

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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November 29, 2018
Start: 10:01 a.m.
Recess: 11:08 a.m.

HELD AT: Committee Room - City Hall

B E F O R E: Francisco Moya
Chairperson

COUNCIL MEMBERS: Barry S. Grodenchik
Carlina Rivera
Donovan J. Richards
Stephen T. Levin
Antonio Reynoso
Costa Constantinides
Ritchie J. Torres

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

Melanie Meyers
Land Use Attorney
Fried, Frank, Harris, Striver & Jacobson

Jonathan Marvel
Marvel Architects

Doreen Gallo
DUMBO Neighborhood Alliance

Zamir Khan
32BJ

Ashley Thompson
Kathleen Cat
Deborah Schaffer

Julia Ryan
@

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2 [sound check] Today's date is November
3 29, 2018. This is the Subcommittee on Zoning and
4 Franchises, being record by McKenzie Joseph.

5 [pause][gavel]

6 CHAIRPERSON MOYA: Good morning, and
7 welcome to the meeting of the Subcommittee on Zoning
8 and Franchises. I am Council Member Francisco Moya,
9 the chairperson of the subcommittee, and today I am
10 joined by Council Member Grodenchik. If you are here
11 to testify please fill out a white speaker's slip
12 with the sergeant-at-arms and indicate the name of
13 the LU number or the application you wish to testify
14 on, on that slip, and we are also now joined by
15 Council Member Rivera. Good morning. We will now
16 start our hearings. Our first hearing is on LU 267,
17 an application by T&S Restaurant LLC for a renewal of
18 a revocable consent to operate an enclosed sidewalk
19 cafe at Gracie's on 2nd Diner, located at 300 East
20 86th Street in Council Member Kallos's district in
21 Manhattan. And I now open up the public hearing on
22 this application. Is there any member of the public
23 who wishes to testify on this application? Seeing
24 none, I now close the public hearing on this
25 application. Our next hearing is on LU 268, an

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2 application from K.K. & D. of 79th Street Restaurant
3 Corporation, d/b/a Nectar Cafe, for renewal of a
4 revocable consent to operate an unenclosed sidewalk
5 cafe located at 1022 Madison Avenue, in Council
6 Member Powers's district in Manhattan, and I now open
7 up the public hearing on this application. Is there
8 any member of the public who wishes to testify on
9 this item? Seeing none, I now close the public
10 hearing on this application. And we will now go to
11 our next hearing, which is on LUs 280 and 281, an
12 application by Forman Ferry LLC for a zoning map
13 amendment to rezone 25-29 Jay Street, in Council
14 Member Levin's district in Brooklyn, from an M1-4/R8A
15 to an M1-6/R8X district. There is also an
16 application for a zoning text amendment to apply
17 certain bulk regulations to R8X districts mapped
18 within the MX2 special district. The property to be
19 rezoned is in the DUMBO historic district and the
20 actions would facilitate the development of a 12-
21 story, 10-FAR commercial, ah, office building. And I
22 now open the public hearing on this application, and
23 I call up Melanie Meyers and Jonathan Marvel, and
24 Counsel, if you could please swear in the panel.

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2 LEGAL COUNSEL: Good morning. Before
3 responding, please state your names, and please each
4 swear or affirm that the testimony that you are about
5 to give will be the truth, the whole truth, and
6 nothing but the truth and that you will answer all
7 questions truthfully?

8 MELANIE MEYERS: Good morning, council
9 members. My name is Melanie Meyers. I am a land use
10 attorney with Fried, Frank, Harris, Striver, and
11 Jacobson, and I swear that my testimony will be true
12 in all respects.

13 JONATHAN MARVEL: Good morning. My name
14 is Jonathan Marvel, principle at Marvel Architects,
15 and I swear that my testimony will be truthful and
16 correct.

17 LEGAL COUNSEL: Thank you.

18 MELANIE MEYERS: And thank you for having
19 us. As the chair said, this is an application for a
20 zoning map amendment and a zoning text amendment that
21 would allow for an 11-story commercial building to be
22 located in the DUMBO historic district. We really
23 appreciate the opportunity to work on a project that
24 we think is both right for the area as well as quite
25 beautiful building. To give a little bit of the

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2 background, I'll talk about the zoning actions and
3 Jonathan will talk a little bit about the building
4 and how we have sort of thought about how it fits in
5 with the neighborhood. From a location standpoint,
6 the project is located at the corner of Plymouth
7 Street and Jay Street in the DUMBO area. It is also
8 in the midst of the DUMBO historic district, and one
9 thing I just want to mention up front is because it's
10 within the district is also subject for Landmarks'
11 approval, and we were able to coordinate the review
12 of both the Land Use actions as well as the Landmarks
13 actions, and so the project that you will be shown
14 this morning has received a vote of unanimous
15 approval by the Landmarks Commission. So we'll be
16 showing you a project which we know the Landmarks
17 Commission has supported. From a zoning map, this is
18 not easy to see, we are located within the mixed use
19 district, which was the second mixed use district
20 that had been created in the city, and we are in an
21 M1-4/R8A district. That's the district that covers
22 most of the buildings of the sort of larger loft
23 buildings that are in the area. But there are some
24 problems that we saw with that district in terms of
25 trying to recreate a loft type of building. The

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2 owners of the property have a long history in DUMBO.
3 They are third generation, and their grandfather
4 created a business in this site that we're talking
5 about, as well as some of the surrounding buildings,
6 and as they thought about what they wanted to do and
7 how they sort of thought it made sense to think about
8 this site, they really, in a certain level, were
9 counter-programming. The mixed use area certainly is
10 home to both businesses and residents, and they
11 thought that it was important to create a commercial
12 building that would sort of lend itself to both the
13 history of the site as well as the mixed use goal for
14 the district. This is the site today. It's a one-
15 story, noncontributing building and it fits within
16 the framework of we think, the site itself is sort of
17 central to the midst of the historic district and we
18 sort of saw a real opportunity to pick up on the
19 fabric and the sort of strength of the buildings that
20 were there and again to kind of promote the
21 commercial history of this area, and Jonathan will
22 talk about the design a bit more. Again, we are sort
23 of, again, located in the M1-4/R8A zone and as we
24 were looking at it and the client, the owner of the
25 property was looking at the site, we realized that

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2 while the zoning allowed for buildings of scale there
3 were two things that we wanted to try to address.
4 The first, and if you look at the sort of envelope
5 that's on my left, I think it's on everybody's left
6 side, there are two issues that we wanted to address.
7 One is that the way that the zoning, while it is
8 mixed use and the goal was to have a commercial and
9 residential neighborhood, the current zoning lends
10 itself to residential. It's sort allows for a
11 building that's up to a height of 145 feet, but
12 requires that it be, ah, within two stories be a
13 residential story. The second thing that it did,
14 while it allows for a building of height and would
15 allow for things like dormers to create a high street
16 wall, you couldn't actually establish and create the
17 sort of characteristic loft type of street wall,
18 which really sort of runs tight to the street. So we
19 made, our application seeks to kind of address those
20 by allowing for a form, which you can see on the
21 right-hand side of the image, to do two things.
22 First, we would rezone the site to an M1-6/R8X. That
23 would maintain the same density available for
24 residential, but it would allow for that volume to be
25 filled, and so it would allow for a 10-FAR of

1 residential use. And in addition we would be
2 proposing two zoning text amendments. The first is a
3 very simple one to include the R8X in the list of
4 zoning districts that are within the mixed use area
5 and in the second, which is more substantive, would
6 allow for a building to have a street wall which
7 reflects a, the street wall height of a building that
8 is adjacent to it. So in our case the building at 20
9 Jay Street, across the street, is the building that
10 we would be tied to. We would create a building
11 which is lower than that building, but one based on
12 this, and this diagram sort of shows it, that we
13 think fits well within the scale of the area. We
14 were pleased to get the support and recommendation of
15 approval from the community board. At the borough
16 president level we received approval of the zoning
17 map amendment, a recommendation of approval for the
18 zoning map amendment, and I think support for a
19 commercial building that I had some different ideas
20 about how to do it, but we think what we have is a
21 project that fits well within the area and one that
22 we hope for your support for. Thank you.

24 JONATHAN MARVEL: I'll dwell on this
25 diagram a little bit more, only to say that this is a

1
2 unique area within the city because of the Manhattan
3 Bridge and the Brooklyn Bridge give the DUMBO
4 district a scale unlike any other, and in the diagram
5 you'll see that our building is part of that
6 construct of warehouse-type, block-shaped buildings
7 and we're being deferential to our neighborhood
8 immediately to the west, which is 20 Jay, and we're
9 kind of a transitional building, from the bigger
10 buildings closer to the bridge to the smaller
11 buildings to the east of the bridge. And here's the
12 first rendering that you're going to see. You're
13 looking at this prominent corner of Plymouth and Jay
14 Street. It's a building that holds the street wall.
15 It's an office building and therefore we are trying
16 to maximize the flexibility of the floor plates, the
17 large windows to daylight the interior, to create a
18 sustainable, resilient building by having less
19 artificial light for the office spaces. We're in a
20 partial, very partial, flood zone, but we are very
21 aware of trying to make our entrances on the ground
22 floor, which we have a lobby for the building on Jay
23 Street in the middle and then side entrances,
24 creating a context for smaller commercial retail
25 venues, mom and pop shops, so the lobby of the

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2 building off Jay is flanked by 1800, 2000 square
3 foot, and 4000 square foot retail spaces, suggesting
4 this is not for a big box, it's really for local
5 startup venues and the rendering here, as you look
6 down you're looking north on Jay, you're looking
7 towards Brooklyn Bridge Park. You can see how our
8 building makes it a gateway paired up with 20 Jay
9 immediately across the street, so we're creating a
10 context that allows the, a significant entrance and
11 marking the entrance to the Brooklyn Bridge Park,
12 which is a big investment for the area. In this view
13 from the park back to the building, you're seeing now
14 the, what is really not the back side of the
15 building, but it's the river side of the building.
16 We don't have that undulating concrete panel system.
17 It's flattened out. These are lot-lined windows. We
18 wanted to create a character that you can look up and
19 not see blank walls, but see windows, you see
20 activity, you see the life of DUMBO expressed in the
21 architecture. Now we're looking east on Jay Street,
22 on Plymouth, and you can how the context steps down,
23 but not entirely smaller-scale buildings, but there
24 is definitely a transitioning where part of that
25 transition we're also helping restore the signature

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2 Belgian block elements that are in the street and
3 sidewalks on Plymouth Street. DOT has a current Jay
4 Street project that we're not a part of. This is a
5 view now looking towards the upland side and looking
6 towards the Jay Street stop. This is a major
7 thoroughfare for people coming to the district,
8 coming down Jay Street, so this is a building that
9 supports the retail, supports the pedestrian traffic
10 by having active windows on the pedestrian block.
11 And one of my favorite renderings, because it really
12 ties in very contextually with the Manhattan Bridge
13 with the diagonal bracing of the structure of the
14 Manhattan Bridge, and we picked that up with the
15 cross-bracing on the inside of our building, allowing
16 us to have a building that speaks to these larger-
17 scale elements that I referred to earlier which are
18 so unique to DUMBO. Final image here, just to say
19 that this is a building that is both contextually
20 driven in its architecture. We want it to
21 participate with the concrete nature of the
22 warehouses of the historic buildings within DUMBO, at
23 the same time be a contributing building towards a
24 twenty-first century work environment and make this a
25 great place for people to enjoy.

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2 CHAIRPERSON MOYA: Thank you. Before we
3 proceed to questions, let me just acknowledge that we
4 have been joined by Council Members Richards and
5 Levin. We are now going to take a vote on the two
6 applications we just held hearings on, which have the
7 support of the local council members. I now call for
8 a vote to approve LUs 267 and 268. Counsel, please
9 call the role.

10 LEGAL COUNSEL: Moya.

11 CHAIRPERSON MOYA: Aye.

12 LEGAL COUNSEL: Levin.

13 COUNCIL MEMBER LEVIN: Aye.

14 LEGAL COUNSEL: Richards.

15 COUNCIL MEMBER RICHARDS: Aye.

16 LEGAL COUNSEL: Rivera.

17 COUNCIL MEMBER RIVERA: Aye.

18 LEGAL COUNSEL: Grodenchik.

19 COUNCIL MEMBER GRODENCHIK: Aye.

20 LEGAL COUNSEL: The land use items are
21 approved by a vote of 5 in the affirmative and no
22 negatives and no abstentions.

23 CHAIRPERSON MOYA: Thank you. Just a
24 couple of questions before I turn it over to Council
25 Member Levin. Do you agree that it's important for

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2 your project to provide members of the community with
3 good, permanent jobs?

4 MELANIE MEYERS: Yes, absolutely.

5 CHAIRPERSON MOYA: And following that,
6 what are the concrete commitments that you're willing
7 to make to ensure that these are high-quality
8 employment opportunities?

9 MELANIE MEYERS: I think there's, there
10 might be two or three different parts to the
11 response. The goal for the project as a whole was,
12 you know, think about it, it's a building that has
13 size, for sure, but it's not an enormous building.
14 The idea for a commercial building is that it really
15 would provide opportunities for smaller businesses
16 and businesses that have, can have connections to the
17 neighborhood, to be able to have places of employment
18 at work. So at the broader scale that's absolutely
19 part of the goals. I think, you know, if you're
20 talking about sort of the management of the building
21 and things like that, there are members of 32BJ here
22 today and it is certainly the goal of the ownership
23 to make sure that there are good and well-paying jobs
24 there. Conversations are ongoing at this point. We
25 think there are, from the perspective of ownership we

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2 think there have been productive conversations and we
3 are hoping that they will complete shortly, and I'm
4 sure you'll hear from members of the audience as
5 well.

6 CHAIRPERSON MOYA: Great. And just
7 sticking with that, what are you planning to pay
8 cleaners, porters, security guards at the building
9 and how does that compare to prevailing wage,
10 recognizing that the industry standards for building
11 service workers in New York City has gone to that
12 level, just wondering if you could...?

13 MELANIE MEYERS: That's part of the
14 discussion and I think we're getting very close.

15 CHAIRPERSON MOYA: OK. What experience
16 do you have managing a commercial building and
17 workforce of this scale?

18 MELANIE MEYERS: The ownership of the
19 project, if this is your question, they have run a
20 business and that is what they've done. This, again,
21 they have owned property in this area for a long
22 time. This is and will be their first project that
23 is a commercial project. So they understand that it
24 is something that they have a long-term commitment to
25 the site and they want to make sure that what they're

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2 providing is a project that is kind of worthy of its
3 location in the district.

4 CHAIRPERSON MOYA: OK. And do you have a
5 responsible contractor policy for the building
6 service work that you could share with us and if not
7 what are the plans to ensure that workers employed by
8 the building service contractors have access to job
9 protection, family-sustaining wages, and good safety
10 standards?

11 MELANIE MEYERS: OK, and again I think
12 that we're in those conversations and this is
13 something that we will be working on and we'll be
14 working on it till the vote.

15 CHAIRPERSON MOYA: Right. Also, what are
16 the plans to address the Brooklyn borough president's
17 concerns regarding this project and will there be
18 space set aside for local organizations and
19 community?

20 MELANIE MEYERS: So there's a couple of
21 things. We completely agree that the reasons, the
22 goals for this project and the goals for it are to
23 be, to bring jobs to the area and to create
24 opportunities for local entrepreneurs. The ground
25 floor was actually redesigned from sort of the

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2 original concepts to make sure that the spaces at the
3 ground floor were smaller spaces, spaces that could
4 attract uses that are locally based and could be
5 culturally based. In terms of saying will it be this
6 particular cultural user, we can't make that
7 commitment at this point. What we've done is created
8 a floor plan that we believe lends itself to the
9 local businesses.

10 CHAIRPERSON MOYA: OK. And last
11 question, if granted this rezoning will you only be
12 building commercial office and retail space with no
13 residential units?

14 MELANIE MEYERS: The building that has
15 been approved by Landmarks and the building that
16 Jonathan showed is a commercial building and it can
17 only be a commercial building. It has too deep of
18 floor plates for a commercial building from a zoning
19 standpoint. It wouldn't, it doesn't have the
20 courtyards that would be required for a residential
21 building. So the plan has been from day one to have
22 a commercial building. We wouldn't have gone through
23 a zoning action if they wanted to a residential
24 building because you can do that today. So we are
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2 quite convinced this is going to be a commercial
3 building.

4 CHAIRPERSON MOYA: Great, thank you.
5 Before I turn it over to Council Member Levin, I just
6 want to recognize that we have been joined by Council
7 Member Reynoso and we're just going to take his vote.

8 LEGAL COUNSEL: Vote to approve land use
9 items 267 and 268, Reynoso.

10 COUNCIL MEMBER REYNOSO: I vote aye on
11 all.

12 LEGAL COUNSEL: The land use items are
13 approved by a vote of 6 in the affirmative, no
14 negative, and no abstentions.

15 CHAIRPERSON MOYA: Thank you, and now I
16 turn it over Council Member Levin.

17 COUNCIL MEMBER LEVIN: Thank you very
18 much, Chair. Thank you for the presentation. Nice
19 to see you both. First question. Why was it
20 necessary to pursue a rezoning when the as-of right
21 could have allowed for commercial development?

22 MELANIE MEYERS: The as-of right really
23 could not. The current zoning allows for 2-FAR of
24 commercial use, but it allows for 7.2-FAR of
25 residential, and so again what we were trying to do

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2 with the rezoning was to allow for a true commercial
3 building from ground floor to the top to be able to
4 be built. So there was necessarily a, a rezoning was
5 required.

6 COUNCIL MEMBER LEVIN: And why is it
7 necessary to do the current design with no setbacks,
8 as opposed to the setback, you know, the 145-foot
9 building with 15-foot setbacks [crosstalk]

10 MELANIE MEYERS: I can talk about it sort
11 of from a zoning standpoint and Jonathan can
12 certainly [inaudible]. The current zoning, again,
13 does have a 145-foot height. It has a street wall
14 height of 105 feet. You would end up doing dormers.
15 You would do, you could actually have a street wall
16 in portions of the building that could get up to 145.
17 But it would have kind of the...

18 COUNCIL MEMBER LEVIN: Sorry.

19 MELANIE MEYERS: It would have a form
20 that doesn't really lend itself, in our view, to the
21 form of building that you see in DUMBO in large part,
22 which are these loft buildings.

23 JONATHAN MARVEL: And if I can add to
24 that, the commissioner at Landmarks Preservation
25 Commission I think would agree with this, is that the

1 setbacks, which were part of a language of zoning
2 largely favoring residential neighborhoods, favoring
3 that kind of light and air conditions, don't really
4 apply to the DUMBO district, which is really a
5 community of very, sheer street wall volumes that
6 really go from the ground straight up to 12, 13, 14
7 stories, and so we're really part of that, that
8 warehouse commercial context of buildings, respecting
9 the street wall, respecting the narrow streets of
10 DUMBO. These are not wide streets that you see in
11 some of the more modern parts of the city. This is a
12 historic district with narrow streets, and these
13 buildings were all built within a twenty-year period,
14 largely to support the kind of heavy commercial
15 waterfront warehousing, and so we really wanted to
16 play into that context and that language of holding
17 the street wall, of building a concrete façade,
18 albeit it's a steel frame contemporary structure, but
19 we're doing everything possible to create a
20 contextual building and the street wall is such an
21 architectural distinct language to DUMBO, to have a
22 setback on a building of this size and volume would
23 feel like an anomaly.
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2 COUNCIL MEMBER LEVIN: Even though there
3 are commercial buildings that have setbacks elsewhere
4 in the city?

5 JONATHAN MARVEL: Not in this district.

6 COUNCIL MEMBER LEVIN: Not in this
7 district?

8 JONATHAN MARVEL: Not in this district.

9 COUNCIL MEMBER LEVIN: Right. But, I
10 mean, in terms of the way it can be used as a
11 commercial building a setback doesn't necessarily
12 mean that, I mean, I understand kind of from an
13 architectural perspective, but, and understand the
14 argument with the context of the neighborhood, but
15 from a use perspective, I mean, I live across the
16 street to our office building at 250 Broadway, which
17 is, you know, multiple setbacks and that's obviously,
18 you know, more utilized as a commercial zone.

19 JONATHAN MARVEL: And I like that
20 building, and that obeys the laws of symmetry, and,
21 again, there are light and air rules for that
22 particular building, and in our, in our situation I,
23 this is not a large building, it's not a tall
24 building, it happens to conform to an irregular foot
25 print that we've kind of extruded straight up, and

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2 that goes for not only the facades on Plymouth and
3 Jay but also on the rear yards, and so we're really
4 kind of playing into that, I guess it's a narrow
5 definition, but in the context of DUMBO and we were
6 asked by Landmarks specifically to not create a
7 building that you might see in midtown, to make a
8 building specific to the DUMBO district and we worked
9 very hard to do that.

10 COUNCIL MEMBER LEVIN: Any change in
11 designs? You may have referenced this with Chair
12 Moya's question that any change in design or change
13 in proposed use, or change in proposed use would
14 necessitate a change in design would require a
15 reapproval of appropriateness from LPC?

16 MELANIE MEYERS: It would. We would have
17 to go back to Landmarks. We'd have to go through the
18 entire process, including going back through the
19 community board and receiving a recommendation.

20 COUNCIL MEMBER LEVIN: And LPC was
21 adamant that this design, they wouldn't necessarily
22 approve another design that wasn't fully commercial
23 use, is that right? Or did they opine on the use of
24 the land?

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2 MELANIE MEYERS: Landmarks does not opine
3 on the use. They opine on the design and the
4 appropriateness and the contextual nature of the
5 building, but from a physical standpoint, not from a
6 use standpoint. I can tell you that their support of
7 this project was, they ended up, it was a sort of, it
8 was a unanimous approval and it was a highly
9 supportive approval. So if there was a, in my view,
10 if there was a substantial change in the project
11 which would have to happen for residential, they're
12 going to remember a project that they thought was
13 really a contributing building and it could face
14 challenges.

15 COUNCIL MEMBER LEVIN: But there's
16 nothing, there's nothing in this zoning that locks
17 you into the full commercial FAR. In other words,
18 you still could, or your client could go back to,
19 could change the design, change the use to a five
20 residential, five commercial, or ten hotel and go
21 back to LPC for that approval and never, and while
22 going through the community board never have to go
23 back through a ULURP in order to do that.

24 MELANIE MEYERS: Again, the zoning that
25 exists today allows for 7.2-FAR of residential. And

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2 we're not seeking to change that. So the answer to
3 your question is that if there was a plan or an idea
4 to try to change the project it would have to change
5 significantly to be a, especially be a mixed use
6 project because you have to deal with cores and
7 things that, you know, it's not a big footprint, it
8 would be very challenging to do. But at a
9 theoretical level it's possible. Again, not to put
10 any more residential than exists today or is allowed
11 today, but theoretically it would be possible.

12 COUNCIL MEMBER LEVIN: Right, right. And
13 today you can do 7.2 of residential and 2?

14 MELANIE MEYERS: 7.2 of, 7.2 is the size
15 of the project.

16 COUNCIL MEMBER LEVIN: Of the project
17 with 2 of that being commercial.

18 MELANIE MEYERS: Yes.

19 COUNCIL MEMBER LEVIN: And 5.2
20 residential.

21 MELANIE MEYERS: Correct.

22 COUNCIL MEMBER LEVIN: But then, I mean,
23 just theoretically here, you could do five
24 residential, five commercial, and go from a 7.2 to a

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2 10. I mean, yes, I mean I realize that there's a lot
3 of restraints on that.

4 MELANIE MEYERS: There's a lot of
5 restraints, including what's required for a courtyard
6 and what you try to do with that floor area, that
7 you'd have to take away there and it just, it seems,
8 it would be very, very, very, very challenging.

9 COUNCIL MEMBER LEVIN: OK.

10 JONATHAN MARVEL: I mean, if I could just
11 add to that. The way the, it would be a
12 fundamentally different building if you wanted to
13 incorporate residential into this, with the cores
14 moved over to the side, which supports one or two
15 tenants per floor, that wouldn't fit a residential
16 layout at all, the lot line windows, which are non-
17 operable and fire-resistant wouldn't fit a
18 residential light and air condition. So it would be,
19 the egress would be slightly different. It would be
20 an entirely different building. We probably wouldn't
21 make it out of steel. It would be more concrete,
22 because steel is more amenable to a commercial open
23 space layout. If this were residential you'd
24 probably build it out of concrete, save a little
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2 money, and have thicker floor plates for acoustical
3 separation and stuff like that.

4 COUNCIL MEMBER LEVIN: I'm thinking of
5 another type of mixed use building, a commercial
6 residential building, not to be the larger floor
7 plates, they're more of a vertical, they're stacked
8 on top of it, the residential and commercial are
9 stacked on top of each more instead of such a wide
10 footprint, is that what you're saying, or a large
11 floor plan?

12 JONATHAN MARVEL: Yeah, yeah, I think
13 that you'd probably go with a setback building if it
14 were a residential because of the smaller foot print
15 is more suitable to that.

16 MELANIE MEYERS: Or you'd push it from
17 the back and take advantage of the dormer rules to
18 get a street wall which is just as high, which
19 probably would work better from a landmark
20 standpoint, but you'd have to deal with two separate
21 lobbies, again, and a very small floor plate, two
22 separate elevator banks. It would be a challenge.

23 COUNCIL MEMBER LEVIN: OK. Have you
24 looked at what the impact on the neighboring 25 Jay

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2 property that is included in the rezoning, what the
3 impact would be on that property?

4 MELANIE MEYERS: It is included in the
5 rezoning. It is a building which has been identified
6 as a contributing building in the historic district,
7 which means that unlike the building that had been on
8 this site, which was not a contributing building...

9 COUNCIL MEMBER LEVIN: Right.

10 MELANIE MEYERS: That it would need to
11 remain on that site. From a sort of practical
12 perspective, if you were asking about is it possible
13 to enlarge that building, from a landmark standpoint
14 possibly one or two stories, which is what would be
15 the case under the zoning today. Today...

16 COUNCIL MEMBER LEVIN: But anything would
17 need LPC approval because it's a contributing
18 building?

19 MELANIE MEYERS: Anything would need LPC
20 approval and the building itself cannot be
21 eliminated, and at most it would be adding a story or
22 two, and from a zoning standpoint that's something
23 that could pursue today, if it made sense.

24 COUNCIL MEMBER LEVIN: Could you speak a
25 little bit about the loading docks and the location

1
2 of the loading docks and what kind of impact that
3 might have on whether there are alternatives for
4 location?

5 MELANIE MEYERS: Going the long way, I
6 think. Yes, so the loading dock is on the eastern-
7 most side on Plymouth Street. From a kind of use
8 standpoint we expect that there would be on average
9 about one truck arriving on the site per hour.

10 COUNCIL MEMBER LEVIN: Per hour.

11 MELANIE MEYERS: And so the loading berth
12 would have that sort of activity. It would not be
13 particularly active. It was located where it was on
14 the Plymouth Street side for a couple of reasons, and
15 it's not the only loading dock on that street. I
16 think there's like six entrances, loading berths, on
17 that block. It is certainly a quieter street from a
18 pedestrian standpoint. We wanted to, there is a fair
19 amount of pedestrian traffic on Jay Street and so we
20 wanted to not create a situation where the few trucks
21 that were coming in were going to be competing with
22 pedestrians that were using the main streets, and we
23 thought that it created, it addressed some challenges
24 that exist today because the building is partly
25 within the flood zone. You can kind of see from this

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2 picture, it's not that easy, is that the first floor
3 is actually elevated from the Jay Street side, and so
4 by keeping it on the Plymouth Street side we were
5 sort of able to create a quick in and a quick out
6 that sort of worked with the floor plates of the
7 building. So we think it's in the right place and we
8 do not think it will have, add significant traffic to
9 Plymouth Street. We really think it's going to be
10 limited in its use.

11 COUNCIL MEMBER LEVIN: Plymouth Street is
12 a Belgian block street. Does that present any
13 challenges because of the?

14 MELANIE MEYERS: Well, both streets are
15 and Jay Street has a plan for significant, I think we
16 have some pictures of what they're proposing. Is
17 that the best?

18 JONATHAN MARVEL: Yeah.

19 MELANIE MEYERS: That might be the best,
20 and so it's the nature of the streets. I think what
21 it might do is encourage smaller trucks to be used
22 for the building. But we don't foresee the Belgian
23 blocks being a limitation on the ability for trucks
24 to be able to use the loading dock or to access it
25 easily.

1
2 COUNCIL MEMBER LEVIN: And the fact that
3 such a narrow street wouldn't present a challenge for
4 trucks backing in and out?

5 MELANIE MEYERS: We don't think so. I
6 think it works from a maneuvering standpoint.

7 JONATHAN MARVEL: Yeah, I think it's more
8 of a drop-off type of loading and unloading. Being
9 an office space this is not large objects, this is
10 more paper, and it's not a manufacturing district and
11 I think this is, the loading and unloading is more
12 the UPS and FedEx drop-off and they're pretty fast.

13 COUNCIL MEMBER LEVIN: Is this part of
14 the DUMBO street reconstruction project, do you know?

15 MELANIE MEYERS: It is.

16 COUNCIL MEMBER LEVIN: On Plymouth
17 Street?

18 MELANIE MEYERS: Yeah, so, but you're
19 seeing, I might be answering the wrong question.

20 COUNCIL MEMBER LEVIN: There's a proposed
21 DOT long-term reconstruction...

22 JONATHAN MARVEL: I think that's really
23 restricted to the Jay Street, new utilities being put
24 into Jay Street and DOT is meant to be using ADA
25 granite pavers for the crosswalks and reincorporating

1
2 the Belgian blocks. We have a design for our
3 sidewalk which we can control. It will incorporate
4 both Belgian blocks and granite pavers, as well as
5 new concrete on the Plymouth Street sidewalk.

6 MELANIE MEYERS: Right, and the image
7 that's upright now reflects our understanding of how
8 DOT is addressing the Belgian block in Jay Street.

9 COUNCIL MEMBER LEVIN: OK. But not on,
10 Plymouth is not part of the...

11 JONATHAN MARVEL: Plymouth is not part of
12 ...

13 COUNCIL MEMBER LEVIN: The reason I ask
14 is that if they're digging up Plymouth for a couple
15 of years that might present challenges as well for a
16 loading dock there if it's not accessible.

17 MELANIE MEYERS: Right.

18 COUNCIL MEMBER LEVIN: And then would you
19 ensure that, because there's been an ongoing
20 challenge with utilities digging up Belgian block
21 streets in DUMBO and not replacing it in kind and
22 cutting through Belgian block, would you be able to
23 ensure that you're keeping, you know, an eye out for
24 the streets adjacent to the property to make sure
25 that ...?

1
2 MELANIE MEYERS: Certainly in terms of
3 the work that we would do, if it needed to disturb
4 the Belgian block then that's absolutely something
5 that we can do. In terms of DOT doing its work, that
6 might be a bit more of a challenge, but we could
7 certainly talk about whether there are things we can
8 do as a neighbor or resource in terms of making sure
9 that DOT is doing what it is supposed to be doing
10 with the block.

11 COUNCIL MEMBER LEVIN: OK, because often
12 it's not, I mean, we get weekly complaints, if not
13 more often, about, you know, the gradual kind of
14 disintegration of that historic context on the street
15 level.

16 MELANIE MEYERS: Yeah, the preservation
17 is certainly something that the project, the
18 developer and the owner support.

19 COUNCIL MEMBER LEVIN: OK. A couple more
20 questions, Mr. Chair. The chair might have asked
21 this. What type of tenancy envisioned on the ground
22 floor?

23 MELANIE MEYERS: On the ground floor we
24 expect...

1
2 COUNCIL MEMBER LEVIN: The size of the
3 retail locations, or?

4 MELANIE MEYERS: Yeah, we have three
5 different retail areas on the ground floor. We sized
6 them small with the goal of making them attractive
7 and the right size for smaller businesses,
8 neighborhood businesses. And so one is about a
9 little over 4000 square feet, and the other two are
10 just under and just over 2000. So we think those are
11 good sizes for having neighborhood-oriented types of
12 retail.

13 COUNCIL MEMBER LEVIN: The current
14 building on the site has been a home to arts
15 organizations for the last six, seven, or eight years
16 maybe. Do you, is there any role for arts
17 organizations, either neighborhood-based or around
18 the borough to be able to participate in any of those
19 office spaces?

20 MELANIE MEYERS: Yeah, there have been
21 two different art organizations, you know, supposed
22 to be an interim home for both of them. The first
23 one was a success and was able to move on. The
24 current operator is aware of this project, has been
25 subsidized for the last couple of years by the owner,

1
2 so it's kind of been allowed to stay at a different,
3 at a different rate. Again, when the thought about
4 the size of the projects and the size of these areas
5 of the, what we have identified as retail space, we
6 again think that that could be a size and a scale
7 that could support a cultural organization, you know,
8 a small start-up grass-roots type one, and so that is
9 a possibility. But in terms of committing to it
10 being used for those uses, that's something we think
11 the market should, needs to see if that is a viable
12 thing. So we've created the spaces that could
13 attract that kind of use and be available for that
14 kind of use, but we don't have a commitment to them
15 being that use.

16 COUNCIL MEMBER LEVIN: OK.

17 JONATHAN MARVEL: Melanie is referring to
18 the L-shaped 4000 square foot, over, it's 4600 square
19 feet, and it's with a tall ceiling. It could be
20 adapted to a dance space with a venue that needs that
21 16-foot high ceiling or a gallery or something, if
22 that were to be the case, somebody was interested,
23 it's definitely designed to support a larger space.

24 COUNCIL MEMBER LEVIN: Do you have plans
25 to ensure M/WBE, I think the chair might have asked

1
2 this, M/WBE, your local base contracting,
3 subcontractors, and a plan for local hiring?

4 MELANIE MEYERS: We're certainly open and
5 willing to work on all of that. We're at the stage
6 of having a project and a design. The expectation as
7 we move forward that we will be hiring a contractor
8 that works, that includes those programs and it's
9 something that I think the ownership and the
10 developer is committing to see happen. We've also
11 talked about the need for good information within the
12 neighborhood to make sure that the community is aware
13 of when construction activities will occur and what
14 opportunities there are, and that's something that
15 the developer and the owner has committed to do as
16 well.

17 COUNCIL MEMBER LEVIN: I wanted to ask
18 about building service worker prevailing wages. Is
19 that something that you're able to commit to?

20 MELANIE MEYERS: We are in the, we are
21 having active and from the perspective of the
22 ownership are very productive conversations about
23 that, and that is something that we hope that we will
24 be continuing, we will have been, having continuing
25 discussions for the next week or so on that.

1
2 COUNCIL MEMBER LEVIN: OK. Does your
3 client have like a responsible contractor policy with
4 building service workers that they have, I know this
5 is their first commercial building.

6 MELANIE MEYERS: [inaudible]

7 COUNCIL MEMBER LEVIN: But is that
8 something they have looked into, adopting a policy?

9 MELANIE MEYERS: I think that's something
10 that they understand and that they need to be
11 thinking about this.

12 COUNCIL MEMBER LEVIN: And then we've
13 heard some concerns from residents on Water Street,
14 which, you know, is nearby or next door, and there
15 are just concerns about the scale, light and air
16 issues. Have you communicated with those neighbors
17 and seeing if there are ways that their concerns can
18 be addressed?

19 MELANIE MEYERS: Well, I think there's a
20 couple of things. We have certainly had
21 communications with various groups within the
22 neighborhood. We've talked with some individual
23 residents. The building that we could build, again,
24 as-of right and what we're proposing now are about
25 the same height. I think we're 3 feet taller than

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2 what zoning allows today. We could have dormers that
3 go up to a height of 145 feet today with setbacks in
4 other locations. We think it's the right building.
5 We think that it's the right building from an
6 architectural standpoint and from a scale standpoint,
7 and again we were pleased to get the community board
8 support for that, and we were pleased to get the
9 Landmarks Commission's strong support for that. So
10 we think it's the right building.

11 COUNCIL MEMBER LEVIN: OK. I encourage
12 you to continue speaking with neighbors, and I think
13 that some of them are here to testify today.

14 MELANIE MEYERS: Yeah.

15 COUNCIL MEMBER LEVIN: So if you could
16 stay to hear their concerns and then in the coming
17 days let's sit down and see if we can address them.

18 MELANIE MEYERS: Yes, and I would say
19 that as, and I think you'll hearing testimony on
20 this, that we also do have support from some of the
21 local neighborhood organizations that do think that
22 this is the right project and the right place.

23 COUNCIL MEMBER LEVIN: OK, great. All
24 right. Thank you very much. Thank you, Chair.

25

2 CHAIRPERSON MOYA: Thank you, Council
3 Member. I want to acknowledge that we have been
4 joined by Council Members Constantinides and Torres,
5 and we are now going to open up the vote.

6 LEGAL COUNSEL: This is the continued
7 vote to approve land use items 267 and 268.
8 Constantinides.

9 COUNCIL MEMBER CONSTANTINIDES: I vote
10 aye.

11 LEGAL COUNSEL: Torres.

12 COUNCIL MEMBER TORRES: I vote aye.

13 LEGAL COUNSEL: The land use items are
14 approved by a vote of 8 in the affirmative, zero
15 negative, and no abstentions.

16 CHAIRPERSON MOYA: Thank you, Council
17 Member Torres. I will now be calling up the next
18 panel. Zamir Khan, Alexandra Sica, and Doreen Gallo.

19 UNIDENTIFIED: [whispering]

20 UNIDENTIFIED: Oh, no, no, no. You go
21 first, then.

22 UNIDENTIFIED: OK, all right. Is this on?

23 CHAIRPERSON MOYA: Yes, you see the red
24 button, it's on, and just state your name.

1
2 DOREEN GALLO: Yeah, it's on. Hi, Doreen
3 Gallo, and I'm representing the DUMBO Neighborhood
4 Alliance. Good morning, Chair Moya and council
5 members. Thank you for your continued dedication and
6 for providing the opportunity to testify in support
7 of the 29 Jay Street proposal on behalf of the DUMBO
8 Neighborhood Alliance, we'll refer to as DNA. DNA
9 has remained in contact with the Formans and the
10 their team for well over a year. We appreciate their
11 engagement in 29 Jay Street as well as their decades
12 of ongoing commitment to DUMBO. After the DUMBO
13 Neighborhood Alliance Preservation Committee
14 extensively reviewed this proposal we were
15 unanimously on board and excited to move forward with
16 the proposed Marvel Architecture building at this
17 non-contributing site in our DUMBO historic district.
18 We look forward to this project's approval and look
19 forward to this building being realized. It's a very
20 exciting time for DUMBO with recent uniquely new
21 buildings as this proposal, 1 John Street in Brooklyn
22 Bridge Park and the recent adaptive reuse projects at
23 10 Jay Street and 42-50 Jay Street residential
24 proposal, formerly the Phoenix House facility and
25 residents. There is an architectural synergy of

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2 materials and references in all of these sites and we
3 believe that the 29 Jay Street project will be a very
4 special edition. DNA has testified through the **Uler**
5 proceedings and before the Landmark Preservation
6 Commission and support the changes made through the
7 process. I just want to read a little introduction
8 about the zoning. DNA is generally against spot
9 zoning and takes exception for this case because of
10 what is permitted as-of right from the DUMBO 2009
11 rezoning. So I've given everyone a copy of our
12 testimony today and I'm just going to read the
13 introduction of our zoning and our position in 2009.
14 The DUMBO Neighborhood Alliance is strongly opposed
15 to the Department of City Planning sponsored proposed
16 12-block rezoning east of the Manhattan Bridge as it
17 flies in the face of both the community board to
18 initiated and community supported Old Brooklyn
19 District 197-A plan designed a decade ago as well as
20 our own proposal for a comprehensive rezoning plan
21 for all of DUMBO, Fulton Ferry, Vinegar Hill. Our
22 plan, designed by urban planner Paul Graziano, was
23 initiated in response to the piecemeal efforts over
24 the past decade by the Department of City Planning,
25 who has ignored the Old Brooklyn District plan in its

1
2 entirety. With the exception of the rezoning and a
3 small portion of Vinegar Hill, DCP has supported
4 high-density growth driven by developers in the DUMBO
5 area. The current DCP proposal is no exception.
6 Going back to our testimony today. So we took a
7 strong stand against the up-zoning at the time, but
8 we supported this proposal because of the as-of right
9 rezoning and while DNA remains in favor of the zoning
10 changes and text amendments to dedicate this land for
11 commercial use, there already exists a strong influx
12 of commercial space in our historic district and we
13 believe this current proposal would be an exceptional
14 addition and will further enhance our neighborhood
15 and quality of life. At the community board level a
16 big reason that the community board supported the
17 rezoning was about bringing jobs to the neighborhood.
18 That was their key reason for the support of that.
19 And the DUMBO Neighborhood Alliance mostly supported
20 it for that reason, as well as this particular
21 building.

22 ZAMIR KHAN: Good morning. My name is
23 Zamir Khan. Good morning, Chair Moya, Council Member
24 Levin, and members of the subcommittee. I'm here,
25 I've been a member of the local 32BJ for the past

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2 nine years. I'm here today on behalf of the 80,000
3 members of 32BJ who clean and maintain buildings
4 throughout our city. New York City's economy is hard
5 on working families. For this reason, we believe
6 that developers should commit to providing good
7 building service jobs. These are jobs that pay
8 family-sustaining workers and give workers like
9 myself and my co-workers dignity in the city. We're
10 here to inform you that we are in ongoing
11 conversations with Forman Ferry LLC, the developer at
12 29 Jay, and we are hopeful that the discussions will
13 lead to a comprehensive and enduring guarantee that
14 building service workers at the site will have good
15 jobs that will pay the prevailing wage. As you know,
16 building service jobs are typically filled by local
17 community members and can provide working people with
18 important opportunities for economic security and
19 mobility when they come with strong standards. We
20 believe that adequate assurances need to be in place
21 that the building service jobs at the site will
22 provide workers with industry-standard wages to
23 create a more inclusive economy in what has become a
24 very expensive Brooklyn. I went to high school and
25 college, Brooklyn Tech, LIU Brooklyn. I understand

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2 how much it's changed since 2001 when I started there
3 till now, and we'll keep the council informed about
4 our progress with Forman Ferry LLC, and we urge you
5 to ensure that the proposed rezoning will deliver
6 meaningful economic opportunities to workers and the
7 community before allowing it to move forward. Thank
8 you for your time and thank you for allowing us here
9 today.

10 CHAIRPERSON MOYA: Thank you.

11 ASHLEY THOMPSON: Good morning. My name
12 is Ashley Thompson. I'll be reading a statement on
13 behalf of Alexandria Sica and the DUMBO Improvement
14 District. The DUMBO Improvement District is pleased
15 to support the zoning application for a new
16 commercial building at 29 Jay Street. Jay Street has
17 transformed into one of DUMBO's main thoroughfares
18 and the proposed building, which will include ground-
19 floor retail, will add to the vibrancy of the
20 streetscape and create much-needed space for creative
21 companies. DUMBO is leading the way for Brooklyn's
22 resurgence as a commercial district of choice.
23 Unfortunately, our zoning currently only allows for
24 additional FAR for residential construction. This
25 ULURP acknowledges that we should be able to support

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2 commercial development as well. Moreover, the design
3 is beautiful and will blend to the historic
4 characteristics of the neighborhood with modern
5 architecture. DUMBO has flourished, thanks in part
6 to the diverse mix of companies that put down roots
7 in the neighborhood. The proximity to Manhattan and
8 downtown Brooklyn, the adjacent Brooklyn Bridge Park,
9 and amenities such as a growing restaurant scene have
10 all contributed to the exciting atmosphere for
11 companies large and small. As a growing number of
12 companies look to DUMBO, it is essential that the
13 neighborhood has commercial office space options that
14 fit their needs. Once complete, 29 Jay Street will
15 provide new class-A office space with the types of
16 amenities that businesses are seeking. This rezoning
17 will allow a commercial building of the same height
18 with a street wall height that is consistent with
19 other DUMBO buildings. In addition to providing
20 additional opportunities for residents to live in and
21 work in DUMBO, the proposed rezoning will minimize
22 the building's impact on neighborhood infrastructure
23 and be representative of DUMBO's architectural
24 character. We are very excited about this
25 transformative project and respectfully ask that you

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2 support 29 Jay Street's application. Thank you for
3 your time.

4 CHAIRPERSON MOYA: Thank you.

5 COUNCIL MEMBER LEVIN: I just want to
6 thank this panel very much for your testimonies.

7 CHAIRPERSON MOYA: And I call up the next
8 panel. We have Deborah Schaffer, Julia Ryan, and
9 Kathleen Cat.

10 UNIDENTIFIED: She wanted to go first
11 because she has to leave.

12 CHAIRPERSON MOYA: OK. And we'll start
13 with you, Kathleen.

14 UNIDENTIFIED: Do you have testimony to
15 pass out? Do you have testimony?

16 CHAIRPERSON MOYA: Push the button.

17 KATHLEEN CAT: Running?

18 CHAIRPERSON MOYA: Yep.

19 KATHLEEN CAT: Good morning. I'm here
20 today to urge you to reject the zoning change at 29
21 Jay Street. During my time as a DUMBO resident over
22 the last six years the amount of change in our
23 neighborhood has been truly shocking. Currently
24 there are several massive projects underway that will
25 fundamentally change the composition of the

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2 neighborhood. 85 Jay alone will increase the
3 population by twenty-five percent. I know that most
4 of this is due to the rezoning that occurred in 2009,
5 but the neighborhood was a completely different place
6 than it is now. It was struggling for tenants of all
7 kinds, so zoning changes were helpful. At this
8 point, though, the neighborhood feels like it has
9 absorbed as much density as it can withstand. If you
10 consider these large construction projects with the
11 influx of tourists, the lack of infrastructure
12 improvements, and the impending street reconstruction
13 project, and this neighborhood simply may implode.
14 It is time for the council and the city to begin
15 listening to and heeding residents' concerns as we
16 are the ones who witness and are subject to these
17 issues daily. The area east of Jay Street and north
18 of Front Street, where 29 Jay Street resides, is
19 truly one of the most charming, historic, and unique
20 areas of Brooklyn. It is filled with beautiful and
21 quirky low-slung buildings that are mainly used as
22 offices and residences. It is quiet, which is saying
23 something for DUMBO. But it is a welcome refuge from
24 the circus that is now Washington Street. This
25 proposed office building is completely out of touch,

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2 out of character, out of scale, and out of context in
3 this part of the neighborhood. Plymouth Street
4 itself is both narrow and dilapidated, and it is
5 simply incomprehensible that it was chosen as a
6 location for 29 Jay's loading dock. I could speak
7 about that alone for three minorities. The
8 neighborhood already has plenty of office space and
9 retail space that is going unused. 10 Jay is having
10 great difficulty signing on tenants and large parts
11 of DUMBO Heights, both commercial and retail, are
12 still vacant. It is confusing to me why more retail
13 and commercial space is necessary. If you allow the
14 rezoning of 29 Jay Street it can and likely will be
15 used as evidence for the rezoning of the rest of the
16 neighborhood. And before we all know it, one of the
17 most charming areas in all of New York will lose all
18 of its charm, filled with cookie-cutter glass
19 buildings where century-old picturesque warehouses
20 and factories once stood. I urge you to either
21 reject the rezoning require or at minimum postpone
22 the hearing so that the developer of 29 Jay can have
23 the ample time to study the impact that commercial
24 zoning would bring to the neighborhood. It is
25 completely irresponsible to continue to blindly green

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2 light any and all development without proper
3 consideration of the effects it will have, especially
4 on our streets, subway infrastructure, and our daily
5 lives. Thank you.

6 CHAIRPERSON MOYA: Thank you. You may
7 proceed.

8 DEBORAH SCHAFFER: Hello and thank you
9 for allowing us to testimony. My name is Deborah
10 Schaffer. I am documentary film producer and
11 director and I did not yet live in DUMBO when the
12 rezoning plan was approved along Jay Street extending
13 from Plymouth to John and 150 feet to the east. In
14 2009 the area was designated R14 mixed use commercial
15 residential zoning. Plymouth Street then had an
16 entirely different character. The adjoining building
17 at 185 was an old factory building. 205 Water,
18 across Plymouth, was an empty lot, and 51 Jay, also
19 across Plymouth, was an abandoned and derelict
20 factory building. Those buildings are now fully
21 occupied, attractive, residential buildings and are
22 between four and seven stories tall, with penthouses
23 above. These low buildings would be dwarfed by the
24 proposed 11-story building, which is completely out
25 of scale and out of character with the neighborhood,

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2 and is inappropriately large for the corner of Jay
3 and Plymouth. You notice in all the photographs
4 we've been shown we never see the top of the building
5 that is being proposed at 29 Jay in relation to its
6 neighbors across and next to it on Plymouth Street,
7 which are much, much lower. The building that Forman
8 Ferry seeks to demolish and replace with a commercial
9 building is two stories, originally a furniture
10 warehouse that was home to St. Anne's warehouse, and
11 now the current tenant, the Gelsey Kirkland School of
12 Ballet. I have been present at multiple
13 presentations by the developer, including CB2, the
14 Brooklyn borough president's office, Landmarks, the
15 City Planning Commission, and here today. They
16 consistently only describe the building in
17 relationship to 20 Jay, which is across Jay Street to
18 the west. They have ignored the potential impact of
19 the building on the neighbors east and south on
20 Plymouth Street, which is an extremely narrow street,
21 as has been pointed out. Their massive building
22 would block light and air. Their loading docks and
23 parking garage would create traffic congestion
24 and hazards, and their large glass windows would
25 glare into the neighboring homes while allowing the

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2 residents on Plymouth a too-intimate view of what is
3 going on inside the building, and I know this from
4 experience because a glass penthouse was plopped on
5 top of 185 Plymouth since I moved in. At the very
6 least, setbacks are needed, as specified by the
7 existing zoning for a residential building, also a
8 lower FAR, as specified by the existing zoning. I do
9 not believe that more office space is currently
10 needed in DUMBO, nor eight hundred to a thousand
11 transient workers who will further stress the badly
12 overcrowded and potentially dangerous subway station
13 at York Street. In addition to requesting that the
14 zoning change not be approved, I would request that
15 the developers be required to move the loading docks
16 and parking garage to Jay Street, which is a much
17 wider and more commercial street. You have a letter
18 from my neighbor in the penthouse at 205 Water
19 Street, renowned architect Bjarke Ingels, who employs
20 220 people at his DUMBO office and whose
21 architectural projects are making significant
22 contributions all over New York City, including in
23 Hudson Yards and the old Lord and Taylor building on
24 Fifth Avenue. I hope you will read his letter
25 carefully also and consider his plea for balance in

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2 development of our beloved neighborhood and
3 community. Thank you.

4 UNIDENTIFIED: Thanks. I concur with
5 everything these two ladies said.

6 CHAIRPERSON MOYA: I'm sorry, you
7 provided that letter?

8 DEBORAH SCHAFFER: Yep. The Bjarke
9 Ingels letter was sent, his partner, they're
10 overseas, they've just had a child, they just had a
11 baby in Spain, so his letter...

12 CHAIRPERSON MOYA: OK.

13 DEBORAH SCHAFFER: His letter was sent.

14 CHAIRPERSON MOYA: We have the letter,
15 OK, great. Thanks.

16 JULIA RYAN: Hi, council members. My
17 name is Julia Ryan. I am writing to implore that you
18 deny the requested zoning change from mixed use
19 commercial residential to commercial use for 29 Jay
20 and by extension to adjacent 25 Jay Street in the
21 DUMBO historic district. I have been a resident in
22 this neighborhood for 14 years and a former member of
23 the DNA steering committee. I chose to invest in
24 this neighborhood because of its stirring historic
25 buildings and industrial features, which I feel must

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2 be preserved for future generations of New Yorkers,
3 who can link their immigrant heritage to this once-
4 bustling significant waterfront. I do understand
5 when change is necessary and positive, however, I
6 have seen an abundance of unwarranted change in the
7 name of progress and modernization, which are neither
8 needed nor wanted. Developers have been allowed to
9 make bogus arguments about helping in the development
10 of DUMBO east of the Manhattan Bridge anchorage.
11 This is what led to the totally unnecessary rezoning
12 in 2009, which the DNA and the historic district
13 council opposed. Just to remind you, here is what
14 the now-approved rezoning property put forth at that
15 time, quote, rezoning proposal for the section of
16 DUMBO east of the Manhattan Bridge that would allow
17 residential conversion of existing loft buildings and
18 foster new mixed use construction while providing
19 predictability and height limits that reflect the
20 area's historic character. It would also for the
21 first time in DUMBO provide zoning incentives for the
22 creation of affordable housing in new construction.
23 What has evolved instead is a travesty and developer
24 overreach. There has been little, if any, affordable
25 housing created, but rather obscenely overpriced

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2 commercial space and luxury lofts. The historic
3 character of Jay Street, which has much lower
4 buildings on its east side, where this rezoned tower
5 will rise, has at present no buildings over six or
6 seven stories tall. Yet this tower will rise to over
7 12 stories with bulkheads and mechanicals soaring
8 even higher, making it a monolith of incongruity.
9 The argument that it will mirror the elegant concrete
10 **Ghere** Building, which sits on the west side at Jay,
11 at 20 Jay, is a joke. The hideous design proposed by
12 this modern tower is bulky, dense, and way too tall.
13 It is not at all in the spirit of the 2009 rezoning.
14 Alas. Since the parcel has been approved by a
15 commercial residential tower to be built, already out
16 of scale but within the 2009 guidelines, then we can
17 at least keep this unwanted construction to the least
18 dense and least tall option available. Do not
19 approve a commercial building which will be bigger
20 and which will inappropriately stress the quiet and
21 narrow Plymouth Street with commercial trash
22 collection, loading docks, and a garage entrance.
23 Are you even aware that some of the most beautiful
24 and last remaining original bluestone sidewalks and
25 the most intact section of the imbedded Jay Street

1
2 light railway tracks exist on this corner? The
3 proposed construction seems to be completely
4 disregarding this priceless treasure. A residential
5 building would be required to have setbacks above the
6 sixth floor, making the silhouette far more
7 appropriate to match the buildings which will flank
8 it on the east side of Plymouth Street and Jay
9 Street, as well as the lower buildings which will be
10 next to it on Plymouth and Water. Also, the
11 residential work would be less densely, sorry, also
12 the residential building would be less densely
13 populated, causing less rush hour congestion at the
14 already overstressed and sometimes dangerous York
15 Street subway station with its single entrance. It
16 is frequently perilously overcrowded when DUMBO is
17 the site for large city-wide events. We are dealing
18 with a plethora of tourists, an onslaught of never-
19 ending construction, and daily, this is not an
20 exaggeration, daily film shoots which disrupt our
21 lives. Our reward for buying homes and raising our
22 children here, the diminishment of our quality of
23 life with outrageous developer greed. Please, ensure
24 that this building simply comply with the current
25

1 zoning laws that exist and do not allow a denser,
2 bulkier, inappropriate structure to be built.

3
4 CHAIRPERSON MOYA: Thank you, thank you
5 very much for your testimony.

6 JULIA RYAN: Thank you.

7 COUNCIL MEMBER LEVIN: Sorry, one quick
8 question. On the issue, and I appreciate all the
9 testimony, I look forward to talking with you all in
10 the coming days. In regard to the sidewalk on the
11 corners...

12 JULIA RYAN: Yes.

13 COUNCIL MEMBER LEVIN: We've been focused
14 on this for a while. This is part of the DOT street
15 reconstruction plan that...

16 JULIA RYAN: Yeah...

17 COUNCIL MEMBER LEVIN: And this is one
18 location that they've identified as ADA accessibility
19 issues with the railroad ties, and so they're, this
20 is...

21 JULIA RYAN: Sure.

22 COUNCIL MEMBER LEVIN: ...more than the
23 developer driving that sidewalk configuration.

24 JULIA RYAN: I am curious, though.
25 There's been another spot on Plymouth where Josh

1
2 Gutman was allowed to fill in his sidewalk right over
3 some existing railroad that went into a foundry
4 building. What is going on with that? I know that's
5 another issue, sorry.

6 COUNCIL MEMBER LEVIN: It's another
7 issue. Just with regard to this corner this has been
8 something that has been an ongoing conversation
9 with...

10 JULIA RYAN: Sure, but it is a treasure
11 that needs to be preserved. I know there might be
12 ADA issues, but we need, we can't just cover it over
13 with concrete.

14 COUNCIL MEMBER LEVIN: Right, I
15 understand, what I'm saying is that the sidewalk
16 question is primarily a DOT-driven conversation
17 rather than...

18 JULIA RYAN: Right. I understand, sure.

19 COUNCIL MEMBER LEVIN: ... this
20 developer-driven conversation.

21 JULIA RYAN: I understand, I'm just
22 putting it in here so you all can hear it.

23 COUNCIL MEMBER LEVIN: Yep, absolutely,
24 got it. Thanks.

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CHAIRPERSON MOYA: Are there any members of the public who wish to testify? Seeing none, I now close the public hearing on this application, and it will be laid over.

LEGAL COUNSEL: And the land use items that we voted on today will be referred to the full Land Use Committee.

CHAIRPERSON MOYA: This concludes today's meeting. I would like to thank the members of the public, my colleagues, the council and Land Use staff for attending. Thank you very much. This meeting is hereby adjourned. [gavel]

C E R T I F I C A T E

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



Date December 28, 2018