primarily made up of
15 buildings 15 to 65 feet in height with several
16 vacant lots or portions of parcels that are
17 currently vacant. There are only five buildings
18 that are above 80 feet, which is the maximum
19 height in the R-7A zone, and three of those are
20 below 85 feet. Additionally, except for one other
21 building, all other buildings are at or below the
22 street wall maximum height of 65 feet. This would
23 allow for significant development above those
24 heights, including rooftop additions that would be
25 unseen from the street level. On parcels that are

1
2 redeveloped, an 80 foot height limit would
3 generate a scale that is more in keeping with
4 existing building environment. Thank you.

5 MIRIAM SONGSTER: Good afternoon.
6 Thanks for the chance to speak. I'm Miriam
7 Songster. I'm a resident of Dumbo and a member of
8 the DNA. I'm speaking about the Dumbo Historic
9 District. While more than 90% of the proposed
10 rezoning area is located within the Dumbo Historic
11 District, 12 parcels have buildings that are
12 considered no style and two parcels are vacant.
13 These parcels can be heavily altered if approved
14 by the Landmarks Preservation Commission.
15 Additionally, contributing buildings, while not
16 eligible for demolition, can be made taller or
17 incorporated into new development if they're
18 included in a multi-building redevelopment. The
19 EAS describes this scenario as being probable at
20 several sites in the Dumbo Historical District.
21 Now the Department of City Planning has made
22 statements to the effect that the LPC will make
23 sure that new construction will not be overly
24 tall, dense or harm the fabric of the Historic
25 District. DNA finds this statement absolutely

1 misleading because while the LPC has jurisdiction
2 over design review in the Dumbo Historic District
3 they are prohibited by law to take zoning into
4 consideration when they make a decision on a
5 project. The ramifications of relying on LPC have
6 been proved time and again, most recently with
7 their decision pertaining to St. Vincent's
8 Hospital in the Greenwich Village Historic
9 District. The LPC approved a 286-foot tall
10 building in an area where most buildings are 6
11 stories or less and the tallest is 12 stories.
12 While LPC lowered the height of the proposed
13 building by several stories, they did not and
14 could not challenge the underlying zoning proposed
15 for the site. The resulting building complex is
16 therefore completely out of scale with the
17 surrounding neighborhood. Similarly, should the
18 R-8 designation be applied to Dumbo as envisioned
19 in the current DCP plan, building will proceed in
20 a manner that is out of scale and deleterious to
21 the historic context of the neighborhood. Based
22 on these concerns, the Dumbo Neighborhood Alliance
23 believes that changing the zoning map as we have
24 proposed will better protect the Historic District
25

1
2 while still allowing reasonable development in the
3 neighborhood.

4 KURT DEMETRIODIS: Good afternoon
5 Chairman Avella. I'm continuing the testimony.
6 My name is Kurt Demetriadis [phonetic]. I'll
7 speak to the existing manufacturing and commercial
8 jobs. Based on the EAS, over 60% of the proposed
9 rezoning area is currently being used as
10 industrial and/or commercial. The EAS describes
11 the MX-3 zone as a special district which was
12 created in 1999 to encourage investment in mixed
13 industrial and residential areas to promote the
14 opportunity for workers to live in the area they
15 work and to recognize and enhance the vitality and
16 character of existing and mixed use neighborhoods.
17 The outcome of what has happened is every area in
18 the city zoned MX has been quite different. The
19 Pratt Center for Community Development recently
20 undertook a study of another manufacturing area
21 nearby in Brooklyn that may be rezoned in the near
22 future. The biggest concerns in that area, which
23 are remarkably similar to this part of Dumbo, are
24 scale and density, affordable housing and most of
25 all, retention of jobs in the current depressed

1
2 economy. Two sentences from the report sum up the
3 problem in that neighborhood as well as in Dumbo.
4 The problem with MX districts is that since they
5 allow both residential and manufacturing uses as
6 of right, they do not tend to lead to a balance of
7 uses. Since the real estate market favor non-
8 industrial development. This essentially makes MX
9 zone areas of transition where new residential
10 development eventually overwhelms manufacturing.
11 As described above, the proposed MX zone in this
12 portion of Dumbo will, like other blocks in Dumbo
13 that have been mapped similarly, result in a
14 disappearing of active industrial and non-retail
15 commercial uses in the target area. Currently
16 there is no plan to relocate the existing jobs and
17 industry to other nearby neighborhoods in
18 Brooklyn. DNA brought these concerns to DCP and
19 recommended the creation of a special district to
20 go with the proposed rezoning that would encourage
21 industrial retention. I guess I'll skip to the
22 end. We were planning for three minutes. I
23 apologize. Based on the EAS report, 171
24 businesses with an estimated 673 employees would
25 be displaced. The MX zone would be

1
2 transformational in every sense of the word, which
3 is not necessarily to the benefit of Dumbo or
4 Brooklyn. Therefore this action should be
5 abridged to protect as many active industrial
6 commercial buildings and sites as possible. Thank
7 you.

8 CHAIRPERSON AVELLA: I guess my
9 first question is the Dumbo Neighborhood
10 Association has been down here many times. We're
11 very familiar with the organization. You do a
12 very good job in analyzing zoning and I know you
13 work with a number of other people and Paul
14 Gratziano, we're obviously, especially me, very
15 familiar with his work. You obviously have a big
16 difference of opinion here. There are lot of
17 suggestions. You mentioned the borough
18 president's recommendations. From your
19 perspective, what has been the reaction from City
20 Planning to these suggestions and your concerns?

21 GUS SHEHA: In terms of our
22 original comprehensive rezoning plan, none of our
23 recommendations were taken into consideration by
24 DCP. Now in terms of Marty Markowitz's
25 recommendations, I'm not quite sure we've gotten a

1
2 public statement yet from City Planning what their
3 take is on Marty's recommendations. Now, again,
4 to be clear, we understand that this is a give and
5 take process. Although not all of our objectives
6 are met with Borough President Markowitz's
7 recommendations, I would say a good 50-60% are.
8 That is why we've decided to embrace the
9 recommendations put forth by Marty Markowitz.

10 CHAIRPERSON AVELLA: You heard me
11 mention; now obviously Council Member Yassky isn't
12 here but he asked me to say that he's in favor of
13 the application. Is he in favor of some of the
14 recommendations from the Borough President?

15 GUS SHEHA: It is my understanding
16 that the borough president's office has been in
17 contact with Mr. Yassky over the last couple of
18 weeks and they've been in discussions regarding
19 the borough president's recommendations. I'm not
20 quite sure if Councilman Yassky has actually put
21 forth an opinion on them yet.

22 CHAIRPERSON AVELLA: For obvious
23 reasons since there are only two members here, we
24 will not be voting on this item today only because
25 of the quorum issue. There will be obviously

1
2 additional time, whether it's tomorrow or
3 Wednesday to continue the discussions on this. At
4 the end of the public testimony I will ask City
5 Planning to come back because I'm curious to know
6 what their reaction is to these issues. But what
7 I would suggest and I know there is going to be
8 another panel yet, if you could put on paper
9 exactly what are the issues for you, both the
10 borough president's and yours, it would facilitate
11 the discussion.

12 GUS SHEHA: Sure.

13 CHAIRPERSON AVELLA: Thank you.

14 The next panel is a panel in favor. Adam
15 Ginsburg, Jan Kojima [phonetic], Marcia Hillis and
16 David Benedetto. Actually, if I can call up the
17 last person that's in favor too just to sit on the
18 side, Thomas McMan, and we'll try and fit you in.
19 This way we get that panel. Oh, Tom. I read the
20 name and I didn't even attach the significance.

21 ADAM GINSBURG: Good afternoon
22 Councilman and Chairman. I am Adam Ginsburg. I
23 represent GDC Properties. We own the building at
24 22 Water Street. It is about a 200 square foot
25 completely vacant manufacturing building within

1
2 the proposed rezoning area. I'm here to express
3 our support for the application. We believe that
4 this proposed rezoning in conjunction with the
5 actions and designation that Landmarks undertook
6 recently represents a reasoned and very balanced
7 policy to meet a variety of goals that benefit
8 Dumbo in terms of protecting and preserving the
9 unique character that the neighborhood offers
10 today and allowing it to grow into a financially
11 viable community going forward. I want to thank
12 the good work and the long work that the Planning
13 Department undertook, particularly Purnima Kapur.
14 I think this plan fosters the kind of growth that
15 is required to activate local retail in the area.
16 I think that it's consistent with the other
17 section of Dumbo to the west that has already been
18 rezoned. It's a comprehensive plan that reacts to
19 facts that are already taking place on the street.
20 Over the last five or six years, this area of
21 Dumbo has seen zoning variances, my own building
22 as one example of that, site specific rezonings,
23 some of which you're familiar with I'm sure. All
24 of these things are effectively changing the
25 neighborhood in a very real way but without the

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2 comprehensive approach that this application
3 brings to the process. I think it's the
4 responsibility of the city government to take the
5 lead on this and to ensure that as Dumbo grows it
6 does so in a reasoned and intelligent way. I
7 understand that as with any application, there are
8 certain elements that aren't going to be
9 acceptable to everybody, but I think failure to
10 act now will just let the process go in a
11 haphazard way and will represent something that's
12 not good for the neighborhood. Thank you.

13 JANE KOJIMA: Thank you for the
14 opportunity to speak today. My name is Jane
15 Kojima. I am a resident of Brooklyn Heights and
16 the director of communications and marketing for
17 the Dumbo Improvement District. Dumbo is a
18 community serviced by an eclectic retail mix of
19 predominately independent retailers. In Dumbo, as
20 with neighborhoods all over the city, the small
21 business community is feeling the strain of the
22 economic crisis. Recently, many small businesses
23 have been forced to shut their doors, and Dumbo is
24 not immune. Since last fall, a number of
25 retailers in Dumbo have closed including Modern

1
2 Tots, Gallary QB and Indigo Handloom, as well as
3 Prague Kolektiv, which moved to commercial office
4 space in lieu of a ground floor retail location.
5 Dumbo's retailers and commercial tenants are
6 invested in our neighborhood, and their growth and
7 success is dependent upon the continued growth and
8 development of the community. Many of them staff
9 their stores themselves and are unable to attend
10 today's hearing personally, so we asked them to
11 weigh in on the Dumbo rezoning. We spoke to over
12 150 stakeholders, who voiced support, including:
13 Seven Stars Deli, Bridge Apothecary, the Brooklyn
14 Flea, Chase Bank, The Doe Fund, Front Street
15 Pizza, Galapagos Art Space, Gleason's Gym, Green
16 Dusk, Halcyon the Shop, Jan Larsen Art, La Bagel
17 Delight, NYC Pets, Pedro's Bar and Restaurant,
18 Pizza Downtown Restaurant, St. Ann's Warehouse,
19 Water Street Restaurant and Lounge, Baco Living,
20 Stewart Stand, Jay East, Jimmy's Grocery, Wonk,
21 Neighborhoodies, Zoe, Half Pint, Rice, Jacques
22 Torres, Mikey's Hookup, Bridgestone Cleaners,
23 Starbucks, Golden Bridge Cleaners, the General
24 Store, Journey, Powerhouse Books, Dumbo Pet Care,
25 Dumbo Art Center, BoConcept, Blanc & Rouge,

1
2 Foragers Market, CopyRite, Peas 'N Pickles. To
3 help generate addition foot traffic in the
4 neighborhood, the Dumbo Improvement District
5 collaborates with other community organizations
6 for special events to bring new audiences to
7 Dumbo, such as the First Thursday Gallery Walk,
8 the Art under the Bridge Festival and The New York
9 Photo Festival, amongst others. But special
10 events are no substitute for population. Over
11 time, the Dumbo rezoning will result in increased
12 foot traffic, increasing the vitality of our
13 community, allowing small business to thrive here
14 and growing the residential population to support
15 our small businesses. In addition to the retail
16 community, the Dumbo rezoning is also supported by
17 the Brooklyn paper. In the April 9th editorial
18 "Let Dumbo Thrive," they counter the opposition's
19 fear of the height and density of the proposed
20 rezoning with the reminder that they are referring
21 to "a neighborhood that has some new buildings and
22 many old warehouses that are 11, 13, and 16
23 stories in a neighborhood that also has a 31-story
24 and 24-story building next to the proposed
25 rezoning area."

CHAIRPERSON AVELLA: Can you begin to sum up please?

JANE KOJIMA: The Dumbo improvement district supports the Dumbo rezoning. We ask that you support it as well. Thank you.

MARCIA HILLIS: My name is Marcia Hillis. I have lived and worked in DUMBO for 20 years. I am an artist, a teacher, and a resident of an IMD building in Dumbo. Our building is occupied by film makers, painters, photographers, fashion designers, musicians, and a brush factory. We are truly mixed-use; we are all staying, and we are all heartily in favor of this rezoning plan. There are so many good reasons to support this mixed use rezoning as proposed by city planning. The community has been advocating for it since 1996 when residents of Fulton Ferry, Dumbo, and Vinegar Hill, then known collectively as Old Brooklyn, worked with CB 2 to develop a 197-A plan. The draft summary states: current zoning district and densities impede the maintenance and optimum use of properties and exacerbate conflicts between Old Brooklyn stakeholders. Nothing changed and soon after Dumbo began drowning in a

1
2 plague out-of-scale spot zoning requests. We
3 community members continuously and ardently asked
4 the city to prepare a comprehensive mixed-use
5 rezoning plan. This plan now proposed by City
6 Planning answers and solves the hardships
7 resulting from outdated and inconsistent zoning.
8 This is the first non-developer driven rezoning
9 plan for the neighborhood and the most
10 comprehensive one to date. This plan provides
11 opportunity for economic and job growth for the
12 eastern portion of the neighborhood, which is
13 struggling to survive as numerous mom and pop
14 businesses are closing as a result of a lack of
15 foot traffic. This plan is thoughtfully
16 consistent with the historic context and scale of
17 the existing building stock. It follows historic
18 districting, which will protect the character of
19 this great Brooklyn neighborhood. This plan
20 provides for a critical affordable housing
21 component. The choice is not between this plan
22 and another plan; the choice is between this plan
23 and nothing. A no-zoning change will perpetuate
24 the pattern of individual spot zonings that will
25 be sure to lead to the ultimate disintegration of

1
2 the neighborhood through another bout of ill
3 conceived, out-of-scale towers that will
4 overshadow the gritty historical beauty of Dumbo.
5 Let's not abandon the efforts that have gone into
6 this plan. It's been thirteen years in the
7 making. This is a case in which the people have
8 requested something and the city has responded
9 affirmatively. Please support this rezoning plan.

10 DAVID BENEDETTO: I am David
11 Benedetto here to express support for the Dumbo
12 rezoning proposed by the City Planning Commission
13 for the area of Dumbo east of the Manhattan
14 Bridge. Our company has been owners of 135
15 Plymouth Street since the early 1940's and have
16 seen the area evolve from manufacturing to the
17 present mix use community. We are committed to
18 see the area rezoned so it can obtain its full
19 potential. Dumbo's transformation from an
20 abandoned manufacturing and shipping hub to a
21 vibrant, mixed use, residential and retail
22 community speaks to the positive impact that
23 private investment can have on our City's
24 neglected neighborhoods. This same formula for
25 creative growth will only continue if the Dumbo

1 rezoning goes through. Opponents of the Dumbo
2 rezoning frequently present the doomsday scenario
3 that the rezoning will displace thousands of
4 workers and small business through the conversion
5 to residential housing units. This claim is not
6 true. Many building within the proposed rezoned
7 area are simply not candidates for conversion for
8 residential use. With rezoning, tenancy at 135
9 Plymouth Street will not affect any of our present
10 tenants but will enhance their future well-being.
11 Additionally, under current zoning, the limited
12 manufacturing uses still occurring are no longer
13 well suited to a mixed-use community west of the
14 Manhattan Bridge. The Dumbo rezoning will promote
15 a better mix of retail and commercial uses, there
16 by stimulating job growth in these important
17 sectors. In addition Chambers Paper Fibres, a
18 recycler of scrap paper, with rezoning will be
19 able to relocate to an area suited for its purpose
20 and promote a improvement to the area. While
21 Dumbo does have a growing reputation as a
22 destination for world class events and festivals,
23 the foot traffic derived from special events and
24 festivals is no substitute for a dedicated
25

1 residential population. As it is now, the area's
2 intermittent foot traffic does not adequately
3 support ground floor retail businesses. Thank you
4 for this opportunity to detail our support for the
5 Dumbo rezoning.
6

7 THOMAS MCMAN: Thank you, members
8 of the committee. I'm here to submit a statement
9 on behalf of Jack Guttman, president of Pearl
10 Realty, a major landowner in the area. Since this
11 statement echoes much of what's already been said,
12 I won't read it other than the mention the
13 family's commitment to the continued mixed use
14 development in the area, best evidenced by their
15 project called Green Desk, which has brought
16 almost 200 jobs into the neighborhood. I would
17 like to mention though as a recent resident of
18 Dumbo how desperately needed and how obviously
19 needed this rezoning is. One need only walk from
20 what is considered Dumbo West to Dumbo East
21 through the recently opened archway under the
22 Manhattan Bridge, which is a spectacular project.
23 I encourage everybody to take a walk through
24 there. But as you walk from one section of a
25 neighborhood to the next section of a neighborhood

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2 you see that the vibrancy and the excitement and
3 the things that are happening in what is called
4 Dumbo and what people expect to happening in Dumbo
5 exists in one part of the neighborhood but
6 dramatically does not in the other. This rezoning
7 will address this. It will solve a problem.
8 While it may not be perfect, it will dramatically
9 improve this part of Brooklyn. Thank you.

10 CHAIRPERSON AVELLA: Thank you.

11 The next panel is a panel in opposition. We have
12 two more members of the Dumbo Neighborhood
13 Association and then Simeon Bankoff as well from
14 the Historic Districts Council and John Borall
15 [phonetic]. I believe that's all the people
16 signed up in opposition and in favor. Is that
17 correct? Seeing no one else, after this panel we
18 will end the public hearing. Council Member
19 Yassky has joined us, so he will have some
20 comments at that point. I also want to hear back
21 from City Planning.

22 DOREEN GALLO: Hi, my name is
23 Doreen Gallo. I've lived in Dumbo after getting
24 an MFA from Yale. I'm an artist and I am
25 currently the executive director of the

1
2 Neighborhood Alliance. I'm continuing the
3 official statement on population and schools. The
4 DCP and EAS report describe a 9% increase of the
5 overall population in Dumbo, or approximately
6 2,014 residents should a full build-out in the
7 proposed rezoning area be completed. Of those
8 residents there would be approximately 258
9 elementary and 107 middle school students.

10 Interestingly enough, the EAS for the proposed DCP
11 rezoning was written by the same author who wrote
12 the report for the Two Trees proposed Dock Street
13 Tower Development, Philip Habib and Associates.

14 More interesting is the conflicting accounts
15 pertaining to the want or need of a middle school
16 that are given in each report. In the Dock Street
17 EAS, Habib emphasized the new public middle school
18 will serve approximately 300 neighborhood
19 children, state of the art amenities, and
20 immediate access to the planned Brooklyn Bridge
21 Park. This facility would be particularly
22 valuable to the Dumbo area as there is currently
23 only one middle school in the immediate vicinity
24 of this neighborhood which is located a half a
25 mile away from the development site. We believe

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2 that the wording within the Dock Street EAS report
3 was purposefully misleading as later language in
4 that report to the contrary is reinforced by the
5 DCP proposed rezoning EAS. In the current DC EAS
6 which cannot take the Dock Street project into
7 consideration, Habib minimizes any additional
8 school age student population, therefore
9 minimizing the effect new development will have on
10 Dumbo by stating that the proposed action would
11 not result in any significant adverse impacts on
12 public elementary or intermediate schools in the
13 study area. In the future of the proposed action
14 utilization rates for elementary and intermediate
15 schools within the school planning zone two would
16 be 76% and 53% respectfully. Based on this
17 analysis, there is sufficient elementary and
18 intermediate school capacity within the school
19 planning zone two as well as CSD 13 to accommodate
20 students generated by new development associated
21 with the reasonable worse case scenario of
22 development. Significant adverse impact to public
23 schools as a result of the proposed action is
24 expected. So basically we're saying that there is
25 a miscommunication. One is saying that we need

1
2 this school and clearly this is in opposition.

3 JULIA RYAN: Hi. I'm Julia Ryan.
4 I'm a resident in the eastern part of Dumbo where
5 there's lots of street traffic and every day my
6 work from home is disturbed by the sound of
7 construction. So, some of this is not fair to say
8 about the dichotomy between the two sides of
9 Dumbo. Again, this is the end of the official DNA
10 testimony, inclusionary zoning and affordable
11 housing. According to the DCP and the EAS report,
12 the proposed rezoning will create approximately
13 891 units of new housing, of which 99 or 11% are
14 considered affordable. Other recent rezonings in
15 nearby areas of Brooklyn and other areas of Queens
16 and Manhattan have had a minimum threshold of 20%.
17 Even the Dock Street project, which DNA opposes in
18 its present form, includes a provision for 20% of
19 its units as being affordable. This is
20 unacceptable as is the argument that the R-8A zone
21 as proposed is needed to generate additional
22 affordable housing units. In addition, DNA is
23 concerned with approximately 200 residential units
24 which already exist in the proposed rezoning area.
25 Many of these units are de facto affordable but

1
2 are not protected by rent control or stabilization
3 laws. In fact, some of these residential units in
4 the proposed rezoning area are the last live/work
5 spaces in low and moderate income apartments left
6 in Dumbo. There is no question that under the
7 proposed rezoning, particular the R-8 area, and
8 many if not most of the existing units will be
9 converted into market rate rentals or condos
10 resulting in a net loss of affordable housing.
11 This would result in many more than the five
12 persons that it is estimated in the EAS would be
13 displaced. In summary, the DNA request that City
14 Council embrace Borough President Markowitz's
15 recommendations and reject this application and is
16 based the following reasons. The proposed
17 rezoning will create out of scale development in
18 this part of Dumbo, particularly within the
19 proposed R-8A zone. The proposed rezoning will
20 harm the Dumbo Historic District as new
21 construction within the Historic District on no
22 style or vacant parcels will not relate to the
23 historic fabric of the neighborhood. The loss of
24 businesses and jobs that will result from
25 residential conversions in this area is not in the

1
2 best interest of Dumbo neighborhood, Brooklyn or
3 the City of New York in this current depressed
4 economy. Both the Dock Street proposal and the
5 proposed EAS report, reports written by the same
6 consultant and there have been very different
7 versions of how the schools in District 13 would
8 be affected by the new development. Finally, the
9 inclusionary zoning will generate only 11%
10 affordable housing units and actually endangers
11 displacing existing affordable units with luxury
12 rentals and condos. Thank you.

13 SIMEON BANKOFF: Good afternoon
14 Council Members. I'm Simeon Bankoff with the
15 Historic Districts Council. For the record, we
16 are in favor of the originally proposed DNA
17 community-based plan, although we begrudgingly
18 will accept the Markowitz sort of additions.
19 Really what it comes down to and what I've been
20 listening to today which has been very bothersome
21 is there is a lot of fear. There is a lot of fear
22 that there will spot zoning like there has been.
23 There is a lot of fear that retail will go out of
24 business like it has been. What these things do
25 not really take into account is the change in

1
2 circumstances in Dumbo. About 90% of this
3 rezoning is taking place within the Historic
4 District, which means and if the Landmarks
5 Commission were here they would support what I'm
6 saying which is essentially there is no zoning.
7 There is no as of right zoning. Everything will
8 be done to a level of appropriateness. Now, the
9 level of appropriateness means that they respond
10 to the people coming forward talking about the
11 underlying zoning and then working on a design
12 basis which they will then adapt new develop in
13 order to best fit in the historic context. We
14 have seen time and time again in neighborhood
15 after neighborhood that what you want to do is you
16 want to frame the underlying context, the
17 underlying zoning as best as humanly possible to
18 the existing built fabric or you have a true
19 discordance between the way two city agencies
20 work, between what City Planning allows and what
21 LPC permits. This has happened in Tribeca. I see
22 it happening in Ladies Mile all the time. Also,
23 the Landmarks Commission would prevent this spot
24 zoning and in fact encourages certain permits, a
25 74-711 and 74-712, both of which allow for zoning

1
2 waivers; height, bulk and usage waivers to allow
3 for greater preservation. With this change in the
4 zoning, there won't really be that need for that
5 to happen. Finally, and I will conclude because
6 we've all been here for a very long time, the
7 notion of it's got to have 12 story buildings in
8 order to increase foot traffic when you're already
9 planning this huge waterfront park which is going
10 to increase foot traffic anyway, it just seems to
11 be the cart before the horse.

12 JOHN BORALL: I would like to speak
13 just very quickly because Dock Street came up. I
14 would like to make one comment about the Dock
15 Street school project. The Board of Education
16 came to a decision that only one address could be
17 considered for a middle school in the Dumbo area,
18 only one address could be considered. Other
19 addresses are available and other addresses have
20 been offered. How is it possible that the Board
21 of Education could make that authoritarian sort of
22 decision? It's not possible. This is an order
23 that came from higher up than a functionary at the
24 Board of Education. This is an order that came
25 from higher up than the commissioner of education.

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2 This is an order that came from the Mayor's
3 Office. The mayor wants buildings, buildings,
4 buildings. Everywhere there has got to be
5 buildings. Our mayor is consumed by his legacy.
6 His legacy is to bury Moses. He wants to be the
7 grandest builder in the history of New York and
8 any building will do anywhere. The Dock Street
9 project is an obscenity; it's a desecration of the
10 Brooklyn Bridge, our grandest monument. Thank you
11 very much for your time.

12 CHAIRPERSON AVELLA: Thank you.
13 I'd like to call City Planning back because I'm
14 curious to get their response. I know Council
15 Member Yassky would like to make some comments.

16 WINSTON VON ENGEL: Thank you very
17 much Chair Avella for giving us the opportunity to
18 respond to the testimony. Before I hand over or
19 ask Sarah Goldwyn to go through some of the issues
20 presented to you, clearly this is a rezoning that
21 has been, as you've heard, a long time in the
22 making. One of the people testifying in support
23 to the rezoning, in fact it's the founding member
24 of the DNA, requesting originally this rezoning.
25 Sarah can go through the litany of meetings that

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2 we have had both with the DNA and other community
3 stakeholders, including the meeting that was
4 referred to a year ago to which DNA was a party
5 and was invited to. We're going to respond to you
6 on the issues of outreach, on the issue of the
7 Historic District, which is something that the
8 department actually asked and worked with the
9 Landmarks Preservation Commission to bring to
10 Dumbo in order to make this rezoning the
11 comprehensive rezoning that it is. We can respond
12 to you about jobs and then of course the borough
13 president's recommendations which are responded to
14 in great detail in our commissions report.

15 CHAIRPERSON AVELLA: I appreciate
16 that. You could go into all of that detail if you
17 want, but my concern was how you responded to
18 DNA's concerns and how you responded to the
19 borough president's recommendations. That's the
20 basis of my calling you back. I mean, did you
21 address them? Did you feel that they weren't
22 worthy of addressing and why not?

23 WINSTON VON ENGEL: We reviewed the
24 DNA's proposals and as you know, there have been
25 several. In essence, they do not vary a great

1 deal from the proposal that we have put forward.

2 I think it was inasmuch acknowledged in the
3 testimony. We believe that the concerns that they
4 have raised about jobs, about the historic
5 character, about development, size, height, and
6 density are addressed by the zoning and the
7 Historic District designation and the facts of the
8 market. In terms of the borough president, I'll
9 ask Sarah to respond specifically to the borough
10 president's concerns which are now mirrored by the
11 DNA.
12

13 SARAH GOLDWYN: I wanted to add one
14 more comment about our response to DNA's
15 proposals. We've met with DNA over the course of
16 the study and throughout the public review
17 process, each time one of the proposals, their
18 proposal has been presented, we've had
19 opportunities at the community board public
20 hearings, at the borough president public hearing
21 and at the City Planning public hearing to
22 continue to reiterate our responses to their
23 issues and also to continue to reiterate why we
24 think that the mixed use zoning proposal that
25 we've put forward is appropriate for the

1 neighborhood. In terms of a public record of the
2 responses to those concerns, if you look on the
3 department's website or our City Planning
4 Commission report is the full public record of all
5 of our responses. We're happy to provide you with
6 a copy and continue to discuss our responses to
7 your comments. But they are well documented. In
8 response to the borough president's request,
9 throughout the public process we worked closely
10 with all stakeholders, including Borough President
11 Markowitz and his staff. The recommendations that
12 he put forth were with regard to the density and
13 scale proposed in our proposal, specifically with
14 respect to the M-1-4/R-8A proposal district
15 boundaries. The recommendations made by the
16 borough president to reduce the density to R-7A
17 districts where there are R-8A districts are
18 proposed are not within scope of the current
19 proposal. But further, we think that the R-8A
20 density is reflective of that Jay Street corridor
21 context where we looked very closely at both the
22 street wall and maximum building heights. As with
23 all contextual rezonings we undertake, it's nearly
24 impossible to capture every single lot by lot, but
25

1 we try to plan as closely to the predominate
2 building scale and character. We think we've done
3 that here in Dumbo. In partnership with LPC,
4 we've worked closely with them to understand how
5 they will analyze and review properties that may
6 be redeveloped or enlarged following the adoption,
7 if that so happens, of our rezoning. With respect
8 to the concerns of enlargements to buildings
9 happening that would be out of character, we see
10 that our districts that we've selected establish
11 appropriate street wall heights which will guide
12 the sort of definition of the building character
13 here. But we've also heard from LPC in
14 consideration of enlargements to existing
15 buildings that because of the unique nature of
16 Dumbo that the scale of the neighborhood is not
17 only perceived from the street but also from the
18 Manhattan Bridge for example, that they may look
19 very closely at any enlargements in this
20 neighborhood that may not exceed one story beyond
21 the street wall height. So we think that the
22 rezoning in tandem with the Historic District
23 designation will provide an appropriate regulatory
24 framework that would allow for the continued
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2 growth in the neighborhood but in a responsible
3 and respectful way to the Historic District.

4 CHAIRPERSON AVELLA: If you could
5 get me a point by point analysis of what the
6 borough president has said and what you feel
7 you've done to address or why it's not
8 appropriate, I'd appreciate that. I just want to
9 comment one thing and then I'm going to ask
10 Council Member Yassky to speak. When you said
11 about reducing the density from part of Borough
12 President Markowitz's recommendation and that it
13 was out of scope, I don't necessarily take that as
14 a reason not to do something. That may not be the
15 logic just because it's out of scope. If it's the
16 right thing to do, then maybe we should come back
17 with a follow up corrective action, FUCA, as we
18 call it. I don't necessarily buy that as an
19 argument. The question is whether it's the right
20 thing to do.

21 WINSTON VON ENGEL: We strongly
22 support and believe that our rezoning proposal,
23 the R-8A boundary was carefully and well
24 considered in its drawing. It is reflective of
25 the existing densities and what should be, or is

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2 the predominately built form and density in this
3 area. So we stand by that. It just so happens
4 that it is not within the legal scope. I agree
5 with you that if it were mistaken, it should be
6 corrected.

7 COUNCIL MEMBER YASSKY: Thank you.
8 I want to speak in support of this rezoning, but
9 before I do, I want to follow up on that too. I
10 was surprised when I heard you say that. Do I
11 understand you to say that for the result of this
12 to be a 7-A rather than an 8-A on certain areas
13 would be out of scope? I have to tell you, I
14 really hope that's not the position. That would
15 take the Council out of the rezoning process
16 completely unless maybe I'm confused here.
17 Certainly the Council ought to be able to insist
18 that a proposed density is too great and that we
19 will only approve a lower density after it goes
20 back. Could you elaborate on that? I feel like
21 maybe I'm confused about something.

22 WINSTON VON ENGEL: As you know,
23 what is legally possible to change and what is
24 considered to be scope is anything between
25 existing and proposed. In this case, in Dumbo

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2 because the current zoning is manufacturing only,
3 the existing is manufacturing. The proposal is
4 for manufacturing and residential of a certain
5 density. There is no wiggle room in terms of the
6 residential density. It is currently proposed at
7 R-8A. We cannot go down to a lower residential
8 number.

9 LISH WHITSON: Another issue and I
10 think the one that really drives it is related to
11 the community facility FARs.

12 COUNCIL MEMBER YASSKY: I'm sorry;
13 can you just go back though? I don't accept that
14 and I don't think that's consistent with our
15 practice here.

16 WINSTON VON ENGEL: There are a
17 number of factors, including residential and as
18 Lish points out, community facility density. The
19 current community facility density is 4.8 and R-7A
20 would be 4. So it would be lowering it, whereas,
21 the proposal is to go to a 6.5, and we did not
22 analyze a lower density alternative. So for all
23 those reasons, there is a limitation in the scope.

24 CHAIRPERSON AVELLA: Councilman, if
25 I could just maybe help move the discussion along

a little bit.

COUNCIL MEMBER YASSKY: Please do.

CHAIRPERSON AVELLA: Basically anything that was not reviewed in the environmental review is out of scope. Basically even though it's a lower density they just didn't look at it. I gather from their description they looked at the manufacturing and they immediately went to the higher residential, the R-8A. So because you didn't look at a lower zoning, it's out of scope. Now of course one can raise the question as to why did you immediately pick R-8A instead of maybe a lower density? I mean it might have made much more sense to look at a couple of residential zoning districts. The director of the Land Use Committee would like to comment.

GAIL BENJAMIN: Gail Benjamin, director of the Land Use Division. Perhaps I can clarify a little more also. Council Member Yassky, as you know, there are two aspects of scope. One is whether it was within the environmental review which a lower density was not. But as importantly there is the question of the scope of the action. In this particular

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2 action, because residential wasn't permitted, the
3 residential that was proposed forms the scope and
4 we have not alerted the property owners to the
5 fact that the residential FAR could be less. So
6 it's a restriction that we would be putting on
7 that was not noticed to the property owners who
8 looked at what was there and said I can live with
9 that and perhaps didn't come or didn't respond.
10 So it's not just the environmental review scope,
11 it's the scope of the action. If we had wanted to
12 make changes to manufacturing, the standard would
13 be we could do something between the FAR of the
14 manufacturing that is and the proposed but here we
15 don't have a choice because there wasn't a
16 different residential FAR that was part of the
17 action or that existed previously.

18 COUNCIL MEMBER YASSKY: I don't
19 want to waste the committee's time here. But I
20 feel that this is such an important point. Look,
21 I'm not going to be in this body, and I guess
22 neither of us are, Mr. Chair. Council Member
23 Felder I see is here and he will be in this body
24 come January. I feel like the Council has
25 consistently exceeded to extremely narrow

1
2 interpretations in the land use process. I
3 remember when I first started talking about
4 inclusionary zoning. Six years ago I was told
5 that it was illegal and we couldn't even do it and
6 of course ultimately the Administration agreed to
7 do it and then the legal objection went away. I
8 do have some sense of this here. It's
9 inconceivable to me that a proposal to go to a 6
10 FAR, that a study of going to 6.0 FAR would
11 preclude adopting 4.0 FAR. That has to be within
12 the scope of what was studied and what the
13 property owners were advised of. There is no
14 reason to push the point here because I happen to
15 think that on the substance the rezoning they
16 proposed is a good one. But for the prerogatives
17 of this body I really don't want the record to
18 stand unchallenged that the Council has to just
19 take or leave a rezoning that's been presented to
20 it by City Planning. I really think that is what
21 you're saying here and I hope that the body will
22 insist on prerogatives in the future. I'm not
23 questioning it right here because I don't want to
24 slow down this rezoning which I think is a good
25 one.

2 CHAIRPERSON AVELLA: Council
3 Member, I happen to agree with you. It's the
4 rules of the game that we've been locked into,
5 which I think the rules of the game should be
6 changed. I mean clearly we should have more
7 authority to do the type of thing you're talking
8 about.

9 COUNCIL MEMBER YASSKY: Yes.

10 CHAIRPERSON AVELLA: It should have
11 also been on City Planning's radar or decision
12 making process to look at a number of options to
13 wide the opportunity for change.

14 COUNCIL MEMBER YASSKY: I just
15 wanted to address that point on the record because
16 I do feel so strongly about the necessity for a
17 genuine separation of powers, including in the
18 land use process. I'm here to speak in support of
19 this rezoning. I do think that the City Planning
20 Commission has done a terrific job here. The
21 staff has done a very good substantive job on this
22 rezoning. I heard the former president of the
23 Dumbo Neighborhood Association point out earlier
24 that five or six years ago we began asking City
25 Planning to do a comprehensive rezoning in this

1
2 area and not to permit the piece by piece
3 developer driven rezonings that had earlier
4 characterized Dumbo. I appreciate that you
5 responded to that and that you undertook this
6 project. I don't have a problem with the heights
7 and densities that have been proposed here. I
8 know that many of my constituents who are here
9 today do feel that the heights and densities are
10 too great. I think that they're in context with
11 the bulk of what has gone on there. Even putting
12 aside things that now create the context like the
13 building right next to the Manhattan Bridge that
14 shouldn't be part of it, I still that within the
15 kind of traditional Dumbo context what you've
16 proposed is acceptable. I think that we have an
17 actual genuine mixed use neighborhood. Those are
18 pretty rare. All indications in the current
19 marketplace are that we're going to continue to
20 have that, meaning we'll continue to have jobs
21 here. We don't know how the marketplace will
22 change and maybe that won't be true. And maybe
23 years from now people will look back at the
24 rezoning and say it did pave the way for it to
25 transition from jobs to residential. And if so,

1
2 then that's the course that the neighborhood
3 should take if that's the way it actually goes. I
4 believe that they've done a good job here, Mr.
5 Chairman. I'm just here to speak in support of
6 it. Thank you.

7 CHAIRPERSON AVELLA: Thank you.
8 Let's close the public hearing on this item. We
9 are going to be taking a five minute break. We
10 have to move back to the smaller room because
11 there is another bigger committee meeting here.
12 Then we will continue with the public hearing on
13 the last three items.

14 [Pause]

15 CHAIRPERSON AVELLA: I notice you
16 didn't say that with a bigger crowd. The next
17 item we'll take up is the inclusionary housing
18 text amendment. I think we have City Planning and
19 HPD to give the presentation on that. The seating
20 worked.

21 [Pause]

22 HOWARD SLATKIN: Thank you Chairman
23 Avella and Council Members. My name is Howard
24 Slatkin. I'm the Deputy Director of Strategic
25 Planning for the Department of City Planning. I'm

1
2 pleased to be here this afternoon, along with
3 Arden Sokolow of HPD to discuss with you the
4 proposed inclusionary housing text amendment. And
5 Carol Clark, I'm so sorry Carol. Carol is going
6 to get me back for that one afterwards I'm sure,
7 which she would be in her rights to do. We're
8 going to begin with some background about the
9 existing inclusionary housing program and then
10 Arden is going to walk through the proposed
11 changes to the inclusionary housing program. As
12 the Council is aware, the inclusionary housing
13 program is a zoning incentive program to promote
14 economic integration in neighborhoods where zoning
15 encourages new development to occur. It offers a
16 floor area bonus in exchange for the provision of
17 permanently affordable housing. There are a
18 number of options available to the developer
19 producing the affordable housing. This proposal
20 would expand and improve upon that range of
21 options. There are two branches of the program.
22 One was the R-10 program created in 1987 and the
23 other is the expanded program created in 2005 in
24 conjunction with several recent rezonings. This
25 proposal would modify and update each of those

1
2 branches of the program. The main distinction
3 between the two branches of the program is that
4 the older R-10 program generally does not allow
5 public subsidies and it produces therefore a
6 smaller proportion of affordable units. The new
7 expanded program which has been included in over a
8 dozen rezonings since 2005 produces 20% affordable
9 housing through a 33% floor area bonus with the
10 ability to use public subsidies in order to
11 produce that number of units. The two programs
12 together, since their inception, have created
13 approximately 3,300 units of permanently
14 affordable housing. Just touching for a moment on
15 the expanded program which was created in 2005, it
16 has a 33% floor area bonus and addressed in
17 addition certain operational issues that existed
18 in the original R-10 program. We also in this
19 proposal seek to improve the preservation option
20 that exists in that R-10 program. There are three
21 main components to this proposal. The first is to
22 create a permanently affordable home ownership
23 option. Today, all of the units that are created
24 through the inclusionary housing program are
25 affordable rental units. HPD in particular has

1
2 gone through a great deal of work to identify a
3 model for a permanently affordable home ownership
4 option. I see Council Member Dickens here. It
5 was something that was requested of City Planning
6 and HPD as part of many recent rezonings, in
7 particular the 125th Street rezoning. We are
8 pleased to be able to deliver this proposal to
9 respond to that commitment today. The other two
10 elements of the proposal would expand certain of
11 the elements that we created in 2005 to the
12 original R-10 program that applies only in the
13 highest density residential districts, in
14 addition, to make a number of technical and other
15 administrative improvements to the program. This
16 is really based on HPD and City Planning working
17 with practitioners, with communities, affordable
18 housing developers and market rate developers in
19 order to make the program function the way it's
20 intended to work. With that I'll turn it over to
21 Arden to discuss the details of the proposal.

22 ARDEN SOKOLOW: Good afternoon.
23 I'll try to go quickly. It's over some of the
24 changes that we're making. The first one is the
25 one we're really excited about. It's our new

1
2 inclusionary home ownership option. Currently,
3 the inclusionary housing program requires that all
4 the affordable units created through it are
5 rentals. But many communities, such as Harlem and
6 communities in Queens and Brooklyn have expressed
7 interest in creating permanently affordable home
8 ownership opportunities. This would create a new
9 option for developers to choose when participating
10 in the program, which we hope boosts
11 participation. This also creates the option to
12 create or preserve affordable rental units and
13 convert them to home ownership, but the affordable
14 rental option still remains. So let me talk a
15 little bit about how it works. It's akin to the
16 limited equity co-op model of the Mitchell Lama
17 program. But unlike that program, these units
18 would remain permanently affordable. So the
19 affordability restrictions are permanent, not
20 subject to a sunset clause. And therefore, the
21 homeowners could take advantage of the established
22 annual appreciation rate and a reasonable return
23 on their investment. So at the initial sale the
24 price must be affordable to households earning 80%
25 of median income and could go up to 125, but it

1
2 can only go up by a fixed appreciation rate. On
3 the next slide you see that generally because
4 incomes have gone up at a rate of about a little
5 less than 4% per year and inflation has gone up at
6 a rate similar that you don't tend to lose
7 affordability over the course of the year. So a
8 sales price that starts at \$150,000 per year, if
9 it's sold in year 15 would still be affordable to
10 a household earning 80% of the median income. Let
11 me just dig in a little more in a real example.
12 Take the Jones family, which is a two-income
13 household. They earn about 80% of the area median
14 income, about \$53,000 for their family of four.
15 They have about \$1,300 a month available for total
16 monthly housing costs. That's principal,
17 interest, taxes and insurance and any carrying
18 costs. So in 2009, the Jones family could
19 purchase an inclusionary apartment for about
20 \$150,000. So they make an upfront down payment of
21 about 10%, which would be \$15,000 and HPD and
22 other government agencies have down payment
23 assistance programs that would help these
24 households make that down payment. Their monthly
25 housing costs are about \$1,300 a month, which is

1
2 roughly the same as an inclusionary renter would
3 pay. They get all the benefits of owning a home
4 such as the mortgage interest tax deductions over
5 the 15 years. And the sale after 15 years, given
6 the fixed appreciation price of the inflation plus
7 1%, the unit could be sold for \$260,000. The
8 closing the remaining mortgage must be paid. So
9 the benefits of this are that this provides a
10 reliable rate of return on investment for a low
11 income homeowner but maintains the asset as
12 affordable for the long term. It provides an
13 additional means of preserving New York City's
14 affordable housing stock and offers an additional
15 option that we hope attracts more developers to
16 the inclusionary housing program. Moving on to
17 the other changes in the proposal, we're updating
18 the R-10 program and creating sort of a two-tier
19 option, which would offer two options for creating
20 permanently affordable housing. You would either
21 do privately financed inclusionary housing, which
22 offers bonuses of two square up to 3.5 square feet
23 of bonus for every foot of affordable housing or
24 government subsidized inclusionary housing which
25 means you only 1.25 square feet of bonus for every

1
2 foot of affordable housing because you also have
3 the benefit of using government programs. Other
4 changes to it are we simplified and adjusted the
5 bonus ratios to make the program much more
6 understandable to developers and we hope which
7 would also boost participation. We expanded the
8 preservation eligibility which means that we hope
9 that more buildings will be preserved through the
10 inclusionary housing program by changing the
11 eligibility criteria to say if you find a building
12 where the average rent is affordable you can
13 preserve that building even if every tenant in
14 place is not income eligible. But then upon
15 vacancy, every tenant would have to be a low
16 income tenant. Other changes include changes to
17 the unit size requirements, which we hope boosts
18 more family size units. You could see here that
19 we require that at least 50% of the units would
20 have two bedrooms or larger, or would have to
21 match the distribution of market rate units. We'd
22 apply these size requirements to all inclusionary
23 projects. Other important changes include the
24 distribution requirements which require units to
25 be distributed through 65% of the residential

1 stories so they can't be clustered in the bottom
2 of the building. Then a series of technical
3 modifications which sort of clarify that you need
4 a not-for-profit administrating agent to help
5 monitor the ongoing affordability and clarifying
6 some language with the Department of Buildings on
7 how certificates of occupancies are issued and
8 broadening tenant income bands to make sure that
9 we are marketing these to the broadest swath of
10 people that we can. So that's very quickly the
11 summary of the changes.
12

13 COUNCIL MEMBER FELDER: Thank you.
14 Do you want to repeat that one more time? Before
15 we continue, I'm delighted that we're joined by
16 Council Member Inez Dickens, one of my mentors. I
17 wish I could have been in her class when I was in
18 Yeshiva or wherever it was. I would have turned
19 out a much better person. But at least I have the
20 opportunity to be able to serve with her and to
21 look for her leadership on issues like this where
22 I don't have as deep an understanding, certainly
23 not close to the one she has. She has another
24 emergency to take care of. I'd like to give her
25 permission to speak.

2 COUNCIL MEMBER DICKENS: Thank you,
3 temporary Chair Felder for this opportunity to
4 testify in support of the inclusionary home
5 ownership program. I do have two additional
6 hearings that are going on concurrently that I
7 must go to because they cannot start without my
8 attendance. But in 2008 while affecting changes
9 to the 125th Street rezoning, I together with
10 Council Members Robert Jackson and Melissa Mark-
11 Viverito proposed a program for our districts that
12 would for the first time in the history of New
13 York City allow for residents to purchase
14 permanently affordable housing units created
15 through inclusionary zoning. My reason centered
16 on my belief that if we do not own our community
17 then it doesn't belong to us, but instead to
18 others outside of our communities and can be taken
19 away at any time. That is what has occurred
20 throughout New York City by unaffordable
21 development. I have a lot more testimony to give
22 that I'm going to ask permission that I could give
23 tomorrow at the committee hearing.

24 COUNCIL MEMBER FELDER: You can do
25 anything you want.

2 COUNCIL MEMBER DICKENS: Well I
3 just wanted to let it be known. Well I don't know
4 about anything.

5 COUNCIL MEMBER FELDER: We're going
6 to recess your comments until tomorrow. Gale, is
7 that legal?

8 COUNCIL MEMBER DICKENS: Because I
9 just would like everyone to know that I do support
10 it. Thank you so much.

11 COUNCIL MEMBER FELDER: We'll
12 recess your comments.

13 COUNCIL MEMBER DICKENS: Thank you
14 so much, Chair Felder.

15 COUNCIL MEMBER FELDER: Do any of
16 my other colleagues have any questions? Seeing
17 none, I thank you for your testimony. Joe
18 Restucci, are you here? Not here. He got turned
19 off when he saw that I took over as chairperson.
20 Norman Williams, St. Nicholas Neighborhood
21 Preservation. Brad Lander, himself. Don
22 Capoccia. Marion Emperiatori. Are you here?
23 Andrew Knox. He's not here? Are you going to
24 testify? So that's it. Is there anyone else here
25 to testify on this item? Please raise your hand.

1
2 That's it. Thank you very much. Excuse me,
3 sergeant-at-arms?

4 SERGEANT-AT-ARMS: Yes, sir.

5 COUNCIL MEMBER FELDER: How much
6 time are we giving people? Please keep your
7 testimony to two minutes. If there is anything
8 that somebody before you said that you agree with,
9 you don't have to repeat it. You can just say I
10 agree with what was said. If you disagree, you
11 can also say that as well. Can we start with the
12 gentleman on my right?

13 JUAN BARAHONA: Good morning. I'm
14 actually testifying on behalf of Don Capoccia who
15 had to leave. We thought we were going to testify
16 a few hours ago.

17 COUNCIL MEMBER FELDER: Excuse me.
18 Did you sign a form?

19 JUAN BARAHONA: Donald did. He had
20 to leave.

21 COUNCIL MEMBER FELDER: So you're
22 going to have to sign a form. Normally in my
23 committee I wouldn't let you speak but since
24 you're smiling and it's not my committee, you just
25 have to fill out a form. Go ahead.

1
2 JUAN BARAHONA: My name is Juan
3 Barahona. I'm vice president of development of
4 BFC Partners. BFC is a full service builder with
5 over 25 years of experience in New York. We're
6 proud to have partnered with the city on the
7 creation of thousands of units of affordable
8 housing. I'm here today to urge your support on
9 the zoning text amendment before you. In today's
10 environment, initiatives like these that seek to
11 expand the tools that builders use to bring
12 affordable housing to the market are invaluable.
13 BFC has delivered affordable housing units in both
14 Manhattan and Brooklyn with the inclusionary
15 housing program. In 2008, we developed 48 low
16 income units on Quincy Street in Council Member
17 Letitia James' district. I'm particularly excited
18 about the expansion of the program through the
19 amendment to include a home ownership element.
20 Affordable home ownership opportunities are out of
21 reach for so many New Yorkers and I'm happy that
22 the city is not shying away from promoting it
23 notwithstanding the state of the economy.
24 Policies like these that harness free market
25 principles to include and expand affordable

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2 housing opportunities are what make New York City
3 a leader in the industry. I applaud the
4 cooperation between City Planning and HPD that
5 brought this to you today and strongly urge your
6 support.

7 COUNCIL MEMBER FELDER: Thank you.

8 Good morning. My name is Norman
9 Williams, representing St. Nicholas Neighborhood
10 Preservation Corp in Brooklyn. Thank you for the
11 opportunity to present our testimony regarding the
12 important amendment to the inclusionary housing
13 zoning text. Affordable home ownership has been
14 an important tool in St. Nicholas' efforts to
15 create and preserve vibrant and diverse
16 communities in north Brooklyn. In its 35-year
17 history, St. Nicholas has assisted in the
18 development of over 400 home ownership units as
19 affordable cooperative housing or two and three
20 family homes. Therefore, St. Nicholas strongly
21 supports the zoning text amendment that expands
22 the inclusionary housing program to include a home
23 ownership option. Having been one of the first
24 organizations to preserve affordable housing,
25 rental housing in Brooklyn through the

1
2 inclusionary housing program, we understand the
3 great potential for the inclusionary housing
4 program in leveraging market forces to generate
5 affordable housing. The zoning text amendment
6 will provide a much needed financing tool in
7 generating creative financing for home ownership
8 opportunities. This amendment is just not a
9 financing tool strategy; it also addresses the
10 issues of permanent affordable housing. As all of
11 us are very aware, the affordable housing crisis
12 has not gone away and it's temporarily a problem
13 that cannot be fixed with short term solutions.
14 In order for the housing to be truly called
15 affordable it needs to be affordable in
16 perpetuity. With this new zoning amendment, the
17 city has come up with an innovative mechanism to
18 provide people with the security and
19 responsibility of home ownership while at the same
20 time making sure what is affordable for this
21 generation does not become affordable for the
22 next. This is affordable home ownership that will
23 remain affordable in perpetuity. Finally, I would
24 like to acknowledge the efforts of staff of both
25 the Department of City Planning and the Department

1
2 of Housing Preservation and Development in
3 outreaching to communities throughout the city.
4 As partners with the community in the process,
5 both City Planning and HPD has been accessible and
6 open to the suggestions from the community
7 organizations and residents. Thank you.

8 BRAD LANDER: Chair Avella, thank
9 you very much for the opportunity to testify. I'm
10 Brad Lander. I'm testifying today as a Senior
11 Fellow at the Pratt Center for Community
12 Development. I'm also the housing and community
13 development chair of Community Board 6 in Brooklyn
14 which unanimously voted in favor of this proposal.
15 At the Pratt Center, we're enthusiastic and very
16 much in favor of the changes to the inclusionary
17 zoning program which we think are great and for
18 some of the reasons that we just said and in some
19 ways momentous to my knowledge. This is really
20 the first permanently affordable home ownership
21 program that we're really creating. As we've
22 worked with communities as the inclusionary
23 program has been adopted, in almost every
24 neighborhood, in Greenpoint-Williamsburg five
25 years ago, in Jamaica Queens, in Harlem. Folks

1
2 said we like the idea of affordable housing being
3 created through inclusionary zoning; can't we have
4 a home ownership option? And to their credit,
5 City Planning and HPD have gone to work. They had
6 a real challenge because creating a permanently
7 affordable home ownership option is not a simple
8 thing to do. But I think they've come up with a
9 great model. I think we'll have a lot of exciting
10 projects as a result of it. I know Habitat for
11 Humanity would like to be able to do some housing
12 and this will probably make it possible for them.
13 I also think we'll have some situations where an
14 existing rent stabilized building with no other
15 protections that might otherwise be subject to
16 vacancy de-control and be lost to affordability
17 could be a developer seeking the inclusionary
18 bonus could help the tenants acquire that building
19 and convert it to a permanently affordable
20 cooperative. That would really just be a
21 fantastic thing to do at the same time a
22 neighborhood is being rezoned and creating new
23 development opportunities in growth to vest
24 tenants as permanently affordable homeowners would
25 really be great. I do also support the other

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2 proposed amendments here, the extension of the new
3 inclusionary R-10 option into the R-10 zones and
4 the technical amendments which I think go to a
5 micro level of detail but one that helps the
6 program keep pace with today's times. So thank
7 you for the opportunity. I hope you and the
8 committee and the Council will approve the
9 amendments. Thank you.

10 MARIAN EMPERIATORI: My name is
11 Marian Emperiatori and I'm here to testify on the
12 behalf of the New York Chapter of the American
13 Institute of Architects. We have had a productive
14 dialogue with the Department of City Planning and
15 HPD on the inclusionary housing text amendment
16 proposal and are in strong support of this effort
17 to improve the inclusionary housing provisions of
18 the New York City zoning resolution. We are
19 especially pleased with several points of the
20 proposal before you. There has been a
21 constructive dialogue between the Department of
22 City Planning and HPD as to how to improve and
23 make the program work better. The department has
24 looked at a relatively recent section of the
25 zoning resolution, 2005, to see what worked and

1
2 has made it even better. This proposal expands a
3 program producing much needed affordable housing
4 at a time when production is likely to be slowed
5 during the current economic downturn. This
6 proposal will also hopefully mitigate reduced
7 production. Part of the proposal creates an
8 affordable home ownership option. We are very
9 supportive of this but are concerned about how it
10 works and how the units created will stay
11 affordable. The department and HPD must monitor
12 such issues and propose improvements if needed.
13 We also had some detailed technical concerns that
14 we discussed with City Planning and HPD which have
15 been clarified. They were that the proposal
16 allows only one-third of the units on any floor to
17 be affordable. What happens when there are only
18 two units on a floor? We suggested amending
19 pertinent language to refer to 33% of the units or
20 one unit, whichever is greater. Also, throughout
21 the proposal we suggested a clarification in how
22 percentages are rounded. For instance, .5 and
23 greater being rounded up and less than .5 being
24 rounded down. Finally, we suggested that this
25 program be reviewed in five years to amend or

1
2 reinforce its provisions in light of
3 administration experience over that period of
4 time. Again, we strongly congratulate the
5 department and HPD on an excellent piece of work
6 which we strongly support. Thank you.

7 CHAIRPERSON AVELLA: Thank you. I
8 want to thank you for hanging around so long to
9 testify. It's been a long day and we're not over
10 yet. Seeing no one else signed up to speak on
11 this item, I'll close the public hearing and we
12 will move to the Greenpoint-Williamsburg
13 contextual rezoning. I'll ask Brooklyn City
14 Planning to come back up.

15 [Pause]

16 WINSTON VON ENGEL: I'll start in
17 the interest of time while Stephen Leonard
18 [phonetic] who is the planner and project manager
19 for the Greenpoint-Williamsburg rezoning is
20 setting up the boards. Good afternoon, Chair
21 Avella and Council. We are very pleased to be
22 here today. My name is Winston Von Engel from the
23 Brooklyn Office of City Planning and Stephen
24 Leonard to bring to you the Greenpoint-
25 Williamsburg rezoning which is a commitment that

1
2 the department and the Administration is
3 fulfilling to the elected officials, the community
4 board and community residents here following our
5 2005 Greenpoint-Williamsburg waterfront rezoning
6 to bring contextual rezoning to most of Community
7 District 1 Greenpoint-Williamsburg. I'm very
8 happy and proud to note that the community board
9 and the borough president both voted in support of
10 this and the City Planning Commission also
11 recommended approval and approved it. I will now,
12 without further ado, ask Stephen to quickly run
13 through the rezoning for you.

14 STEPHEN LEONARD: Good afternoon,
15 Chairman Avella. My name is Stephen Leonard. I'm
16 a city planner with the Brooklyn Office of the
17 Department of City Planning. I'm excited to
18 testify on the Greenpoint-Williamsburg contextual
19 rezoning. It affects the Greenpoint-Williamsburg
20 neighborhoods which are the northern tip of
21 Brooklyn. The Department of City Planning had
22 committed in 2005 to apply height limits and
23 inclusionary bonuses to an area near the area that
24 was rezoned in 2005. Through consultation with
25 the community board, a 175 block rezoning area was

1
2 set up. That area is predominately residential
3 with commercial uses mainly concentrated on
4 specific corridors. The built character is two to
5 four story attached row houses and apartment
6 buildings. Recent development has been largely
7 more or less consistent with the existing scale
8 but there are a few standouts that are using the
9 height factor rules which are permitted under the
10 current R-6 zoning to produce development that is
11 over 100 feet, at times up to three and four times
12 the heights of the other area buildings. This is
13 inconsistent with and disruptive of the current
14 character and it's that kind of development that
15 this proposal seeks to prevent in the future. The
16 proposal has three main goals; to preserve the
17 existing scale through height limits; to create
18 opportunities for affordable housing through
19 inclusionary; and to better reflect and support
20 commercial activity by adjusting commercial
21 districts and overlays. The first two goals will
22 be met by replacing the current R-6 with
23 contextual districts, R-6B, R-6A and R-7A with an
24 inclusionary bonus. Almost 80% of the rezoning
25 area is going to be rezoned to R-6B, these are the

1 narrow residential side streets. Wide streets
2 would be rezoned to either R-6A or on major
3 corridors R-7A with inclusionary. That's the
4 heart of the proposal. In terms of the commercial
5 districts basically what we're doing is we're
6 moving commercial zoning from areas that don't
7 have commercial uses and adding new commercial
8 zoning where commercial uses exist today. We're
9 doing that with both the C-4 and C-8 districts
10 which are more commercial center type of districts
11 and with commercial overlays which are more for
12 local retail. With that I will turn it over to
13 you for questions.

14
15 CHAIRPERSON AVELLA: Thank you for
16 going through that in sort of an expedited manner.
17 I see from the record that the community board
18 approved it and with some conditions the borough
19 president approved it. Were there any conditions
20 that the board attached that haven't been sort of
21 met with?

22 WINSTON VON ENGEL: As you know, we
23 looked at the board's recommendations very
24 carefully. There were two recommendations and I
25 can have Stephen actually go through them very

1
2 briefly how we respectfully disagree with the
3 board over how they viewed it.

4 STEPHEN LEONARD: Community Board 1
5 asked for five things and they asked for them
6 actually as follow up actions rather than as
7 modifications to this proposal mainly because most
8 of them were out of scope and also because they
9 were very, very interested in quick adoption of
10 the zoning proposal. First they asked that Union
11 Avenue which is currently proposed for an R-7A
12 with inclusionary be changed to R-6A. This is out
13 of scope. It was requested mainly because the
14 western side of Union Avenue was rezoned in 2005
15 to an R-6A and is being largely developed under
16 that district. The difference in street wall
17 height between the R-6A on the west side of Union
18 and the R-7A that's proposed for the east side if
19 only five feet and is not considered to be enough
20 to create an inappropriate asymmetry along that
21 street. Furthermore, the R-6A if it were a part
22 of this would not have an inclusionary bonus and
23 therefore would lose some capacity to incentivize
24 affordable housing. They also asked that Grand
25 Street which is proposed for R-7A or R-7A

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2 equivalence with inclusionary be changed to R-6A
3 and that the eastern end of Grand Street, which is
4 currently proposed to go from local C overlays to
5 a more commercial center type of C-4 district. We
6 changed back to the commercial overlays. The C-4
7 district that is proposed for commercial centers
8 and that is the type of retail that is currently
9 on those two blocks as well as on the remainder of
10 Grand Street where a C-4 district is currently
11 mapped. At the same time, they also requested
12 that Metropolitan Avenue which is currently
13 proposed for local C-2 overlays be changed to a C-
14 4. This is mainly because the view was expressed
15 that Metropolitan is a more intense commercial
16 corridor than Grand Street. But if you look at
17 the actual land use on those two streets, you'll
18 find gaps in commercial continuity and a
19 commercial character that is really much more
20 local on Metropolitan. You will find almost 100%
21 commercial continuity and a much wider variety of
22 retail businesses on Grand Street that is much
23 more characteristic of a C-4 district. Lastly,
24 the community board asked that McGuinness
25 Boulevard which is considered to be a major

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2 corridor mainly because it is so wide as a
3 transportation corridor have commercial districts
4 added on the west side between Calyer and Driggs,
5 which is the area that is currently being proposed
6 for R-7A. However, again, if you look at the land
7 use on those blocks you'll find that there are no
8 commercial businesses that actually front on
9 McGuinness Boulevard in that area. There is one
10 business across the street, but otherwise the area
11 is actually quite residential in character.

12 CHAIRPERSON AVELLA: Thank you.
13 Unfortunately, Council Member Diana Reyna who was
14 here earlier had another engagement but she did
15 submit a letter into the record dated July 21st.
16 I won't read the whole letter but it basically
17 says that she supports the recommend and urges the
18 committee to approve it. I thank you gentlemen.
19 We have one speaker signed up on this item,
20 Theresa Cianciatta.

21 THERESA CIANCIATTA: Good
22 afternoon, Mr. Avella, Chair Katz and I believe
23 there aren't any Council Members here but they
24 were here earlier. My name is Theresa Cianciatta.
25 I will speak today on behalf of the Concerned

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2 Citizens of Withers Street and the area block
3 association and residents of the Greenpoint-
4 Williamsburg community. My husband Guido
5 Cianciatta is the president of the Concerned
6 Citizens of Withers Street and I am the vice
7 president. We support fully the Greenpoint-
8 Williamsburg contextual rezoning. As a member of
9 the Community Planning Board 1, I along with my
10 husband and residents have participated since 2006
11 in the planning process with the Department of
12 City Planning and Community Board 1 for approval
13 of the proposed contextual rezoning including much
14 of the residentially zoned area of Greenpoint-
15 Williamsburg. Since 2005, our neighborhood has
16 changed dramatically. So many huge condos have
17 been built by developers. Large density condos
18 such as 484 Humboldt Street and 214 Richardson
19 Street which is a 12 story tower are out of
20 context with the surrounding community of 2 and 3
21 family homes. I live two blocks away and see
22 these buildings from my kitchen window. It has
23 been devastating to the community because we are
24 sort of small town, smaller housing, and now all
25 of the sudden we have these huge buildings. It's

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2 totally out of context. Unfortunately, the
3 developers were legally allowed to build these
4 monstrosities because of the outdated R-6 zoning
5 law which we are desperately trying to change.
6 The proposed contextual rezoning is needed now.
7 We are very supportive of the contextual rezoning
8 that was approved by Community Board for
9 Greenpoint-Williamsburg. Our hope is that the
10 contextual rezoning be expedited as soon as
11 possible by the New York City Council. Please
12 review and vote yes on the contextual rezoning for
13 Greenpoint-Williamsburg. Let's stop other
14 developers that are presently planning to build 14
15 story towers one most recently at 444 Green Avenue
16 that plainly do not belong in this community.
17 That's what's happening. We have all these people
18 now. They're rushing in because they know there's
19 going to be a change in the rezoning and we're
20 trying to beat them out because we've had our fair
21 share and it's wrong. We don't care, it could be
22 a smaller size, but not that big. Thank you for
23 the opportunity to speak on this important matter.
24 A special thank you to Steve Leonard of City
25 Planning, Community Board 1, our elected

1 officials, and our city supporters. I know Marty
2 Markowitz our borough president supported it as
3 well as Councilman Yassky and Reyna. So thank you
4 for giving me this opportunity to speak.
5

6 CHAIRPERSON AVELLA: Thank you for
7 coming down and testifying in favor of the plan.
8 Obviously we've had a long agenda today, but rest
9 assured we will be voting for the plan. I've been
10 in that community many times in the last year and
11 I share your concerns about the out of character,
12 huge buildings. I think you used the word
13 correctly, monstrosities. I share your opinions
14 and rest assured I agree with you. Seeing no one
15 else that signed up to speak on this item, I will
16 close the public hearing and we will move to the
17 last item on the agenda which actually happens to
18 be in my district. That is the special College
19 Point District. Who's coming up? All of the
20 sudden now you guys are not moving, let's go.

21 TOM MCKNIGHT: I'm just back from
22 vacation. It's a good way to come back to slowly
23 ease back into work life. Shall I begin? I'm Tom
24 McKnight from Economic Development Corporation.
25 I'm also joined in the stands by John Young from

1
2 City Planning to answer any questions you may
3 have. The proposed College Point special district
4 is the result of extensive work with the community
5 over the past several months to create a zoning
6 framework to replace the longstanding urban
7 renewal plan which expired in April. The zoning
8 plan includes zoning map changes to M-2-1 and M-1-
9 1 aimed at protecting the character of the
10 corporate park and reflecting the current land use
11 patterns in the district. The zoning also
12 includes text changes to establish special
13 regulations currently found in the urban renewal
14 plan. These are a range of design controls
15 including yard signage, landscaping, parking, use
16 and bulk that are really aimed at sustaining the
17 corporate park environment. The zoning also
18 includes special protections aimed at heavier
19 industrial uses including requiring M1 performance
20 standards, requiring full enclosure as well as
21 requiring a certification process. At the request
22 of the community, that certification will include
23 community board review, borough president review
24 and City Planning Commission review. With this
25 addition the community board voted in favor of the

1
2 application earlier this year. We also request
3 the Council's support for this proposed special
4 district today. We believe that this zoning
5 framework will really maintain and support the
6 corporate park as a successful, high performance
7 industrial district. With that, I'd be happy to
8 take any questions you might have.

9 CHAIRPERSON AVELLA: Well you know
10 I'm going to have some questions.

11 TOM MCKNIGHT: I know you'll have
12 questions.

13 CHAIRPERSON AVELLA: Tom, I hate to
14 do this to you since you just came back from
15 vacation but you know my concerns on this.

16 TOM MCKNIGHT: That's all right.

17 CHAIRPERSON AVELLA: The community
18 board and myself even before I was elected and the
19 civics in the area had always been asking for the
20 extension in the urban renewal plan for years
21 knowing that when it goes out of existence what
22 controls do we have. I think it's unfortunate
23 that we went down to the 11th hour 59th minute and
24 now as a member of the Council and the community
25 board was faced with the same decision that if I

1 don't vote for this there are no restrictions.
2
3 The urban renewal plan has expired. I don't think
4 the community board and I don't think I should
5 have been put in that spot. These discussions
6 should have occurred years earlier. I'm not
7 saying it's your fault but obviously somebody at
8 the Administration felt we weren't going to deal
9 with this until now. It puts me in a weird
10 position because I have two issues and you know
11 what they are. For the record, one is a battle
12 that I have been personally crusading for 15
13 years, ever since the city changed the zoning as
14 it relates to adult establishments throughout the
15 entire city. When the city did that and removed
16 from 42nd Street and other places the adult
17 establishments, they allowed these types of
18 facilities to go into manufacturing districts
19 throughout the entire city. However, at the time,
20 they exempted a number of locations.
21 Unfortunately the Council Member at the time
22 didn't see fit to include the College Point
23 Corporate Park in one of those exempted areas.
24 I've been bringing this issue up for years. I had
25 hoped that the special district would include

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2 prohibitions against that. It is my understanding
3 and you can confirm this if you like, but this is
4 the response that I've gotten back. City Planning
5 is here, I guess you can confirm that. Their
6 reluctance to put this in the special district is
7 because it might open the city up to a lawsuit
8 because we're further restricting the areas in
9 which adult establishments can go in.

10 TOM MCKNIGHT: That's correct, yes.

11 CHAIRPERSON AVELLA: I mean that's
12 a logical position to have. I personally disagree
13 with that on a policy issue because if we're going
14 to make decisions citywide based upon a future
15 possible lawsuit we'll never get anything
16 accomplished in this city. I think it's bad
17 public policy. I know the Administration does
18 this on a whole host of levels. I just think it's
19 wrong. The second thing is the Administration not
20 carrying over some of the provisions in the urban
21 renewal plan which allows EDC and the
22 Administration now to relocate some of the
23 business from the Willets Point area into the
24 corporate park. Again, I think that is seriously
25 wrong. I think it is an absolute disgrace for the

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2 mayor to call those businesses blighted but now
3 somehow they can go into the College Point
4 community and be okay. Unfortunately, you've put
5 me in a position where there's very little I can
6 do about it because if I say no and I ask the
7 Council to vote no on this, then we have no
8 restrictions. However, there has been at my
9 request some discussion about some of the use
10 group that we're talking about. I don't know if
11 you're prepared to talk about that.

12 TOM MCKNIGHT: I am.

13 CHAIRPERSON AVELLA: But we're not
14 going to vote on this obviously today, so there is
15 additional time to talk about this. But if you
16 want to weigh in on this, that would be fine.

17 TOM MCKNIGHT: Just to respond to
18 some of your comments. You've been very vocal on
19 the issue of the adult establishments. I think
20 you characterized the Administration's position
21 correctly. Just something to keep in mind, and
22 again, I know you're aware of this but really for
23 the record that there are really very few places
24 within the district that would even allow adult
25 uses. Again, there are none today, because of the

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2 buffer requirements from houses of worship and
3 daycare centers and residence districts. There
4 are really very few places that they could be
5 sited. On the other issue related to the heavy
6 industrial uses, we would be prepared to work with
7 you on a change to deal with the use group 18
8 usage. It's something that we couldn't do right
9 now given where we are in the process, but it's
10 something that we would be prepared to work with
11 you on. This is the use group 18.

12 CHAIRPERSON AVELLA: Obviously that
13 would be beneficial. It still wouldn't address
14 the issue of the five businesses being relocated
15 but it would be an improvement with the special
16 district. It would further educe any obnoxious
17 business that could go in. I understand it would
18 also tighten up the noise code and how the
19 business is operated within the corporate park. I
20 appreciate that. Obviously we're talking about a
21 follow up corrective action.

22 TOM MCKNIGHT: That's correct.

23 CHAIRPERSON AVELLA: We should have
24 some follow up conversation as to how quickly we
25 can put that together.

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TOM MCKNIGHT: Okay.

CHAIRPERSON AVELLA: Okay. Now, there is another issue which we're going to have some public testimony on about another possible amendment. What I'll ask you to do and I'm sure you would is to hang out. We'll take the public testimony and then I would ask you to come back. I think this issue may have been brought to your attention.

TOM MCKNIGHT: It has, yes.

CHAIRPERSON AVELLA: So why don't we get the public testimony and then I'll ask you to come back and talk about that. That may be a follow up corrective action as well.

TOM MCKNIGHT: That sounds fine.

CHAIRPERSON AVELLA: I can't ask any Council Members if they have questions since I'm the only one left here. Tom, thanks.

TOM MCKNIGHT: Okay.

CHAIRPERSON AVELLA: We'll now proceed to the public testimony and I'll call up the representatives of Skanska [phonetic] and then I know Gene Kelty who has come in and out all day from Community Board 7 is also here to testify.

JORDAN MOST: Good afternoon. I'm Jordan Most [phonetic] from the Office of Sheldon Labell [phonetic] on behalf of Skanska. Thank you for the opportunity Council Member Avella. As you're aware, as we have discussed, College Point urban renewal area originally imposed a 60 foot buffer. Skanska's site is located in this handout and I made numerous copies. I don't know if you still want all of these copies. The 60-foot buffer is a buffer zone that runs effectively through the portion of 15th Avenue that was de-mapped between 143rd Street and the Whitestone Expressway. A portion of this burdened and de-mapped property was conveyed to Skanska by EDC to accommodate an enlargement of their office building located at 1616 Whitestone Expressway. The land acquired included 30 feet of the buffer. The balance of the buffer is on the adjacent church's property. That's to the north of the Skanska property in an R-2A zone. The special College Point District, an application brought by EDC, imposes a buffer in certain locations between M and R properties and affects the Skanska property. The special district buffer is measured

1 from what would have been the centerline of 15th
2 Avenue. The problem then is that this buffer zone
3 was 30 feet below and 30 feet above this
4 centerline portion. Now something is being
5 measured 60 feet below the centerline portion. It
6 has the effect of creating a 90 foot buffer
7 effectively, which is in these materials. You
8 have it and no one is here. Again, I think it
9 seems widely accepted and understood that nobody
10 intended that this 90 foot buffer be created.
11 That seems to be the understanding with EDC and
12 City Planning. This 90 foot buffer impacts the
13 Skanska site for which there is a proposed
14 enlargement. Really, we respectfully ask that the
15 Council and CPC recognize that the buffer that
16 exists pursuant recorded easements and other
17 related recorded documents affecting this property
18 and burdening the property that the special
19 College Point district be modified to eliminate
20 this unintended addition buffer at this specific
21 location where I think there is already a 60 foot
22 buffer. That's really all I have.

24 CHAIRPERSON AVELLA: I want to
25 thank you for bringing this to my attention prior

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2 to the hearing today. This is obviously a subject
3 for conversation. Thank you. I'd like to call
4 upon Gene Kelty now and then I'll call EDC back.
5 Obviously, one of the things, and I have no
6 problem with what you're suggesting. I'd like to
7 hear the community board's version. I don't even
8 know if they're aware of this information.

9 ADAM ROTHCURBOS: Adam Rothcurbos
10 [phonetic] on behalf of Skanska. I just discussed
11 it with Mr. Kelty very briefly but I just wanted
12 to assure everyone. The restrictions on the
13 property Skanska purchased as well as the
14 additional property still owned by the City of New
15 York will ensure that the 60 foot buffer will
16 remain forever and will not be compromised in any
17 manner. Thank you.

18 CHAIRPERSON AVELLA: Thank you.

19 GENE KELTY: Good afternoon,
20 Council Member Avella. I'm Gene Kelty, Community
21 Board 7 Chair. To take his case and we'll get it
22 since he mentioned it. He talked to me. I told
23 him what I would do is pass it on to the zoning
24 chair right away and we'll set something up in
25 September for them to rectify the problem.

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2 CHAIRPERSON AVELLA: The only thing
3 I would ask is that we make this a real expedited
4 situation because obviously we would want to do
5 the other aspect, the follow up corrective action
6 and they're not going to do two.

7 GENE KELTY: I told him as soon as
8 we get the paperwork we'll put it right into
9 committee. We don't want them to be unduly
10 imposed with 90 when everybody else gets 60. So
11 it's not a problem. Making it quick, just so you
12 have our testimony. I know you were at some of
13 the meetings and your people were at the others.
14 The board voted to approve the special district as
15 presented with the following conditions, that the
16 permitted use for the former Flushing Airport site
17 must be limited to park and soft recreation use.
18 And the process to approve any new sites within
19 the College Point Corporate Park for a use
20 prohibited by the urban renewal plan must be
21 renewed as follows. Advisory of approval by
22 Community Board 7, advisory approval by the
23 borough president and approval of the full New
24 York City Planning Commission and not just the
25 chairperson. I know you know the history of it.

1
2 We just felt that this was the easiest way. We
3 didn't think that anybody should be taken out and
4 any one person should be making decisions. We
5 originally had asked for the full borough board
6 because we felt that the council vote will sit on
7 the borough board. It didn't fly but we figured
8 at least with the borough president the Council
9 would talk to the borough president so there would
10 be an import that the borough president would have
11 on that for the approval process of any new
12 businesses going in there.

13 CHAIRPERSON AVELLA: Gene you just
14 said something that surprised me. I'm obviously
15 going to call EDC back to follow up on that
16 testimony. Is it your understanding then like the
17 five businesses that EDC is talking about being
18 relocated is not going to go before the borough
19 board? It was my understanding that they would.
20 Did I misunderstand you?

21 GENE KELTY: We voted on that
22 already. We voted on the five. I thought that
23 they were going to go. I'm not sure. I was under
24 the impression that the five were not included in
25 this because this was already down the pipeline.

1
2 This was any new business. Again, one of the
3 problems, Councilman is with I think two of the
4 businesses required special districts. That was
5 the problem why they wanted to get them in before
6 the urban renewal plan. The point being is the
7 other three had the right to come in no matter
8 what. So whether we like them or not, if the guy
9 decided to pick up his bags and leave they had the
10 right to come in. I will only tell you that of
11 the people coming over, two of them we've been
12 fighting for because we feel that if they're going
13 to come over and we've have visited the sites and
14 they're clean sites, that they should be given the
15 due consideration that comes with them. That
16 unfortunately is one that has the special district
17 which is Sam Bouchi [phonetic]. If you've gone to
18 his site, he has a catalog. It is not an
19 unacceptable use. It really has improved the area
20 and T Minor [phonetic] is another one that came
21 originally from College Point, went over there and
22 is coming back. I'll be testifying at the other
23 committee meeting on that. But we've just been
24 finding that they deserve more consideration to
25 make that work on 31st Avenue because we feel that

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2 they're narrow spaces and stuff. As far as the
3 special district, the problem we have is this is a
4 request from the community board not a city
5 generated request. So because of that we felt
6 that it was easier to work with the city versus
7 against them. One of the things they were talking
8 to us was with the police academy and we felt that
9 we had an open advantage to get more for the
10 community. Everybody was invited. The business
11 groups were invited. The civic groups were
12 apprised everything down the line on it. They
13 agreed with it and that's what our recommendations
14 were. Even though we may not get the Flushing
15 Airport site, we put it in saying soft recreation.
16 We got a letter from Madelyn Wells who at the time
17 was the acting president because Seth Pinsky was
18 in I think Iran at the time. She signed a letter
19 saying that they would work with the community
20 board and we would come to some type of resolution
21 by the end of this year, that it would be kept at
22 the current status as a park area and that they
23 dedicated certain parcels in the airport. We felt
24 that that was acceptable to move forward with.
25 That's it.

2 CHAIRPERSON AVELLA: Tom?

3 TOM MCKNIGHT: Just to respond to
4 the two comments that came up. Firstly, as it
5 relates to Skanska, we would be supportive and
6 work with them on a follow up application. Just
7 to clarify also on the borough board review. Each
8 of those dispositions will indeed have to go
9 through the borough board review process. The
10 certification would be in addition to that.

11 CHAIRPERSON AVELLA: Okay.

12 TOM MCKNIGHT: Okay.

13 CHAIRPERSON AVELLA: Just one other
14 question. I know it's pretty hard for you to
15 figure out now and I don't want to lock you into
16 anything. Obviously the quicker we can do the
17 follow up action the better. Do you have any idea
18 on how long it would take to put something like
19 that together?

20 TOM MCKNIGHT: I don't. But we can
21 get a pretty quick answer.

22 CHAIRPERSON AVELLA: Okay. Thank
23 you.

24 TOM MCKNIGHT: Okay.

25 CHAIRPERSON AVELLA: Seeing no one

1
2 else signed up to speak on this item that closes
3 this hearing. Thank you. This committee is now
4 recessed. For the record, we just received a
5 letter of support from James Brennan, a member of
6 the Assembly in Brooklyn support the Flatbush
7 rezoning proposal. We will submit that into the
8 record. I thank you for reminding me of that.
9 This meeting of the Zoning and Franchises
10 Committee is recessed until 9:45 tomorrow morning.

C E R T I F I C A T E

I, Donna Hintze certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature *Donna Hintze*

Date August 19, 2009