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SUBCOMMITTEE ON ZONING AND FRANCHISES

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

February 14, 2019
Start: 9:55 a.m.
Recess: 10:45 a.m.

HELD AT: Committee Room - City Hall

B E F O R E: FRANCISCO P. MOYA
Chairperson

COUNCIL MEMBERS:

COSTA G. CONSTANTINIDES
BARRY S. GRODENCHIK
RORY I. LANCMAN
STEPHEN T. LEVIN
ANTONIO REYNOSO
DONOVAN J. RICHARDS
CARLINA RIVERA
RITCHIE J. TORRES

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SUBCOMMITTEE ON ZONING AND FRANCHISES

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

Michelle Craven
Assistant Commissioner for the New York City
Department of Transportation's Office of
Cityscape and Franchises

Benjamin Smith
Director of City Legislative Affairs at the New
York City Department of Transportation, NYC DOT

Matthew Charney
Deputy Press Secretary at the New York City
Housing Authority, NYCHA

Don Flagg
Senior Architect at RAFT Architects

Anivelica Cordova
Principal with Lemle and Wolff

Vinny Stellato
Member of 32 BJ, Resident of the Bronx

Richard Lobel
Lawyer at Sheldon Lobel, PC

Joseph Maccia
Yates Realty LLC, Applicant

Anthony Pilla
Yates Realty LLC, Applicant

Richard Vitto
Yates Realty LLC, Applicant

[gavel]

CHAIRPERSON MOYA: Good morning and welcome to the meeting of the Subcommittee on Zoning and Franchises, I am Council Member Francisco Moya, the Chairperson of this Subcommittee and today we are joined by Council Members Costa Constantinides, Council Member Lancman, Council Person Rivera, Grodenchik, Levin and Richards. Today we will be holding hearings on a number of applications and we will also be conducting a vote on two previous heard applications. If you are here to testify on an application for which the record is not already closed, please fill out one of the white speaker slips to the Sergeant at Arms and indicate the name and or the LU number of the application you wish to testify on that slip. We will start today with our votes. Today we will be voting to approve LU's 333 and 334, the Caton Park Nursing Home rezoning in Brooklyn. The applicant seeks approval for a zoning map amendment to rezone the corner of Caton Avenue and Rugby Road from an R3X district to an R6A district and a related zoning text amendment to map a mandatory inclusionary housing area utilizing option one and option two. These actions would allow for the

1 expansion of the existing building and the enclosure
2 of a roof deck to provide new space for nursing home
3 residents. Council Member Eugene is in support of
4 this application and I know that the Council Member
5 has some remarks.
6

7 COUNCIL MEMBER EUGENE: Thank you very
8 much Chair Moya, thank you. Good morning, I'm Council
9 Member Mathieu Eugene, I would like to thank Chairman
10 Moya for giving me this opportunity to speak about
11 this project that is being voted on momentarily
12 before the Council and Subcommittee on Zoning and
13 Franchises. As the Council Member representing
14 Brooklyn 40th district I am pleased to support the
15 Caton Park Rehabilitation and Nursing Center's
16 application for a zoning map amendment and zoning
17 text amendment affecting property located in my
18 district at... and within the vicinity of 1312 Caton
19 Avenue. The nursing home provides excellent care to
20 the seniors who reside there, and I commend them for
21 always having been a strong partner with me in the
22 community serving my district and serving also the
23 seniors. The proposal zoning map amendment would make
24 it possible for the existing roof deck of the nursing
25 home to be enclosed so that the, the new space can be

2 created for programmatic uses such as recreational
3 and physical therapy of residents of the facility in
4 addition to creating new offices and larger dining
5 room. I strongly support the Caton Park Nursing and
6 Rehabilitation Center request for a zoning map
7 amendment and a related zoning text amendment to
8 establish the MHI area over the proposal... proposed
9 area and I urge my colleagues who serve on the
10 Subcommittee of Zoning and Franchises to vote in
11 favor of the project. Thank you very much Chair Moya,
12 thank you.

13 CHAIRPERSON MOYA: Thank you Council...
14 thank you Council Member. We will also be voting to
15 approve LU's 338, 339 and 340, the 12 Franklin Street
16 text amendment and related special permit
17 applications in Brooklyn. The zoning text change
18 would map the subject block within an industrial
19 business incentive area while the related special
20 permit would allow an increase in allowable floor
21 area for industrial and commercial uses modifying
22 height and set back regulations and reduce the off-
23 street parking and loading requirements. Together the
24 application would facilitate the development of a new
25 seven building with retail, office and light

1 industrial space. Council Member Levin is in support
2 of this application and I wanted to turn it over for
3 a few remarks.
4

5 COUNCIL MEMBER LEVIN: Thank you Chair.

6 So, I'm in support of this application and I
7 encourage my colleagues to vote aye on this. This is
8 a, a... an application that is in line with, with the
9 special permit that we have worked on in past and
10 previous iterations in the north... in the
11 Williamsburg/Greenpoint industrial business zone
12 which would allow for light manufacturing to be built
13 as part of commercial development really in the
14 first... for the first time in many years in New York
15 City and so this is a... an exciting tool, we're, we're
16 thrilled that it's being used and this isn't the...
17 this isn't the last application that, that is looking
18 to use this tool and so it's, it's an exciting... it's
19 an exciting prospect to have commercial development
20 and light manufacturing in our communities that
21 people can continue to have good paying jobs and,
22 and, and advance skilled careers and so we, we
23 appreciate the... working with the applicant and we
24 look forward to voting an affirmative on this. Thank
25 you.

1
2 CHAIRPERSON MOYA: Thank you Council
3 Member. Pursuant to Council rules 790 and 1180 we
4 will also be filing Resolution 621 of 2018 to remove
5 it from our calendar. This application for an
6 authorizing resolution for a franchise has been
7 withdrawn. Are there any questions from the
8 Subcommittee members on any of these items? Seeing
9 none I now call for a vote to approve the following
10 application which have the support of the local
11 Council Members; LU's 30... 333 and 334, the Caton Park
12 Nursing Home rezoning applicants... applications and
13 LU's 338, 339 and 240, the 12 Franklin Street text
14 amendment and special permit applications and to file
15 Resolutions, Resolution 621 of 2018 to remove it from
16 our calendar. Counsel please call the roll.

17 COMMITTEE CLERK: Chair Moya?

18 CHAIRPERSON MOYA: Aye on all.

19 COMMITTEE CLERK: Council Member
20 Constantinides?

21 COUNCIL MEMBER CONSTANTINIDES: Aye on
22 all.

23 COMMITTEE CLERK: Council Member Lancman?

24 COUNCIL MEMBER LANCMAN: Aye.

25 COMMITTEE CLERK: Council Member Levin?

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COUNCIL MEMBER LEVIN: Aye on all.

COMMITTEE CLERK: Council Member

Richards?

COUNCIL MEMBER RICHARDS: Aye on all.

COMMITTEE CLERK: Council Member Rivera?

COUNCIL MEMBER RIVERA: Aye.

COMMITTEE CLERK: Council Member

Grodenschik?

COUNCIL MEMBER GRODENCHIK: [off mic]

Aye.

COMMITTEE CLERK: By a vote of seven in the affirmative, zero in opposition and zero abstaining the items are approved in full... and referred to the full Land Use Committee.

CHAIRPERSON MOYA: We will now begin our public hearings. Our first hearing is on Resolution 714, an authorizing resolution pursuant to section 363 of the charter. The Staten Island bus franchise authorizing, authorizing resolution serving two routes in Council Member Borelli's and Council Member Matteo's districts in Staten Island as well as Council Member Powers and Speaker Johnson's district in Manhattan. It would authorize the New York City Department of Transportation to grant a non-exclusive

1 franchise for the provision of bus service between
2 Staten Island and Manhattan. These two routes are
3 currently known as the SIM 23 and SIM 24 express bus
4 routes and are provided pursuant to a contract
5 between New York City Department of Economic
6 Development and Academy Bus LLC. Through the proposed
7 authorizing resolution DOT would assume
8 responsibility for their operation and would issue a
9 request for proposals for the routes subject to the
10 franchise. The authorization will be effective for
11 five years and the term of the franchise will be no
12 longer than 25 years. The franchise agreement itself
13 would be subject to future approval of the franchise
14 and concession review committee and the separate and
15 additional approval of the Mayor. I now open the
16 public hearing on this application, and I call
17 Michelle Craven. And now I ask the Counsel to please
18 swear in the panel.

20 COMMITTEE CLERK: Do you swear or affirm
21 that the testimony you're about to give will be the
22 truth, the whole truth and nothing but the truth and
23 that you will answer all the questions truthfully as
24 you respond please state your name for the record?

1
2 CHAIRPERSON MOYA: I'm sorry sir, did you
3 fill out a, a... can you fill one of those... yeah.

4 COMMITTEE CLERK: Do...

5 CHAIRPERSON MOYA: So, you can just... you
6 can just fill that out but he's going to swear you in
7 now.

8 COMMITTEE CLERK: Do you swear or affirm
9 that the testimony you're about to give will be the
10 truth, the whole truth and nothing but the truth and
11 that you'll answer all questions truthfully?

12 BENJAMIN SMITH: I do.

13 COMMITTEE CLERK: I'm sorry, please state
14 your full name for the record?

15 BENJAMIN SMITH: Benjamin Smith.

16 COMMITTEE CLERK: Thank you, you may
17 begin.

18 MICHELLE CRAVEN: Okay, good morning
19 Chair Moya and the members of the Subcommittee on
20 Zoning and Franchises. My name is Michelle Craven and
21 I am the Assistant Commissioner for the New York City
22 Department of Transportation's Office of Cityscape
23 and Franchises. Thank you for inviting me to speak on
24 TT... 2019-3755 on behalf of NYC DOT. This resolution
25 would authorize NYCDOT to grant a non-exclusive

1 franchise for the provision of bus services between
2 Manhattan and Staten Island. This franchise would be
3 for the SIM 23 and SIM 24 express bus services,
4 formerly the X 23 and X 24, which have operated since
5 2001 under a New York City Economic Development
6 Corporation contract. The reason for this resolution
7 is largely procedural. When the Metropolitan
8 Transportation Authority took over operations of
9 seven bus companies around the city beginning in
10 2005, these two routes were the only routes not
11 included. NYCEDC continued to contract with a private
12 company to run the two routes with the expectation
13 that the MTA would shortly fold the routes into its
14 service. To date however, despite several requests
15 through the years, the MTA has yet to accept these
16 routes. Because NYCEDC's role was meant to be
17 temporary, the city has decided to transfer oversight
18 of the service from NYCEDC to NYCDOT, while still
19 seeking an arrangement from MTA to ultimately
20 incorporate these routes into its regular service.
21 The franchise process begins with the City Council
22 approval of this authorizing resolution, following
23 which NYCDOT will issue a request for proposals for
24 this service. While a different operator may be the
25

1 winning proposer, NYCDOT will require the eventual
2 franchisee to maintain existing service. Once the
3 winning proposer is selected, NYCDOT will seek
4 approval of the franchise agreement with that company
5 from the city's franchise and concession review
6 committee. Since 2014, Academy Bus has operated these
7 routes and prior to that, they were operated by the
8 now defunct Atlantic Express. Recently, the MTA
9 included route changes for these bus lines in its
10 overall bus redesign plan for Staten Island.

11 According to Academy Bus, this has resulted in a
12 decrease in ridership and an increase in customer
13 complaints. NYCDOT and EDC are currently reviewing
14 Academy's request to return to its previous routes.
15 With regard to funding, Academy Bus receives a
16 subsidy through State Operating Assistance or STOA,
17 as well as a small city subsidy mainly because the
18 growth of the STOA pot has been less than the growth
19 in Academy Bus's costs and Atlantic Express
20 previously, since 2000. It is expected that this
21 arrangement would continue under the franchise
22 agreement with the entity that is awarded the
23 franchise. While we continue to talk with the MTA
24

1
2 about taking these routes, this resolution will help
3 ensure continued operations. Thank you.

4 CHAIRPERSON MOYA: Are you... you're not
5 test... okay, great. Just a couple of questions.

6 MICHELLE CRAVEN: Uh-huh.

7 CHAIRPERSON MOYA: You had mentioned
8 that, that DOT would issue an RFP for the franchise..
9 [cross-talk]

10 MICHELLE CRAVEN: Right... [cross-talk]

11 CHAIRPERSON MOYA: ...what kind of
12 considerations is DOT looking for in a future
13 operator?

14 MICHELLE CRAVEN: We've listed a couple
15 of the evaluation criteria I think for the RFP in the
16 authorizing resolution which mainly is operational
17 capability, their technical capability, it's their
18 experience running a bus service, some financial
19 capability, that's the general criteria.

20 CHAIRPERSON MOYA: Okay, you, you also
21 mentioned that with the new Staten Island express bus
22 routes our ridership has decreased, and complaints
23 have increased, can you shed some light on why you,
24 you feel that the ridership has decreased?

1
2 MICHELLE CRAVEN: Well with the route
3 change, the MTA eliminated some of the stops that
4 they had been making previously so they're picking up
5 fewer passengers, I think they've also changed some
6 of the stops towards the end of the route so they're
7 skipping a few places. I know also it seems like... I
8 know there was initially some confusion after the new
9 bus plan took over, they had originally had the... some
10 23 and some 24 drop off of 42nd Street instead of 34th
11 where it had been, people were unhappy about that so
12 I don't know how much is sort of general
13 dissatisfaction and how much is just they're skipping
14 stops.

15 CHAIRPERSON MOYA: What, what were the
16 reasons for the elimination of those... [cross-talk]

17 MICHELLE CRAVEN: This was part... this was
18 all part of the MTA's Staten Island bus
19 reconfiguration plan.

20 CHAIRPERSON MOYA: Okay. And sort of...
21 well it... so, so, how... did you know what kind of
22 complaints that they were receiving in regard to the
23 bus service?

24 MICHELLE CRAVEN: A lot of the complaints
25 that we have seen have been about traffic and traffic

1
2 delays and originally about not making stops where
3 people wanted to be dropped off in Manhattan.

4 CHAIRPERSON MOYA: And lastly, how will
5 you address these issues in the RFP?

6 MICHELLE CRAVEN: So, currently the
7 company has reached out... the, the current operator
8 has reached out to us about revising the routes to go
9 back to the original stops so that's something that
10 we're talking to them and the MTA about, we will
11 probably do that in the future RFP but we're also
12 open to taking suggestions about additional stops. I
13 know we met with Council Member Borelli yesterday and
14 he made some recommendations about things he wanted
15 to see so we may be incorporating those in the RFP as
16 well.

17 CHAIRPERSON MOYA: Great, thank you, any
18 Council Members have any questions? Thank you for
19 your testimony today. I also want to acknowledge that
20 we're been joined by Council Member Reynoso, thank
21 you.

22 MICHELLE CRAVEN: Thank you.

23 CHAIRPERSON MOYA: Are there any other
24 members of the public who wish to testify? Seeing
25 none I will now close the public hearing on this

1
2 application, and it will be laid over. So, we're,
3 we're going to go back and, and open up the votes.

4 COMMITTEE CLERK: Continuing the vote,
5 Council Member Reynoso?

6 COUNCIL MEMBER REYNOSO: I vote aye on
7 all.

8 COMMITTEE CLERK: And by a count of eight
9 in the affirmative, zero in the negative and zero
10 abstentions the items are approved and recommended to
11 the full Land Use Committee.

12 CHAIRPERSON MOYA: Our next hearing is on
13 LU's 350 and 351, the Betances rezoning for property
14 in Council Member Ayala's district in the Bronx. The
15 applicant seeks approval for a proposed zoning map
16 amendment for an R6 to an R7X and an R6 C1-4 to an
17 R7X C2-4 and a related zoning text amendment to map
18 the project area as a mandatory inclusionary housing
19 area utilizing option two. These actions would
20 facilitate the development of a 15-story building
21 with 100 affordable housing units and 8,564 square
22 feet of ground floor commercial space. I now open the
23 public hearing on this application. Don Flagg and I'm
24 sorry I'm just having trouble reading your
25

1
2 handwriting, Anivelica, okay, thank you and did you
3 fill out... can you state your name? Can you hit the...

4 MATTHEW CHARNEY: Matthew Charney of
5 NYCHA.

6 CHAIRPERSON MOYA: Got it, thank you.

7 COMMITTEE CLERK: Do you swear or affirm
8 that the testimony you are about to give will be the
9 truth, the whole truth and nothing but the truth and
10 that you will answer all questions truthfully and,
11 and please state your full name for the record?

12 ANIVELICA CORDOVA: Anivelica Cordova, I
13 do.

14 DON FLAGG: Don Flagg, I do.

15 MATTHEW CHARNEY: Matthew Charney, I do.

16 CHAIRPERSON MOYA: You may begin.

17 MATTHEW CHARNEY: So, thank you for
18 having us this morning. As... we'll go back once I'm...
19 yeah, as... so, as... in May 2015 the New York City
20 Housing Authority released the Next Generation NYCHA
21 Plan, as a part of that plan the Housing Authority
22 committed to developing 10,000 new units of 100
23 percent affordable housing on underutilized NYCHA
24 land. This is one of 12 new development sites that
25 have been announced since the release of that plan.

1 So, the... again this project is for 100 percent
2 affordable housing, 101 units including a super's
3 unit. Just some basic facts about Next Gen NYCHA,
4 NYCHA residents will have a preference for 25 percent
5 of the new affordable apartments, this doesn't affect
6 any resident's tenancy. The land will be leased under
7 a long-term ground lease and NYCHA is not putting any
8 funds into the construction of the new building.

9
10 CHAIRPERSON MOYA: Sorry, can you just
11 speak a little louder.

12 MATTHEW CHARNEY: Sure.

13 CHAIRPERSON MOYA: Thank you.

14 MATTHEW CHARNEY: Sorry. The planning for
15 this project began as part of a choice neighborhoods
16 planning grant that NYCHA received, Make Mott Haven
17 Transformation Plan. The... NYCHA was not awarded the
18 implementation grant by HUD but there were a number
19 of ideas from that planning grant that we decided to
20 move forward with this new development site being one
21 of them. I'll turn it over to Anivelica to talk about
22 the project.

23 ANIVELICA CORDOVA: There you go. My name
24 is Anivelica Cordova, I'm a Principal with Lemle and
25 Wolff and I'm here to speak on behalf of the project.

1 So, the project will be developed through a joint
2 venture partnership between Lemle and Wolff
3 companies, the Bridge and the Alembic Community
4 Development. Think Architecture is our project
5 architect, which you will hear from later in the
6 presentation. Here I'd like to summarize some of the
7 key project highlights. The project will include an
8 onsite social service program that will be operated
9 by the Bridge. The Bridge has secured a New York, New
10 York three social service contract from the
11 Department of Health and Mental Hygiene that will
12 provide onsite services and rental subsidies to
13 formerly homeless individuals with special needs for
14 30 percent of the units. The project will include
15 hiring targets and will also offer NYCHA residents
16 and local community members job training
17 opportunities. On the leasing side there will be
18 preferences for community board members and NYCHA
19 residents. We believe the project will help meet some
20 of the community development goals outlined in the
21 Make Mott Haven Plan with the creation of
22 approximately 8,500 square feet of modern and
23 accessible commercial space and by offering
24 affordable housing opportunities for far... for
25

1 families. The building will include several green
2 building features including green roofs and open
3 space, it will also meet Enterprise Green Community
4 certification. The building will provide 101 units of
5 housing, 30 percent of the units will be set aside
6 for supportive housing, the remaining 70 percent non-
7 supportive units are designed for larger families,
8 we'll have 24 two beds and 14 three beds which
9 represents 54 percent of non-supportive units. The
10 units will be primarily affordable to low income
11 individuals and families as well as middle income
12 families. Based on the preliminary underwriting and
13 discussions with elected officials including Council
14 Member Ayala's office, the current target is
15 summarized here in this chart and includes 68 percent
16 of the units affordable at or below 50 percent AMI
17 and 32 percent of the units up to 80 percent AMI.
18 This AMI distribution also assumes that eight
19 project-based section eight vouchers will be secured
20 by the development team in order to offer the deeper
21 affordability that we've outlined here. Permanent
22 affordability for 25 percent of the zoning square
23 footage will be obtained under MIH option one, we
24 will be seeking a modification for, for this, it was
25

1 initially approved under MIH option two however,
2 given Council Member Ayala's feedback we will be
3 seeking this modification. The remaining units will
4 be subject to extended affordability requirements.
5 The project is expected to be financed through HPD's
6 Extremely Low- and Low-Income Affordability Program
7 which is paired with HDC tax exempt bond financing
8 and four percent tax credits. The project will also
9 look to qualify for a 420-c tax abatement. Here I
10 just want to highlight that we have an experienced
11 social service provider with a great track record
12 who's also a co-developer partner that... which will
13 provide case management services for 30 formerly
14 homeless individuals that demonstrate ability to live
15 in independent housing. The staff will include
16 program... a program director, a case manager and a
17 peer specialist. In addition to the staff, the
18 project will have security guards during non-business
19 hours. The development team will work with NYCHA and
20 local community partners including community board to
21 market 15 construction jobs, which represents 20
22 percent of the new jobs in... the project is expected
23 to generate. In addition, the team will market six
24 permanent jobs, two of the... of these positions are
25

1
2 planned to offer union wages, the team has executed a
3 development agreement with 32 BJ confirming our
4 commitment. Job training opportunities will also be
5 offered to NYCHA and local residents through our
6 partnerships with local community groups. With that
7 I'll turn it over to Don from Think Architecture who
8 will review the building.

9 CHAIRPERSON MOYA: Be, before we go to
10 Don just one second, we're just going to pause..
11 [cross-talk]

12 ANIVELICA CORDOVA: Okay, sure... [cross-
13 talk]

14 CHAIRPERSON MOYA: Right now, just to
15 open up the vote one last time.

16 ANIVELICA CORDOVA: Okay.

17 CHAIRPERSON MOYA: We've been joined by
18 Council Member Torres.

19 COMMITTEE CLERK: Continuation of, of the
20 vote, Council Member Torres?

21 COUNCIL MEMBER TORRES: I vote aye, thank
22 you Mr. Chair.

23 COMMITTEE CLERK: Thank you Council
24 Member Torres.

25 ANIVELICA CORDOVA: Sorry.

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CHAIRPERSON MOYA: You may proceed.

ANIVELICA CORDOVA: Okay.

COMMITTEE CLERK: On a vote... [cross-talk]

CHAIRPERSON MOYA: Sorry, sorry.

COMMITTEE CLERK: On a... on a... on a tally of nine in the affirmative, zero in the negative and zero abstentions the items are approved and again referred to the full Land Use Committee.

DON FLAGG: Okay, on the slide here we see the... a view of the project from the southwest looking from Willis Avenue towards the project and 146th Street. Oh, excuse me, thank you. This shows the site photographs. The upper photograph is also from the South looking up Willis Avenue towards the site and the lower photograph is, is a closer up view of the existing one-story building. Here is the, the proposed zoning change map, existing zoning on the left, on the right the designation of an R7X with an... with a C2-4 commercial overlay. And here is the proposed mandatory inclusionary housing map and this, this view from... aerial view from the North shows the, the NYCHA building which is that rectangular block in the foreground and the building is... the proposed design is set to the South, we're looking South in

1 this... in this view. So, you can see that the building
2 is, is up against 146th Street, it steps down towards
3 the NYCHA building to... with a conscious design to
4 reduce the shadows for the NYCHA building and also
5 the playground which exists between the NYCHA
6 building and this project, which is that flat area
7 just to the north of the building and the step
8 profile with green roofs are, are indicated. This is
9 the site plan showing the, the, the total zoning lot,
10 which has a NYCHA building to the North at the top of
11 the drawing and the project which is a 100 by 100-
12 foot square at the bottom of the site, you can see
13 the, the, the profile of the green roofs. This is the
14 cellar level, which shows residential amenities and
15 amber the level of a community... a commercial space in
16 blue and in grey is the building utilities. On the
17 ground floor the entrance is off of 146th Street,
18 which is... leads to the lobby shown in yellow,
19 immediately adjacent is the, the program offices in
20 green and in blue is... indicates the commercial
21 tenants which is divided into two tenants which are
22 accessed from Willis Avenue. And here's a view of
23 the... of a close up of the lobby which you can see the
24 entry vestibules of the lobby, the reception desk, a
25

1
2 mail room behind in the... in the brown area to the... to
3 the rear, access to the left is the program offices
4 and the elevator core. On the second floor we have a,
5 a featured terrace, this is adjacent to the community
6 room and it's accessible by a stair from the lobby
7 and so it's a... an, an important public amenity, if
8 you go to the next slide please. And here's a three-
9 dimensional view of, of these... giving the sense of
10 the scale and the activities that are... that are
11 planned for that terrace level. This is the south
12 elevation, we're looking North along 146th Street and
13 you can see that the design of the building is, is
14 sensitive to the context where it's broken... the mass
15 of the building is two, two forms the lower one
16 aligning with the building to the... to the East and,
17 and the, the grey zones break ups the, the building
18 into smaller components of the... of the building mass.
19 Next. And this is the elevation on Willis Avenue and
20 you can see that, that the profile of the building
21 here is, is as I mentioned moved to the South side of
22 the site to provide maximum daylight into the... into
23 the playground, which is at the grade level to the...
24 to the right of the NYCHA building and in these two
25 drawings the... these two elevations we are indicating

1 the, the Mayoral override that we've... we have
2 approved for intruding on the required setback at
3 both 146th Street and 100... and Willis Avenue that's
4 above 100... 105 feet. Three dimensional views at the,
5 the left-hand drawing is the view from the Southwest,
6 looking at the Willis Avenue, 146th Street, on the
7 right we're moving around to the... towards the...
8 towards the Eastern... wait, go back. On the right-hand
9 drawing is... you can see the, the residential entrance
10 and moving around to the next slide, the view on the
11 left is from the Northwest... excuse me, the Northeast
12 and you can see the, the grey is breaking up the, the
13 building into, into small, smaller masses. And then
14 on the right is the step profile of... and the, the,
15 the distinction of different colors of the building
16 are reducing the perceived bulk. Also, we've
17 intentionally made the building primarily white which
18 is to reflect light into the neighborhood and reduce
19 its perceived mass. A close-up view of the
20 residential entrance. Next. And a close-up view of
21 the... of the corner at Willis Avenue and 146th Street
22 showing the, the commercial space at a... and our close
23 up rendering of that space and also here a close up
24 rendering of the residential entrance. And a view
25

1 from the Southwest, again looking up 146th Street and
2 Willis Avenue. And that's our presentation. Thank
3 you.
4

5 ANIVELICA CORDOVA: Thank you.

6 CHAIRPERSON MOYA: Thank you. Just a
7 couple of questions. I understand that the
8 affordability AMIs will be memorialized in the HPD
9 regulatory agreement, will it also be memorialized in
10 HPD's ground lease?

11 DON FLAGG: Yes... [cross-talk]

12 MATTHEW CHARNEY: Yes, in the... NYCHA's
13 ground lease, yeah.

14 CHAIRPERSON MOYA: And these units in the
15 new building will be subject to a community
16 preference and a NYCHA preference, can you explain
17 how those work together?

18 ANIVELICA CORDOVA: Sure, there's a 50
19 percent preference for community board and NYCHA
20 residents, not community board, community district
21 members, excuse me, so 25 percent of the preference
22 will go to NYCHA residents and 25 percent to
23 community district members.

24 CHAIRPERSON MOYA: And what is the, the
25 rent per year for the land lease on this project?

1 MATTHEW CHARNEY: The rent is one dollar
2
3 for the length of the ground lease.

4 CHAIRPERSON MOYA: And what will the city
5 earn over the course of the lease?

6 MATTHEW CHARNEY: So, it's... [cross-talk]

7 CHAIRPERSON MOYA: How, how many years is
8 the lease and how much are you going to make at the
9 end of it?

10 MATTHEW CHARNEY: Yeah, the lease is
11 anticipated to be 99 years..

12 CHAIRPERSON MOYA: 99 years, okay.

13 MATTHEW CHARNEY: And it's... one dollar is
14 the complete payment for the length of the lease.

15 CHAIRPERSON MOYA: And how much... how... and
16 what is the, the market rate for a lease of this size
17 in New York City and particularly in the Bronx?

18 MATTHEW CHARNEY: I, I, I'd have to get
19 back to you on, on what the appraised value of the
20 site would be.

21 CHAIRPERSON MOYA: Thank you, that, that
22 would be helpful and the, the, the Council here we
23 work very hard to ensure that New Yorkers make a
24 fair wage for their work, what is the plan to make
25 sure that the building service jobs are good paying

1
2 jobs and benefits that consist with area standards
3 and the standards that are enjoyed by the existing
4 building service workers at this development?

5 ANIVELICA CORDOVA: So, we have planned
6 and have proposed to the funding agencies to have
7 livable wages for the super and porter position in
8 the building and we have executed an agreement with
9 32 BJ memorializing that... so, we're, we're moving
10 forward in that direction.

11 CHAIRPERSON MOYA: Great, we've been
12 joined by Council Member Ayala.

13 COUNCIL MEMBER AYALA: I have another
14 hearing across the street, so I won't be here long.

15 CHAIRPERSON MOYA: That's okay.

16 COUNCIL MEMBER AYALA: But I just wanted
17 to reiterate my support for this project but I also
18 have to go on the... on record in saying that while I...
19 and, and this is not a Lemle Wolff thing, this is
20 really for the administration, I love these projects,
21 I love anything that's affordable I will take because
22 we need them, I think that a 30 percent set aside
23 especially for a project where you only have 100
24 units is a disservice to the community in a way. It
25 allows us to do a really great thing, right which is

1
2 build our way out of the homeless epidemic but at the
3 same time those 30 percent set asides take away from
4 the lower income AMI units that my community so
5 desperately needs, right and so then it, it just
6 allows... we have to be, you know constantly fighting
7 for every one unit and I can't do that if I'm
8 bringing in... I'm helping on the one end to meet, you
9 know the Mayor's housing plan but I'm only bringing
10 really into the poorest congressional district 10-14
11 units at a time, I can't continue to vote on these
12 projects in the affirmative if they're not also
13 beneficial to the constituents that I represent,
14 right and so we want to do the right thing but it
15 needs to be done in a more equitable way and so again
16 this is not at Lemle Wolff, I want to actually say
17 thank you because I think you guys have been great
18 partners and I know that we've been back and forth
19 and apologize for that but I have to do that because
20 we have to, you know be very clear that there is
21 especially in communities like mine a desperate need
22 for affordable units because my constituents are
23 being displaced at a very rapid rate and if we don't
24 do something to address that now it's just a
25 revolving door because these are the same residents

1
2 that are going to end up in shelter, right, so we
3 need to open up more opportunities for them. I also
4 have some concerns about the labor, right, we want to
5 make sure that we're hiring and that we're getting
6 good jobs for individuals that, that live in this
7 community as well, that is something that we will
8 continue to have a conversation about afterwards but
9 I just wanted to come in and say that I, you know
10 wholeheartedly support this project and that I wish
11 you luck and welcome you to my haven and hopefully
12 we'll be working together for the next few years.

13 ANIVELICA CORDOVA: Yep.

14 COUNCIL MEMBER AYALA: Thank you.

15 CHAIRPERSON MOYA: Thank you Council
16 Member. Thank you very much for your testimony today.
17 If... are there any other... thank you.

18 ANIVELICA CORDOVA: Okay.

19 CHAIRPERSON MOYA: Thank you.

20 ANIVELICA CORDOVA: Thank you.

21 CHAIRPERSON MOYA: Sorry. Next, I'm
22 calling Vinny Stellato.

23 VINNY STELLATO: Good morning Chair Moya
24 and members of the Subcommittee. My name is Vinny
25 Stellato, I'm a member at 32 BJ and have been a

1 member of 32 BJ for about three years. Sorry. I'm
2 here today on behalf of my union and as a lifelong
3 Bronx resident. As you know 32 BJ represents more
4 than 80,000 property service workers in New York
5 City. We clean and maintain buildings like this one
6 proposed. We fully support the development of
7 affordable housing particularly development that is
8 100 percent affordable like Betances VI. We are
9 supportive of this project and we are happy to report
10 that we are working in partnership with the
11 development team at this project to create good
12 building service jobs. 32 BJ represents the 32
13 workers in the existing buildings at Betances, we
14 believe that the workers at the proposed end fill
15 development should be paid the same good wages and
16 benefits. We understand that the development team has
17 included this standard in the budget that they have
18 submitted to HPD. We are calling on the city to work
19 with the developer to ensure that this commitment to
20 create good jobs... good building service jobs is fully
21 realized, and we are urging the City Council to
22 ensure the strong wage and benefit standards for
23 workers are part of the final plan for this project
24 before it is approved. Thank you very much.
25

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2 CHAIRPERSON MOYA: Thank you, thank you
3 for your testimony today. Are there any other members
4 of the public who wish to testify? Seeing none I now
5 close the public hearing on this application, and it
6 will be laid over. Our next public hearing for today
7 is going to be on LUs 348 and 349, the Williamsbridge
8 rezoning for property in Council Member Gjonaj's
9 district in the Bronx. The applicant seeks approval
10 of a zoning map amendment to rezone a C8-1 district,
11 one FAR to a R7A and R7A C2-3 district which is 4.6
12 FAR and a related zoning text amendment to designate
13 the project area as a mandatory inclusionary housing
14 area utilizing option one and option two. These
15 actions would facilitate the redevelopment of a nine-
16 story mixed use building, 30 residential unit MIH
17 option one or two, eight or nine units respectively
18 with recreation space, 16 below grade parking space,
19 bicycle parking and approximately 4,825 square feet
20 of ground floor commercial space. I now open the
21 public hearing on this application, and we are
22 calling up Richard Lobel; Anthony...

23 ANTHONY PILLA: Pilla.

24 CHAIRPERSON MOYA: Pilla; Joseph Maccia...

25 [cross-talk]

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JOSEPH MACOMMITTEE CLERKIA: Maccia.

CHAIRPERSON MOYA: Maccia, I'm sorry and
Richard Vitto.

CHAIRPERSON MOYA: Counsel if you could
swear in the panel.

COMMITTEE CLERK: Do you swear or affirm
that the testimony you are about to give will be the
truth, the whole truth and nothing but the truth and
that you will answer all questions truthfully and
please state your full name for the record?

RICHARD LOBEL: Richard Lobel, I do.

JOSEPH MACOMMITTEE CLERKIA: Jo, Joseph
Maccia, I do.

ANTHONY PILLA: Anthony Pilla, I do.

RICHARD VITTO: Richard Vitto, I do.

RICHARD LOBEL: Thank you Chair Moya,
Council Members good morning, Richard Lobel, Sheldon
Lobel, PC representing the Pilla family with regards
to the Williamsbridge Road rezoning. So, the rezoning
is located in the Allerton section of the Bronx,
you'd notice the circled portion of the map to the
upper left and this is essentially rezoning to take a
C8-1 district and to rezone that to an R7A. So, the
text map as you see in front of you is a focused area

1 demonstrating the lots in... originally included in the
2 rezoning. The C8-1 district which allows only for
3 commercial and automotive uses has been in this area
4 since prior to 1961 and so when we initially
5 approached this rezoning, we looked to see whether or
6 not it would be appropriate to rezone this portion to
7 a residential mixed-use district. The rezoning right
8 now as was presented to the Commission includes seven
9 lots, of those seven lots six of those had
10 residential use, uses except for one lot on Colden
11 Avenue which is owned by the applicant and which
12 would be part of the development site. I'd further
13 note that with regards to those six lots one of those
14 lots which appears at the corner of Colden and
15 Williamsbridge Road is an existing six story
16 overbuilt residential building which would become
17 conforming pursuant to the proposed rezoning. So, you
18 can see from the Land Use map again several things
19 from this... from this graphic. First is that the area
20 is one where there is a transit rich area, you have
21 bus lines at... abound the property on all three sides,
22 you also have within several blocks the two and five
23 subway lines which are, you know within let's say a
24 half mile from the property site and so as pursuant
25

1
2 to prior rezonings in the Bronx when you look at a
3 transit rich area with existing residential use and a
4 district in which many of the properties are
5 underutilized or under developed it is deemed
6 appropriate to approach the city for a residential
7 rezoning. Here you can see some pictures of the
8 properties included within the project area. On the
9 lower left is a picture of the existing commercial
10 building on Williamsbridge Road, this is a one and a
11 half story building and basement commercial with two
12 residential units and on the upper left you can see
13 the frontage on Colden Avenue, this is the one-story
14 garage building roughly 1,400 square feet. Again, the
15 only conforming use right now within the C8-1 as well
16 as the adjacent one to two family residential homes.
17 So, in accordance with this rezoning we would just
18 recap the, the zoning calculations for the benefit of
19 the committee and the subcommittee and then, then be
20 happy to answer any questions. The rezoning as
21 proposed was for seven lots and would have allowed
22 for a nine story, 35-unit residential building on the
23 development site. As per... as we went through the
24 process with the Community Board and the Bronx
25 Borough President's Office there were certain changes

1 made to the application to respond to com... questions
2 and comments. One of those was to reduce the number
3 of units in the development so the number of units in
4 the development were reduced from 35 to 30, thus
5 making this a less dense development which is one of...
6 which responded to some of the concerns of the local
7 area and importantly at City Planning the rezoning
8 was reconfigured to remove the four single to two
9 family home residences on Colden Avenue thus ensuring
10 that those would not be basically redeveloped with an
11 R7A building which was seen as being too much
12 additional development at the time for this block.
13 So, right now the building would only include the
14 development site and would include... the rezoning
15 would include the property to the South of us, this
16 property is already built to a 5.38 FAR so would not
17 typically be redeveloped under this scenario. The
18 maximum of the FAR under the R7A is 4.6 thus it is
19 likely that the building there would remain. So, we
20 are happy to answer any questions on behalf of the
21 development team as well as the owners of the project
22 and, and we'll leave it to the Subcommittee.

24 [off mic dialogue]

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2 RICHARD LOBEL: We've had communication
3 with, with the Council Member, Council Member Gjonaj
4 with regards to those options, the... given the fact
5 that this is a relatively small development the
6 number of units would be fairly equivalent, I think
7 it would be nine units of MIH pursuant to option two
8 or eight units pursuant to option one. While we leave
9 this open for either option, we haven't really
10 extended a preference yet, so it'd really be in
11 accordance with the Council Member's wishes.

12 [off mic dialogue]

13 RICHARD LOBEL: The building amenities
14 primarily consist on the... on the ninth floor with an
15 outdoor area as well as a, a physical fitness room,
16 my understanding is that the... those would be limited
17 to the building residents for concerns of security
18 and such.

19 [off mic dialogue]

20 RICHARD LOBEL: Sure, so we've had quite
21 a long and deliberative process with the community
22 board at which, which although the... there was a, a
23 disapproval at the community board, it was a split
24 vote, 14 to 20 so there was kind of... there was a, a...
25 many people on the community board felt that this

1 rezoning was too large so in response to that the
2 rezoning was reduced by four properties on Colden
3 thus basically ensuring that those properties would
4 not be merged and redeveloped with a larger building.
5

6 CHAIRPERSON MOYA: And how does the
7 development compare in terms of height and scale in
8 the neighborhood, I know you kind of went over that
9 but if you can just... [cross-talk]

10 RICHARD LOBEL: Sure... [cross-talk]

11 CHAIRPERSON MOYA: ...one more time...
12 [cross-talk]

13 RICHARD LOBEL: When we looked at the
14 potential rezoning of the project we looked at the
15 fact that you have a really open area and kind of a
16 wide street and really confluence of several wide
17 streets in front of the property so we looked at
18 other properties in the area but particularly were
19 guided by the bulk of the building immediately to the
20 south, that building is a grandfather pre-1961
21 building with, as I mentioned, an FAR exceeding the
22 R7A bulk so when we did discuss this initially with
23 City Planning it was deemed that R7A would be
24 appropriate particularly because including that
25 building within the rezoning basically builds up...

1
2 brings that building into conformance so the use as a
3 residential building would now be legal conforming
4 and doesn't even cover the entirety of the bulk so
5 while it would be less non-complying it would still
6 be more compliant than under the existing C8-1. We
7 also noted that the existing C8-1 would permit a
8 21,000 square foot, that's 21,000 square foot medical
9 office and mixed use commercial building and so we
10 looked at that and we looked at... we... when we looked
11 at the available zoning districts in... and basically
12 in conjunction with City Planning thought that an R7A
13 would be most appropriate.

14 CHAIRPERSON MOYA: And, and I just... I
15 just want to go back so, you're saying that the
16 building amenities will not be open to all residents?

17 RICHARD LOBEL: No, to, to all building
18 residents.

19 CHAIRPERSON MOYA: Yeah...

20 JOSEPH MACOMMITTEE CLERKIA: It would be
21 open to all the residents, but it wouldn't be open to
22 the public.

23 CHAIRPERSON MOYA: Got it, thank you. I
24 just wanted to make that clear. And that's it.

25 RICHARD LOBEL: Okay, thank... [cross-talk]

1
2 CHAIRPERSON MOYA: Thank, thank you so
3 much for your testimony today, thank you for being
4 here.

5 RICHARD LOBEL: Thank you Chair and
6 Council Members.

7 CHAIRPERSON MOYA: Appreciate it... [cross-
8 talk]

9 RICHARD LOBEL: Thank you.

10 CHAIRPERSON MOYA: Are there any other
11 members of the public who wish to testify? Seeing
12 none I now close the public hearing on this
13 application, and it will be laid over. This concludes
14 today's meeting and I would like to thank the members
15 of the public, my colleagues, a big shout out to
16 Council Member Lancman for sticking it through to the
17 end and Counsel, Land Use and their staff for their
18 great work. This meeting is hereby adjourned.

19 [gavel]

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C E R T I F I C A T E

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



Date

March 15, 2019