

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 23, 2010

Start: 9:58am

Recess: 2:40pm

HELD AT: Council Chambers
City Hall

B E F O R E:
MARK WEPRIN
Chairperson

COUNCIL MEMBERS:
Gale A. Brewer
Daniel R. Garodnick
Leroy G. Comrie, Jr.
Vincent Ignizio
Robert Jackson
Jessica S. Lappin
Diana Reyna
Joel Rivera
Larry B. Seabrook
James Vacca

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

Ed Wallace
Counsel to Extel Development Corp
Greenburg Triweg

Gary Barnett
Chief Executive Officer
Extel Development Corp

Stephen Hill
Architect
THW Architects

Sydney Nielsen
Architect
Matthews Nielsen Landscape Architects

Paul Silver
Counsel to Extel Development Corp
Kramer Levin

Ken Lowenstein
Counsel to Extel Development Corp
Brian Cave

Mel Weinmore
Chairperson
Community Board 7

Ethel Scheffer

Mark Diller
Chair of the Youth, Education and Libraries Committee
Community Board 7

Ivy Cohen
Resident

Omar Cooper
Local 32BJ New York City

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

Ronald Bryan
Business Representative
Local Union 3 IBEW

Jack Kittle
Representative District Council 9
International Union of Painters and Allied Trades

Mike Kalpin
Organizer
International Union of Elevator Constructors, Local 1

Paul Fernandez
Representative
Building and Construction Trades Council of New York

Steve McGinnis
Political Director
New York City District Council of Carpenters

Jim Conway
Representative
International Union of Operating Engineers, Local 14

Michelle Lipkin
President, Co-President
District 3 President's Council, PS 199 PTA

Noah Gotbaum
President
Community Education Council 3

Howard Yurell
Board of Directors
Historic District Council

Amni Nashone
Resident

Slava Hazen
President
Avery Condominium

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

Susan Ordsman
Resident

Sabin Dansinger
Representative
Rushmore

Paul Fisher
Resident, Union Worker

Craig Whitaker
Architect, Designer
Coalition For a Livable West Side

Mary Catherine Williston
Coalition for a Livable West Side

Botchti Lutin
Coalition for a Livable West Side

Andrew Hollowick
New York Building Congress

Tricia Martin
President
American Society of Landscape Architects, New York
Chapter

Olive Freud
Committee for the Environmentally Sound

Joe Fuerdeliso
PS 199 PTA

Rachel Lasserin
Co-President
PS 87 Parents Association

Mara Gavios
Resident

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

Ann Weisberg
Resident, Chair
10 West End Avenue, Committee on Riverside Center

Ira Mofsowitz
Resident

Michael Slattery
Real Estate Board

Rick Bell
American Institute of Architects, New York Chapter

Max Yestin
Volunteer
Landmark West

Stephen Gannes
Resident, Business Owner

Brenda Levin

Angeline Wong
PS 199 Exec Board

Russell Aronson
SLT, Exec Board
Parents Association

Beth Sperber
Resident

Leslie Friedland
Resident

Phyllis Gunther
Member
Community Board 7

Mary Francis Shaunessy
Founding Co-Directors
Riverside Park Fund

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

Ken Koglin
Member
Community Board 7

Paul Willin
Resident

Roberta Semer
Resident

Lisa Maller
Resident

Susan Crawford
Resident

Daniel Guttman
Resident

George Hikalis
President, Civil Engineer, Transportation Planner
Institute for Rational Urban Mobility

Mark Darren
Resident

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2 COUNCILPERSON WEPRIN: Good morning
3 everyone. My name is Mark Weprin. I am the Chair
4 of the Zoning and Franchises Sub-Committee and I
5 am joined by the following members of the
6 Committee who are here, Joel Rivera, Larry
7 Seabrook, Leroy Comrie, Diana Reyna and Jimmy
8 Vacca. We're also joined by Gale Brewer, who
9 represents the site in question today. We're
10 going to go right into business here. We're going
11 to be bringing up Land Use numbers 256 through 266
12 all related and included in 266, Riverside Center.

13 Let me just state some ground rules
14 before we get started. We're going to have the
15 presentation made and then we're going to call up
16 panels of people and we're going to try to
17 alternate for as long as we have to alternate
18 between opposition and people in support of the
19 project. We're going to limit people, I'm sorry
20 to say because we have a lot of them, to two
21 minutes each. So I'd ask you if you have a
22 statement in mind to start in your head practicing
23 it and get it under two minutes otherwise you're
24 going to hear that noise. So I appreciate that.

25 Without further a due, already in

1
2 place. I like that, we have Ed Wallace from
3 Greenburg Triweg, Stephen Hill, Gary Barnett, is
4 that right? No? Sydney Nielsen, Paul Silver,
5 Stephen Coster and Omar Cooper, if you could all
6 please state your name when you do speak, again
7 for the record and anyone you add or reference or
8 comes to the mic, make sure they're stated before
9 they speak. Their name has to go into the record
10 as well. So Mr. Wallace, you're the lead?

11 ED WALLACE: Yes.

12 COUNCILPERSON WEPRIN: Okay.

13 MR. WALLACE: Good morning,
14 Chairman Weprin and Chairman Comrie, Committee
15 Members and Council Member Brewer. My name is Ed
16 Wallace, along with Paul Silver who is here at the
17 table and Ken Lowenstein who is there in the front
18 row. We serve as counsel to Extel Development
19 Corp, the developer of Riverside Center. I'm
20 particularly honored to be here because once long
21 ago I was able to serve on this body so it's nice
22 to be back. Gary Barnett who sits next to me is
23 the president of Extel and he will present a
24 detailed description of the project and give you
25 Extel's effort to respond to community and Council

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2 Member concerns. We're also joined by architect
3 Stephen Hill and landscape architect Sydney
4 Nielsen who can briefly describe the physical
5 planning of the site, Paul Silver and Ken
6 Lowenstein along with Steven Rosen from AKRF are
7 here to answer any technical questions. We
8 understand you have a long hearing in front of you
9 and we will attempt to be brief. The only other
10 thing I would note is that we were pleased today
11 to receive a letter of support from UAW, which we
12 will submit to be part of the record. Mr.
13 Barnett.

14 GARY BARNETT: Good morning. Thank
15 you for having me here, Chairs Weprin and Comrie,
16 members of the Committee, Council Member Brewer.
17 Thank you for giving me the chance to present our
18 vision for Riverside Center, a proposed
19 development of the last and largest site in the
20 Riverside South Project. It is also the last and
21 largest vacant site on the upper west side. Its
22 development will complete the development of
23 Riverside South, which began almost a generation
24 ago.

25 The Riverside Center property is

1 located between West End Avenue, West 59th Street,
2 Riverside Boulevard and West 61st Street. It has
3 an area of 8.2 acres, about 350,000 square feet.
4 It is now and has been for many years used as a
5 parking lot for almost 1,650 cars. Extel and its
6 financial partners acquired the site and several
7 other Riverside South properties in mid 2005.
8 Since then, we have completed the Avery and the
9 Rushmore and have substantially completed the
10 Ashley and the Alden, about over a million and a
11 half square feet of space.
12

13 We have also been working with the
14 Department of City Planning, our elected officials
15 and Community Board 7 to produce a plan that would
16 do justice to the unique opportunities offered by
17 the Riverside Center South. We inherited the 1992
18 plan for the Riverside Center site when we
19 purchased our interest in Riverside South. The
20 plan divided the site into two parts. It called
21 for an as of right development of about 570,000
22 square feet, a residential use along the Hudson
23 River. That would be one building between 61st
24 and 60th Streets and one building between 60th and
25 59th Streets, along the river. It proposed a 1.8

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2 million square feet television studio and office
3 complex across the remaining two-thirds of the
4 site but required a special permit to develop
5 anything there even the studio.

6 Instead of building two apartment
7 houses and developing the site piece meal, we saw
8 this unique site as an opportunity to do something
9 special. Our vision was for a unified master plan
10 community. This community would complete the
11 Riverside South project with world class design.
12 It would welcome all of the residents of the area
13 with neighborhood retail stores and great public
14 open space. It will provide needed housing for
15 families of all sizes and income and it would
16 offer a healthy mix of uses to generate economic
17 activity or for a wide range of jobs, most if not
18 all of them union jobs, provide the city with
19 needed tax revenue and hopefully deliver our
20 partners and us a satisfactory financial return.

21 The project you are considering
22 today achieves most of these objectives. Its site
23 plan and the building's architecture is the work
24 of the Pickser Prize winning Atalye Christian De
25 Portsen Park [phonetic]. It will include about

1 2,850,000 square feet, zoning square feet of
2 revenue producing uses and a primary and
3 intermediate school of up to 150,000 square feet
4 of zoning. Its residential component will contain
5 approximately 2,500 apartments including providing
6 500,000 square feet of permanently affordable
7 housing. Its commercial component will include a
8 250 room hotel, a small cinema and local retail
9 restaurants and cafes. The low grade, we are
10 proposing an 1,800 space public parking garage and
11 an approximately 180,000 square foot automobile
12 service center that would be associated with an
13 above grade show room.
14

15 The project's center piece is over
16 2.7 acres of public open space, that's over
17 100,000 square feet of open space. This space is
18 designed by Matthews Nielsen Landscape Architects,
19 whose work has contributed so much to the beauty
20 and utility of the Hudson River Park.

21 I know that you will hear calls
22 today to reduce the density and eliminate building
23 four on West 59th Street. Simply put, eliminating
24 this building would make the project economically
25 infeasible. Furthermore, the proposed density is

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2 appropriate and in fact quite modest for this
3 area. This project will have an FAR including the
4 school of only 8.5 times. Since the site is zoned
5 for a maximum of 12 FAR the proposed density is
6 significantly lower than what could have been
7 permitted. There are buildings in the
8 neighborhood such as 10 West End Avenue directly
9 across the street which are built to a 12 FAR.

10 The project will generate \$3.6
11 billion in direct and indirect economic activity
12 and \$314 million in taxes other than property
13 taxes during construction. After its completion
14 it will generate about almost \$12 million in taxes
15 other than property taxes annually for the city.
16 It will generate over 800,000 person years of
17 employment during construction and approximately
18 1,425 full and part time jobs after completion.
19 Those are long term jobs being created.

20 In my discussions with members of
21 the Council I've been asked about the use of
22 minority and women owned business enterprises on
23 Riverside Center. I'm here today to tell you that
24 Extel is prepared to agree to develop a program
25 with a goal of achieving 15% MWBE participation in

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2 the project. Over the coming weeks we will
3 provide the Committee with additional details on
4 this matter.

5 All the construction jobs will be
6 union jobs. In addition, many of the permanent
7 jobs will be union jobs including those in the
8 hotel and those in the automobile dealership we
9 hope to attract to anchor the north end of 11th
10 Avenue's automobile row as well as many 32 BJ jobs
11 in the apartment buildings. Again, these are
12 going to create many, hundreds of permanent well
13 paying jobs.

14 All of these benefits, however,
15 come with a very high price tag to us. Unlike
16 virtually every other site in Manhattan, we and
17 not the public sector, will be responsible for all
18 the project's infrastructure, including the
19 streets, water mains, sewers, street lights and a
20 bridge over the Amtrak right away that runs over
21 460 feet of the site. We will also be paying for
22 the conversion of the combustion turbine in Con
23 Edison's 59th Street plant from kerosene to gas.
24 This project, which would not go forward without
25 our support, will significantly reduce the amount

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of pollutants emitted by the plant.

We have signed a letter of intent with the School Construction Authority to provide space at no cost to the city for a school of up to 150,000 gross square feet or enough space to serve approximately 1,300 students. We have also agreed to pay for the cost of constructing the corn shell for a school of 75,000 gross square feet. This 75,000 square foot school will fully meet the demand generated by this project.

At the same time, we have been responded to the community. Changes that have been made to the project since it was first proposed several years ago include a commitment not to rent to a big box retail users, specifically eliminating a Costco, a reduction in the proposed number of parking spaces from 2,300 spaces to 1,800, a reduction in the overall project area by 150,000 square feet, a reduction in the heights of two buildings by about 130 feet each, a reduction in the size of the buildable site by widening the sidewalks all around the project to 15 feet and widening the right of way at 59th Street by 6 feet, an increase in the

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2 amount of affordable housing to be provided from
3 12% of the units to 20% of the residential floor
4 area. That's approximately a 250% increase. A
5 reconfiguration of the site plan to reduce the
6 shadow's on the project's public open space. We
7 have also added a tot lot to the features of the
8 open space, modified the design of the site
9 substructure to bring the open space to grade at
10 West 59th Street and make it the front door to
11 both the tot lot and a large central area of this
12 open space.

13 We also enlivened streetscape along
14 West 59th Street by the addition of retail and
15 community facility space and an entrance to
16 building three along its northern edge. We're
17 continuing to meet with the representatives of
18 Council Member Brewer and the Community Board 7 in
19 order to find additional ways in which their
20 concerns can be addressed. We expect that there
21 will be further changes to the project over the
22 next three weeks as we reach consensus on these
23 changes.

24 It has been a long five and one
25 half year road to get here from the time we began

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2 to plan Riverside Center and the market has
3 changed a little bit. But we are excited and
4 proud of what our architects and planners have
5 been able to achieve in collaboration with the
6 public sector. Riverside Center will bring great
7 architecture to the city and the neighborhood. It
8 will bring badly needed local services and
9 affordable housing to the community. It will make
10 a major contribution to the neighborhood's
11 infrastructure and lifestyle. It will generate
12 hundreds of millions of dollars in tax revenues
13 for the city. It will also improve the city's air
14 quality.

15 The City Planning commission made
16 two changes to our proposal that I want to mention
17 today. First they prohibited the auto showroom
18 from being located on West End Avenue. The dealer
19 and showroom will generate skilled labor jobs,
20 which the city needs. But without a dealership
21 there will be no auto service center as the two
22 uses go together. I can assure the Committee that
23 no dealer is interested in any showroom location
24 except West End Avenue. Having the revenue
25 generated early in the project by an auto

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2 dealership may also be critical to actually
3 getting it built.

4 The second change made by the
5 Commission was the reduction in the amount of
6 parking from 1,800 to 1,260 spaces. When you
7 consider that Riverside Center will generate a
8 need for some 1,374 parking spaces and that the
9 site currently contains parking facilities used by
10 approximately 1,650 cars even our proposed garage
11 did not come close to meeting the need for parking
12 in this area. The loss of nearly one-third of the
13 spaces as proposed by City Planning will greatly
14 worsen this parking shortage. We hope the Council
15 will restore both of these items.

16 Thank you for your consideration.
17 I and members of my team will be happy to answer
18 your questions.

19 COUNCILPERSON WEPRIN: Go ahead,
20 you can be very brief.

21 STEPHEN MR. HILL: Good morning Mr.
22 Chair, Council Members. My name is Stephen Hill
23 with THW Architects. My firm is working with
24 Extel Development, Christian De Portsen Park and
25 Matthews Nielsen on this project. I'll be very

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2 brief and I just want to describe the concept for
3 the project.

4 Our assignment was to design a plan
5 for the 8.2 acre site that first and foremost
6 continued the New York City grid and connect the
7 upland neighborhood with Riverside Park South.
8 Second, to provide for a transition between the
9 grid of Manhattan streets and the open and organic
10 nature of the park along the Hudson River. Third
11 was to create a center for the tens of thousands
12 of new residents of the Upper West Side and
13 Riverside Center as well as the new residential
14 buildings along Eleventh Avenue. Fourth, to
15 create architecturally distinctive and exciting
16 buildings; it was a goal to emulate the
17 architectural variety and energy of New York
18 City's architecture and to create a pedestrian
19 friendly scale by mixing elements of low, medium
20 and high structures. The last was to include a
21 vibrant open space that Sydney will speak more to.
22 We believe we've achieved those goals and we'll be
23 happy to answer questions at the end.

24 SYDNEY NIELSEN: My name is Sydney
25 Nielsen of Matthews Nielsen Landscape Architects.

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2 Good morning Council Members. The vision for
3 Riverside Center, as articulated by architect
4 Christian De Portsen Park, utilizes a progression
5 of generous public spaces to transition from
6 Manhattan's urban grid to the parklands fronting
7 the Hudson River. I'm excited to be part of this
8 vision and to realize the design of these spaces
9 that will serve not only for the benefit of the
10 immediate neighborhood but for the larger city as
11 well.

12 I'll describe the landscape design
13 revisions that have been made since the time of
14 certification. They correspond to the program and
15 architectural changes presented by Gary Barnett.
16 These landscape modifications respond to comments
17 from Council Member Gale Brewer, Community Board
18 7, the Manhattan Borough President and the
19 Department of City Planning.

20 The first change has been to remove
21 the access drive to building three that used to
22 pass under building four. This has resulted in a
23 much more inviting relationship to the sidewalk
24 along 59th Street. As part of this
25 reconfiguration we've also been able to lower the

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2 elevation along 59th and provide easily accessible
3 route into the heart of the public space with
4 connections either east or west from there.

5 Building four will have ground
6 floor retail fronting 59th that will help draw
7 people to the south side of the project. We've
8 added a 3,000 square foot tot lot that is visible
9 from 59th, is integrated into the terraced
10 configuration and this tot lot has maximum sun
11 exposure, offers views to the historic IRT power
12 station and will be a destination for neighborhood
13 families.

14 The central water feature has been
15 modified to respond to community concerns
16 regarding the value of the water elements to the
17 overall open space. We've developed a series of
18 waterfalls that contribute another landscape
19 experience as part of the transition from
20 Riverside Boulevard. This new feature will invite
21 people to walk along, above or below the water's
22 path.

23 This change is also part of a
24 larger modification that has reduced the grade
25 change along Riverside Boulevard by five feet.

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2 Similar to 59th Street, this creates a seamless
3 and accessible relationship between the sidewalk
4 and the public space. Finally, as a result of the
5 revisions, 91% of the project perimeter is now at
6 street elevation. This is a 20% increase over the
7 prior plan.

8 More recently we've had several
9 very productive meetings with Council Member
10 Brewer's staff and members of Community Board 7
11 and are continuing to have an active dialogue with
12 them. Extel has encouraged us to continue to
13 collaborate and test each of their suggestions.
14 Merging the vision articulated by Christian with
15 the open space interests of the community has
16 resulted in a design that is dynamic and engaging.
17 It speaks both to the broad context of the city
18 and the immediate needs of the neighborhood. The
19 public space at Riverside Center is diverse,
20 active and will make a positive contribution to
21 the landscape of New York. Thank you.

22 PAUL SILVER: Chairs Comrie and
23 Weprin, members of the Committee Council Member
24 Brewer, I'm Paul Silver of Kramer Levin. I'm
25 going to give a very, very brief overview of the

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2 technical zoning actions that we're asking for,
3 sort of a view from 10,000 feet.

4 First a little background,
5 Riverside South was approved originally in 1992.
6 The approvals included a rezoning of the site,
7 permit its development at a floor area ratio of
8 ten and special permits for a large scale
9 development on a former railroad right of way
10 yard, also a special permit for a public parking
11 garages.

12 It's developers also entered into a
13 restrictive declaration to memorialize and provide
14 a way to enforce the conditions of the project's
15 approval. Today, we are proposing to amend and
16 expand the special permits originally granted and
17 to modify the restrictive declaration, actually
18 for the fifth time since it was originally signed,
19 to provide the approvals necessary to develop
20 Riverside Center.

21 As you've heard, Riverside Center
22 will replace an 8.2 acre public parking lot with
23 only 15 jobs with a world class development that
24 will directly or indirectly generate 2,500
25 permanent jobs. More specifically, our principal

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2 actions include first the modification to the
3 restrictive declaration. That will amend the
4 limits on floor area of specific uses on the
5 Riverside Center site and in Riverside South as a
6 whole. It will also substitute the drawings of
7 the Atalye Christian de Portsen Park plan for
8 Riverside Center for the television studio, office
9 and residential plan that was approved in 1992.

10 Second, amendments to the text of
11 the zoning resolution to allow by special permit
12 in a large scale development, modifications of
13 court regulations and an automobile service
14 facility where it's associated with a showroom and
15 to create a new inclusionary housing eligible area
16 and establish controls for the administration of
17 inclusionary housing at Riverside Center.

18 Finally there are four special
19 permits, a new special permit for development
20 pursuant to the Portsen Park plan on a former
21 railroad right of way or yard. Second, a new
22 special permit to allow a public parking garage
23 with 1,800 spaces. Third a new large scale
24 development special permit to modify heightened
25 set back, court and minimum distance between

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2 buildings regulations and to authorize the use of
3 an automobile service facility associated with a
4 dealership on the site. That's the overview and
5 again, I'm happy to answer questions as we all
6 are. Thank you.

7 COUNCILPERSON WEPRIN: Great.

8 Thank you very much. Just a couple of points I
9 want to make. First before we get started I know
10 we've been joined by Council Member Ignizio and
11 Council Member Jackson. I also do want to
12 acknowledge, I know there's an overflow room. We
13 do apologize for the fact that there had to be an
14 overflow room because of the construction at City
15 Hall we're not at City Hall anymore so we're kind
16 of limited for space. So we apologize for those
17 of you in that other room, at least you have a
18 window.

19 What I'm going to do now is I'm
20 going to ask members of the Committee who have
21 questions to go first and then I'm going to give
22 Council Member Brewer, after that let her ask any
23 questions she has. I'm going to start with
24 Council Member Vacca.

25 COUNCIL MEMBER VACCA: Thank you,

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2 Mr. Chair. Several questions in the testimony I
3 had, Mr. Barnett. What was the reasoning of the
4 Planning Commission in saying that the showroom
5 should not be on West End Avenue? Why did they
6 elect to omit that from your plan and did the
7 Community Board. I admit I've not read this
8 wonderful, I'm sure it's wonderful report from the
9 Community Board but did the Community Board
10 request the showroom not be on West End Avenue
11 also?

12 MR. BARNETT: City Planning
13 actually has approved the auto showroom use and
14 the auto service center use, recognizing that it
15 creates tremendous economic benefit and a lot of
16 union jobs. However, they felt that they wanted
17 to have the showroom off of West End Avenue. They
18 wanted to have, they said, more street activity so
19 different kinds of retail on West End Avenue. In
20 response to that we have actually added additional
21 retail on West End Avenue but it's absolutely
22 impossible to get an auto dealership to take space
23 that's not on the Avenue so they agreed kind of in
24 concept about the benefits but they put a
25 condition that really makes it impossible to

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2 attain. That's why we're asking the Council to
3 restore that.

4 The Community Board has not
5 actually told us that they're opposed to the auto
6 showroom being on West End Avenue. If we look at
7 the use, it's actually a very good use. It
8 doesn't bring in tens traffic uses like some of
9 the big box retail we'd have liked or other
10 possible uses. So it's actually seems like a very
11 useful use. It's important to the city, it's
12 important for jobs and we hope, again, that the
13 Council will restore it.

14 COUNCILPERSON WEPRIN: I raise that
15 because I know in the weeks ahead the Speaker and
16 Council Member Brewer and I'm sure this Committee
17 will be involved with you in trying to work out
18 differences that exist. It just seems to me that
19 this may be an area where there's room to talk
20 further because I don't understand the rationale
21 of the Planning Commission.

22 The other thing I didn't understand
23 was the rationale of the Planning Commission in
24 reducing parking. It seems to me that you've
25 document a need for parking so why did the

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2 Planning Commission reduce parking in this case?
3 Again, how does that square with the
4 recommendation of the Community Board? Did they
5 recommend a reduction of parking?

6 MR. BARNETT: We, early on in the
7 process, currently there's actually room to park
8 around 2,400 spaces there. There's 1,650 people
9 actually parking there and our project is going to
10 add almost 1,400 spaces of use. In theory, you
11 need almost 3,000 parking spaces. When we started
12 this project we asked for 2,300 spaces but
13 discussions with the Community Board and with City
14 Planning we cut that down to 1,800 spaces.

15 Now the City Planning Commission I
16 think as a matter of public policy wants there to
17 be kind of less emphasis on auto use and parking
18 so they've cut it further. But this is a
19 situation where we're not starting out with a
20 vacuum where there's no parking going on. There's
21 already 1,600 people parking there. You take that
22 down to 1,260, all of the spaces that will be will
23 be for what we're building and 1,500 people are
24 going to have to spread out, find new parking
25 spaces, bid up the price of parking all over the

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2 neighborhood, create congestion while they're
3 circling for spaces. It's hard to understand on a
4 practical basis. Again, that's why we're asking
5 you to restore some of the parking.

6 COUNCIL MEMBER VACCA: I red
7 flagged this. I'm Chairman of the Transportation
8 Committee. I don't understand, are we saying to
9 people in the city that maybe we should all get
10 rid of our cars and go on tricycles and bicycles?
11 I don't know if that's realistic. I would love to
12 have people ride bikes.

13 MR. BARNETT: Mr. Vacca, welcome to
14 the west side of Manhattan.

15 COUNCIL MEMBER VACCA: I know. But
16 are we not going to get cars by simply omitting
17 the need that we know exists? Are those cars
18 going to come anyway and I think that is the
19 question that concerns me because we don't have a
20 capacity. Under this plan, there's not a capacity
21 to even meet what we think will be a minimum need.
22 I understand we're limiting parking and I want to
23 encourage people to use bikes and alternate means
24 of transportation but here there seems to be an
25 attempt to low ball it. That's not the term I'm

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2 looking for but really low ball. It's something
3 that's been documented here. People are going to
4 come whether they find the space or not. We're
5 just going to have more people demanding parking,
6 fighting for parking and we're going to have
7 people who may not go to your development because
8 this issue is an issue with them.

9 MR. BARNETT: I like the way you
10 think. Let's go for 2,300 spaces.

11 COUNCIL MEMBER VACCA: All right.
12 That may be something that this Committee, again,
13 it just struck me.

14 MR. BARNETT: I do think one thing
15 is very important to keep in mind is that this is
16 not an issue of don't build it and the people
17 won't have cars. There's 1,650 cars that are
18 there already. People have those cars; you're not
19 going to make them give them up. Maybe the new
20 people moving in you can say, hey, don't move in
21 with cars but there are 1,650 parkers. How can
22 you permit only 1,260? That says 400 of the
23 existing people, bye bye. It's hard to
24 understand. We hope that you will change that.

25 COUNCIL MEMBER VACCA: A key

1
2 component of this is getting better mass transit
3 for people, more accessible mass transit. Maybe
4 that should be something to look at. I know in
5 the outer boroughs we don't have enough mass
6 transit so people therefore use cars because we
7 don't have access.

8 The last point I raise was
9 regarding affordable housing. I know that you are
10 offering 20% affordable housing and the community
11 would like 30%. What precedent--I've seen
12 proposals come to the Council for 30% so would you
13 be at 20%? What's the difference there based on
14 the other proposals I've known, I've seen at the
15 Council that have gone to 30.

16 MR. BARNETT: Just to begin with,
17 let's look at where we're coming from. When we
18 purchased the property the existing Riverside
19 South project has approved, I guess probably, 15
20 or 18 years ago required 12% of the units to be
21 affordable but on an FAR basis, actually floor
22 area it's probably more like 8%. So we have now
23 moved instead of talking about percentage of
24 units, we've now moved to percentage of actual
25 floor area. That's an automatic increase, that's

1
2 in line with the city's affordable housing program
3 now.

4 So we've gone from 8% to 20%,
5 that's I guess a 250% jump. We're talking about
6 doing half a million square feet of affordable
7 here. Now, this is the program that the city is
8 applying citywide to all new projects. There have
9 been, I guess, maybe one or two projects that
10 talked about 30% that Domino plan comes to mind.
11 But that was only a requirement if the city
12 subsidized or if they got subsidies to go from the
13 20% to 30%. We're not receiving any subsidies
14 here, not for the infrastructure, not for the
15 affordable. So we think to stay within the city
16 program. Again, we are doing half a million
17 square feet. It is a 250% jump. We think it's a
18 very, very fair and reasonable proposal.

19 COUNCIL MEMBER VACCA: Quickly,
20 what is affordable? What are you using as a guide
21 for that?

22 MR. BARNETT: I think they're
23 thinking in the neighborhood now 80% but that's in
24 discussion with HPD. Remember, this housing is
25 not going to be like past affordable housing,

1
2 which went away after 20 years. This is
3 permanently affordable so it's really an enormous
4 step in the right direction.

5 COUNCIL MEMBER VACCA: Thank you,
6 Mr. Chairman.

7 COUNCILPERSON WEPRIN: I just want
8 to acknowledge we are joined by Council Member
9 Garodnick and now I'd like to call on Council
10 Member Comrie to ask question.

11 COUNCIL MEMBER COMRIE: Thank you,
12 Mr. Chair. Did you say in your presentation that
13 you're building two schools and one community
14 facility? Is that what I understood you to say?

15 MR. BARNETT: It's potentially
16 possible that there would be a K through 5 and an
17 intermediate school but that's going to be kind of
18 up to the SCA to decide what they put there.
19 We've made available to them up to 150,000 square
20 feet of FAR to put schools in there or a school in
21 there.

22 COUNCIL MEMBER COMRIE: But then
23 you said we've also agreed to pay the costs for
24 corn shell construction for 75,000?

25 MR. BARNETT: Correct. In addition

1

2 to--

3

COUNCIL MEMBER COMRIE:

4

[interposing] Is that a separate building or...?

5

MR. BARNETT: No, it actually would

6

be in the same building but it depends on what

7

they tell us the needs are. We've agreed to

8

actually pay and build corn shell construction for

9

75,000 square feet. If they said they wanted to

10

go up to 150,000 square feet, it's available but

11

they would have to pay for the extra 75,000 feet.

12

We pay for 75, they pay for 75.

13

COUNCIL MEMBER COMRIE: And if they

14

don't use that other 75 is that the community

15

space that you're talking about or is that...?

16

MR. BARNETT: If they don't use, we

17

can't use it ourselves. We have made room for

18

potentially community facility on 59th Street in

19

order to activate the 59th Street streetscape and

20

to provide community facility.

21

COUNCIL MEMBER COMRIE: So that's a

22

third possible location?

23

MR. BARNETT: Correct.

24

COUNCIL MEMBER COMRIE: So the

25

facility on 59th Street, does that part of where

1
2 the open space? Is that adjacent to the open
3 space?

4 MR. BARNETT: It is, it is. That
5 would be. We've opened up 59th Street. There is
6 a significant entrance now, significant amount of
7 open space, the tot lot is in that area and I
8 believe that's where the community facility would
9 be, somewhere near there.

10 COUNCIL MEMBER COMRIE: Okay, all
11 right. I'll just agree and I won't say everything
12 that Council Member Vacca said although I agree
13 with him on the parking. Clearly, with 1,650
14 spaces being used and identified now and not in
15 dispute, with your location being on the West Side
16 with easy access off the highway, I think that you
17 should get the maximum parking that you could
18 allow. It's not like your site is in Midtown or
19 you have to go through four different avenues to
20 get there.

21 So I express this to City Planning.
22 I didn't understand their motivation or their
23 focus. If we're looking to attract retail
24 shoppers from other parts of the city or New
25 Jersey or Connecticut, you have to have some

1
2 vehicular transportation. Everybody is not going
3 to want to take bags back on the Amtrak or the
4 other modes of transportation back to their
5 locations. So I would agree with that whole
6 heartedly.

7 Also, when you spoke about, can you
8 just talk about your original reductions from the
9 original proposal a little more in detail as far
10 as the density and also what the amenities of the
11 open space will be for a non resident within that
12 facility, within that project.

13 MR. BARNETT: Yes, I'll speak to
14 the density and then maybe we'll have Sydney or
15 someone talk about the amenities. The density, we
16 originally had proposed over 3 million square feet
17 of FAR for commercial uses and that was reduced in
18 discussions with City Planning and with the
19 Community Board by 150,000 square feet so we have
20 already taken down the density. As I say, the
21 actually density is 350,000 square feet, the whole
22 surface lot. We're only about eight and a half
23 FAR so it's not really dense. We have a huge
24 amount of open space. I think the highest
25 proportion, or nearly the highest proportion of

1
2 open space in any new development. Sydney you
3 want to talk about any amenities for the public,
4 the lounges.

5 COUNCILPERSON WEPRIN: Sydney, just
6 state your name again when you speak.

7 MS. NIELSEN: Sydney Nielsen. Very
8 important is that the project feel welcoming as
9 one approaches from the surrounding area. The
10 streets leading into the project look like a good
11 New York City street. They bring you in at
12 Freedom Place and there you really meet the heart
13 of the project. First thing that you encounter is
14 a large public open space that has a fountain that
15 kids can play in, adults can play in and flanked
16 on either side by public seating under the trees.
17 And then you get to a lawn area where you can play
18 Frisbee, picnic, sunbathe.

19 From there you can access one
20 approach to Riverside South, which is an
21 accessible route to Riverside South or
22 alternatively you can get down or in from 59th
23 Street. There are strolling paths, sitting area,
24 play lawn, water fountain, play feature; those are
25 the major elements and now the tot lot has been

1
2 added. 3,000 square feet is roughly, according to
3 SCA rules about 100 children.

4 COUNCIL MEMBER COMRIE: And that
5 tot lot will be open to the public or just to the
6 children at the school?

7 MS. NIELSEN: Everything will be
8 open to the public between the hours of 6:00 am
9 and 1:00 am.

10 COUNCIL MEMBER COMRIE: 6:00 am to
11 1:00 am.

12 MR. BARNETT: I just want to follow
13 up on that. Actually, we are very interested in
14 having this be welcoming because one of the nox
15 kind of on Riverside South is that it doesn't feel
16 like a neighborhood. There's a row of big massive
17 buildings along the Hudson River. You don't have
18 the amenities, you don't have the retail stores,
19 you don't have the places where people can
20 congregate. We're really hoping, that's why we
21 call it the Riverside Center, that this will
22 become the center of a new neighborhood of perhaps
23 10,000 families and individuals living. We want
24 people to come into this center. There's going to
25 be restaurants, there's going to be retail that

1
2 goes along 60th Street into the center and into
3 the plaza. So the hope is that this will truly
4 become a center for the neighborhood.

5 COUNCIL MEMBER COMRIE: Can you
6 just describe what you envision the traffic
7 circulation for the project would be now? There
8 is no, what is that, 60th Street, West 60th Street
9 is ending in the middle. Is that a drive? You
10 can drive the car to that point?

11 MR. BARNETT: Yeah.

12 COUNCIL MEMBER COMRIE: Then you
13 have to turn left or right, correct?

14 MR. BARNETT: Yeah, I'm going to
15 let Stephen Hill explain that because he's the
16 architect because a lot of care has been done and
17 a lot of discussions with City Planning as well.

18 MR. HILL: So the circulation
19 around the site, there's two way traffic on 61st.

20 COUNCILPERSON WEPRIN: Sir.

21 [off mic]

22 MR. HILL: There is two way traffic
23 along 61st Street. Of course, two way traffic on
24 West End Avenue. 60th Street is an eastbound
25 street so you enter the project site from Freedom

1

2 Place South in either direction, that's a two way
3 street.

4

5 COUNCIL MEMBER COMRIE: How wide is
6 Freedom Street?

7

8 MR. HILL: Each of these streets
9 are 60 foot wide streets and the sidewalks have
10 all been increased from a typical 13 feet to 15
11 feet both around the perimeter of the site and on
12 the streets through the site. So the concept is
13 that the traffic flows in through Freedom Place
14 south and out through 60th Street back to West End
15 Avenue. Riverside Boulevard is a little more
16 complicated because the street is northbound at
17 59th Street going up Riverside Boulevard but then
18 there's a southbound lane you can see splits under
19 the highway. That is a pre-map condition that we
20 had to deal with. Does that answer your question,
21 sir?

22

23 COUNCIL MEMBER COMRIE: Is there
24 any circulation for the project that's going north
25 of 59th Street along Riverside? Was there a
26 parking garage that would be accessed from that
27 spot?

28

29 MR. HILL: There is a parking

1
2 garage entrance that is near the intersection of
3 59th Street and Riverside Boulevard in building
4 number three.

5 COUNCIL MEMBER COMRIE: And that's
6 where you access it from, where you're pointing
7 with the pen. Okay. And then are there any
8 parking garages along West 62nd Street?

9 MR. HILL: Yes, the parking garage
10 entrance points are in building number one there's
11 an entrance on Freedom Place South, there's an
12 entrance in building number two immediately
13 adjacent to it, right across the street. Building
14 number three is the one that Sydney pointed to
15 before on 59th Street. Building number four the
16 entrance is also on Freedom Place South. And the
17 entrance to the garage in building number five is
18 from 59th Street.

19 COUNCIL MEMBER COMRIE: Okay. Are
20 there any drive in entrances along West End Avenue
21 for parking?

22 MR. HILL: No, sir. No.

23 COUNCIL MEMBER COMRIE: How wide is
24 West 62nd Street?

25 MR. HILL: 60...?

1

2

COUNCIL MEMBER COMRIE: 62nd

3

Street.

4

MR. HILL: 61st?

5

COUNCIL MEMBER COMRIE: 61st

6

Street, sorry.

7

MR. HILL: That's a 40 foot wide

8

street.

9

COUNCIL MEMBER COMRIE: 40 foot

10

wide street.

11

MR. HILL: The street bed.

12

COUNCIL MEMBER COMRIE: And there's

13

two way traffic on their now?

14

MR. HILL: Yes.

15

COUNCIL MEMBER COMRIE: With

16

parking on either side?

17

MR. HILL: The street right now

18

isn't a completed street. It's only completed up

19

to Freedom Place South and the northern extension

20

of Freedom Place South. The rest of the street

21

hasn't been constructed yet. That will be

22

constructed with either the next Riverside South

23

building built or the construction of building

24

number one as part of Riverside Center.

25

COUNCIL MEMBER COMRIE: So all of

1
2 the traffic flow would be either coming off the
3 West Side Highway or 59th Street or flowing off of
4 West End Avenue or south off of Riverside Drive
5 pretty much, correct?

6 MR. HILL: Correct, sir.

7 COUNCIL MEMBER COMRIE: Where is
8 the showroom?

9 MR. HILL: The showroom location
10 is--

11 COUNCIL MEMBER COMRIE:
12 [interposing] As moved by City Planning now?

13 MR. HILL: It's in the corner of
14 building number five, right there, 59th Street and
15 West End Avenue.

16 COUNCIL MEMBER COMRIE: So it's in
17 the corner.

18 MR. BARNETT: That's where we want
19 it.

20 COUNCIL MEMBER COMRIE: That's
21 where you want it but where does City Planning.

22 MR. BARNETT: It's more than a
23 corner; it's a good chunk of a block.

24 COUNCIL MEMBER COMRIE: Where does
25 City Planning propose it be moved to?

1
2 MR. HILL: City Planning gave us
3 locations that could be in building number one
4 along 61st Street, in building number--

5 MR. BARNETT: [interposing] Up
6 there.

7 COUNCIL MEMBER COMRIE: Mm-hmm.

8 MR. HILL: In building number
9 three, anywhere in that building on the first
10 floor, and building number five along 60th Street
11 and Freedom Place, at that corner there.

12 MR. BARNETT: The interior.

13 COUNCIL MEMBER COMRIE: But all of
14 the other auto showrooms are along West End
15 Avenue.

16 MR. HILL: Which is why we felt it
17 was a natural progression, that's where the other
18 dealers are, dealers like to be together in the
19 same neighborhood. We thought that corner was the
20 best--

21 COUNCIL MEMBER COMRIE:
22 [interposing] Are they above 59th or below 59th?

23 MR. HILL: Below 59th Street.

24 MR. BARNETT: They used to have one
25 at 60th. Which one was that?

1

MR. HILL: Tamken.

2

MR. BARNETT: Tamken was there.

3

4

COUNCIL MEMBER COMRIE: If you put it in the building at 59th and Riverside you'd have to make a smaller facility.

5

6

7

MR. BARNETT: Nobody wants to go there. They want the visibility on West End Avenue. Part of what auto dealers are doing here is aside from wanting to sell cars but they're making statements. Mercedes just built this giant showroom, state of the art and they're having events there. It's kind of a New York flagship so it's more than just how many cars are we going to sell. To do that you need to have space, you need to have visibility. The guys that we're talking to, they're just saying forget it we're not interested unless we can have the exposures.

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COUNCIL MEMBER COMRIE: And they want to match the Mercedes Benz flagship, is that what you're saying? It's not a Chevy dealer.

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21

22

MR. HILL: The other thing that dealerships have been struggling with is that they've had mostly to deal with existing buildings that don't naturally suit their service facilities

23

24

25

1
2 or an ideal showroom facility or location. One of
3 the things our project can offer is a great slate,
4 blank slate for them to work with.

5 COUNCIL MEMBER COMRIE: The access
6 for that would be off?

7 MR. BARNETT: Actually for their
8 service center the access would be on 59th Street
9 close to the West Side Highway so it's a good
10 place for it.

11 COUNCIL MEMBER COMRIE: And they
12 would--okay. The showroom--okay. The service
13 center would be below ground.

14 MR. HILL: Yes, sir.

15 MR. BARNETT: Correct.

16 COUNCIL MEMBER COMRIE: I just had
17 one other question from your testimony. You're in
18 the process of working with Council Member Brewer
19 and the Community Board to try to look at what
20 exactly because you kind of left that vague or is
21 it still in the process of discussion?

22 MR. BARNETT: I think there are a
23 number of items that the Community Board and
24 Council Member Brewer is interested in discussing
25 with us. These are some of the issues that I

1
2 touched on now and we're in discussions with them
3 and we hope it's going to lead to a successful
4 conclusion.

5 COUNCIL MEMBER COMRIE: The
6 Community Board had a major and thorough and
7 varied presentation. Had you had an opportunity
8 to discuss or have they spoken to you in detail
9 about their presentation?

10 MR. BARNETT: Yes, indeed and there
11 are some things in there that we're working with
12 them to try and adjust, to change our plans.
13 Obviously, there are some things in there that we
14 can't give and there are probably some things in
15 there that they never expected us to give.

16 COUNCIL MEMBER COMRIE: I think you
17 opened up the door to a lot of arguments later on.
18 I think I've asked everything that I needed to ask
19 at this particular point. Thank you, Mr. Chair.

20 COUNCILPERSON WEPRIN: Thank you,
21 Mr. Comrie. I'll ask Diana Reyna, Council Member
22 Reyna.

23 COUNCIL MEMBER REYNA: Thank you,
24 Mr. Chair. I just wanted to understand, you
25 mentioned 20% affordable housing in your testimony

1
2 and considering that to be 250% increase. The 20%
3 you said is not going to be built with city
4 subsidies so that means you're not going to be
5 applying for 421A.

6 MR. BARNETT: We didn't say that.
7 We said that any additional affordable that's been
8 done in other projects have had city subsidies and
9 we're not getting any city subsidies.

10 COUNCIL MEMBER REYNA: But 421A is
11 a city subsidy and you're not saying you're not
12 going to be building without it.

13 MR. BARNETT: It's possible that
14 we'll be getting a 421A subsidy. We're not sure
15 yet.

16 COUNCIL MEMBER REYNA: The question
17 is will you go up to 30% as part of what the
18 Community Board is trying to communicate.
19 Considering that it has been done in prior
20 negotiations as far as rezoning are concerned as
21 seen the private application come in and consider
22 it. It sets the bar high but not impossible.

23 MR. BARNETT: I may want to let our
24 counsel Ken maybe to talk about that. He's kind
25 of the expert on housing here. I think that so far

1
2 as I know the only one that's been mentioned that
3 would go above the 20% is something which is
4 getting subsidies and that the 20% is in line with
5 the citywide affordable housing program.

6 COUNCIL MEMBER REYNA: Which is
7 receiving a city subsidy as well, the 20%, right?

8 MR. BARNETT: It may be a subsidy
9 but it's still not sufficient for us to go ahead
10 and build it. It's not something that we would do
11 except for the fact that we're going through the
12 approval process and we want to provide the
13 affordable housing in line with the city program.
14 So that may be somewhat of a benefit. That's
15 obviously not paying for half a million square
16 feet of building.

17 COUNCIL MEMBER REYNA: I understand
18 that but I want you to be clear for a record and
19 it wouldn't be built unless you were applying for
20 421A.

21 KEN LOWENSTEIN: My name is Ken
22 Lowenstein, I'm with Brian Cave. What Mr. Barnett
23 was referred to at Domm Sugar [phonetic] is
24 subsidies in the form of direct financial
25 assistance in terms of loans or grants from the

1
2 city, state or federal government. The Domino
3 commitment, as you are aware, to go above 20% is
4 contingent on those subsidies being granted. It
5 is not related to 421A. I understand your point
6 that 421A is a subsidy of some sort. I will agree
7 with that characterization. We are talking about
8 financial subsidies in terms of grant, loans from
9 the city, state or federal government. There is a
10 distinction between--we're not getting any of
11 those and that's the distinction that we are
12 drawing here.

13 COUNCIL MEMBER REYNA: So I will
14 ask the second part of my question, will you reach
15 or explore the opportunity to reach 30% if the
16 city were to offer any incentives for 30%?

17 MR. BARNETT: I think that's a
18 theoretical question. Of course, if there was a
19 possibility to go ahead and do that and we
20 wouldn't be losing any more money than we're
21 already kind of losing based on the affordable we
22 would consider it.

23 COUNCIL MEMBER REYNA: Thank you
24 very much. I just wanted to understand the second
25 piece to this particular affordable housing. You

1
2 mentioned in perpetuity, which is a great factor.
3 I'm trying to understand the AMI. You mentioned
4 80% and 80% is a stand alone range or is that
5 going to be ranged in different categories of
6 income so that no one person falls off the cuff by
7 a certain dollar or all in the upper range of 80%
8 as opposed to anything in between.

9 MR. BARNETT: Council Member,
10 you're very familiar with the affordable. I can
11 see that. I'm going to pass it off again to Ken
12 because I don't know as much.

13 MR. LOWENSTEIN: As you know,
14 Council Member, the inclusionary housing program
15 has the maximum permitted income on inclusionary
16 program is low income household is 80% of median
17 so we're subject to the 80% of median maximum. We
18 will obviously have to set the rents so we're
19 below this maximum. This also limits the
20 percentage of income families can pay under the
21 program. We will be compliant with all of those
22 requirements. I can't sit here because we don't
23 know exactly what the apartments are going to be
24 and the rents are going to be at this point but we
25 will be strictly comply with those requirements.

1
2 COUNCIL MEMBER REYNA: I just
3 wanted it to be noted that it's important to
4 consider ranges within the 80% because different
5 mechanisms help you reach your affordability,
6 especially if you're going to be applying for
7 funding, which again, feeds into reaching a 30%
8 possibility.

9 The other portion I wanted to just
10 express was the start of this project in 1992
11 seemed to have, from what you mentioned, five
12 changes since the restrictive declaration. This
13 particular project started out with more emphasis
14 on job creation than it did on residential units.
15 Today, it's a significant change to the opposite;
16 more residential units to job creation. Post
17 construction, how many jobs are we referring to?

18 MR. BARNETT: I think we've heard
19 figures somewhere in the 1,500 permanent jobs that
20 will be provided. Again, most of those will be
21 union jobs and pay a very good salary.

22 COUNCIL MEMBER REYNA: The union
23 job you're referring to is post construction?

24 MR. BARNETT: Correct.

25 COUNCIL MEMBER REYNA: Because?

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MR. BARNETT: Because we'll have the hotel which we already agree will be represented by the Hotel Workers Union. We have actually all the buildings will be represented by 32 BJ and the auto service, as you heard the UAW support. I believe that everyone we're talking to are already have represented as unions there. That's just the starting point for very significant union jobs that will be provided. I think it's important.

COUNCIL MEMBER REYNA: Amongst the construction jobs, will you be setting forth participation goals amongst minority and women?

MR. BARNETT: We are. Our current program is we're trying to develop a program that will utilize at least 15% MBWE.

COUNCIL MEMBER REYNA: MWBE is concerning businesses but aside from businesses, as far as the unions are concerned in the construction field, the importance of making sure that there's women participation as well as minority participation, which is something that's not seen, is very important to be able to increase those percentages to reach the goals. That is

1
2 something that you would have to be very conscious
3 of. I just want to understand exactly how you
4 would reach those goals, separate and side from
5 the MWBE business contracting.

6 MR. BARNETT: I understand. We
7 understand the importance of diversity on job site
8 as well. These are very well paying union jobs in
9 the construction industry and it's important that
10 everybody have an opportunity to achieve those
11 jobs. I've been on the job sites and I've seen
12 quite a bit of diversity on our past projects but
13 certainly we're ready to work with the Council to
14 see what else we could do.

15 COUNCIL MEMBER REYNA: Thank you
16 very much. I have other questions but I want to
17 note, I want to make sure that we have an
18 opportunity for the rest of our colleagues to ask
19 questions and of course the public. I look
20 forward to further discussion and I understand
21 that we're looking at two versions of this
22 project, yours and theirs, as far as the community
23 is concerned. I'm taking a very close look at
24 both and hopefully I can see a marriage amongst
25 the two opposite views.

1

MR. BARNETT: Thank you very much.

2

3

COUNCIL MEMBER REYNA: You have much more similarities than differences. Thank you.

4

5

6

MR. BARNETT: Thank you.

7

8

COUNCILPERSON WEPRIN: Thank you, Council Member Reyna. Council Member Garodnick.

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COUNCIL MEMBER GARODNICK: Thank you very much, Mr. Chairman and thank you all for your testimony today. I want to first of all just say in the big picture, I agree with the Council Member Reyna's point about similarities and the importance of getting this done right. We certainly will support Council Member Brewer in her efforts as we go forward here to try to get to a good and positive result.

18

19

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24

I wanted to raise just a few issues about the actual nuts and bolts of the project. One of them is the question of the seamlessness of its connection to the rest of the streets in the area. The site slopes, I think it's something like a 20 or 30 foot differential between West End Avenue and the River. Is that right?

25

MR. BARNETT: It's around there.

1

2

COUNCIL MEMBER GARODNICK: 22 feet.

3

And you all as part of the development will be

4

building up so as to allow for auto repair

5

underneath as well as to connect at 60th Street

6

and also on Freedom Place. Is that right?

7

MR. HILL: If you--

8

MR. BARNETT: [interposing] I can

9

answer that but I'll give it to the architect.

10

Actually that's how we started out but in

11

discussions with the Community Board, we've kind

12

of brought more of it to grade. I think 90% of

13

the perimeter is actually at grade. The one area

14

on 59th Street where we couldn't do it, there's

15

definitely a sloping done. Maybe you want to talk

16

to that Stephen.

17

MR. HILL: Sure. If you look--

18

COUNCILPERSON WEPRIN:

19

[interposing] Stephen, just state your name again.

20

MR. HILL: My name is Stephen Hill,

21

GWH Architects. The board that we have up on the

22

easel has this orange dotted line that represents

23

the area of the site that is at grade with the

24

surrounding streets. There is a significant slope

25

from West End Avenue down to Riverside Boulevard,

1
2 most noticed on 59th Street and then noticed again
3 on Riverside Boulevard, sloping up to the north.

4 All of those buildings and the
5 streets are at grade. There is no step up, there
6 is no ramping, there is nothing else going on
7 there. Along that section of green space in the
8 center along Riverside Boulevard, there are some
9 transitions that go uphill in towards the open
10 space. We've been working with the Community
11 Board to tweak these designs.

12 The major recent change that Sydney
13 just pointed to was the lowering of that entire
14 area between buildings three and four to bring all
15 that down to the grade on 59th Street. 59th
16 Street is sloping downhill towards the west but so
17 is that open area there. So those are some of the
18 community's concerns and how we've reacted to
19 them.

20 COUNCIL MEMBER GARODNICK: I think
21 that's an important point and it's a good moment
22 to recognize the work of the Community Board in
23 pushing for that because obviously, Mr. Barnett
24 noted the isolation in some ways of the rest of
25 the area. This site is one which is sort of the

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2 blank slate. It's really important, I think, to
3 make sure when you are approaching it from any of
4 the directions here that you feel like this is
5 open and accessible and that you can feel free to
6 walk in and that they're not unnecessary barriers
7 or obstacles to doing that.

8 MR. BARNETT: Absolutely.

9 COUNCIL MEMBER GARODNICK: Let's
10 just talk about the entrance at 60th Street for a
11 second. I know that you have a plan to include
12 retail in that area, perhaps even a movie theater
13 right in the corner of building five. Is that
14 correct?

15 MR. BARNETT: Yes.

16 COUNCIL MEMBER GARODNICK: Now,
17 what steps are you all going to take to ensure
18 that the public coming from the east can
19 appreciate or feel that that is available to them,
20 that 60th Street west of West End Avenue is
21 actually an inviting location and something that
22 they can approach.

23 MR. HILL: The idea here is that if
24 you notice the buildings, the architecture is
25 created in such a way that the buildings step down

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2 towards this intersection. These are lower
3 elements of the building here. It give s amore
4 open feel to the site. These sort of retail uses
5 are a devise that we're using to activate these
6 streets and welcome people in along 60th Street.
7 Once people are in the site, we know they'll look
8 further west and appreciate the landscape and the
9 fountains, that will draw them further into the
10 site.

11 There's going to be a different
12 type of retail along building number one where
13 we're hoping to attract restaurants and cafés that
14 will work with that open seating grove that you
15 see there. Another important thing to note about
16 60th Street is that although this is a public
17 access easement, they appear, they're paved just
18 like a city street so there's nothing different
19 about them that would make someone thing it's a
20 private drive or something like that. I think
21 those are some of the important goals.

22 COUNCIL MEMBER GARODNICK: Freedom
23 Place South, I know that on 59th Street it ends
24 over there and 61st Street in that little area
25 that is not marked on the map but if you were to

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2 continue north on Freedom Place South, what do you
3 hit once you get to 61st Street.

4 MR. HILL: That street, Freedom
5 Place North, north of 61st Street continues up.
6 There's sections that are built but not all
7 sections have been opened yet. It continues a few
8 blocks to the north and that street also is not a
9 straight street; it is a meandering street around
10 a public open space at 62nd Street. That was one
11 of the genesis of the idea behind redirecting the
12 southern link of Freedom Place South, it's a
13 reaction to what's happening on Freedom Place
14 South to the north of this site.

15 COUNCIL MEMBER GARODNICK: On the
16 open space itself, it's not an insignificant
17 amount of open space and that is important and I
18 think it's key here. You also have a lot of
19 density, of course, as planned. Another issue
20 that I think should be on your agenda as you go
21 forth into the next number of weeks here is
22 addressing any perception that this open space is
23 connected to specific buildings as opposed to for
24 the broader neighborhood. I could see a couple of
25 examples, perhaps next to building four where you

1
2 might want to take a look at that. Certainly,
3 this is not the place for us to be negotiating
4 where exactly or where there might be a perception
5 of that.

6 But I do want to add my voice to
7 say the open space, while it's important and I
8 know you've made some changes already, is key to
9 making it feel like it belongs to the public. In
10 that regard, are there any plans for there to be
11 any independent governance of the rules on the
12 space. I know 6:00 am to 1:00am was cited as the
13 time period for it being open but is there any
14 independent body that's going to be making any
15 rules or decisions beyond that?

16 MR. SILVER: Paul Silver. The
17 restrictive declaration, Council Member, governs
18 what can be done to the open space. It sets the
19 hours, it sets the standards for maintenance. The
20 restrictive declaration is enforceable by City
21 Planning. They will follow that. Clearly, I
22 think if people see that the development isn't
23 meeting that standard, isn't measuring up to what
24 the restrictive declaration requires of the open
25 space, that will be an issue that will be raised

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2 with the city. This is not a neighborhood that is
3 known for being reluctant to raise issues.

4 COUNCIL MEMBER GARODNICK: I
5 understand. That's a good thing. If there were
6 to be any changes in the restrictive declaration
7 in the subject of open space would that be
8 regarded as a major or a minor modification.

9 MR. SILVER: Can I defer the answer
10 to that until I actually look at the restrictive
11 declaration--

12 [crosstalk]

13 COUNCIL MEMBER GARODNICK: That
14 would be better for all of us. We'll hold on that
15 one. Let's talk about the auto showroom for a
16 second because I missed a portion of the
17 discussion. It was my understanding that you now
18 have potential for auto showroom space in the top
19 corner over here, which I guess is the northwest
20 corner of the site. And you have access for auto
21 repair on 59th Street all the way at the western
22 end. You were expressing some challenges of that
23 as a set up for you all. Can you go through that
24 because I want to make sure I understand what that
25 means for the project if you are not able to get a

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tenant into that specific site.

MR. BARNETT: First I want to be 100% clear, we will not get anybody to go into that site for the deal. If you, just looking at it, it doesn't have the exposure and there's no way. Let's take it as a given that unless we get representation on West End Avenue, we're not going to have an auto showroom. First of all, it seems to me like it's a very good use. Again, it doesn't yield high traffic. It yields a lot of high paying jobs. It's kind of a quiet use and you have some pretty cars on the West End Avenue, people do come in there and it will have some traffic.

The important thing from my view point and I think from everybody in the neighborhood who actually wants to see something built there because it doesn't do anybody any good to approve a project and then not to be able to build it. Because of the huge need for infrastructure, we have to do the bridge over the Amtrak, there's an enormous amount of upfront costs that would be involved in order to get this project built. We can potentially possibly build

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2 it building by building and meantime have a whole
3 big, muddy field and a construction zone or we can
4 try and get the whole base of the project built,
5 put in the open space, have some plantings in
6 there. Have something that everybody likes
7 because we're not building all these buildings day
8 one. It's impossible in today's market.

9 If we want to get something that's
10 really going to help the community quickly, the
11 best way to do it would be for us to try and build
12 the base as early as possible in one shot, if
13 possible, with the open space. The only way we
14 can do that because it's an enormous expenditure,
15 in the hundreds of millions of dollars is if we
16 get some income early on. That's really what an
17 auto dealership or some other use of the below
18 grade space and the parking can create for us.
19 I'm making a big deal about it although maybe it
20 doesn't seem. I think this could be key to our
21 actually being able to go forward with the
22 project.

23 COUNCIL MEMBER GARODNICK: I just
24 want to make sure I understand the relevance of
25 the doing one portion of this altogether. What

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2 you're saying as I understand you is that the
3 economics of the deal are such that without an
4 auto showroom in a place where somebody would want
5 an auto showroom. You're saying that would be
6 impossible in the western half of building one.
7 Having the auto showroom would allow you to build
8 the entire base of this site. Can you just
9 explain why that is, how that works exactly,
10 mechanically? Because I'm not sure I understand
11 if it's just an economic matter or there's
12 something about connecting the auto showroom to
13 the auto repair or how exactly that's working.

14 MR. BARNETT: There would be no way
15 to actually build the auto showroom unless you
16 build the whole base because you're actually
17 taking one full level, about 250,000 square feet
18 or so, below grade. In order to put them in
19 you're going to have to do it all. I can't
20 guarantee, I can't sit here today and guarantee
21 that if we get the showroom I'm going to be able
22 to build the whole base and get them in. But I
23 can say it will be nearly impossible to do it
24 without that. So it's very important to have that
25 possibility.

COUNCIL MEMBER GARODNICK: City

Planning moved this, as I understand it, the auto showroom. You had initially proposed it in building five and they bumped you over to the northwest corner of the site. I realize that this is a question better for City Planning but was the notion there that 59th Street is the, in their view, an important divide between what is the area of significant auto showrooms south of 59th Street and what is perhaps intended by them to be a more residential area north of 59th Street?

MR. BARNETT: Actually no, to my knowledge they never made that comment. It was simply a question of active aiding the street life along West End Avenue. The Commission felt that auto showroom doesn't have that kind of traffic, a lot of people coming in maybe. In response to that we did make certain to have retail on the corner, we have the cinema on the corner and we added retail on the buildings between 60th and 61st. We feel that there's a lot of retail, it's welcoming retail, it's great activity. For a small matter of principle, it could be the blow that kills the project - I don't mean kill it but

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2 say it doesn't go forward for many, many years. I
3 just think that that little bit of different is so
4 important to us. I don't think it's important,
5 really, to anybody else including the community.
6 Hopefully we can go ahead and get that done.

7 COUNCIL MEMBER GARODNICK: Water
8 access, access to the waterfront; obviously the
9 site is a desirable one in that it has proximity
10 to the Hudson River and there are a couple of
11 points here in which one might be able to access
12 the River. Could you just share with us. I know
13 there's one on 59th Street. What are the other
14 access points that you would be able to get to
15 from this site?

16 MR. BARNETT: I'm going to let
17 Sydney do that but I just wanted to briefly
18 mention my vision for when we started planning
19 this. The easiest thing would have been just to
20 build those two big blocky buildings between 61st
21 and 60th and 60th and 59th, which were originally
22 our vision. That was actually blocking the view
23 to the water, it created wind tunnels. It's
24 there, it's done, we're building some of them
25 ourselves but it wasn't such wonderful

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2 architecture or planning.

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4 I felt like we had this beautiful
5 park now along the River and it's substantially
6 built. It's a very beautiful park. We have the
7 beautiful open space. We have this whole new
8 neighborhood and on the other hand we have going
9 east towards Time Warner Center we also have a
10 developing neighborhood. I felt like this could
11 be really the axis of the neighborhood center and
12 we very much want to have it open to the park. We
13 want this to be kind of a passing through point
14 where people go through our beautiful open space
15 and street and then go to Riverside South Park and
16 where they come from the park and they come into
17 eat at our restaurants and enjoy the ambience
18 there as well. That's kind of why we--if you look
19 at the way we developed it, it is on an east-west
20 axis as opposed to the whole north-south thing
21 that's going right along the River. I'll let
22 Sydney actually answer the question.

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MS. NIELSEN: Sydney Nielsen. You
can access the Riverside South Park from 59th
Street, which is an at grade connection from West
End to the Park. Then 60th Street it is actually

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2 physically impossible to go west because Riverside
3 Boulevard southbound is elevated beneath the Henry
4 Hudson Parkway so there is no physical way for a
5 person to get westward on 60th Street. So then
6 the next opportunity is 61st Street and at that
7 point there is both a stair and an accessible ramp
8 that takes you down to Riverside Park.

9 COUNCIL MEMBER GARODNICK: I see,
10 so it's 61 and 59, impossible on 60th. This goes
11 to a point which the Community Board made, which I
12 think is an important one, which is the feeling of
13 59th Street as a result of that being one of your
14 prime points of access to the River. Is it not
15 feeling like back door of the project and I know
16 that you are having conversations with them right
17 now about that but I think that makes sense. And
18 particularly since nobody knows exactly the future
19 of the building across the street, that should be
20 one which is a point of high consideration.

21 Last thing I wanted to mention
22 before we go back to the restrictive dec, if we're
23 able to is just the overall density. Again, this
24 is not the point to negotiate at this moment in
25 time but there's a proposal by the local community

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2 to remove a building. Mr. Barnett you noted that
3 that would be problematic for you guys in the
4 project. It certainly is a dense project. I know
5 the FAR numbers that you gave but it's a lot of
6 buildings in a very small area. So I just
7 encourage you to just continue that conversation
8 with them to try to find a result which people can
9 feel comfortable with on all fronts. That may not
10 mean the removal of an entire building but that
11 maybe there are other routes for you.

12 MR. BARNETT: I don't know if you
13 want me to comment on that.

14 COUNCIL MEMBER GARODNICK: Well,
15 you can.

16 MR. BARNETT: I think that we--this
17 project has been over a long period of time. It
18 has been over five years. We compare it to some
19 of the projects that have been approved, for
20 instance on the East Side where the density is
21 over ten to some of the buildings in the
22 neighborhood that are 12s. We think that this is
23 actually not a dense project as it's currently
24 planned. It has a huge amount of open space. It
25 is only about a 8.5 so I think it's very well

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thought out. I think it's not dense.

I want to say one other thing. It was originally zoned and planned for 2.4 million square feet. Almost every additional bit of FAR that we have gotten is going to affordable. There's 500,000 square feet of permanently affordable housing going to be generated by this project. So when we talk about reducing it further, it just doesn't, to me it just doesn't make sense.

It's not dense to begin with based on normal standards and citywide standards. We are creating a tremendous amount of affordable and we absolutely, positively can not give anymore on that issue. It speaks directly to the economics.

COUNCIL MEMBER GARODNICK: Look, I will defer to my colleague Gale Brewer on the subject of what is appropriate here. Certainly you are correct on that we have in the past zoned similar lots at higher FAR in the East Side. We did that on the Solo site but that was appropriate there so it's a question about what's appropriate here. I will defer to Council Member Brewer. I just encourage you to work with her toward a very

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good and sound result here.

Just a last one on the restrictive dec. Do we have an answer on that one?

MR. LOWENSTEIN: We have an answer and the answer is it's actually at City Planning. It's not characterized as either a major or a minor modification. City Planning has the authority to make that decision.

COUNCIL MEMBER GARODNICK: This is just one comment as to for community and for Council Member Brewer as to whether there are certain things which may be best served to have in the restrictive declaration, either as a minor or a major modification. Whether it's the open space or other points. As you all go forward I'm certainly happy to share with your experience from the East Side and doing that. Thank you, Mr. Chairman. I appreciate it.

COUNCILPERSON WEPRIN: Thank you. Mr. Jackson has some brief questions and then we're going to go to Ms. Brewer.

COUNCIL MEMBER JACKSON: Thank you, Mr. Chair. Good morning everyone. I appreciate your presentation and I jotted down some specific

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2 information. I heard you indicated that almost
3 all of the jobs in every field are going to be
4 union jobs, is that correct?

5 MR. BARNETT: Yes.

6 COUNCIL MEMBER JACKSON: And that
7 there are going to be approximately 2,500
8 permanent jobs once this project is totally done.

9 MR. BARNETT: That's including
10 direct and indirect, yes. I think directly it's
11 about 1,500 on site.

12 COUNCIL MEMBER JACKSON: Directly
13 1,500. But indirectly?

14 MR. BARNETT: Another 1,000.

15 COUNCIL MEMBER JACKSON: Another
16 1,000. I believe I heard you say that MWBE, you
17 were looking to obtain a 15% MWBE.

18 MR. BARNETT: Yes, we are.

19 COUNCIL MEMBER JACKSON: I'm sorry.
20 I don't quite hear your response to my colleague
21 Diana Reyna with respects to her questioning you
22 on that particular matter. Can you clarify that
23 for me?

24 MR. BARNETT: I think she was
25 asking about the actual representation on the job

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2 site. Yes, we are. Again, I've been on the job
3 site. I think they are diverse now but we
4 certainly we're ready to work with the Council to
5 try and increase that.

6 COUNCIL MEMBER JACKSON: As far the
7 jobs are concerned, I'm talking about not only
8 MWBE jobs or contracts but I'm talking about
9 overall. Are we talking about for New York City
10 residents? While I'm concerned about people that
11 live outside of New York City, I'm more
12 specifically concerned about New York City
13 residents because that's who we represent. Are we
14 talking about New York City residents with these
15 jobs? Are we talking about people that live in
16 other parts of our state or metropolitan area?
17 Because if in fact they're not New York City jobs,
18 somebody is going to have to explain to me how
19 that directly helps New York City residents.

20 MR. BARNETT: Right. I don't think
21 that we have specific requirements right now. I
22 know we have worked with the local community.
23 We've had discussions with the local community
24 about giving first preference to people who live
25 in the community for jobs. I'm talking about the

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2 permanent jobs that are provided by 32BJ, the
3 Hotel Workers Union. I would expect that our
4 employees down the road will be similar to the
5 representations that are currently in those
6 industries. I think that they have a fair amount
7 of minority and women representation. In the
8 Hotel Workers Union, in 32 BJ and I'm a little
9 less sure about the UAW but I don't know about
10 that.

11 COUNCIL MEMBER JACKSON: I had the
12 opportunity to listen to a presentation by my
13 colleague Gale Brewer and representatives of
14 Community Board 7 and I have a copy of their
15 report and resolution dated July 2010. I also had
16 the opportunity to talk to one of your consultants
17 in general terms and as you know, I'm sitting here
18 at the Zoning Committee as a member but also on
19 Land Use where we deal with this particular
20 matter. I'm listening to what is being said since
21 I'm not specifically involved. Obviously I depend
22 on my colleague, Gale Brewer, for more specific
23 information.

24 But I guess my questions right now
25 is regarding the school or the proposed build out

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2 of schools. As you know I chair the Education
3 Committee on the City Council and I do know that
4 going back when the Department of Education School
5 Construction Authority put forward a plan they
6 said not one seat was needed in Manhattan except
7 in District 2, which I said that's a lot of
8 nonsense. In fact, it was proven by our borough
9 president Scott Stringer in a report and parents
10 are protesting about the lack of appropriate space
11 in District 3 and other districts.

12 Also as you know, if you're not
13 aware, the SCA and DOE, Department of Education, I
14 had a meeting with them approximately two weeks
15 ago in which they said that there is a need for
16 additional seats in District 3 and other parts of
17 the City of New York. Where they are amending
18 their five year capital plan and increasing it by
19 \$4.4 billion over the rest of the plan. So
20 clearly they were mistaken and we were right. In
21 fact, they understood that we were right and
22 that's why they're looking to add more seats in
23 District 3.

24 I'm asking you had you had
25 conversations with the Department of Education or

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2 SCA regarding the school or build out? Can you
3 educate me right now as briefly as possible as to
4 what are your plans as far as a school at that
5 location for approximately how many students and
6 what exactly are you going to do?

7 MR. BARNETT: The good news is
8 people love living and raising a family in New
9 York City.

10 COUNCIL MEMBER JACKSON: That's
11 great.

12 MR. BARNETT: The bad news is we
13 have to pay for it.

14 COUNCIL MEMBER JACKSON:
15 That's...good.

16 [Laughter]

17 MR. BARNETT: I guess.

18 COUNCIL MEMBER JACKSON: When you
19 say we, it's all of us.

20 MR. BARNETT: I know.

21 COUNCIL MEMBER JACKSON: It's all
22 of us. We all pay for it.

23 MR. BARNETT: Just to look at the
24 history, originally when this project was approved
25 the deal was, this is like 18 years ago, the deal

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2 was that our building eye, which is called the
3 Rushmore. We build it several years ago. We had
4 to offer the School Authority an opportunity to
5 buy this space at market. Currently, that's what
6 happened just now over at the site in the Solo
7 project. Solo actually sold space to the School
8 Authority that he was paid for to build a school
9 there. Didn't contribute anything towards it,
10 actually sold the FAR.

11 Now, when we went down this project
12 we initially offered 75,000 square feet of floor
13 area to the School Authority and said we won't
14 charge you for it. It's free. We then went to,
15 we'll give you 150,000 square feet of FAR; it's
16 free. We then said we're going to actually build
17 out a 75,000 square foot school, corn shell, which
18 is the maximum that we were told at that point
19 we're even allowed to do by law. So that's where
20 we kind of settled--

21 [off mic]

22 COUNCIL MEMBER JACKSON: Told by
23 whom?

24 MR. BARNETT: By counsel that we
25 can only kind of do mitigations, required

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2 mitigations, at least with the City Planning
3 Commission for whatever our project is potentially
4 causing. That's kind of where it got settled at
5 that point, that we're going to build out corn
6 shell, 75,000 square feet. It will be, I think,
7 about a 500-seat school and that's where we stand
8 today. We have taken, I think very significant
9 steps in terms of what we are providing to the
10 School Construction Authority. Hopefully, they
11 are going to take the following steps and actually
12 get the thing built and tell us to go ahead.

13 COUNCIL MEMBER JACKSON: I was
14 looking. I'm looking at now the report and
15 resolution of Community Board 7 concerning the
16 public schools. It's on page 18 and page 19. I
17 think it said they're looking at the need of
18 approximately 1,300-seat school or 1,300 students.
19 That doesn't seem to come together as far as an
20 agreement as to what is needed there.

21 Would you agree or have your people
22 assessed the need versus what you're willing to
23 do?

24 MR. BARNETT: Again, the need that
25 we're being told and being told by the SCA is 500

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2 but as you point out they've been wrong before.
3 We hope that New York City continues to develop.
4 We hope the neighborhood continues to develop
5 beautifully. Certainly there's a possibility that
6 it will require more seats to have a school that
7 works the way everybody would like it to work and
8 not with overcrowding and with normal hours.

9 So we have actually made available
10 and it is potentially available in the plans for a
11 150,000 square foot school to be built, which is
12 kind of the 1,200 seats, to be built on the site.
13 Now, that would in and of itself cost us a lot
14 more just in terms of structure of the building.
15 It becomes a bigger building we have to work
16 around the school that will be at the base of the
17 building. So that automatically is going to cost
18 us a lot more.

19 We're ready to pay for the 150,000
20 square foot of corn shell but if the school and
21 the administration decides that they're going to
22 build. We can't force them to build if they don't
23 want to. If they decide they want to build, the
24 availability is there. We will pay for half of it
25 and they, hopefully, will pay for the other half.

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2 COUNCIL MEMBER JACKSON: Have you
3 put a cost factor on what you are willing to pay
4 for it right now?

5 MR. BARNETT: We're prepared to pay
6 for the 75,000 square foot corn shell and we think
7 that that's probably about a \$45 million or so
8 number so it's a substantial cost to us. Plus, as
9 I say, just structurally having it in the same
10 building. A school has special requirements, is
11 going to add to the overall cost of the project.

12 COUNCIL MEMBER JACKSON: So if in
13 fact you're willing to build out the corn shell or
14 half of it. You say it's going to cost about, I
15 think you said \$40 or \$45 million. So if in fact
16 the entire 150,000 feet and you're saying that
17 that is for approximately a 1,200 seater. Would
18 that be double the cost you're looking at or less
19 than that?

20 MR. BARNETT: It will certainly be
21 at least double the cost. On a direct basis,
22 maybe a little bit best because there's
23 efficiencies. But on an indirect basis, the cost
24 of the structure of the overall building it
25 probably will be increased because there's that

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2 much more we have to deal with at the base
3 structurally. Working over a school is going to
4 be more costly to build the overall building. I
5 think our net basis will probably even be more
6 than the additional \$45 million.

7 That's something that we don't know
8 that the School Authority is going to build it
9 because even if the money were available for corn
10 shell. They'll say look, we don't see the need or
11 we can't--

12 COUNCIL MEMBER JACKSON:

13 [interposing] Hold on, I think they know there's a
14 need in District 3 now. Let me ask you a
15 question, how many residential units are you
16 looking at in this development overall?

17 MR. BARNETT: I think the permit is
18 for two and a half thousand, up to two and a half
19 thousand units.

20 COUNCIL MEMBER JACKSON: 2,500
21 units?

22 MR. BARNETT: Right. Probably,
23 based on the past developments that we've done
24 there have not been that many units built. It's--
25 I'm getting some updates on the cost of the

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2 school. They're saying \$55 actually for the corn
3 shell currently and if we go up to the larger
4 school it would actually go up to \$126 million so
5 over \$70 million more.

6 COUNCIL MEMBER JACKSON: This is
7 your people--

8 MR. BARNETT: [interposing] These
9 are the numbers that our construction people put
10 together.

11 COUNCIL MEMBER JACKSON: I know
12 that when people are looking--these are going to
13 be renter units or co-ops or condos?

14 MR. BARNETT: We think they'll be
15 both on the site.

16 COUNCIL MEMBER JACKSON: Okay.
17 Because when people are looking for homes for
18 their homes, whether it's rental or to purchase
19 and they're looking to raise a family, they want
20 to know what type of schools and how good are the
21 schools in the area. So if you don't have a
22 school that may hinder you filling out your
23 development. If you have an excellent school
24 there then that's going to be sort of the
25 incentive for people to purchase and/or rent,

1
2 knowing that their children will be in a school
3 that has all of the things that they need. That's
4 clearly a factor. You know that.

5 MR. BARNETT: You should like
6 you're negotiating now, Council Member.

7 COUNCIL MEMBER JACKSON: No, I'm
8 asking about whether or not you're aware of that.

9 MR. BARNETT: I'm joking. Of
10 course, you're absolutely right, you're absolutely
11 right.

12 COUNCIL MEMBER JACKSON: I think
13 the bottom line, my questions I wanted to ask
14 because I wanted to get specific updates since I
15 haven't talked to anyone specifically since I had
16 the briefing with Council Member and Community
17 Board 7. I do know the educational needs in
18 District 3 and overall in the City of New York as
19 the chair of the Education Committee. I'm hoping
20 that before whenever the deadline is that the
21 parties can reach a consensus, not only on this
22 particular matter but on all matters pending so we
23 can move forward with a project, hopefully, that
24 everyone will be happy with as far as the needs of
25 Community Board 7, the needs of your office and

1
2 the builders and the needs of people to have
3 employment in New York City.

4 One of the things that I represent
5 northern Manhattan, way north of Gale is people
6 talk about jobs. In order to survive and pay
7 their rent and feed their family and that's
8 extremely important. Then I wear another hat as
9 the co-chair of the New York City Council of
10 Black, Latino and Asian Caucus and MWBE is a huge
11 issue in the City of New York. I raise those
12 issues and I hope that you and the parties will
13 reach a consensus so that whenever the deadline is
14 that we can move forward and everyone can shake
15 hands and smile and move forward with building
16 this based on your needs and based on the needs of
17 Community Board 7 and all the other parties. And
18 I thank you.

19 MR. BARNETT: We thank you very
20 much and agree with that. If you're ever
21 interested in taking a tour of a building site,
22 we're happy to take you around.

23 COUNCIL MEMBER JACKSON: Thank you.
24 Thank you, Mr. Chair.

25 COUNCILPERSON WEPRIN: Thank you,

1
2 Mr. Jackson. Now I'm going to call on Council
3 Member Brewer.

4 COUNCIL MEMBER BREWER: Thank you
5 very much. I first want to thank Gary Barnett for
6 not putting his name or Extel's name on all his
7 buildings unlike the neighbor to the north. Yes,
8 I'm not naming. I also want to thank you because
9 you've shown up at a lot of the community meetings
10 and there are many developers who don't do that
11 and I appreciate that. I also obviously want to
12 thank you because you've always been an employer
13 of union members and I know that in private talks
14 and public talks, you've made that very clear. I
15 also want to thank Community Board 7 and the
16 borough president, both of whom turned down the
17 project so it's clear, unless certain conditions
18 are met. Those we're going to be talking about as
19 time goes on but I wanted to make those
20 introductory comments. I want to also thank the
21 Chair of this Committee and also of the Land Use
22 Committee.

23 Questions, in regarding public
24 access to space. I know we've had some
25 discussions from my colleagues. I wanted to have

1
2 more specificity regarding the open space. How
3 much is planned? Is it 2.5 acres or more and how
4 much of that is really active space as opposed to
5 a sidewalk or a path around the building? Because
6 one of the issues, it's actually not a big space
7 even though it may seem like it when you look at
8 the photographs. Obviously, I'm very honest, I
9 want to move building four even though you don't
10 and we will have ongoing discussions.

11 But my question to you is how much
12 is actually open space and active? And what are
13 the changes that you've made specifically from
14 when you started the project to make it more open
15 under your understanding?

16 MR. BARNETT: So I'm going to let
17 Sydney speak to that directly. As you know, we've
18 had a lot of conversations with the community
19 board. We've made significant changes to date and
20 we're on ongoing discussions with them and ready
21 to entertain further changes.

22 MS. NIELSEN: It's 2.75 acres of
23 public open space that is--and I'm going to have
24 to ask the attorney to answer whether that is
25 inclusive or non inclusive sidewalks. It's

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exclusive of sidewalks and streets.

COUNCIL MEMBER BREWER: But how about paths around buildings where you can't really consider that a place where you could? In other words aren't there also paths around buildings or is it grass around the buildings? Is that a path?

Mv: Grass.

MR. BARNETT: That's grass.

COUNCIL MEMBER BREWER: So right up to the building line there's grass. There's nothing but grass. Okay. How about some of the other buildings? Go ahead.

MS. NIELSEN: There's nothing in here is considered as public open space because it's sidewalk. Sorry, it's hard to point and talk at the same time. We consider the paths that might abut a building. Can you point to the path on building?

COUNCIL MEMBER BREWER: What is that considered?

MS. NIELSEN: That is considered public open space. It is vehicular free. It will have seating alongside of it. It is the main

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route to the park and I consider walking and strolling to be a form of recreation so it is included.

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COUNCIL MEMBER BREWER: How about the water scrim? Where are we at in terms of the water issue? If I had my way I'd have a basketball court. I'm just being honest with you but that is active as opposed to passive and I'm more into the active. My question is thank you Albert--my question is there a basketball court? But in addition what's going on with the reflecting pool or fountain or scrim, what's with the water?

MS. NIELSEN: The plan you see before you is the plan that has been arrived at, at certification with the exception of the modifications that I went through earlier. We are continuing to have a dialogue with you staff and with members of Community Board 7 to modify that water feature and increase the amount of active recreation.

COUNCIL MEMBER BREWER: Okay, because that's what I'm trying to get at is that we would like as much active recreation as

1
2 possible. Obviously with Amsterdam Houses right
3 across the street and with neighbors growing
4 building and those who are in the neighborhood we
5 want to keep it as open as possible so what now
6 under the current scenario is the open space on
7 59th Street? How does one enter? How close to
8 grade is it, etc?

9 MS. NIELSEN: We actually have a
10 section that we might want to put up as well. It
11 is at grade. Everything that you see on the plan
12 behind me that has a dashed red line is at grade
13 with the sidewalk. Now, one of the concerns has
14 been how does one, what can one see from the
15 sidewalk. A big improvement I think to 59th
16 Street is that you can now see the tot lot as you
17 walk by.

18 So the entire grade has been
19 dropped down so that your eye sees it. It means
20 that when I said broad terraces before what I
21 meant is that you go up four steps, you enter a
22 place, you get to a ramp, you enter the playground
23 area. Then you can go up another four stairs or
24 not. The main thing is that people can now see
25 in. It draws you in; that's the key difference.

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2 COUNCIL MEMBER BREWER: And the tot
3 lot is something that is necessary even though
4 there is perhaps tot lots in Riverside Park
5 itself. That's something to be discussed. What
6 was your thinking behind the tot lot?

7 MS. NIELSEN: At this point it's
8 3,000 square feet of available active recreation
9 for children. If the age group is modified it can
10 be modified--

11 COUNCIL MEMBER BREWER:
12 [interposing] Can it be as old as Robert Jackson.

13 MS. NIELSEN: Absolutely.

14 COUNCIL MEMBER BREWER: Basketball,
15 that would make your residents very happy, I
16 think. I'm being a little facetious. The other
17 question I have is part of this and thinking about
18 the overall project. Straightening out Freedom
19 Place is something that the community has asked
20 for. Now, how do you think that water wouldn't
21 expand the 2.75 acres? Straightening would add to
22 the green, would straightening out Freedom Place
23 add to more green in the middle of the project?

24 MR. BARNETT: We'll let Steve.

25 COUNCIL MEMBER BREWER: Okay and

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cutting off some of the building would be part of that once we straighten it out.

MR. HILL: My name is Stephen Hill. As you're aware, building number four has undergone several different transitions.

COUNCIL MEMBER BREWER: I am aware of that. Puff would be the best.

MR. HILL: Since our original plan, the amount of open space to the east of building number four has been increased by a 50-foot dimension across the entire length of building number four, the north-south length. We have made some big contributions to increasing that open space there.

Freedom Place South, as I mentioned earlier, the geometry of the street came out of the geometry of the extension of that street to the north. The uses within building number five, that building as you know is a mixed use building where we have retail, we have a hotel facility and then we have units above. The demand of the hotel needs, what it needs to operate its ballroom facilities is what's locking us in on the current footprint of that building. In order to provide

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2 the ballroom facilities of a scale needed by the
3 hotel we find ourselves in that configuration.

4 COUNCIL MEMBER BREWER: So it's
5 mostly because of the hotel which may or may not
6 be market wise, sensible, as time goes on. We
7 just don't know. Go ahead.

8 MR. BARNETT: No, I think the hotel
9 is an important characteristic to, again, create a
10 neighborhood that people will want to have places
11 that people can stay over. It does create very
12 well paying, hotel worker union positions as well.
13 I think part of is the design of the space. If you
14 look at the architecture of the buildings designed
15 by Christian de Portsen Park. There are angles,
16 there are different geometric shapes. I think
17 that this adds something to the design, the
18 asymmetry. Straight is so boring.

19 COUNCIL MEMBER BREWER: I'm not
20 into boring but I do think that we want to have as
21 maximum amount of green space. That's what the
22 community has been asking and if there's other
23 ways of obtaining it, fine. But that is a real
24 request.

25 What would be the programming and

1
2 how would it be divided in terms of the green
3 space? Is that something that the City Planning
4 Commission restrictive dec decides or how does the
5 programming take place? That's a small point but
6 something to juts understand the process.

7 MR. SILVER: The programming, the
8 design and the use of this space is subject to the
9 restrictive declaration. The plan that you see
10 and the landscaping that you see actually down to
11 at some level the specific species of tree or
12 shrub is subject to control by the restrictive
13 declaration. Obviously any change in the
14 restrictive declaration, whether it was minor or
15 major by the way would be referred to the
16 Community Board, it would be a subject that would
17 be open to at least a three way if not a four or a
18 five way discussion.

19 COUNCIL MEMBER BREWER: That takes
20 place, and I should know this, post ULURP or
21 during ULURP. How does that take place? I'm not
22 familiar with that process.

23 MR. SILVER: We're obviously right
24 now, as you know, Council Member Brewer, meeting
25 with your staff and with the Community Board and

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2 in fact making adjustments to the plan, making
3 adjustments to the programming. Until the Council
4 acts there are a variety of things we can do and
5 we will continue to work to achieve a consensus in
6 that regard. After the Council acts and the
7 project is approved, goes forward, any changes
8 would be subject to the modification.

9 COUNCIL MEMBER BREWER: Even the
10 programming? Is that how it takes place? That's
11 why it's a little bit fuzzy.

12 MR. SILVER: If it doesn't change
13 the design I suppose you could do it without a
14 modification process.

15 COUNCIL MEMBER BREWER: The West
16 60th Street mapped and unmapped, can you specific
17 as to how the FAR changes based on whether it's
18 mapped and not mapped and what your plans are?

19 MR. SILVER: We don't have the
20 specific numbers, Council Member Brewer. We can
21 provide them to you.

22 COUNCIL MEMBER BREWER: For West
23 60th Street.

24 MR. SILVER: For West 60th Street.
25 The assumption is that West 60th Street would be

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2 mapped from West End Avenue to Riverside Boulevard
3 as a 60 foot wide street and that Freedom Place
4 South would not be mapped. Is that correct?

5 COUNCIL MEMBER BREWER: That's an
6 assumption. I just wanted to get some facts and
7 figures on.

8 MR. SILVER: Okay, we'll have to
9 present that.

10 [off mic]

11 [Crosstalk]

12 MR. SILVER: Just to be clear,
13 you're talking about if 60th Street were mapped
14 conventionally--

15 COUNCIL MEMBER BREWER:
16 [interposing] Conventionally and what are the
17 plans now it's not mapped. So how does that or if
18 not give you an advantage in terms of FAR. I'm
19 just trying to understand. I think I know the
20 answer but I'm just trying to get on the record.

21 MR. BARNETT: Our FAR right now is
22 only about eight and a half including everything
23 so the whole site is 350,000. So it's actually
24 very low as it is now. That would go up if you
25 map the street.

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COUNCIL MEMBER BREWER: I

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understand that.

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MR. BARNETT: It's still under the

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MR. SILVER: It's under 10. We

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believe it's about 9.9 but under 10.

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COUNCIL MEMBER BREWER: It's mapped

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now. I think that's what people are fine with.

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Parking, it's come up a lot. I'm one of three

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Council Members that does not have a car but I

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drive, the other two do not. I just want to be

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clear. What would be the transient use in

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whatever size parking lot we decide on? Sip Cars,

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Hertz, Avis, pick a car company, bicycles,

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motorcycles, something besides a car in there.

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MR. BARNETT: First of all we are

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going to have bicycle storage on the--

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COUNCIL MEMBER BREWER:

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[interposing] I think you have to by law.

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MR. BARNETT: It's something that

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we agreed to do with City Planning we don't know

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what the additional uses are there. We know that

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we are asking for the parking that it will be

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available for transient parking but we don't know-

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COUNCIL MEMBER BREWER:

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[interposing] When I say transit though, I mean

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Zip cars, shared cars, rental car.

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MR. BARNETT: It's all possible.

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We don't know; we haven't gotten that far.

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COUNCIL MEMBER BREWER: The other

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question I have about parking is the current

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parking. Because I know many people who have long

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term inexpensive and trucks. I assume that your

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garage will not be inexpensive and for trucks. So

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when we're comparing a little bit apples to oranges

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for my friends from the other boroughs who always

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drive everywhere that you need to have more

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expensive.

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[off mic]

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COUNCIL MEMBER BREWER: I

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understand that but you need to have--currently

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there are some trucks there. I don't think it

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would be able to handle trucks in your new parking

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and also people park there because it's

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inexpensive.

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MR. BARNETT: It would be expensive

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for trucks and inexpensive for everybody else.

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COUNCIL MEMBER BREWER: Oh, please.

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Please.

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[Laughter]

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COUNCIL MEMBER BREWER: Are you

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going to allow trucks in your garage? No.

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MR. BARNETT: I was joking.

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COUNCIL MEMBER BREWER: I know but

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I just want to be clear--

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MR. BARNETT: [interposing] Only

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the first part was a joke. The second part is

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accurate.

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COUNCIL MEMBER BREWER: I just want

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to be clear that when you say there are X number

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of cars there now, many of them long term and many

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of them trucks so they'll have to find other

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places either way.

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MR. BARNETT: I can't speak about

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the trucks but the long term parkers, if there is

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sufficient parking space at least some of them

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will be able to park in our garage. It will be

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less expensive than most of the garages and it

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certainly will not bid up the pricing of all the

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other garages in the neighborhood. That's what's

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going to happen. Most of these people will not

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just dump their cars.

COUNCIL MEMBER BREWER: Right but-- we will have many discussions about parking. Curb cuts, how many curb cuts. I know there's obviously a need for changes to the restrictive dec and zoning in terms of curb cuts. What are you proposing in terms of curb cuts, new curb cuts? Go ahead.

MR. SILVER: First of all, just to be as a technical matter. The connections between West 60th Street and West End Avenue and Freedom Place South and 61st and 59th Street are technically curb cuts because they're not mapped streets but in fact it will read, act, quack like a mapped street, walk like a mapped street whatever.

COUNCIL MEMBER BREWER: It's the same as Riverside Boulevard now. Looks like a street but owned like Extel, actually. Looks like a street to that, though.

MR. SILVER: Actually, Extel would--

MR. BARNETT: We're trying very hard to give it back.

1
2 MR. SILVER: --very much like to
3 give it back to the city, yeah.

4 COUNCIL MEMBER BREWER: I know you
5 are. So far you haven't been successful.

6 MR. SILVER: There is the
7 possibility of one other curb cut on 61st Street
8 if there is a need for additional loading
9 facilities for retail. It's located midway
10 between Riverside Boulevard and Freedom Place
11 South. There are four other curb cuts on West
12 59th Street, one serves as the entrance to the
13 garage and to the auto service center. One serves
14 as a driveway entrance to building number three.
15 One serves as the loading facilities for the hotel
16 and one serves as a garage entrance to building
17 number five.

18 COUNCIL MEMBER BREWER: Okay. I
19 think without being more specific here. That's a
20 lot of curb cuts. We're reminded that there are
21 some garages midtown that have one and then an
22 intricate pathway, roadway internally because
23 obviously the more curb cuts the more of a
24 streetscape issue there is and a feeling not of
25 neighborhood. I think we're all in agreement that

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2 we're trying to make 59th Street not a back
3 service entrance in general but a place that
4 people feel is a lovely entrance to the park and
5 certainly part of your project in its best form.
6 If there was some way of eliminating those curb
7 cuts to one, that would be preferable in having
8 the roadway underneath.

9 MR. HILL: Stephen Hill, while I
10 don't know it's possible to combine them all in
11 one, I think it's important to just reiterate that
12 Paul did mention that two of them have been
13 combined in building number three into a single
14 curb cut. And in building number five we have two
15 truck elevators that access seven loading bays
16 below grade so instead of lining up the required
17 number of loading bays along 59th Street that
18 service the hotel and having trucks backing into
19 regular loading docks, we have invested in truck
20 elevators that allow the trucks to pull in and
21 pull out so they're not backing across the
22 sidewalk. And it limits it to just two bays
23 instead of the seven that we have below grade.

24 COUNCIL MEMBER BREWER: Okay, four
25 is still a lot on 59th Street so to be discussed.

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2 On the housing issue you heard a lot of discussion
3 from some of my colleagues. My question would be
4 is it clear that the 20% is on site, just so we're
5 clear on that.

6 MR. BARNETT: I can see that. It's
7 not clear. The citywide affordable housing
8 program allows some on site, some off site. I
9 don't think the mix has been determined yet and we
10 have not figured that out yet either.

11 COUNCIL MEMBER BREWER: Okay
12 because we would like it to be on site and I just
13 want to make that clear, from the community's
14 perspective. Then obviously we are pushing for
15 30%, that's an ongoing discussion. Perhaps 10%
16 off site but we're very clear that we want the 20%
17 on site, just FYI.

18 The other question is the school.
19 I think that you have answered Council Member
20 Jackson very clearly and we will certainly do our
21 part to push with the School Construction
22 Authority for the 150,000 square feet. But my
23 other question is if in fact we have 75 built out
24 currently agreement from SCA, which is what I
25 understand. What would be the--how would we

1
2 maintain the balance of that space if in fact
3 there was a need that was coming in the future for
4 the balance of that space if we were able to get
5 that kind of commitment from SCA? Would there be
6 some other use that it could be used for while we
7 were working with SCA? Because I believe, as we
8 have found in the past, that SCA's figures are
9 often off. DOE's figures are often off. I know
10 that there's a great demand for a quality school,
11 which this will be.

12 MR. BARNETT: I don't know that we-
13 -we haven't looked into that possibility. It
14 would be who would pay for the extra 75,000 square
15 feet. Once the building is built, it's going to
16 be hard probably impossible to then add additional
17 square footage for a school in that building. I'm
18 not sure how we could go about kind of reserving
19 it unless SCA asks for it to begin with and was
20 ready to at least build out the corn shell.

21 COUNCIL MEMBER BREWER: Okay, so
22 that's more discussions. What is the status of
23 when some of these things will be built? Example
24 would be Riverside Park. Riverside Park has been
25 extremely well designed, I think you would agree

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2 in terms of your support, Mr. Trump's support.
3 What do you think, if anything, you would be
4 contributing to this active, open space? Because
5 the current plan we would obviously we're not
6 talking about having a television studio on the
7 parking lot. We're talking about having Riverside
8 Center with many new families and individuals and
9 visitors. So how are you thinking about your
10 support for activating this great open space into
11 the future?

12 MR. BARNETT: I think we agree with
13 you that the park which we have built, a good
14 chunk of it, is very beautiful and very useful. A
15 couple of the buildings that we're now putting
16 into Riverside Center will contribute additional
17 funds to the park. The park has been designed.
18 It was supposed to be set aside funds to build it
19 and other than the two buildings that we currently
20 have, there's no plans to pay additional funds.
21 I'm not sure whether it's necessary or not. As
22 you know, we currently on our own dollar because
23 the park authority wasn't moving, paid to install
24 a softball field, a soccer field and a volleyball
25 field so that's--

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COUNCIL MEMBER BREWER:

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[interposing] Are they public? Are they open to

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the public?

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MR. BARNETT: --that's active

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space.

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COUNCIL MEMBER BREWER: Are they

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open to the public?

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MR. BARNETT: That land is

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currently owned by Extel and its partners so it's

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not automatically available to the public but we

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do have our gym operator is there to coordinate

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and schedule potential games from everyone in the

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neighborhood.

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COUNCIL MEMBER BREWER: Okay. So

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right now you don't think, even though there'll be

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many more people using the park that you need to

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put any dollars into the contribution of a park

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fund. Is that your position?

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MR. BARNETT: As I said, on

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Riverside Center we'll be contributing some amount

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of money based on a couple of the buildings but

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for the rest it's an additional potential expense

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and it has to go into the whole mix, which...

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COUNCIL MEMBER BREWER: Okay.

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2 Retail, as you know I make many compliments about
3 the Bell Nord [phonetic]. I don't like those big
4 box stores in the Bell Nord so how do we, what is
5 your thought for retail at this particular site?
6 I appreciate the fact that I was able to get rid
7 of Costco even though you love Costco. But I'm
8 glad that that's gone. So my question is what
9 kind of retail are you envisioning and what size
10 retail, etc. Obviously, I think we all agree the
11 more the better, it makes it more of a new city so
12 to speak, etc.

13 MR. BARNETT: Did I say auto
14 showroom?

15 COUNCIL MEMBER BREWER: You
16 mentioned auto showroom a couple of times earlier.

17 MR. BARNETT: but actually other
18 than that, as I said, we think that the whole
19 neighborhood really does need great neighborhood
20 retail, restaurants, cafes. We're putting in a
21 cinema and other neighborhood stores. We really
22 wanted to develop in that fashion because it's
23 going to be good for the project. It will be good
24 for the whole neighborhood.

25 COUNCIL MEMBER BREWER: So you

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don't have any specific amount of retail that you're suggesting in terms of square footage or size or so on?

MR. BARNETT: No, I think we do. I think it's very significant. It's not only along West End Avenue but it's interior along West 60th Street, along 61st Street so there's retail everywhere. I think the total is probably over what, 32,000 square feet on grade and then there's some more space above grade I believe. And that's without the auto showroom, I believe.

COUNCIL MEMBER BREWER: I think the auto showroom is an ongoing discussion and we're not going to negotiate right here. That's what I'd like to do. Within the theatre issue, would that movie theatre also be available for non-movie aspects. In other words, theatre, dance and so on, would that be a more flexible space?

MR. BARNETT: No, I don't know that we've planned it for dance, for example. But it's something we can look at as well.

COUNCIL MEMBER BREWER: Something that's more flexible so it's not just for movies is what my suggestion is. My other question is

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2 regarding back to the housing issue. If it's on
3 site, again I heard you state that it doesn't have
4 to be legally but I'm making it clear that we want
5 it on site. If it's rental or condo, how would
6 you envision it being allocated in terms of the
7 units? It's my understanding from City Planning
8 and from HPD that each building would have to have
9 20% if it's on site. In other words, it's not all
10 in one building. Each building would have to have
11 20% affordable so I'm wondering if that's your
12 understanding, same entrance, no separate
13 entrances and scattered throughout the building.
14 What are your thoughts on all of that?

15 MR. BARNETT: Well, we're certainly
16 not going to have separate entrances. For the
17 rest I think we're going to follow the general
18 affordable guidelines that the city has
19 established and that does call for it, that's why
20 we increased the full amount of the affordable
21 housing to half a million square feet and I think
22 that's what we're looking to establish. I'm not
23 certain why Council Member, in fact I'm wondering
24 why it's so important to have it on site as
25 opposed to off site. It still has to be in the

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same community.

COUNCIL MEMBER BREWER: We have no place left off site right now. We wanted a neighborhood that is mixed. We don't want an all high income neighborhood, that's why we want it on site.

MR. BARNETT: Okay.

COUNCIL MEMBER BREWER: Okay, so that's clear. My other question is just back to the programming and for the open space. I know this is a little bit redundant but would it be something that for the open space that you would also see active participation for other groups and tot lot. I was kind of kidding about Council Member Jackson and the basketball but what other kinds of programming are you thinking about for that space? Again, this seems quite small but it's important for neighborhood people to feel that everybody's welcome.

MS. NIELSEN: The way we've looked at the open space development of this project is to do a couple of things. One, look at what is within a quarter mile radius of the project are. Second is to look at what exists in Riverside

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2 South and then to figure out what can actually be
3 put in a site of this size, of this configuration
4 and what activities sort of maximize the number of
5 people per square footage of use.

6 We did not choose activities such
7 as basketball because you might be able to get ten
8 people using that at a time whereas in the same
9 square footage you could have more like 50 people
10 sitting and having a picnic or playing with kids.
11 So in New York City, where our square footage is
12 so limited, you really want to maximize it where
13 it can have the best effect. It's been a
14 balancing act. As I said, this is a place for
15 people of all ages. If there are some specific
16 recommendations for changes in program we are very
17 open to continuing discussion.

18 COUNCIL MEMBER BREWER: What is the
19 league certification that is planned? Is it
20 different for different buildings? Is it across
21 the board? How are you thinking about
22 sustainability?

23 MR. BARNETT: Well, as part of the
24 discussions with City Planning we've agreed on an
25 extensive list of specific energy conservation

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2 measures. For example, the buildings will be
3 designed to achieve at least a 10% reduction in
4 energy use besides that required by code. So
5 we're using Con Ed's steam, we've got bicycle
6 storage everywhere. We're trying to purchase
7 building construction materials that are local,
8 building commissioning to verify that the major
9 energy related systems are performing according to
10 specs and that will be done by an independent
11 third party.

12 We've got water conserving toilets
13 and faucets. We've got technical feasibility,
14 battery charging station for electric vehicles and
15 there's a bunch of other stuff going on. We have
16 a lot of stuff planned that will actually reduce
17 energy consumption and will contribute. As well,
18 we're spending an awful lot of money to get rid of
19 dirty generator and Con Ed and that will help
20 purify the air.

21 COUNCIL MEMBER BREWER: Is there a
22 league certification or is this something, the 10%
23 does that fit into and I lost track, the platinum,
24 the silver and so on or is that not relevant?

25 MR. BARNETT: We haven't actually

1
2 looked to measure it by leagues platinum or gold
3 or whatever but we have looked to attain real
4 energy saving and conservation measures.

5 COUNCIL MEMBER BREWER: I know that
6 I had met with Metro North. I think we were all
7 trying to put a railroad station in the
8 development. I understand that they're concerned
9 because the track under or the platform under this
10 particular location curves and they are not able
11 to put a station there. Have you had any further
12 discussions with them and on this topic?

13 MR. BARNETT: I'm going to let
14 someone else to talk to that but I know that we
15 would have liked to have the station there. I
16 think they're looking now at 57th Street, right,
17 to see if they can get a station in there, in West
18 End.

19 COUNCIL MEMBER BREWER: Okay
20 because we would all appreciate that tremendously.
21 I think for your residents it will also be
22 something that people want. I know that others
23 want to speak so I just want to conclude by
24 stating that we in the community are still looking
25 for more public access, light and air. Obviously

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2 moving building four is still a high priority. I
3 think we're clear that we would all want 150,000
4 square feet for a public school. We're looking to
5 make sure that we have maximum Riverside Park
6 space for a very large number of new residents. I
7 know we talked a little bit about the
8 sustainability, 30% affordable housing but
9 definitely 20% on site and I think it's an ongoing
10 discussion about the auto use and the parking.
11 And I thank you very much, Mr. Chair.

12 COUNCILPERSON WEPRIN: Thank you,
13 Gale. Jessica Lappin, who joined us a little
14 while ago, had a couple of quick questions.

15 COUNCIL MEMBER LAPPIN: Just one
16 because Council Member Brewer has been incredibly
17 comprehensive and thoughtful and has really taken
18 quite the leadership role on this project and has
19 asked most of the questions or all of the
20 questions that I would have with the exception of
21 one. I would just add how critical I think the
22 school is. I know you're willing to build it but
23 you're adding a village to this neighborhood and
24 we have to educate those children and there's no
25 room for them in any of the other schools in the

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neighborhood.

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My question is about the construction schedule for the project because something I've heard from residents in the neighborhood is there has been a lot of construction in this area over time. Some of them, while they understand that that's part of the reality, have been impacted severely by it, so particularly on West End between 58th and 60th. Can you speak to what your construction schedule will be and how you're going to minimize vis-à-vis weekend work, not working outside of the legally allotted hours, etc. How you're going to take the residents who are already living there into consideration as you build this big project.

MR. BARNETT: I think we certainly will consider that and be careful about the hours. But I think the important thing for the whole neighborhood and the residents who live there is to get this site built as quickly as possible as opposed to having it drag out over many, many years. It's important to get the project going as opposed to having it sit the way it is. We've discussed several things here today that we think

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2 can be very helpful towards getting that done such
3 as approval for an auto showroom and some
4 additional parking. That will generate the
5 income, hopefully, to go ahead and build the base
6 and get everything started to go. Assuming that
7 we could get that done we would hope to begin
8 construction as soon as we have plans and DD and
9 of course financing in place.

10 COUNCIL MEMBER LAPPIN: You're very
11 good at sticking to your talking points. I just
12 wanted to say that it's been my experience with
13 mega projects that sometimes the community does
14 want it done more quickly so they're willing to
15 tolerate weekend work and after hours work and
16 sometimes they aren't and they would rather have
17 the project take longer but have some quality of
18 life, particularly on the weekends if they're
19 suffering all week. I know we're not there yet
20 but I think it's very important that when you are
21 you sit down with the Council Member and sit down
22 with the community and really their quality of
23 life into consideration and into account and
24 particularly when it comes to weekend and after
25 hours work.

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MR. BARNETT: Thank you.

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COUNCILPERSON WEPRIN: Okay. Now, that's great. I'm glad this panel is over. What is your intentions about this model? Is it staying with us? Do you plan on leaving it here? Good, okay because I know there may be people that may want to reference it as they go along. All right ladies and gentlemen, thank you very much. We're now going to move on. I want to remind everybody how this is going to work.

I apologize for the late hour but it was very important that these questions were answered. I think even the people in opposition as well as support wanted to hear a lot of those answers. We're now going to call on panels. We're going to call on a panel to opposition. We're going to limit people to two minutes. They'll be questions, I'm sure so you'll have a chance to probably get to things you would have liked to have said in questions and answers. I know you had wanted to use the model in some way. You can sit at the table in the question portion there may be an opportunity to swing the mic around and point a little closer if that works,

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So I'm going to call Mel Weinmore, who is Chair of Community Board 7, Ethel Scheffer and then neighbors Ivy Cohen and Mark Diller.

There's a panel of four. We will then after this have a panel against I know from the Buildings Trades and we'll get to them later. In favor, sorry, in favor next. Jerry, we're limiting them to two minutes so if you guys can in your mind try to limit your remarks. [off mic] bell, you can lead whenever you're ready.

MEL WEINMORE: Good morning, thank you for the opportunity to speak. My name is Mel Weinmore. I'm Chair of Community Board 7 and it's been my honor not only to speak on behalf of the 50 hard working members of Community Board 7 but also on behalf of hundreds of people, stakeholders in our community as well as experts, consultants, architects, urban planners, who have weighed in on this project over the last two years culminating in our 50 page report, which I'd like to actually submit for the record. The Community Board 7's report and resolution on Riverside Center of July 2010 and now I will attempt to summarize this

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report in two minutes. Just kidding.

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The first thing I'd like to say is that Community Board 7 welcomes development at this site. We welcome the growth and the jobs and we are very reasonable in our recommendations to modify the plan such that it really works for the community. I'd like to note that the ask is very large. The developer is applying for a 30% increase in the density, which impacts light, air and open space and really a very substantial increase in use of this site which will take up our population up by a 3%.

The entire upper West Side population will grow by 3% as a result of this development. That includes a lot of hidden costs in terms of traffic and congestion, services, infrastructures and resources that are required to support those new residents. We want to take a really strong look at those so that we can balance this development against what the needs of the community are.

Also, the developer mentioned that this is the last undeveloped property on the upper West Side. That means we've seen an awful lot of

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2 development in the last 20 years and we've become
3 experts about what works and what doesn't work.
4 Two things are the key to this. What works are
5 developments that balance the interests of long
6 term needs and short term needs, private interests
7 and public interests as well as what is visionary
8 versus what is--

9 [Timer goes off]

10 COUNCILPERSON WEPRIN: Just one
11 second. Later on as we go forward we really want
12 to stick to the two minute rule. So while I'm
13 going to hold you to two minutes but I'm going to
14 ask you a question before I get to the other
15 panelists which is do you have anything you want
16 to add?

17 MR. WEINMORE: Thank you. The
18 second thing that's a key ingredient to a
19 successful development is integrating that
20 development with the neighborhood. This is
21 fundamental and it's the core to all of our
22 recommendations, the way in which this development
23 integrates to the fabric of the upper west side
24 such that the community really sees it as a part
25 of the community, not an exclusive enclave or a

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village within the village.

I want to really focus on three of our recommendations and after this we also want to specifically address some of the issues that were brought up by the developer in terms of parking and the dealership on West End Avenue because we feel those are part of our recommendations that the City Planning Commission upheld and we want to talk about those. After, we'll bring those up more specifically.

But I want to focus on three big issues. The first is the open space and its relationship to density on this site. If you look at the model you can see that this is a very big site. It overwhelms the rest of the community, it dwarfs even the high rise buildings that neighbor it and that is important to note. The EIS notes also that there's an impact of almost an acre of active recreation space lost as a result of this development. We want to make sure that we regain that open space and at the same time make this site a little more effective in terms of its scale and the way it relates to the rest of the neighborhood.

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2 Open space and density are
3 important and we've come up with a fairly creative
4 solution around building four. Building four is
5 the culprit of a lot of issues. It blocks some of
6 the open space. It produces a lot of shadows on
7 to the open space. It is what kind of blocks the
8 public from accessing the open space along that
9 very essential 59th Street corridor. Anything
10 that we can do to modify building four, move it,
11 remove it, would be an advantage and a benefit to
12 this site.

13 The second issue that I'd like to
14 emphasize is that of the school. Once again, the
15 school is designed only to serve the people within
16 the community itself, within the new village of
17 the upper west side. It has two impacts. One is
18 that the school by serving only its own residents,
19 doesn't integrate with the rest of the community.
20 It keeps it as a private enclave. Two, it doesn't
21 address dire needs within the upper west side
22 regarding overcrowding, especially in the schools
23 that surround this particular site. We need more
24 school space and we need a lot more than 75,000
25 square feet.

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2 I would also ask that you support a
3 phased trigger that allows the SCA to say yes to
4 the second 75,000 square feet any time within the
5 period of the development so that they can take
6 the 75,000, which is currently already funded
7 right now with building one but then choose to
8 exercise the second 75,000 as far as eight years
9 later when there will be an increase in population
10 generated from this site.

11 Our third main and key issue that
12 I'd like you to focus on here is the Riverside
13 Park South. The best result that occurred from
14 the Riverside South development to the north of
15 this site was the advent of the Riverside South
16 Park, Park South. That was paid for by the Trump
17 Development and it continues to be maintained by
18 the development. This site was largely exempted
19 from supporting Riverside Park in terms of its
20 capital contributions and its maintenance
21 contributions because it was not a high dense
22 population building. It was meant to be a TV
23 studio, not new residential buildings.

24 While it may change the use we all
25 still have to recognize that the impact on that

1
2 park is very direct. We would like to extend that
3 agreement such that these new buildings who have
4 new populations coming in support directly one,
5 the completion of Riverside Park South and the
6 ongoing maintenance of it.

7 Pretty much the bottom line is we
8 want to mitigate those impacts, we welcome this
9 development and we want to balance and integrate
10 it with the upper west side. I very much
11 appreciate your time.

12 COUNCILPERSON WEPRIN: Thank you
13 very much. Thank you for answering my question.
14 I'm going to now, Ms. Scheffer I'm going to start
15 with you, two minutes. There'll be questions, I'm
16 sure, so you'll have chance to add other things
17 afterwards but we're going to hold you to two
18 minutes okay.

19 ETHEL SCHEFFER: Okay, thank you.

20 COUNCILPERSON WEPRIN: Thank you.

21 MS. SCHEFFER: Thank you very much
22 Mr. Chair. Three points. One is it's been said
23 that Community Board 7 has offered an alternative
24 plan. Not correct. Everything Community Board 7
25 has done is to make modifications to the existing

1
2 proposed plan that will make it more publicly
3 beneficial, better for the community and for the
4 city.

5 We do accept development on this
6 site and very much welcome it.

7 Secondly, on the density point, two
8 quick points; one is the burden of proof for an
9 increase in density rests with the applicant. The
10 base here Council Members is 2.4 million square
11 feet, which was approved in an inclusive extensive
12 public process and if there is a request that has
13 to be justified not by assertion alone but an
14 economic and planning terms. Here's what I would
15 like to show you and perhaps that Paul Silver did
16 not answer. If I may take this here and I'm going
17 to speak into the microphone, quickly. I'm going
18 to hold it up. Thank you.

19 For Council Member Garodnick and
20 Comrie and others, 60th Street right through here,
21 when this project was approved, if it was not
22 going to have a television studio and people
23 believe it would not, it was understood and
24 specify that all the streets would be publicly
25 mapped through, including West 60th Street. This

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2 developer has chosen not to map it and I'm taking
3 this from the borough president's disapproval
4 report, the approximate 480,000 that is
5 represented to buy this unmapped street, the fact
6 that it's a private street, goes to the developer,
7 to the developer's residential FAR. So he has
8 received that benefit by his choice not to map
9 that street. That's alone a question for
10 reduction density.

11 [Timer sounds]

12 COUNCILPERSON WEPRIN: Thank you
13 Ms. Scheffer.

14 MS. SCHEFFER: I have a point on
15 the parking if I may, sir. If you may ask a
16 question.

17 COUNCILPERSON WEPRIN: We'll get
18 back to it. It will come up in the questions so
19 you'll have a chance to answer that later on.

20 MS. SCHEFFER: Thank you.

21 COUNCILPERSON WEPRIN: Okay I guess
22 Mr. Diller is next.

23 MARK DILLER: Thank you. I'm Mark
24 Diller, the Chair of the Youth, Education and
25 Libraries Committee of Community Board 7. the

1
2 point that I wanted to stress here was with
3 respect to the school and the need to turn an
4 option into a certainty.

5 There was always intended and those
6 who have been involved in this site and this
7 project longer than I can speak eloquently about
8 the intention from the beginning that there be a
9 school in this site to meet the needs of the
10 development and the community. The developer has
11 proposed a 75,000 square foot corn shell with an
12 option of another 75. The option is the issue
13 that I want to address.

14 There are any number of parents who
15 I believe have signed up to speak who can tell you
16 chapter and verse about the impact of the
17 development to the north of this site and how it
18 has swamped the schools in our area. The EIS
19 itself reveals that even with the school that the
20 developer is proposing that in the immediate one
21 half mile area around the school, there would be
22 550 seats short in our elementary schools alone.
23 If you continue on up to what's called sub
24 district 1 of Community District 3 or south of
25 96th Street, it would be a loss of even greater.

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2 The deficit would be around 650 or 660 seats.

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4 What does that mean? It means that
5 you can't solve this problem by rezoning. You
6 can't solve this problem anyway but by adding new
7 seats. This was as was spoken of before. The one
8 and only chance we've got with undeveloped land in
9 our district to actually add new seats. The vice
10 of the option is that it is insusceptible of not
11 being exercised. We know this because in 2006 the
12 developer actually testified that they made the
13 offer on an option and it was turned down. Our
14 community can't afford to have our students
15 educated in hallways and so forth.

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What's more is it's bad policy;
it's bad educational policy not to provide space
for our children. It's bad urban planning policy
because it will lower property values. It will
diminish the ability of our community to sustain
itself, especially in a diverse community that we
hope it will be. Thank you very much for your
time.

[Timer sounds]

COUNCILPERSON WEPRIN: Well done.

MS. SCHEFFER: I can't see the

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clock so I have an unfair disadvantage.

COUNCILPERSON WEPRIN: You'll hear it.

MS. SCHEFFER: Thank you.

COUNCILPERSON WEPRIN: Ms. Cohen, thank you.

IVY COHEN: Thank you.

COUNCILPERSON WEPRIN: State your name again.

MS. COHEN: My name is Ivy Cohen. I'm a resident at 10 West End Avenue. Thank you very much for having us join you today. I'm here with many residents from 10 West End Avenue and from the community who are very concerned about the project. Three years ago we invested our hard earned money to move into a brand new building and have dealt with construction of four properties including now the John Jay building right behind us and had many sleepless nights. I've been awoken before 7:00 in the morning on any of seven days of the week so it's been a chore.

We do have a few specific things I'd like to comment in response to some of the developer's assertion earlier. First, I take you

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2 back to the original proposal of this project,
3 which was for 2.4 million square feet. I am
4 speaking in support of the Community Board's
5 recommendations and commentary on the project as
6 it's currently before you.

7 Rather than the developer's
8 assertion that we should look at this as all the
9 things they have given up because so many
10 reductions, as have heard about today. I'd rather
11 you look at what this proposal was originally
12 intended to encumber which was 2.4 million square
13 feet and look at so many increases in the density
14 and the resources that will be taken from the
15 community. 600,000 additional square feet; not
16 reductions, huge additions.

17 The developer raised the issue of
18 great public open space in the plan. And while I
19 do agree there's lovely looking community open
20 space for those who will reside in the four or
21 five towers on the property, I do not think there
22 is sufficient open space for it to be open space
23 for the community. So I encourage you to look at
24 the difference in open space for the residents of
25 those four or five buildings versus open spaces

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2 that has access to the community.

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[Timer sounds]

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As regarding the auto dealership, we oppose it. While those concerns are raised in the Community Board's proposal just to say, I don't know why someone thinks that anyone wants to have an additional auto dealership on West End Avenue. There are many and many of them are struggling now so...

...just replacing one auto dealership with a new one, just moving the location doesn't do it.

COUNCILPERSON WEPRIN: Thank you very much for sticking to the time. There's a number of questions so I'm sure you'll get to other topics as well. We'll start with Council Member Lappin.

COUNCIL MEMBER LAPPIN: Thank you, Mr. Chair. I wanted to start by saying that we have waiting lists for the public schools on the east side of Manhattan and it is outrageous, it's not fair. Parents have a right to send their kids to their locally zoned schools. Your schools can't accommodate the children that you already

1
2 have and you're going to add 400, I think are the
3 estimates I have heard with this development so
4 the school is really critical to me and to the
5 families in your area.

6 I wanted to ask for anybody on the
7 panel. There's been discussion when I met with
8 you about bringing the site to grade and the
9 developer made his presentation about that. Has
10 that changed since we met and are you happy with
11 those changes? Would you still like to see more?

12 MS. SCHEFFER: Yes, we have been
13 meeting with the developer. There have been
14 certain changes that have come closer to our
15 goals. The developer did bring 59th Street to
16 grade as City Planning had asked for it. There
17 are other places where that has occurred. We hope
18 that this will continue. We think they can do
19 more to improve the site. In fact, once they
20 begin working with us even they agree that it
21 might get better so we have hopes that it will be
22 better but we're not there yet.

23 COUNCIL MEMBER LAPPIN: I remember
24 59th Street was a big piece so it's a move in the
25 right direct.

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MR. WEINMORE: Absolutely.

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COUNCIL MEMBER LAPPIN: My related question is with retail, particularly on West End Avenue, what are your thoughts about the retail project.

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MR. WEINMORE: One of the reasons that the City Planning Commission took the auto dealership off of West End Avenue was because of the Community Board and the vast number of people in the community requested active retail which would activate the street life in West End Avenue and integrate this development with the other developments to the east and to the north.

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Since the City Planning Commission took it off, the Extel company has added a little retail to the north by moving some of the cafeteria spacing that was designated for the school on West End Avenue in building two to become retail. So the space from 60th to 61st along West End Avenue is now going to be retail as well as some extension we hope, will be all of the southern block will also be retail. There's been a lot of goals met along those lines. They're all in the conversation of dealership or no

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2 dealership, how does that work.

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COUNCIL MEMBER LAPPIN: Okay,

great. Well, you have been doing a great job. I was very impressed when I met with you. This is a Community Board and a community that has really come together and put forth very thoughtful responses and really, as you just said, you've moved this project. You're not there yet but you certainly moved it along and that's not easy to do.

MR. WEINMORE: Thank you very much.

Did you want to add to that?

MS. SCHEFFER: Only that we are

looking for retail that will serve the new residents and the surrounding community. We are not looking, as the Council Member Brewer said, we're not looking for Costcos and no one needs that in this particular area. We'd be very happy. This community is underserved for its residential needs and we'd be delighted to see that appropriate retail in this area to serve everyone.

COUNCIL MEMBER LAPPIN: We do want to integrate it into what already exists.

MS. SCHEFFER: Exactly so, Council

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Member.

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MS. COHEN: Not just coffee

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available from the coffee truck that's only there

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for the construction crews but coffee that's there

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for us year round and after the construction crew

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is gone.

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COUNCILPERSON WEPRIN: Okay. Mr.

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Comrie.

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COUNCIL MEMBER COMRIE: Well, I

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have one question but I just wanted to make a

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general comment of appreciation for the extensive

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work that you have done as a community board and

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everything that you've done to activate the

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community and to advocate your needs for the

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project. I was also impressed with the

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presentation and the time and effort that you put

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into articulating this. It makes me want to look

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at the entire process, actually, because the

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entire process of how the Community Board impacts

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a situation when there is a real opportunity for

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open discourse. I know that we strive here to do

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as much as possible to give both sides the

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opportunity to have their say here at the Council

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meetings. I'm just looking at and hopefully we

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2 can take your example to look at this entire
3 process.

4 One question that I had, you, the
5 young lady with the pearls on said that 61st
6 Street. I forgot your name.

7 MS. SCHEFFER: It's Ethel.

8 COUNCIL MEMBER COMRIE: Ethel, you
9 said 60th Street if it was not a TV studio
10 according to what agreement or what specifically
11 that 60th Street would be open all the way to the
12 west side.

13 MS. SCHEFFER: Council Member, the
14 original use approved was for a TV studio, which
15 of course was a great, big horizontal use and
16 didn't need the streets. Within the original
17 approval, and in the subsequent years, if that TV
18 studio was not to be, which clearly it wasn't, if
19 the rest of the site was to be residential, just
20 as Riverside South to the north of which this is
21 the last piece, the idea and the plan was to
22 maximize the mapping of the streets all the way
23 through and as much as possible continue the grid
24 from the east. 60th Street would be one of those
25 streets.

1
2 This developer has chosen not to
3 and I'm using the floor area quoted in the borough
4 president's report of disapproval who estimated
5 that by not mapping that street the developer has
6 gained 480,000 feet of floor area for residential
7 private use.

8 COUNCIL MEMBER COMRIE: Okay. But
9 isn't he also creating more usable space as well.
10 If the street was open wouldn't that have
11 diminished the amount of usable open space if the
12 street was all the way open?

13 MS. SCHEFFER: It also would have
14 maximized the circulation through the site and
15 shown the rest of the community and the city that
16 60th Street is a place to go through as a regular
17 public street. And on the sides of 60th Street
18 could be the open space as often does work in the
19 city. Lastly, you could get to the Riverside
20 South mapped public park by 60th Street, 61st
21 Street and 59th Street. The point is the
22 developer has got that FAR from not mapping the
23 street.

24 COUNCIL MEMBER COMRIE: Thank you.

25 COUNCILPERSON WEPRIN: Thank you.

1
2 Before I go to Ms. Brewer I just want to add my
3 voice to fact how civilized this has been both on
4 the Community Board's part and on the developer's
5 part. It's nice to see for a change. I also want
6 to keep to the building straights, people are
7 going to be testifying next. You may want to
8 approach the stage and start getting ready because
9 I don't know where you are. I'd like to turn to
10 Ms. Brewer.

11 COUNCIL MEMBER BREWER: I'm going
12 to ask Ethel Scheffer about parking.

13 MS. SCHEFFER: Open ended? Okay.
14 Council Member, the 1,800 cars requested by the
15 developer would make it the largest parking mall
16 in Manhattan ever requested for the present and
17 for the future. It goes against the realities of
18 how Manhattan works and how visitors and people
19 work, shop and the way the streets and roadways
20 work. We recommended 1,000 parking spaces. City
21 Planning reduced it to 1,260. Why did they reduce
22 it to 1,260?

23 First, the zoning resolution as of
24 right, Council Member, states that in Community
25 Board 7 new parking should be provided for 35% of

1
2 the new residents, that's as of right. That's
3 where this parking is going to be and we are in a
4 residential area. Secondly, the existing garages
5 in the neighborhood already have capacity. They
6 are about 80% or 90% of capacity but they could
7 take some of it.

8 Thirdly, the parking lot now, a
9 great number of them I can't remember but I'll
10 refer you to the City Planning, a good number of
11 the people parking there now park for monthly
12 storage. They come from all over the city. They
13 just go there because it's cheaper. When this
14 project occurs and is built the prices are going
15 to be much, much higher. It's been said that they
16 will find places elsewhere.

17 Lastly, in the estimates made by
18 how many residents will have cars, how many
19 visitors coming there, it's nowhere near 1,800.
20 We're not in a Costco situation, we're not in a
21 department store situation. We're looking for
22 enough cars to serve the residents and some of the
23 visitors. 1,800 is way, way above any of those
24 needs. We are not against cars. It just works
25 differently in Manhattan. I respectfully say that

1
2 as a native of Brooklyn and someone who has lived
3 in Queens with my parents so I very much respect
4 that. It's a little different in Manhattan.

5 COUNCILPERSON WEPRIN: We'll
6 stipulate that.

7 MR. WEINMORE: One small additional
8 point on the parking, some of the absorption that
9 was meant to take the place of the existing
10 parking already has occurred in some of the
11 developments that have been approved prior to this
12 development they just haven't been constructed
13 yet. In a sense, that Building K which is under
14 construction will take up 430 spaces which are
15 also assigned to this particular lot so it's in a
16 sense the replacement of the existing parking has
17 been double counted in some respects.

18 COUNCIL MEMBER BREWER: The other
19 question I have is the programming of the public
20 space and could you help us to understand the 2.75
21 acres, which was listed as what that space is by
22 the developer. Do you think that is all open
23 space and if not, what do you count it as?
24 Because it sounds like a lot but for 4,000 people,
25 residents, visitors, hotel; it's not that much.

1
2 I'm wondering if you could help the rest of us to
3 understand that 2.75 how it could be more
4 accessible, programming, etc.

5 MS. SCHEFFER: It's a privately
6 owned public space, that's its legal definition.
7 The architect has stated that this is a plaza and
8 in fact it is that. It's not like a park and it's
9 going to be programmed according to some of the
10 regulations of City Planning but it's a privately
11 owned public space.

12 As to the programming, a lot of it
13 has to do with restaurants and cafes, which many
14 people like and which are fine. Some of them are
15 elevated above the sidewalks so that it isn't all
16 programmed for the kinds of enjoyment that we
17 would like to see though we are glad that the
18 developer is working with us to improve it.

19 The big things I, Council Member,
20 is that the tot lot which the developers talked
21 about, has come at the last minute. We want the
22 space for children but we really do want an active
23 space and differently programmed space for
24 everybody. We want it for 12 year olds and yes we
25 want it for Council Member Jackson and maybe even

1
2 someone in my age group but we would like to be
3 able to see a place where the community can come
4 in and respectfully and in a diverse way, enjoy
5 it. This open space is not there yet. It can be
6 improved and should be.

7 MR. WEINMORE: One quick addition,
8 we've tried really hard to find the 2.75 measure
9 everyway we can on the maps that were given to us.
10 We can't come up with 2.75 acres. The most we've
11 managed to come up with, 1.9. If we did some
12 minor alterations to building four we could get to
13 that 2.5 of real, useful open space for many
14 different people.

15 COUNCIL MEMBER BREWER: For Mark
16 Diller, can you help us to understand the open
17 space available to the school currently and what
18 you think might be a better position.

19 MR. DILLER: I'd be delighted to.
20 The open space for active recreation for the
21 elementary and middle school consists of setbacks
22 at the fourth floor of building two. This has
23 been a strategy that's been employed successfully
24 in other buildings in the city system but it is
25 quite limited and it certainly limits the active

1
2 recreation available. When you think about
3 especially middle schoolers being confined to a
4 rooftop of a set back of a building and as my
5 sister likes to say, middle schoolers have all of
6 the hormones and half of the judgment, is not a
7 recipe for success.

8 I hate to make everything about the
9 school but one of the advantages of the program
10 that CB7 has put forward with respect to the open
11 space is that it opens up that open space right
12 near where the school is proposed to be located,
13 right in the center of the development rather than
14 having that building there or if it could be
15 reduced or moved, I leave that to the experts.

16 But the school aspect of it is that
17 if we could have active open space in that central
18 area that could be used by schoolchildren during
19 the day and then become active open space for the
20 rest of us at other times, it would be a win-win
21 and I think it would have the potential for being
22 a beautiful element of the project as well. Also,
23 achieve the overall goal that Mel addressed, which
24 is to make this truly a welcoming site for
25 everyone.

1
2 COUNCILPERSON WEPRIN: Anybody else
3 have a question? I want to thank you all very
4 much for testifying. We have a lot of people
5 ahead of us. The next group is going to be the
6 Buildings Trades and I was given assurances and
7 I'm going to be a little bit unorthodox here.
8 They're downstairs? Are they on their way up? I
9 promised them they'd be next. Now, they promised
10 me, they're listening, that I'm going to have more
11 than a panel's worth here but they're each going
12 to keep their remarks under a minute and alternate
13 on the microphone and we're going to make them
14 stand just so they keep to that minute.

15 Give me one second. I'm just
16 afraid the next panel might take much too long so
17 let me just see. [Pause] I was told they are
18 coming. If anyone wants to use the restroom, this
19 might be a good time. [Pause] I tell you what,
20 is Omar Cooper here? So Mr. Cooper, you
21 understand we're trying to keep these as short as
22 possible, right? All right, I'm going to call
23 them all up one at a time as they arrive. This is
24 Omar Cooper from 32BJ, correct? If you could get
25 on that microphone. You could start. We're going

1
2 to start let him talking and try to keep it short.
3 Push the button, give your name and your
4 statement.

5 OMAR COOPER: Hi, my name is Omar
6 Cooper. I'm currently working for Local 32BJ New
7 York City, largest private sector union in New
8 York City. It consists of office cleaners,
9 superintendents, doormen and many other aspects of
10 the union to help us keep New York running
11 smoothly.

12 I'm here today because we're giving
13 our support to the Riverside Development Center
14 because we believe that not only in these tough
15 economic times that it's going to create good
16 infrastructure for the community but also job
17 growth with 1,400 jobs, 100 of those being
18 building service jobs like mine. We believe its
19 in the best interests of all parties.

20 People concerned about views being
21 blocked and things of that nature. I live in the
22 upper west side, my daughter, I raise my family as
23 well. I believe that it's a no-brainer. You have
24 a school that's going to be built, you have
25 businesses that are possibly going to open up.

1
2 It's just going to create opportunities for
3 people. There are developments going around left
4 and right currently right now. The upper west
5 side, the last ten years I've seen so many
6 different things going up. I believe that it's
7 very good for people to be able to have the
8 opportunity to have a great paying job like mine.
9 I also work on the upper west side as well.

10 COUNCILPERSON WEPRIN: Thank you
11 very much Mr. Cooper. Sara, thank you. Now, Jim
12 Conway is not here? I saw him before. No one
13 else is on my list here, huh? On their way where?
14 Is that one of the union people I have? No, I
15 can't do that. Yes, from Local 3. Yes, go ahead
16 go right to the microphone and state your name and
17 let's hope they come up in the next couple of
18 minutes. Go ahead, try to keep it short, though.

19 RONALD BRYAN: My name is Ronald
20 Bryan. I'm a business representative for Local
21 Union 3 IBEW. I'm very happy to see that most of
22 us on all sides are for this project. It's very
23 important. Within my local itself we have quite a
24 bit of unemployment right now and it would be
25 great to see a project such as this start and get

1
2 going. I'm hoping that all sides could get
3 together.

4 One of the most important things
5 that we have now is the creation of jobs, I would
6 say and that's just not for this city but for this
7 country itself. So I'm hoping that with the
8 possibility of everyone getting together on the
9 parking and the diversity and all of the important
10 things that both sides bring up, I'm hoping that
11 we can work that out so that jobs could get going.
12 1,500 jobs in the construction area would be very
13 helpful for many of us to make the good money and
14 spend that money in New York City so I'm hoping
15 that everybody can get together. Thank you very
16 much.

17 COUNCILPERSON WEPRIN: Thank you
18 very much. We also received testimony from the
19 Mason Tenders District Council, Jason Delgotto.
20 The following members--Carol come here a sec.
21 [Pause] Okay, good. I'd like to call on Jack
22 Kittle from Painters Union District Council 9. I
23 wondered where you guys were, hanging out? Go
24 ahead, Jack Kittle, Jim Conway from the Operating
25 Engineers, Mike Kalpin is he here? Steve McGinnis

1
2 from the Carpenters and Paul Fernandez, I don't
3 know if he's here. We're going to have you each
4 speak. Limit your remarks to a minute if you can
5 and you can each speak. You don't have to get to
6 comfortable and Mr. Kittle, why don't you get
7 started?

8 JACK KITTLE: I don't even need a
9 full minute, thank you.

10 COUNCIL MEMBER LAPPIN: Just don't
11 say you're going to keep your remarks short.

12 MR. KITTLE: Is that a crack about
13 my height? My name is Jack Kittle, I represent
14 District Council 9 of the International Union of
15 Painters and Allied Trades. In the interest of
16 keeping it under a minute, I know that we all got
17 the same talking points and you have heard or will
18 hear the good, the bad, everything about the
19 project. I'm just here to say that District
20 Council 9 supports this project for no other
21 reason than we need the jobs.

22 Right now we're probably 30%
23 unemployed. Our one local, the drywall finishers
24 that depend on new construction are almost 50%
25 unemployed right now and it's 100% about the jobs.

1
2 We need them and we support this project 100%.

3 Thank you Mr., Chairman.

4 COUNCILPERSON WEPRIN: Thank you,
5 Mr. Kittle. Who wants to take the mic next? Mr.
6 Conway ran away. Next.

7 MIKE KALPIN: My name is Mike
8 Kalpin. I'm an organizer with the International
9 Union of Elevator Constructors, Local 1. Our
10 offices are located at 47-24 27th Street in Long
11 Island City. We're an organization that
12 represents more than 2,800 men and women that
13 install, modernize and maintain and repair
14 elevator and escalators throughout the New York
15 metropolitan area. We have hundreds of members
16 that reside within the five boroughs of New York
17 City.

18 As of yesterday, over 15% of our
19 membership was unemployed. I'm sure that many of
20 the other construction trades have a similar or
21 higher rate. This is well above the New York City
22 unemployment rate of 9.2%, well above the state
23 rate of 8.3% and a national rate of 9.6%. Our
24 industry has suffered deeply from this economic
25 crisis and our recovery is not as rapid as other

1
2 sectors of the economy. We need this project and
3 we need others like it.

4 We appreciate the amenities and
5 open space included in the project and hope that
6 our members and all of the families living in the
7 community district will enjoy this. Thank you
8 again for your time.

9 COUNCILPERSON WEPRIN: Thank you
10 for being brief. Paul.

11 PAUL FERNANDEZ: Good morning, Mr.
12 Chair, members of the sub-committee. My name is
13 Paul Fernandez. I'm here to speak on behalf of
14 the Building and Construction Trades Council of
15 New York. We're an organization that consists of
16 local affiliates of 15 national and international
17 unions,, representing 100,000 members in New York
18 City. I'm pleased to support the land use
19 applications for Riverside Center and ask that
20 this sub-committee, the Way and Use Committee of
21 the full Council support this as well. For
22 members of the Building Trades, major private
23 sector investments and job creation are
24 desperately needed to mitigate the effects of the
25 wavering recession and our industry and allow us

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2 to rebound them to recovery.

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As of last month nearly 16,000 construction jobs in New York City had been lost since the peak of industry employment two years ago. Recent national monthly construction unemployment figures have been the highest recorded since the Bureau of Labor Statistics began collecting such data in the 1970s.

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Riverside Center will create more than 8,000 full year construction jobs and 1,440 permanent jobs with an economic output of \$3.1 billion in New York City and \$3.6 billion statewide. The creation of union construction jobs is in fact the creation of jobs for members of New York City's middle class. 76% of those employed on construction projects in New York City are also residents of the five boroughs and these individuals increasingly represent the diversity of New York City. Last year, 64% of all new members of the unionized building and construction trades who reside in New York City were African American, Hispanic, Asian and other minorities.

24

25

When members of the building trades are working, they're strengthening the local

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2 communities that members of this sub-committee,
3 the Land Use Committee and the full Council
4 represent. When they're not working these
5 communities suffer, as you all know. We therefore
6 urge the sub-committee, the Land Use Committee and
7 the City Council to approve the Land Use actions
8 before it for Riverside Center to create good jobs
9 with good wages, health insurance and pension
10 benefits. Thank you.

11

COUNCILPERSON WEPRIN: Thank you,

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Mr. Fernandez. Mr. McGinnis.

13

STEVE MCGINNIS: Council Members,

14

my name is Steve McGinnis. I'm the Political

15

Director for the New York City District Council of

16

Carpenters. We're here in support of the

17

application for Riverside Center. I'm going to be

18

brief as well. Just to give you a little

19

anecdotal information about our organization,

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currently as of this morning 31% of our members

21

are out of work, 70% of those members do live

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within the five boroughs. So when you're taking

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into account community based needs, we hope you

24

take into the account the greater needs of the

25

greater community of New York City. We've worked

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2 hand in hand with Extel Development on a number of
3 projects including the project on 57th Street.

4 These are not living wage jobs,
5 these are middle class jobs and what we've seen
6 over the last three months unfortunately is a lot
7 of our members for the first time since I can
8 remember, we've seen a run on our annuity counts.
9 Not for the good loans to buy a loan or to send a
10 kid to college but to stave off foreclosure or to
11 pay their rent. That's the state we're in. Extel
12 Development has a long record in this city of
13 doing quality middle class construction work and
14 putting our guys to work and we are in support of
15 the application. Thank you.

16 COUNCILPERSON WEPRIN: Mr. Conway.

17 JAMES CONWAY: Thank you, Mr.
18 Chairman. I'm James Conway, I'm with the
19 International Union of Operating Engineers of
20 Local 14. First, I want to first thank all the
21 City Council Members here for their support of the
22 9-11 Zadroga Bill, a federal bill that will
23 provide health care for my members that worked
24 down at Ground Zero. Unfortunately today,
25 presently, many of our members are out of work.

1
2 They're running out of health care insurance and
3 they can not pay for some of the sicknesses that
4 they received down at Ground Zero. This project,
5 which we support will get them back working and
6 get them health care benefits that they need for
7 the illnesses that they're suffering down at
8 Ground Zero. Thank you.

9 COUNCILPERSON WEPRIN: Ms. Brewer
10 had a quick question.

11 COUNCIL MEMBER BREWER: I just want
12 to thank you all. We all want the jobs, we all
13 want building. I think this particular developer
14 understands the importance of union jobs. Along
15 the way if you want to help us increase the
16 affordable housing so some of your members would
17 also live there, that would be great. Thank you
18 very much.

19 COUNCILPERSON WEPRIN: Thank you.
20 I apologize for the rushed testimony. I want to
21 really thank this distinguished panel of labor
22 leaders and Mr. Kittle.

23 [Laughter]

24 For being here today. We really do
25 appreciate it and thank you. Okay, excuse me.

1
2 We're going to move on. Okay, just one
3 commercial. A number of people left me their
4 names do not wish to testify but wanted their
5 names read to the record. I'm going to do that.
6 These are in opposition. I know a lot of people
7 here, I know people have lives and jobs and
8 children so a lot of people may not be able to
9 stay. If you're unable to stay, I will call your
10 name and let them then know your position for the
11 record if you choose not to speak. Also, some of
12 you may feel like your comments have already been
13 made and don't need to speak. Not that I'm
14 encouraging that but it wouldn't hurt.

15 In opposition Tom Gibbons, David
16 Black no relation to Cathy and Andrew Kaplan all
17 testified in opposition. That was just a little
18 joke, I have no idea if he is actually unrelated.
19 Those people are not testifying but they are in
20 opposition. I will now call a panel in opposition
21 if they are here or I can find here, Michelle
22 Lipkin, good, Mr. Gotbaum, I think it is Noah
23 Gotbaum. Oh, so I'm on TV. I will ask Gale to
24 tell me who this is, Sharon Press and Amni
25 Nashone, Howard Yurell, don't take offense at

1
2 that. You're obviously much more artistic than I
3 am. We're going to limit these comments to two
4 minutes. Don't feel obligated to use your full
5 two minutes and I'm sure we will move on.

6 MICHELLE LIPKIN: Hi, my name is
7 Michelle Lipkin, I'm the president of the District
8 3 President's Council and I'm also the co-
9 president of PS 199's PTA. I'm here to talk
10 primarily about school space. Population growth
11 in the southern end of our district has been
12 staggering and the most obvious negative impact of
13 the Riverside South Development has been school
14 overcrowding. We have felt this acutely at PS
15 199, which is my children's school.

16 Since the year 2000, ten new
17 buildings have been built in
18 our zone. Last year 163 students at 199 were from
19 this development and that's 22% of our population.
20 In order to accommodate the growth we've seen, our
21 catchment has been rezoned and will most likely be
22 rezoned again this year. We've been forced to cap
23 our kindergarten at six classes and middle school
24 housed in our building was relocated to PS9, a
25 school who is now at risk of losing their GNT

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2 program because of the population growth that
3 keeps moving north in our district.

4 As president of the District 3
5 President's Council, my concerns are district
6 wide. Many schools in our district face the
7 stress of overcrowding. PS 87 had a wait list of
8 over 100 kindergarten students in the spring. If
9 schools can no longer accept all the children that
10 live in their zone then there's a crisis in our
11 public school system. Our district is fighting
12 over space, special programs, co-locations, zone
13 lines and all of these are caused by overcrowding,
14 which development continues to exacerbate.

15 It seems there would be a simple
16 formula in place for development that if you're
17 going to build a large high rise or ten in a
18 neighborhood that you need to take into
19 consideration the public schools in that
20 neighborhood and we can no longer sit back and
21 approve building after building and invite
22 families to move in and then tell them they need
23 to find somewhere else for their kids to go to
24 school.

25 Riverside Center is an obvious

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2 opportunity to do this right and I want to voice
3 my support for the school as described in CB7's
4 report and resolution. It's 150,000 square foot
5 school that serves K through 8.

6 COUNCILPERSON WEPRIN: Thank you,
7 Mr. Gotbaum.

8 NOAH GOTTBaum: Thank you. My name
9 is Noah Gotbaum and I'm the president of Community
10 Education Council 3, we were the elected body of
11 some 16,000 students and 20,000 parents in our
12 district, which stretches from Lincoln Center all
13 the way up to the west in Central Harlem. So you
14 don't think I have public school tunnel vision, I
15 have spent most of my working life in development
16 and in the real estate investment sector.

17 I'm here to say that District 3
18 faces a huge overcrowding crisis and it's most
19 acute on the upper west side on the southern
20 portion of our district. In District 3 in 2010 we
21 had two of the top ten most overcrowded zones in
22 the city and eight of the nine public schools that
23 we had below 97th Street are over capacity.

24 The epicenter of the problem is at
25 the old Riverside Center site, Riverside South and

1
2 it's focused on PS 199 and 87. This isn't a
3 coincidence. For years Extel and other developers
4 have marketed our schools as if they're an
5 amenity. From their own ads "the coveted PS 199
6 zone" "the coveted PS 87 zone" "close to wonderful
7 schools". Well, the amenity has worked. They
8 poured kids into our district, up and down.
9 Unfortunately they have taken responsibility for
10 not one new seat or investment in our schools.

11 As a result of that, we are
12 severely overcrowded. Now, they're at it again
13 with the DOE's help. That's our problem. You
14 can't say that the DOE has made a deal with them
15 right now that they only have to put up a 75,000
16 square foot school which only accommodates them.
17 Essentially what the DOE is doing is saying you
18 just take care of your kids in this new area and
19 by the way, we will pay half of it. That's the
20 deal that they've cut. It's not acceptable. We
21 need 150,000 square foot school. We need it paid
22 for by the developer. We need it first and we
23 support CB 7 on that. Thank you.

24 COUNCILPERSON WEPRIN: Thank you.

25 Who wants to go next?

1
2 HAROLD YURELL: Thank you, Mr.
3 Chairman. I'm Howard Yurell, the Historic
4 District Council board of directors. I'm speaking
5 my personal capacity this afternoon. First to
6 support the CB 7 and the reforms that the
7 Community Board wishes to bring to the plan as
8 supported by Council Member Brewer. And also to
9 bring to the record for future deliberation the
10 preservation of the great IRT powerhouse, which
11 sits just next to the site itself.

12 As we all know, it's one of the
13 great industrial unmarked landmarks and we're
14 hoping for a landmark by the Landmarks
15 Preservation Commission. But we do hope that in
16 the deliberations the site will not be lost to
17 this stupendous building, which was built of
18 course to support the IRT subway system more than
19 a century ago.

20 It's one of the great industrial
21 structures of the McKinney and White architecture
22 firm, which was the leading bozart [phonetic] firm
23 at the turn of the century. We see a structure
24 that has great historic resonance and also most
25 interesting possibilities for re-adaptive use in

1
2 the future. So we just want to make sure that the
3 great powerhouse is preserved and has new uses for
4 the 21st century that the community can enjoy as
5 the project itself comes to fruition. Thank you.

6 COUNCILPERSON WEPRIN: Thank you
7 very much. Mr. Nashone.

8 AMNI NASHONE: Thank you, Mr.
9 Chairman. My name is Amni Nashone. I'm a
10 resident at 10 West End Avenue and with your
11 permission I'd like to show the Council Members
12 where I live.

13 COUNCILPERSON WEPRIN: Okay. He
14 said in this incidence we're looking at a 34 story
15 building.

16 MR. NASHONE: In our little 34
17 story building that's dwarfed by what's proposed
18 around it, 85% of the residents haven't had three
19 consecutive good night's sleep in three and a half
20 years and I just wanted to mention that. I want
21 to thank Council Member Lappin for raising the
22 issue of construction scheduling and hours and
23 time. It does matter to those of us who have
24 invested and live in that community. I want to
25 thank Community Board 7 and its leadership for

1
2 doing a tremendous service to the community. I
3 want to particularly thank Council Member Brewer
4 for representing me as a taxpayer and voter and
5 doing such a remarkable job in presenting concerns
6 that are hers and concerns that I feel reflect
7 mine. Thank you very much.

8 COUNCILPERSON WEPRIN: She says
9 thank you. Ms. Lappin.

10 COUNCIL MEMBER LAPPIN: Thank you,
11 Mr. Chair. I just want it, and it's more of a
12 comment really. It's like déjà vu. We are facing
13 the exact same things in District 2, which I know
14 you know. But we did in my district add two new
15 elementary schools in the past two years by
16 reusing or leasing new space and we had a similar
17 school sited in the Solo Con Ed project. I have
18 an ECF, Education Construction Fund, project
19 happening on 57th and 2nd so we are making
20 progress and now we're looking to do the rezoning.
21 But it doesn't make sense to do a rezoning if you
22 aren't adding capacity. It's rearranging the
23 chairs on the Titanic; it's ridiculous. You need
24 this school so desperately. It really has to be
25 part of this project.

1
2 MR. GOTTBAUM: You did get two new
3 schools, new construction, new seats in district
4 2. We have gotten zero.

5 COUNCIL MEMBER LAPPIN: I know.

6 MR. GOTTBAUM: We've had to start a
7 new school but it takes up middle school seats.
8 Now they want to bring in Eva Maskowitz to take a
9 charter and take up even more seats so we're
10 going--

11 COUNCIL MEMBER LAPPIN:

12 [interposing] Don't get Council Member Brewer
13 started on that.

14 MR. GOTTBAUM: We're going in the
15 wrong direction. So we appreciate the support.

16 COUNCILPERSON WEPRIN: Please,
17 don't get Council Member Brewer started on that.

18 COUNCIL MEMBER BREWER: Question is
19 Riverside Park. Obviously when you have more
20 families you need more park space not just in the
21 middle of the development so I'm just wondering
22 from your experience, what kind of space do you
23 think you would also need in Riverside Park and do
24 you think that the developer should pay for that?

25 MS. LIPKIN: That was what I was

1

2 going to say after my two minutes was up. Thank
3 you. That I do, obviously, support the open space
4 that's more accessible for the schoolchildren
5 because if we're going to put a school there and I
6 think Mark Diller touched on it. We hope to have
7 K through 8, those kids range from four years old
8 to what, 13, 14 so we need a varied open space and
9 we need to prioritize that because we don't want
10 just rooftop playgrounds. We want kids to have
11 the advantages that should be afforded to them.

12 MR. GOTTBAUM: I would add that one
13 of the major victims, that's kind of the wrong
14 word, of the school changes that we've seen is
15 that we don't have--my kids have gym one day a
16 week, one hour a week for 40 minutes. The state
17 law mandates an hour a day. We simply don't have
18 the facilities, we don't have anywhere really on
19 the upper west side so to answer your question
20 Gale, it's not a wish it's an absolutely
21 necessity. You got to have space for these kids
22 to move around. What's happening now is we're
23 going the opposite way. We're squeezing our kids
24 and mortgaging that type of space.

25

COUNCIL MEMBER BREWER: For 10

1
2 West, what kind of retail do you think would make
3 sense for the community?

4 MR. NASHONE: right now as you know
5 Council Member, there is virtually no retail, no
6 community accessible services closer than Columbus
7 Circle. I think shops, frankly. I think
8 eateries. I think some very basic amenities like
9 delis and carry out places, stuff that converts a
10 set of buildings into a neighborhood into a
11 livable community for the thousands of people
12 already there and for the many thousands who are
13 going to come. But I think neighborhood scale
14 businesses rather than large department store
15 businesses, personally to me would be more
16 attractive.

17 COUNCIL MEMBER BREWER: Thank you.

18 COUNCILPERSON WEPRIN: Thank you.

19 Anybody else? Thank you all very much. Thank
20 you. I'm now going to call the following panel in
21 favor of the project, Paul Fisher from Community
22 Board 7, Sean Morrison, Slava Hazen, Susan Ordsman
23 and last name is Deen I can't read the first name
24 I'm sorry, CCDC Disc 3 member if you know who I am
25 talking about, last name D-E-E-N. If you all come

1
2 up please, again, we're going to limit you to two
3 minutes. Mr. Fisher is in opposition? Okay. The
4 box was checked favor so that's okay, no big deal
5 so let him to the opposition pile. Mr. Fisher you
6 have to wait now, where ever you are. I don't
7 know who we got in the end but if you could just
8 state your name and start when you--you can just
9 start. Go ahead.

10 SLAVA HAZEN: Good afternoon, my
11 name is Slava Hazen, I am the President of the
12 Avery Condominium, the first building built by
13 Extel along Riverside Boulevard. I'm here today
14 on behalf of the Avery and also the Rushmore, a
15 building also built by Extel to let you know that
16 the residents of our building overwhelmingly
17 support the development of Riverside Center. 124
18 of our residents signed a petition supporting the
19 project, which I have presented to the Committee.

20 Our residents want convenient
21 access to retail, restaurants and recreational
22 facilities, all of which are sorely lacking in our
23 growing neighborhood. They want the park along
24 Hudson River to be completed and they definitely
25 want a new elementary school because the residents

1
2 of our building were recently zoned out of PS 199,
3 which was over crowded to begin with.

4 I previously testified before
5 Community Board 7 and the New York City Planning
6 Commission. The Commission should be commended
7 for having the wisdom and the courage to
8 overwhelmingly support the project. They
9 recognize the distinct architectural value of the
10 world class design and the thousands of good
11 paying union jobs and permanent jobs and the
12 billions of dollars in future revenues for our
13 city.

14 That being said, the project has to
15 make financial sense for the sponsor. That's why
16 the City Council should restore the 540 partaking
17 space and the auto dealership on West End Avenue.
18 The parking spaces are needed to meet the expected
19 demand and the auto dealership and service center
20 is in keeping with other dealerships just to the
21 south on 11th Avenue.

22 Extel has the experience to know
23 how to undertake this enormous project. It will
24 replace a blighted undeveloped area with 21
25 century equivalent of Rockefeller Center and

1
2 Lincoln Center on the far west side. I have
3 worked with Extel for two years. I know its
4 commitment to excellent. Extel has a proven track
5 record of developing some of the best buildings of
6 the city. We are the constituents who will be
7 most impacted by this and we urge you to approve
8 this project. Thank you very much.

9 COUNCILPERSON WEPRIN: Thank you.

10 State your name, please.

11 SUSAN ORDSMAN: Susan Ordsman.

12 Good afternoon, I'm a long time 40 year resident
13 of the upper west side. I live on 88th and
14 Broadway. I've been an observer of all the
15 changes in the neighborhood and I believe that
16 change is inevitable and feel that most of the new
17 developments have been to our community's benefit.

18 I'm very excited about Extel's
19 plans for Riverside Center. It's a big
20 improvement over the original plans for this site.
21 The original plans called for a large monolithic
22 TV studio with office towers and two apartment
23 buildings. There would have been no open space
24 and no access to the waterfront park, which I
25 love. The density might have been less than the

1
2 current proposal however density is not the only
3 criteria for a site.

4 The Extel plan is vibrant and
5 exciting. It's a perfect bridge between Midtown
6 Manhattan and the upper west side. Its tall
7 buildings, beautifully designed by an award
8 winning architect, compliment midtown skyscrapers
9 to the south and the residential buildings to the
10 north. There is access to the waterfront and the
11 street that connects from north to south. The
12 landscaping is breathtaking, especially the open
13 view corridor with the fountains and water
14 feature. I especially like that 60th Street does
15 not run through the entire site. It creates more
16 peaceful space.

17 I'm a bit confused by some of the
18 criticism of the site as not being accessible to
19 the community. Community Board 7 worked very hard
20 to come up with their own plan for their site and
21 I appreciate their concerns but the elevation of
22 the site creates drama, not an obstacle to public
23 use.

24 Another major issue and probably
25 the one that's most important to the families that

1
2 are moving into Riverside South and will move into
3 Riverside Center and the adjoining neighborhoods
4 is the lack of school space. I hear from my
5 neighbors about the problems of District 3
6 overcrowding. The inclusion of the school...

7 [Timer sounds]

8 ...makes this project all the more
9 desirable. So I therefore believe that Extel
10 should build a school but should not be on the
11 hook for the bulk of the cost of the new school.

12 COUNCILPERSON WEPRIN: Great.

13 Thank you. Is Sabin Dansinger in the room? Mr.
14 Dansinger you can come right up real quickly.
15 This is in favor. The rest of the panels are
16 going to be in opposition to let's get this out of
17 the way as far as--

18 SABIN DANSINGER: Slava has already
19 spoken on my behalf. Thank you very much.

20 COUNCILPERSON WEPRIN: Thank you.

21 You get the prize for the best testimony, today.
22 That was Sabin Dansinger from the Rushmore. Any
23 questions from the panel? Any questions? Any
24 questions from Gale?

25 COUNCIL MEMBER BREWER: Yes, thank

1
2 you for your testimony. I'm interested in the
3 size of the school because I know that there are
4 some wonderful parents who are moving into the
5 community and many of them are going to 199 or
6 other schools. I think 128 to be exact. What
7 size school do you think you need? No, Susan's on
8 88th Street.

9 MR. ORDSMAN: I'm on 88th Street.
10 I only get the complaints.

11 MR. HAZEN: What I hear from my
12 residents, there are a couple of families who are
13 zoned out. I can only speak for my building; I
14 can't say whether it should be the 75,000 square
15 feet or 150 square feet. That's really up to the
16 developer and the Department of Education.

17 COUNCIL MEMBER BREWER: Okay.
18 Where do people park now? In other words do you
19 have parking? What do people do now with parking?

20 MR. HAZEN: We have a garage in my
21 building, which I think only has about 100 spaces
22 or so. In fact, this morning when I got out of my
23 garage it was full, full to capacity. I think we
24 definitely need more parking if we want people to
25 go to Riverside Center to shop, for the

1
2 restaurants, for the movie theaters. They need to
3 be able to park. Not everyone takes public
4 transportation.

5 COUNCIL MEMBER BREWER: I'm for
6 parking, it's just a question of how much. My
7 other question is we have a great Riverside Park.
8 I think you would agree with that. Do you think
9 that it should be expanded more? What are your
10 feelings about the use of Riverside Park South, in
11 particular? In other words, we need ball fields.
12 What would be sort of the next iteration of what a
13 park would look like for families?

14 MR. HAZEN: It has to be connected.
15 The park that is developing right across the
16 street from my building has to be integrated with
17 what's already in existence in the River and
18 what's going to be in Riverside Center. That's
19 what the residents of my building are looking for.
20 They're looking for an integrated neighborhood.
21 They're looking for a completed neighborhood,
22 complete with not only parks but also the shops
23 and the restaurants and everything that makes a
24 neighborhood a neighborhood.

25 COUNCIL MEMBER BREWER: We agree.

1
2 It's just a question of how we get it built and
3 the money, that's the problem. But thank you very
4 much. I agree with that.

5 Sla: In terms of the money, my
6 point that I made before CB7 and the Commission is
7 that there's only so much the developer can give
8 up in his project.

9 COUNCIL MEMBER BREWER: We have to
10 get it built so. Thank you very much.

11 MR. HAZEN: You're welcome. Thank
12 you.

13 COUNCILPERSON WEPRIN: Thank you.
14 Okay, thank you very much. We appreciate your
15 testimony. The following two people are in
16 opposition who are not here but wanted their names
17 read for the record, Theresa Pasarelli and Beth
18 Servitar, I think Servitar. Now, panel in
19 opposition, Paul Fisher, is he here? Okay, Paul
20 sorry for misnaming you before. Villarelli El
21 Pidio Villarelli, close enough? He's not here but
22 he's in opposition. Jennifer Freeman, is she here
23 Jennifer? Lee Whitely, just keep reading names,
24 Lee Whitely if Lee is here. This looks like
25 Whitaker, I can't read the first name, Craig

1
2 Whitaker. Sorry about that Mr. Whitaker. How
3 many we got? Let me add these two as well,
4 Botchti Lutin, Mary Catherine Williston, if she is
5 here. How many we got out of that group? Again,
6 I'm reading the names. I know people had to
7 leave. We understand but their names will be read
8 if they're not. Everyone find a seat if you can.

9 [Pause]

10 Okay, why don't you--you can get
11 started. Just give your name and make your
12 statement.

13 PAUL FISHER: My name is Paul
14 Fisher and I'm a member of one of the buildings
15 trades council local unions that want this project
16 to go ahead and we need the jobs and so on. At
17 the same time I'm a long time resident of the
18 upper west side. I'm a parent. I believe that
19 Extel should pay for 150,000 plus square foot
20 school built out and at the same time we want 30%
21 on site affordable housing. Thank you.

22 COUNCILPERSON WEPRIN: Thank you,
23 Mr. Fisher. Now I see where the confusion was
24 about favor or not favor. Yes, go ahead sir.
25 Thank you very much Mr. Fisher.

1
2 CRAIG WHITAKER: Mr. Chairman my
3 name is Craig Whitaker and I'm an architect and
4 designer and have been asked to work for the
5 Coalition For a Livable West Side. If you are a
6 developer doing a ski resort in Colorado or one of
7 the king's leagues working on the west end of
8 London, you begin with the amenities, you begin
9 with the park, the golf course or the ski resort.
10 It's something that not only adds value to the
11 project but is in this case mitigation.

12 It's what we did at Battery Park
13 City, for example. Central Park is an excellent
14 example of the park before the buildings. Here,
15 of course, the park is at the back end only after
16 ten years of construction. The reasons are very
17 simple. It sits on the roof of a three story
18 garage. It's going to have trees the size of this
19 room and trees in pots; it's not really a park.
20 If, in fact, 500 cars are being taken out you
21 could redo this by not excavating under the park
22 and having a real park.

23 The second thing I'd like to say.
24 Council Member Garodnick put his finger on it
25 which is that this is not really public park.

1
2 It's open space much like the open space at
3 Stuyvesant Town, Peter Cooper Village, Bernard
4 Baruche. It is surrounded by buildings and will
5 seem to be private. The tool here is to map the
6 streets to make it public. Public parks are
7 surrounded by streets.

8 COUNCILPERSON WEPRIN: Well done.

9 Ladies, either one.

10 MARY CATHERINE WILLISTON: My name
11 is Mary Catherine Williston.

12 COUNCILPERSON WEPRIN: Closer to
13 the mic please, Ms. Williston.

14 MS. WILLISTON: Can you hear me
15 now? Okay, sounds like the commercial. My name's
16 Mary Catherine Williston. I'm representing the
17 Coalition for a Livable West Side that since 1982
18 has been fighting to keep the west side a livable
19 place. In that regard we support the priorities
20 that have been set forth by the community and that
21 is regarding density to limit the size of the
22 development to the density in the 1992 Riverside
23 South restrictive declaration. That is to 2.4
24 million square feet.

25 Public schools, we need to address

1
2 the severe and worsening overcrowding in District
3 3 and the developer must build a 150,000 square
4 feet school, not just a shell in Riverside Center.
5 Open space, the developer must build a real public
6 park in the center of the project. Affordable
7 housing, the developer must build 30% permanent
8 affordable housing on site. Parking, there needs
9 to be further reduction of parking space. We need
10 to eliminate that auto showroom.

11 I'd like to read to you the
12 restrictive declaration for Riverside South. When
13 Trump submitted the application to the New York
14 City Department of Planning there was a binding
15 agreement, a 1982 restrictive declaration for the
16 old Pen South site from 59th to 72nd Street,
17 Hudson River to West End Avenue in place that
18 would run with the land for 99 years was
19 enforceable by adjoining land owners and contained
20 approximately \$100 million worth of amenities to
21 the public.

22 The restrictive declaration,
23 despite the fact that it is running for 99 years
24 with the land was thrown out and a new restrictive
25 declaration with more favorable terms for Trump

1
2 was enacted. For example, the \$32 million for the
3 72nd Street subway in the 1982 restrictive
4 declaration...

5 [Timer sounds]

6 ...tied to inflation was worth
7 \$49,262,530. Okay, thank you.

8 COUNCILPERSON WEPRIN: It was a big
9 number, it took a while. I know.

10 MS. WILLISTON: It did, I know.

11 COUNCILPERSON WEPRIN: Pass the
12 microphone.

13 BOTCHTI LUTIN: My name is Botchti
14 Lutin and I'm speaking on behalf of the Coalition
15 for a Livable West Side and my comments address
16 traffic in the proposed Riverside Center. I
17 created 15 packets so you can actually look at the
18 exhibits. I'm going to try to make it as brief as
19 possible.

20 During the scoping session our
21 traffic engineer suggested very strongly that the
22 HCM procedures that were used basically
23 underestimated congestion because their procedures
24 treated every intersection as if it were isolated
25 and unaffected by the operations of the adjacent

1
2 intersections. We had him and we foiled the auto
3 showroom study that was quoted in the Extel SEIS
4 and it was done in 1999 and it was greatly flawed
5 and it has nothing to do with the auto showroom on
6 this site. I really ask that you read Exhibit B
7 and Exhibit C.

8 The traffic consultant also did a
9 simulation and that is in Exhibit C. There was an
10 adequacy of traffic analysis approach. There was
11 a failure to meet Secra standards for mitigation
12 in the SEIS. There was a narrow analysis of
13 pedestrian impacts and there were questions on the
14 proposed auto showroom and service use, go back to
15 B. In Exhibit D that's the latest report from our
16 traffic engineer who went through the points again
17 and basically said none of the issues that we
18 pointed out in our early critique were addressed
19 in this final document. See Exhibit A. Thank
20 you.

21 COUNCILPERSON WEPRIN: Thank you.

22 MS. LUTIN: Also, Jesse has, Craig
23 had done this wonderful alternative plan on the
24 park and Jesse has them on CDs to give out. Oh,
25 Gale has them. Thank you. Oh, one last thing.

1
2 Thank you Council Member Brewer for your
3 leadership.

4 COUNCILPERSON WEPRIN: That was out
5 of order - no. Ms. Brewer did you have a question
6 or comment for anybody on the panel.

7 COUNCIL MEMBER BREWER: I have a
8 quick question for Craig, how do you see something
9 like the curb cuts? Is that something you feel
10 should be eliminated? Is that part of the
11 discussion? I know how you feel about the mapped
12 streets but what about the curb cuts.

13 MR. WHITAKER: Typically in New
14 York you cut a curb to provide a parking facility
15 not on the avenues but on the side streets and you
16 do it back about 100 feet. Now there's a tension,
17 you could have one curb cut and a large internal
18 circulation, which means it all has to be built at
19 one time. Or you can have more curb cuts, which
20 will also disperse the traffic. I tend to think
21 that more curb cuts because you're going to have a
22 fixed number of cars, is a better answer.

23 COUNCILPERSON WEPRIN: Great, thank
24 you all very much. We do have another quick panel
25 in favor. I don't know if there's anyone else in

1 favor. I have two names here, Andrew Hollowick I
2 think is behind the pillar here. Are you there
3 Andrew back there? Tricia Martin is in favor.
4 Anyone else in favor who is going to testify?

5
6 Fv: Mr. Chairman, they're in line
7 downstairs.

8 COUNCILPERSON WEPRIN: They are?
9 They need to fill out these forms. Did they fill
10 out these forms already?

11 [off mic]

12 COUNCILPERSON WEPRIN: Okay, all
13 right. We'll do these two, Ms. Martin. No? Ms.
14 Mallard you're in favor?

15 MS. MALLARD: No.

16 COUNCILPERSON WEPRIN: No, you're
17 in opposition. Okay, that's why.

18 [Pause]

19 We have a bit of a logistical
20 problem. If there's anyone here who has spoken
21 and feels they are willing to give up their seat
22 for other people who are going to be testifying,
23 possibly, probably in the same way you want to
24 testify. We do have a need for seats in this room
25 because the overflow room is about to be stolen

1
2 from us so that's a little hint if you can. All
3 right. Andrew, you want to start, I guess?

4 ANDREW HOLLOWICK: Sure. Good
5 afternoon members of the Committee. The New York
6 Building Congress, a membership organization
7 serving the design, construction and real estate
8 industry appreciates this opportunity to express
9 our support for Extel Development Company's
10 ambitious Riverside Center project.

11 Riverside Center completes a
12 redevelopment initiative that has transformed an
13 important segment of Manhattan's western edge into
14 a desirable destination creating significant
15 usable open space and contributing to the regional
16 economy. The project proposes a diverse
17 development program including both market rate and
18 substantial affordable units. I think you know
19 the program.

20 The project also creates, important
21 to the Building Congress, much needed construction
22 and permanent jobs and providing long term
23 economic return to the city estimated in the
24 billions of dollars. The Building Congress
25 believes this project is an appropriate book end

1
2 to a success story of urban renewal in an area
3 that was not long ago a derelict abandoned
4 neighborhood that severed access to our water
5 front. Today people come from across the city to
6 enjoy the park space provided by the developers of
7 Riverside South.

8 Riverside Center adds, as a
9 percentage of its overall program, more open space
10 and more affordable housing than earlier sections
11 of Riverside South. What's more, in response to
12 concerns from the community, Extel's already has
13 reduced the project's density and eliminated a big
14 box format retail store.

15 Government leaders must therefore
16 carefully weigh public and private interests when
17 considering how to shape a privately financed
18 project like this one during the approvals
19 process. I'll just leave it at that. I don't
20 want to sound too ominous but it is important that
21 we make those considerations and allow the city to
22 continue to encourage investment.

23 The Building Congress therefore
24 encourages the City Council to endorse this
25 impression extension of the Riverside South

1
2 project whose benefits extend far beyond its
3 footprint. Thank you.

4 COUNCILPERSON WEPRIN: Next please.

5 TRICIA MARTIN: Hi, Tricia Martin,
6 President of the New York Chapter of the American
7 Society of Landscape Architects. The following
8 comments are made on behalf of the New York
9 Chapter of the American Society of Landscape
10 Architects for the proposed Riverside...

11 [Timer sounds]

12 Is something wrong?

13 COUNCILPERSON WEPRIN: Excuse us.

14 MS. MARTIN: Okay, for the proposed
15 Riverside Center development project. We would
16 like to specifically note the following. The open
17 space design is a public space and is inviting to
18 everyone. The success of this site planning is
19 that the open spaces and amenities read as public
20 and for the larger community, not just for the
21 private residences. The streetscape between
22 Freedom Place South and West End Avenue is a
23 continuation of the public street, leading
24 neighborhoods, residents, visitors, tourists and
25 local residents directly into the heart of the

1

2

open space.

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The subtle elevation changes between 59th Street and the center of the open space also read and inviting and public. As such, the fountain, plaza, seating areas and landscape gardens do not read as private and inaccessible but open to everyone.

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10

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Two, the open space design offers a diverse program. One of the greatest trains of the Riverside Center is that it provides a variety of open space programs and experiences. There are paved plazas with water features, moveable chairs and tables. There are meadows, lawns and gardens providing park land areas for quiet and rest. We also support the addition of play structures within the development.

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The open space design is attractive. The planting design is both smart and beautiful. Evergreens anchor the west end of the development, mitigate wind and pollution from Riverside Boulevard and frame the Hudson River in the distance. Meadow plantings provide native habitat and a variety and interest to the plan. Trees are proposed throughout the site. Street

1
2 trees provide the necessary continuity to
3 reinforce the city grid while mitigating street
4 traffic solution. A glade of trees provide better
5 air quality for a plaza while also providing shade
6 for outdoor tables and chairs.

7 Four, the open space is
8 sustainable. There's a large amount of open space
9 given the project size. The open space includes
10 native plants and plant communities that require
11 minimum irrigation and maintenance. The various
12 plant areas along with the inclusion of other
13 observant landscapes in continuous trenches also
14 provide on site storm water detention.

15 In conclusion the New York City
16 chapter of American Society of Landscape
17 Architects supports the open space and
18 streetscape. While we do not request that this
19 development seek certification, lead or the
20 sustainable sites initiative, we strongly
21 recommend that as the design is developed every
22 effort to be made to integrate the environmentally
23 sound practices detailed in these rating systems.
24 We feel strongly that New York City...

25 [Timer sounds]

1
2 COUNCILPERSON WEPRIN: You can
3 finish.

4 MS. MARTIN: ...is ready to become
5 the greenest city in America if not the world.
6 Projects as large as Riverside Center have the
7 opportunity and responsibility to lead us towards
8 this goal.

9 COUNCILPERSON WEPRIN: Thank you
10 very much. Just one public service announcement.
11 Again, if anyone was in the other room and left
12 anything in there you should clear it out because
13 there's a finance committee hearing and those guys
14 are notorious for taking other people's
15 belongings. Ms. Brewer do you have any comments
16 for this panel? Thank you very much.

17 Next panel in opposition, again if
18 they're here. If you're not here I will read your
19 name anyway. Olive Freud. She's here? All
20 right. Joe Fuerdeliso, Rachel Lasserin, Mara
21 Gavios and Ann Weisberg. All right. We'll go
22 with this panel. Thank you and again try to limit
23 your remarks. Don't feel obligated to use the
24 whole two minutes. You may start as soon as you'd
25 like

1
2 OLIVE FREUD: Olive Freud,
3 Committee for the Environmentally Sound, its
4 development. In itself the 1992 agreement was far
5 too generous to the developer and resulted in much
6 taller buildings on the west edge of Manhattan
7 than those in the surrounding neighborhood. It
8 was bad design but the first ten buildings were
9 constructed under the terms of the 1992 agreement.
10 Had they foreseen that a developer 18 years later
11 would ask for an increase in density, I am sure
12 that they would never have signed that agreement.

13 I would like to add a few comments
14 to those that have already been made. A school
15 was originally planned for Riverside South. At
16 this point there's over crowding and the school is
17 needed now. There's no reason why we should be
18 going around waiting. Building J is mostly
19 completed but plenty empty. Building K is just
20 planned. They are going to be built before any of
21 the Riverside Center buildings come into play.
22 There's no reasons why a school shouldn't be in
23 there and it would be much more effective if it
24 were built on 62nd or 63rd Street and serving the
25 rest of the community.

1
2 The completion of Riverside
3 Boulevard, the street that was mandated because
4 there would be too much traffic on West End Avenue
5 should be one of the first things that are
6 completed. It goes no from 63rd to 72 and the one
7 from 59th, that little piece were added we would
8 take a lot of traffic off West End Avenue.

9 From the environmental point of
10 view, one that factors in global arming and its
11 human activity that's causing global warning; this
12 is the communal activity that's causing the global
13 warming; these horribly tall buildings and
14 density. Global warming and rising sea level we
15 must no longer encourage destruction...

16 [Timer sounds]

17 ...of excessively tall buildings in
18 low lying area. Further, residential buildings
19 should have windows that can be opened. That's
20 terrible what we're doing; we're making glass
21 walls. We don't have buildings that can heat or
22 cool or get fresh air.

23 COUNCILPERSON WEPRIN: I'm going to
24 have to cut you off. If you want to do one quick
25 sentence, go ahead.

1
2 MS. FREUD: But I didn't have two
3 minutes.

4 COUNCILPERSON WEPRIN: You didn't
5 have two minutes?

6 MS. FREUD: No, I didn't.

7 COUNCILPERSON WEPRIN: If you could
8 just finish up.

9 MS. FREUD: I'll try. There's also
10 the need to reduce the number of cars that enter
11 the city each day. Remember the mayor's
12 congestion pricing initiative. To reduce auto
13 traffic we need more mass transit facilities. The
14 Amtrak railroad that runs along the west side of
15 Manhattan is a unique opportunity to implement a
16 community facility. We should take advantage of
17 the last change to build a station on the line
18 between 61st and 59th Street as part of the
19 Riverside Project.

20 COUNCILPERSON WEPRIN: Okay, I'm
21 going to have to cut you off there. I'm sorry.
22 You can submit it to the record and otherwise it's
23 just not fair to the other people who I've been
24 cutting off. Sir, if you want to pick up from
25 there. Sorry about that.

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2 JOE FUERDELISO: Thank you, Mr.
3 Chairman. Mr. Chairman, members of the Committee,
4 thank you for the opportunity to testify today.
5 My name is Joe Fuerdeliso. I'm a member of the PS
6 199 PTA and the kindergarten parent.

7 I'm here today representing the PS
8 199 PTA. PS 199, as many folks know, is a
9 catchment school from many of the earlier
10 Riverside developments. Since 2000, ten new
11 buildings have been built in the PS 199 zone and
12 today 22% of our students come from these
13 buildings alone. In the last five years our
14 school's total enrollment has grown by 37% and our
15 kindergarten population has nearly doubled.

16 PS 199 is operating above capacity
17 and has had to institute a cap on kindergarten
18 enrollment and I'm a perfect example of that.
19 This past year PS 199 had a wait list that reached
20 nearly 70. My daughter was number 50 on that wait
21 list and I didn't receive an offer to PS 199 until
22 the Thursday before school began. That's an
23 unacceptable outcome and an anxiety that no family
24 should have to endure, Mr. Chairman.

25 PS 199 has paid a heavy price for

1
2 the failure of the city to mitigate the impact of
3 earlier Riverside phases. We're pleased that the
4 current proposal contains the shell of a 75,000
5 square foot building and a \$25 million commitment
6 from SCA to build the school. Having said that,
7 no one should leave here with the impression that
8 75,000 square feet is adequate to serve our
9 community's needs or that simply building a shell
10 is a fair share contribution by the developer.

11 The school as currently envisioned
12 is big enough only to serve the children created
13 by the development and to boot the developer isn't
14 even paying his fair share. The city is kicking
15 in \$25 million. The project is the last chance
16 for our community to have a new school built, one
17 that is desperately needed. It's appropriate that
18 that 150,000 school is appropriate for many
19 reasons, most importantly Mr. Chairman is that it
20 addresses the previously unmitigated impact of all
21 the prior Riverside developments. Moreover that
22 we just have such a huge need for a school in the
23 upper west side that this is an opportunity that
24 must be seized now.

25 We ask the City Council to support

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2 Council Member Brewer and make sure the larger
3 school is part of the final agreement. We firmly
4 believe that it's appropriate for the developer to
5 pay the overwhelming majority of the cost. Mr.
6 Chairman, I thank you for the opportunity to
7 testify today.

8 COUNCILPERSON WEPRIN: Thank you
9 and I hope you're not picking up today.

10 RACHEL LASSERIN: This is a good
11 follow along to that. My name is Rachel Lasserin
12 and I'm also a District 3 parent of a
13 kindergartener and a third grader and I'm co-
14 president of PS 87 Parents Association. Many
15 people today have talked about the overcrowding in
16 the district and have mentioned the situation at
17 PS 87 but just to re-emphasize. Our school had
18 the dubious distinction last year of having the
19 single largest wait list of kindergarteners with
20 over 111 kindergarteners on our wait list last
21 year.

22 In the last few years the number of
23 children living within our zone has doubled. Just
24 in four years. All of our neighborhood schools
25 are facing similar situations. Every one of the

1
2 schools is either at or over capacity. As you
3 know, to deal with the wait list at our school and
4 at 199 last year a new elementary school was
5 opened in the IS 44 building that caused negative
6 tremendous impact to middle schools and other
7 neighborhood schools. Yet with that the DOE did
8 not open, add any new seats or capacity to the
9 district. They only squeezed more kids into our
10 already over crowded buildings.

11 We fear it will only get worse with
12 the new development and the change in demographics
13 and the fact that people actually like to live in
14 our neighborhood and raise their kids there. As
15 Joe said, we have a rare opportunity right now
16 with this project to get a school that serves the
17 larger community and will help relieve the over
18 crowding in all of our schools.

19 A school that serves only
20 anticipated children generated from this part of
21 the project is simply not sufficient. It must be
22 large enough to accommodate the increasing
23 population on the entire upper west side. The
24 wait list of PS 87 and 199 of last year should
25 never happen again. We have the opportunity now

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to take advantage of this and get a school.

The full size school should not be an option. We know what happened with the last option and this should be, this is a necessity and it should be included now. So we ask that you do not approve this project unless there is a full commitment to build a large K through 8 public school in the first phase of the project.

COUNCILPERSON WEPRIN: Thank you.

ANN WEISBERG: My name is Ann Weisberg. I'm a resident at 10 West End Avenue and I chair our Building Board's Committee on Riverside Center. I agree that there is a lot of common ground here. I would say that two big pieces of common ground are that there's a change of use. Everybody agrees that that's okay. That change of use from a TV studio to a residential retail is enormously valuable to the developer. It's exponentially increases the value of this site to the developer and there's no reason to give him in addition 600,000 square feet.

So our position is very consistent with Community Board 7's, that the development be limited to 2.4 million square feet and to do that

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2 you have to remove building four. I had a thought
3 today. I have not cleared this with my board so
4 I'm just presenting this as a private citizen.
5 You take out building four and you build the
6 school there instead. So you build a free
7 standing school that's a lower level that has
8 access to the open space right behind it, that
9 doesn't make 59th Street feel like it's a service
10 corridor for high residential buildings. And that
11 would get you the school and eliminate building
12 four and the extra square footage that this
13 developer has not made any justification for.
14 Thank you.

15 COUNCILPERSON WEPRIN: Thank you.
16 Actually I had a quick question. Joe, I don't
17 know. You're not an expert on this but you maybe
18 think about it. Do people buy into these units or
19 renting these units? I'm not from around here,
20 I'm from the far east in Queens so I apologize for
21 the sound of this question. These are probably
22 going to be very expensive places.

23 I'm just curious, what percentage
24 do you think the people who live there will have
25 kids. You got to assume some of them will be not

1
2 sending their kids to public school anyway if they
3 have kids. I would have to assume a lot of them
4 are older and don't have those kids. I'm just
5 curious. I know you're not in a position--

6 MS. WEISBERG: I really would like
7 to answer that.

8 COUNCILPERSON WEPRIN: Go ahead.

9 MS. WEISBERG: Because I was in the
10 beginning of the negotiations in 1992 when we
11 asked for the schools. The developer said these
12 are rich people that are going to move in here,
13 they're not going to go to public school. They're
14 all going to private school.

15 COUNCILPERSON WEPRIN: I hope I
16 didn't sound like that.

17 MS. WEISBERG: But now we see that
18 that's not the way it is. They all want to go to
19 the public school.

20 COUNCILPERSON WEPRIN: I understand
21 199 in particular has got this great reputation so
22 I understand a lot of people do but I got to
23 assume a lot of them won't be, though.

24 MR. FUERDELISO: And you raise an
25 interesting point, Mr. Chairman. In the scope of

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2 my involvement as a prospective parent last year
3 trying to deal with the over crowding issue, we
4 found many folks who might otherwise utilize
5 private school as an option or if their child
6 tested into Anderson or one of the D3 GNT programs
7 might otherwise choose one of those as an option.
8 However, I think the excellence of 199, the
9 excellence of a school like 87 has made folks
10 reconsider that and that's made your locally zoned
11 school a much more attractive option. So at
12 least, I don't have any empirical data to back
13 that up but at least anecdotally Mr. Chairman I
14 can tell you that there is a much more of an
15 appetite, much more of an attractive option to
16 utilize one's locally zoned public school as a
17 result of that. I think that creates added
18 pressure on our respective catchments.

19 COUNCILPERSON WEPRIN: Very briefly
20 if you can.

21 COUNCIL MEMBER BREWER: Because
22 your building is new.

23 MS. FREUD: Right, 10 West End is a
24 new building. There's about 175 units. I don't
25 know exactly the number but there are many

1
2 families with young children in our building. I
3 would say it's at least half if not more of the
4 units are families with young children.

5 COUNCILPERSON WEPRIN: Well, that's
6 great.

7 MS. FREUD: As you heard Extel in
8 his advertising, advertises the public schools
9 because frankly there's no room in private schools
10 either in New York.

11 COUNCILPERSON WEPRIN: It's unusual
12 that a developer would have a school in their
13 building so I understand we want more but this is
14 a new phenomenon and I know we're having more and
15 more of it. If there is a school, the argument,
16 actually at least they're putting a school in as
17 opposed to most developments that come across our
18 desk here that don't even put schools in.

19 MR. FUERDELISO: There's no doubt,
20 Mr. Chairman. One final point, I would just say
21 you know the developers know, they have projected
22 this out, they know demographically who is going
23 to move into this thing. All they have to do is
24 look at how many studios they're proposing to
25 build and how many two and three bedrooms they're

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proposing to build. None of these towers are going to be full of studios.

COUNCILPERSON WEPRIN: That's true.

Did you know each other before today?

Kindergarteners know each other? Can you say play date? Thank you very much. Gale, you all right?

COUNCIL MEMBER BREWER: I just want

to add that at the fact that there's a Riverside Park, the fact that there are more strollers almost at any other place imaginable on Riverside Boulevard. I think that everybody was surprised at the Trump buildings which are some indication have as many children as they do. I remember last year just a 199 it was 128 just from the Trump buildings, not from the new building so that's only six buildings. The fact of the matter is that is going to spread like wild fire when you have a good school even more people are going to participate in the public schools.

COUNCILPERSON WEPRIN: Thank you

very much. We do have another panel in favor now.

I just want to remind everyone it's not quantity, it's quality. I have this fear that Brenda you're out front getting people off Broadway saying hey,

1
2 you want to testify in favor - no. So I would
3 like to call the following panel, Stephen Gannes,
4 Michael Slattery, Rick Bell, Ira Mofsowitz and Max
5 Yestin.

6 [Pause]

7 Brenda Levin too is going to come
8 up. Is that it? You're going to be the last
9 panel now for favor, right? Good. Come join us.
10 You can start sir.

11 IRA MOFSOWITZ: Chairs Weprin,
12 Comrie, members of the Committee. My name is Ira
13 Mofsowitz, again I appreciate the opportunity to
14 say a few words today. I've lived and worked in
15 New York City for over 20 years; it's an
16 incredible place to do so. Over which half that
17 time I lived on Riverside Boulevard. I live in
18 the Avery, the first building which Extel built
19 and I'm speaking on behalf of my friends and
20 neighbors in my community.

21 I've attended several CB7 meetings
22 and hearings and have been closely following the
23 new surrounding at the Riverside Center proposed
24 development. The Board originally wanted to have
25 the school located at 59th Street and Riverside

1
2 Boulevard. That did not seem the correct location
3 to me and I think if you ask a number of other
4 people, they would agree with that. I spoke out
5 at that meeting and to the Board's and Chairman's
6 Weinmore's credit, they abandoned that idea.

7 There's another issue. There's a
8 seriously large economic viability to a project
9 this scale. The auto service center/showroom will
10 add to the economic viability of this project and
11 provide good paying UA jobs. That's something that
12 we all would be happy to have right now for a lot
13 of people. But there will be no showroom and no
14 service center if the showroom can not be on West
15 End Avenue.

16 Everybody has spoken about the
17 school issue. I just brought it up. It's in my
18 notes. It's overcrowded. It's very stressed.
19 Extel is contributing the 75,000 and the 150,000
20 square foot shell in the proposed building in the
21 plan. It's crystal clear to me--excuse me.

22 Those of us who live along
23 Riverside Boulevard do not want the city's largest
24 parking lot to remain. We want amenities that
25 will come with this new development like that of

1
2 Battery Park City and other important projects in
3 Manhattan. We want neighborhood retail stores,
4 restaurants, hopefully a supermarket, outdoor
5 cafes, the movie cinema included in the plan the
6 new open space which is almost 2.5 acres. This...

7 [Timer sounds]

8 ...is in addition to the
9 developer's commitment to continue building out
10 and completing the beautiful amenity rich park
11 along the Hudson River.

12 COUNCILPERSON WEPRIN: I got to cut
13 you off. I'm sorry. You can also submit that up.
14 We get the idea, though. It was good. I
15 understand. Don't give me that face. Come on. Go
16 ahead, next.

17 MICHAEL SLATTERY: Michael
18 Slattery, Real Estate Board. We're here to
19 support the Riverside Center project.
20 Particularly during these troubled economic times,
21 it's important for the public sector to support
22 the efforts by private developers who are willing
23 to provide additional housing, employment
24 opportunities, tax revenues, parks and schools to
25 the city. This will benefit all New Yorkers.

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2 The proposed density for the
3 project of 8.5 over the whole site is very
4 reasonable given the location, the high density
5 character of much of the nearby areas. The
6 developer has an agreement with the Department of
7 Education School Construction Authority to provide
8 at its own expense the corn shell for a 75,000
9 square foot elementary middle school and to
10 continue at no cost to the SCA an additional
11 75,000 square feet of floor area for a total of
12 150,000 square feet.

13 The provision of school space meets
14 the number of school seats needed for the students
15 that the Riverside Center is projected to generate
16 and the project will not impact local schools. In
17 addition, the developer will make a major
18 improvement to the environment, both the
19 neighborhood and the city as a whole by funding
20 improvements to one of the generators at the Con
21 Edison 59th Street plant. These improvements will
22 reduce the pollution it emits by up to 80%.

23 Riverside Center will have enormous
24 impact on New York's economy, create \$3.6 billion
25 in economic activity in New York State, 8,100 jobs

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2 or employment on site, 1,400 jobs, 2,500 jobs in
3 the city and state overall and these jobs will
4 continue for the life of the project. Riverside
5 Center offers important benefits to the
6 neighborhood and the city.

7 But these benefits can be realized
8 only if the project is actually built. That will
9 not be easy today. Financing is difficult to find
10 and underwriting standards are very strict. At
11 the same time there are other less risky
12 investment competing for the capital that
13 Riverside Center needs to be developed. If more
14 burdens are added to the project by requiring the
15 developer to provide additional amenities or if
16 its floor area or range of permitted uses is
17 reduced, the project may never get built and these
18 benefits may never be received.

19 New York can only continue to
20 prosper in this increasingly competitive global
21 market if it welcomes opportunities for rational
22 growth and fine design such as Riverside Center.
23 I respectfully urge you to approve the application
24 before you.

25 COUNCILPERSON WEPRIN: You could do

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little auto ads.

RICK BELL: Rick Bell for the American Institute of Architects, New York Chapter. I'm here on behalf of the chapter and its nearly 5,000 members here in Manhattan to testify in support of the Riverside Center project. We urge this sub committee, Zoning and Franchises, to approve the applications before you to permit the project to proceed for these compelling reasons.

One, the site is currently almost entirely covered by a large parking lot. Continuing the residential character of West End Avenue would be a most beneficial use for the land. Two, the street grid will be extended to allow unimpeded access through the site as well as restoring sight lines to the waterfront. Third, the addition of 2.75 acres of landscape, publicly accessible space will benefit the entire community.

Fourth, the inclusion of well designed retail, animated, privately open landscape public space in this mixed use project makes sense. Fifth, the project will set aside

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2 housing units for affordable apartments, which are
3 urgently needed citywide. And finally this
4 development will provide the floor area and the
5 corn shell improvement to support the construction
6 of a much needed 75,000 square foot schools we've
7 been hearing.

8 In addition, we're pleased that the
9 project team heard our concerns at the City
10 Planning Commission hearing and revised the
11 treatment of West 59th Street to create a more
12 active corridor. West 59th Street is an important
13 westbound access point that will benefit from this
14 new treatment. The project will enhance the
15 connection between the open space and West 59th
16 Street by lowering the elevation and removing the
17 driveway between buildings, creating over 4,000
18 additional square feet of landscape open space and
19 reducing the drop off footprint of buildings three
20 and creating commercial and community space
21 fronting on West 59th Street.

22 In conclusion, we urge the
23 Committee to approve these applications for this
24 important and necessary project. And I cede the
25 rest of my time to Max.

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2 MAX YESTIN: My name is Max Yestin,
3 I'm a volunteer with Landmark West. I do support
4 the project in terms of it being a wonderful
5 stimulus to the economy. I'm just here to speak
6 personally about one particular detail, the
7 project's interaction with the neighboring IRT
8 powerhouse.

9 I agree with Council Member Brewer
10 about the reduction or elimination of building
11 four so that the powerhouse can play an active and
12 integral role in the new public space instead of
13 being sealed off from the space on 59th Street.
14 It would be optimal if the powerhouse itself were
15 landmarked and converted for contemporary use,
16 perhaps entertainment and retail in conjunction
17 with the Extel Development, which would only
18 contribute to revitalizing the far west side.

19 It is not as though the conversion
20 of a large industrial structure has to already
21 been successfully executed. The United Railways
22 and Electric Company power plant in Baltimore now
23 serves as a combination retail and entertainment
24 space including a Barnes & Noble, which as since
25 become the focal point for a vibrant, rejuvenated

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inter harbor in Baltimore.

The fact that the power house is essential character and beauty have not been compromised lends a deeper sense of urgency to protect and integrate this early 20th century shrine to industry, infrastructure, mass transit and pride in our urban centers. Thank you.

STEPHEN GANNES: My name is Steve Gannes. I come to you as an owner at 80 riverside Boulevard, an Extel building and speaking on behalf of myself, my wife and my two young boys, 2 1/2 and 4 1/2 who would be more eloquent than I.

We have an opportunity here to have a main street which would make this a complete contained neighborhood with retail and restaurants to go eat and a movie theatre and a school. I'm just afraid that if too many burdens are placed on Extel, I'm not crying for Extel but if too many are placed it's an economic decision. If they don't build it, I know as a real estate broker, which I am by trade and I've never done business other than buying the unit from Extel but I've worked for a lot of developers, that there are no other developers that I could think of in the city

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2 that could actually pull this off. I think if it
3 become over burdened with too many disparate
4 interests that Extel has an option not to build
5 it, will sell the land and it will be a vacant
6 parking lot for as long as I'm a resident on
7 Riverside Boulevard.

8 COUNCILPERSON WEPRIN: I'm
9 confident based on the dialogue we've had today
10 that will not be the case.

11 MR. GANNES: Okay.

12 BRENDA LEVIN: Good afternoon. My
13 name is Brenda Levin, thank you Mr. Chairman and
14 Councilwoman Brewer. Just to follow up what
15 Stephen Gannes just said, the parking lot
16 currently has 15, that's not a typo, 1-5 jobs so
17 thank you for your comment and thank you for your
18 indulgence.

19 In 1992 when this project was
20 originally approved, the mayor was David M.
21 Dinkins. He is currently supporting this project
22 and we are very proud to have that support. The
23 borough president was Ruth W. Messenger; she's
24 also supporting the project and we are proud to
25 have her support. Mark Shineburg who is the

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2 president of the Greater New York Automotive
3 Dealers Association, which is based in Queens and
4 has their training center in Queens. I know where
5 you represent and live. Is available to answer
6 questions about the auto showroom on West End
7 Avenue.

8 And finally, I have a letter to
9 submit from Local 259, the UAW, who would have the
10 jobs at the auto service center and they are in
11 strong support of the project. The letter is
12 addressed to you with a cc to the Councilwoman.
13 Thank you very much.

14 COUNCILPERSON WEPRIN: Thank you.
15 Ms. Brewer.

16 COUNCIL MEMBER BREWER: Rick, I
17 have a question. One of your colleagues in terms
18 of an architect though that 60th Street should be
19 mapped. What do you think about that?

20 MR. BELL: I think in a plan you
21 need to vote and such as this, the creation of
22 open space that belongs to the entire community
23 and is not interrupted by regular traffic can
24 yield benefits that a mapped street can not. I
25 wasn't here earlier because I was in another

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2 meeting so I didn't hear that testimony so I don't
3 know if there is some other context to the
4 comment.

5 The way we've reviewed the plan,
6 holistically looking at the landscape and the
7 architecture together and it makes sense the way
8 it is.

9 COUNCIL MEMBER BREWER: Okay. The
10 other thing is 2.75 acres publicly accessible open
11 space, I know that's what the developer states.
12 Have you measured it before Board 7 thinks it's a
13 lot less.

14 MR. BELL: I have not measured it
15 no.

16 COUNCIL MEMBER BREWER: Thank you.

17 MR. BELL: I take the floor plans
18 at the word. It looked visually to be about that
19 scale.

20 COUNCIL MEMBER BREWER: Okay, thank
21 you.

22 COUNCILPERSON WEPRIN: Thank you
23 all. Thank you. Next panel in opposition, Robert
24 Levy, Conrad, an attorney named Evelyn Conrad,
25 Joshua Erelict, Angeline Wong or Wang, Stephanie

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2 Goldblatt, I believe. Anyone who I mentioned
3 here, do we know if they're maybe in another room?
4 We're going to move on to the next one. We have
5 many people on the list so you're not all by
6 yourself, okay?

7 I actually have to do pick up so
8 I'm ready to go.

9 COUNCILPERSON WEPRIN: Okay, play
10 the mic thing. Leslie Friedland. You can leave
11 right after your testimony if you want. Leslie
12 Friedland, Russell Aronson, Beth Sperber and
13 Craig, another Craig, I'm having problems with
14 Craigs today. At 243 West 60th Street, I can't
15 read the last name. Why don't you start and if
16 you have to leave, you can just leave afterwards.

17 ANGELINE WONG: Angeline Wong,
18 longtime upper west side resident. I've lived
19 between 62nd and 79th Street for 13 years,
20 basically all of my adult life. PS 199 parent,
21 I'm an Exec board there as well. Three points I
22 want to make.

23 I'm concerned about the parking.
24 You were talking about changing the nature of the
25 parking lot from a long term people retrieve their

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2 cars maybe once every few months. I have lots of
3 friends who park their car there. I would very
4 much support Extel putting in a preferred parking
5 lanes for Zip Cars and Hertz Connect. I'm members
6 of both. I love driving, I just don't love owning
7 my car.

8 Second point, we need 150,000
9 square feet and we need it paid for by Extel or
10 the SCA. I don't want to have fingers pointed but
11 the ball was dropped from the earlier covenants
12 and restrictions dating back to 1992. That can
13 not happen again. The problem with building
14 75,000 square feet is it may not even be enough
15 with all these new buildings going up. There may
16 be wait lists. Just because you live in the
17 Rushmore today or Avery and you're going to be
18 zoned for new school. If you build it, they will
19 come. I can't give you the information, our
20 school directory, but I can tell you that we have
21 a substantial number of students from 160, 180,
22 200, 220 and 240 Riverside Boulevard. If you
23 build it they will come.

24 Third point, I love the IRT power
25 station. It's beautiful. My heart lifts when I

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2 see that building. It is so New York. We should
3 find a way to adaptively reuse that building. It
4 is absolutely beautiful and I encourage you to
5 take a little detour and just look at it. It is
6 so fantastic. What those architects could do 100
7 years ago. Thank you very much.

8 COUNCILPERSON WEPRIN: Go off to
9 school.

10 RUSSELL ARONSON: I'm Russell
11 Aronson. Thank you for hearing my testimony
12 today. I am on the West Side for 36 years now. I
13 have a 13 year old son who goes to the computer
14 school in which I am on the SLT and the Exec Board
15 of the PA.

16 You've heard this time and time
17 again this morning and you've heard of the outcry
18 for many weeks, months and years leading up to
19 this City's Council meeting this morning. I will
20 say this right here and now that the drastic need
21 and unarguable demand for a newly built elementary
22 school and middle school on the upper west side of
23 Manhattan is long overdue. The new school
24 building would not relieve a present day
25 overcrowding crisis and even more importantly it

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2 will prevent a certain disastrous scenario when
3 our present over crowding crisis matures and
4 incubates to an unmanaged student population in
5 the wake of all the recent new buildings that are
6 going up and still going up in the last ten years
7 on the upper west side.

8 The very hard fact of the matter is
9 that this new school building must, must be built
10 to a capacity of 150,000 square feet and with a
11 completed interior core of 150,000 square feet as
12 opposed to the developer's choice of building an
13 empty shell for the remaining 75,000 feet.

14 You have heard many voices saying
15 build it now, build it big. Allow me to add to
16 this morning's hearing by saying, do it once and
17 do it right. As a parent of an upper west side
18 child, I implore this City Council to insist upon
19 the new and proper size school building that the
20 community has been crying out for. Please, let's
21 get it right this time.

22 BETH SPERBER: I'm a little
23 nervous. It's on? It's on. I hear me.

24 COUNCILPERSON WEPRIN: Don't be
25 nervous.

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2 MS. SPERBER: I'm sorry. I'm very
3 nervous. I've rewritten this many times in the
4 last four and a half hours so I'm just going to
5 say what's in my heart and my head. When the
6 Trump buildings went up I think everybody thought
7 that it was going to be a lot of very, very rich
8 white people moving in, buying expensive
9 apartments and sending all their kids to private
10 schools.

11 COUNCILPERSON WEPRIN: I just need
12 your name for the record.

13 MS. SPERBER: Beth Sperber, hello.

14 COUNCILPERSON WEPRIN: You have the
15 extra time back.

16 MS. SPERBER: And that didn't
17 happen. The schools are overcrowded. Everybody
18 said it already. We need the 150,000 square foot
19 school and not just the shell but we need the
20 schools built and we need them teacher and kid
21 ready so that people move in they have a place to
22 send their kids. It's really awful enough to go
23 through the middle school and high school
24 application process. The fact that there might
25 not even be a place for you to send your

1
2 kindergartener or your third grader or whatever
3 age your kids are is really, really scary so I
4 rather not add stress to the upper west side.

5 Someone mentioned drama. We need
6 drama on the upper west side, I think in
7 describing the buildings. We need no more drama
8 on the upper west side. Then I have some views
9 that are not so popular, I think, regarding
10 parking and jobs. I don't think we need another
11 auto dealership. I don't know, maybe I'm wrong
12 but I don't think that would provide that many
13 jobs. The underground service space, personally
14 as an upper west sider and just a person who, we
15 closed our business in December so money is
16 tighter now. I'd rather have what everybody is
17 calling the big box stores. I know this is very
18 anti-a lot of people on the upper west side but I
19 would rather have a Target or a Costco or one of
20 those places, BJs Wholesale Club. Instead of a
21 service place underneath I'd rather have more
22 parking spots underneath so it's not visible. So
23 I could spend less money and get a lot of stuff
24 because I think a lot of the stores that are going
25 to come in are going to be very pricey. A lot of

1
2 the coffee shops are going to be Starbucks and
3 places like that that's going to cost me \$6 for a
4 cup of coffee.

5 [Timer sounds]

6 And I'd rather have a more
7 affordable retail store that will serve a hell of
8 a lot more people than an auto dealership. That's
9 what I have to say.

10 COUNCILPERSON WEPRIN: Thank you.
11 Maybe an auto dealership that gives out free
12 coffee, though. Who else?

13 LESLIE FRIEDLAND: Hello, my name
14 is Leslie Friedland and I'm an upper west side
15 resident. I have a child at the computer school
16 and a child at Beacon High School. I've lived on
17 the upper west side for over 20 years and have
18 seen many changes. One of the biggest changes is
19 the great influx of families. Instead of people
20 fleeing to the suburbs, families are staying. In
21 fact, the neighborhood has been flooded with
22 school age children.

23 I've seen many, many high rise
24 buildings go up, including the enormous Trump
25 complex without any real regard to educating the

1
2 children of our neighborhood. This abysmal trend
3 has to stop. Our community needs to serve its
4 residents. Both of my children attend public
5 schools. The elementary schools are over crowded
6 and the computer school had to turn away over 200
7 first choice middle school applicants last year.

8 The O'Shea school complex on West
9 77th currently houses five schools. You can
10 imagine the gym time children get - not much. And
11 the lunch schedule for many children eat their
12 lunch at 10:30 am. Now is a chance to stop the
13 madness. A core and a shell of a school is not
14 enough. We can not accept that. We need a full
15 school, a big school. We need, we implore you
16 please build it big, build it soon and with state
17 of the art facilities.

18 Also, build the project green.
19 Really there's only one other woman who spoke
20 about this. This is our opportunity for green
21 roofs, for solar panels on the school. It will
22 add space, add play space, it will bring down the
23 cost to the developers over the long run. It will
24 save our community. It will save this world. We
25 have to contribute to that. Building a green roof

1
2 in a new construction is a lot cheaper and easier
3 than adding it on to the old construction that
4 we're in the midst of doing now. Also, just build
5 it with windows that open and make it
6 environmentally friendly.

7 COUNCILPERSON WEPRIN: Thank you.

8 Gale, I got a question for you. So the whole
9 discussion about the school and who would build
10 the inside, the developer had said that they
11 weren't allowed to actually build the inside. Is
12 SCA willing to let them build it if they pay for
13 it or is that allowed?

14 COUNCIL MEMBER BREWER: This is my
15 discussion with SCA. SCA believes that there is a
16 need for 75,000 square feet. SCA at this point,
17 although I strongly disagree with them and their
18 numbers even Extel pointed out have been wrong in
19 the past, believes that we don't need 150,000
20 square feet. I don't agree with that and I think
21 we have to be very clear that once again, the
22 parents in this room are correct and that there
23 needs to be a larger school. I would say that SCA
24 is at fault in this situation. I think that we
25 need them to change their mind and to look at the

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2 real numbers.

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COUNCILPERSON WEPRIN: But can
Extel build the inside?

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COUNCIL MEMBER BREWER: Yes, Extel
and SCA have agreed how the 75,000 square feet
will be built between the two of them. That is
done. The question is who will continue to build
beyond the shell of the additional 75,000 square
feet when you have an SCA that is horribly wrong
in their analysis of the need on the west side.

COUNCILPERSON WEPRIN: Okay. Any
questions, you want to make comments or statements
for this panel.

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COUNCIL MEMBER BREWER: Thank you.

COUNCILPERSON WEPRIN: Thank you
very much. I know you would appreciate me asking
questions over the panel. Okay, next panel in
opposition. I apologize, I'm being a little
punchy here. Is it Tenny Young, Yang, I'm sorry
my eyesight is going, Mary Francis Shaunessy, I'll
redo that name if, Phyllis Gunther, Paul Willin, I
think it is, Willin, Willer, Ken Koglin. How many
customers do we have out of those five? I'm going
to add. We have at least four? They're coming

1
2 Phyllis. Okay. I apologize for butchering any
3 names. Okay. We're moving along. I thank you.
4 We have four of them now, we have a fourth. We
5 can go out of order. You can pass and we can come
6 back to you. Go ahead.

7 PHYLLIS GUNTHER: I'll get it over
8 with. Hi, I'm Phyllis Gunther, a member of
9 Community Board 7 and a resident in the area and
10 both my children went to public school. When PS
11 191 on 61st Street was paired with PS 199 on 70th
12 Street they went for the early grades at 191 and
13 the third through fifth at 199.

14 I'm hoping what it means to you was
15 that it was integrated. 191 serves mainly the
16 housing project and this school, which must be
17 built must be integrated. It can not be just for
18 the residents of Riverside South project. It
19 would be--well, first of all I think it should be
20 against the law that you have a public school that
21 is not for the whole community.

22 The other thing I did want to say
23 is I'm proud that--well, I support Community
24 Board's position. I want building four eliminated
25 and made into a public park. I'm very pleased

1
2 that they've lowered the height of the ground for
3 the project.

4 COUNCILPERSON WEPRIN: Thank you.

5 State your name.

6 MARY FRANCIS SHAUNESSY: My name is
7 Mary Francis Shaunessy. I am one of the founding
8 directors of the Riverside Park Fund and have been
9 the delegate to the Riverside South Planning
10 Corporation for the entire period. I have been
11 active in this, paying attention to this project
12 since the early 80s when I was co-chair of the
13 Parks Committee on Community Board 7 so I have a
14 long history with this.

15 I'm here as a parkee. I'm here to
16 support the Community Board's proposal that we
17 need more money to finish Riverside South Park.
18 One of the things that happened during the time
19 when we were developing the park. I remember Pier
20 I and the Trump organization came to us and said
21 we can't build the 750 feet. We don't have enough
22 money. We said no, we're not going to cut it
23 short. We're going to build it. We have built
24 something that's so extraordinary. I don't know
25 if you've ever been out there. It's like being in

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the middle of the ocean.

All I'm saying is we can't cut short the building of the rest of the park. We need more money and as far as I'm concerned the space in the middle of this development is not park; it's a plaza. The 5,000 people who live there are going to need park. The school children are going to need park so we need more money for park and we, of course, need more maintenance money for it. So that's what I'm here to support and I hope that the--I give tremendous praise to Community Board 7 and hope their discussions really bring more money for the park.

COUNCILPERSON WEPRIN: Thank you.

KEN KOGLIN: My name is Ken Koglin. I'm a member of Community Board 7. I'm on its Transportation and Parks and Environment Committees. I want to amplify something that our chair Mel Weinmore discussed in passing about the parking. City Planning calculated that 830 spaces would be enough to serve the new Riverside Center development and that 430 spaces are needed for people who park in the lots currently on site. This calculation overlooks the fact that in 1992

1
2 the developer was granted hundreds of parking
3 spaces on its site across the street as
4 replacements for anticipated parking loss at
5 Riverside Center.

6 For example, site K, which is
7 currently in design, will have 699 spaces for only
8 520 dwelling units. This leaves at least 465
9 parking spaces available for outside parkers. In
10 other words, the 430 replacement spaces that City
11 Planning says are needed will be provided on Site
12 K. Adding another 430 spaces on the Riverside
13 Center site double counts the replacement spaces.

14 After much investigation and
15 debate, our community board adopted a resolution
16 calling for no more than 1,000 spaces on the site.
17 If the extra spaces on site K are counted, as they
18 should be, Riverside Center's garage could be
19 limited to 830 spaces with no adverse impact on
20 parking availability in the area. Clearly our
21 Community Board's request for no more than 1,000
22 spaces is reasonable and in fact substantial.

23 It is also crucial that the final
24 number be 1,100 spaces or fewer because any figure
25 above that requires two levels of parking, which

1
2 our board strongly opposes. The city has set a
3 goal of reducing traffic in the center business
4 district and we all would like to see less traffic
5 in our neighborhoods. Limiting the supply of
6 parking is currently the only tool available...

7 [Timer sounds]

8 ...towards achieving that
9 objective.

10 PAUL WILLIN: My name is Paul
11 Willin. I'm an architect. And like Mary Francis,
12 I have a long history with Riverside South going
13 back 20 years to its early days. The driving
14 force behind Riverside South was the park. The
15 park was the first idea and then came the
16 buildings and then came the Riverside Boulevard
17 and so forth. Likewise, that spirit should be
18 continued in Riverside Center, which should be
19 seen as a continuation of the ideas of Riverside
20 South. That means to have viable and usable an
21 exciting public space.

22 Basically what I'm here to do is to
23 support the Community Board's proposals for
24 increasing the public space, particularly between
25 buildings three and five and that's where all the

1
2 attention has gone. That space can be increased
3 by the measures which Mel Weinmore described to
4 you, including the possible elimination of
5 building four, the relocation of building four or
6 the relocation of the Freedom Place. That could
7 be a much larger and more diverse public
8 recreation space, also serving the schools and
9 also as a forecourt for the Con Edison building.
10 It gives the...

11 [Timer Sounds]

12 ...Con Edison the potential to be
13 part of this entire project.

14 COUNCILPERSON WEPRIN: Thank you
15 very much.

16 COUNCIL MEMBER BREWER: Ms Brewer.
17 Mary Francis, given your vast knowledge of
18 Riverside Park in general, how much do you think
19 it would cost to improve the park in the area
20 where the new buildings are going to be situated
21 and what do you think should be placed there?

22 MS. SHAUNESSY: You weren't here
23 when I spoke and that's okay. But basically I
24 don't believe that the space in this area is
25 really ever going to be park. It's a plaza.

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COUNCIL MEMBER BREWER: I know.

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I'm talking about the actually park.

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[off mic]

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COUNCILPERSON WEPRIN: Thank you all very much. Thank you. Next panel in opposition, Roberta is it Semmer or something like that, Lisa Maller, Sara Desmond, Susan Crawford and Helen Rosenthall. I'm going to continue because I think at least one we know is not here. I'm also going

1
2 to add Daniel Guttman if he's here. Daniel?
3 Let's see, how many we got? And Daniel's here too
4 so that's four. Actually we only have two more
5 names here so I'm going to call them up now and
6 I'm sure they may be George Hikalis, Mark Darren.
7 Mark Darren here? George come on up. Sit in one
8 of those chairs over there. You may start
9 whenever you're ready and then. Mark Darren, are
10 you here Mark? Yeah, you can come up, too. Is
11 there anyone else here who didn't get called who
12 expected to be called. We're not going to take
13 any more slips. Brandy, you hear me? No more
14 slips.

15 [off mic]

16 COUNCILPERSON WEPRIN: I'm sorry we
17 have a big panel like this but the joy is that
18 this is the last one. Who wants to start?

19 ROBERTA SEMER: I'll start. Hi,
20 I'm Roberta Semer. I want to thank, I appreciate
21 the thoughtfulness of questioning of this panel.
22 I especially want to thank our Council Member,
23 Gale Brewer, who has been fabulous with this.

24 COUNCILPERSON WEPRIN: You're
25 popular, Gale.

1
2 COUNCIL MEMBER BREWER: I work
3 hard.

4 MS. SEMER: The City Council has a
5 wonderful opportunity now to really think about
6 how we look at the needs of the community. To
7 that, I reiterate that we need 150,000 square foot
8 school. We need it built first; we need it built
9 fully. Density, we need to eliminate building
10 four or at least modify it. We need viable public
11 space and parks.

12 We need active streets and we need
13 active streets that have mom and pop type stores
14 that have dry cleaners and have the little cafe
15 that we're going to support local business, we're
16 going to encourage. We're going to have a lot of
17 employees. We're going to have people who live
18 and work in the community so our streets are going
19 to be safe when our children walk to the school.
20 There's going to be a school that they can go in
21 that's going to know them. They're going to feel
22 safe there.

23 It's going to improve our
24 community. It's going to make people want to be
25 there. We need to improve public transportation

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2 because you can't get from Columbus Circle to 59th
3 Street easily. And we need affordable housing on
4 site. You can have a mapped street that doesn't
5 have cars on it. You can have a mapped street
6 that has pedestrians only. I just thought that
7 hadn't been brought up and I want to thank you all
8 very much.

9 COUNCILPERSON WEPRIN: Thank you.

10 LISA MALLER: I apologize. I have
11 a sick child at home so if I could leave right
12 after my remarks.

13 COUNCILPERSON WEPRIN: Yes ma'am.

14 MS. MALLER: Good afternoon, my
15 name is Lisa Maller and I have two school aged
16 children. My comments are solely about the
17 proposed school for now. I have lived on the
18 upper west side since 1986. In that time I have
19 seen a great deal of residential development,
20 mostly large apartment buildings. Yet in this
21 time frame while hundreds of apartments were added
22 to the neighborhood, no new public school
23 buildings have been built. Neighborhood schools
24 went from actively recruiting students from
25 outside their zone to diversify the schools to

1
2 having a lot of resistance to fairly allocate the
3 few out of zone seats available. To this past
4 year, as you've heard, having wait lists for their
5 too few seats to accommodate even the zoned
6 students.

7 It was a planning travesty in 2006
8 when the city declined the option to buy the land
9 at Riverside South to build a school. But the
10 lack of planning is not confined to just the
11 Riverside South development. Over the past two
12 decades numerous buildings up and down the west
13 side were built under the cloak of as of right
14 zoning, not requiring the building to undergo
15 ULURP, the land use review process.

16 Just because a building is being
17 built within the zoning for the area doesn't mean
18 it won't have a negative impact on the community.
19 For example, countless two story retail buildings
20 have been raised and replaced by 15 to 20 story
21 apartment buildings, many with three and four
22 bedroom apartments. As you heard earlier, the ads
23 for these buildings even boast that they are in
24 the PS 199 zone or the PS 87 zone or close to
25 wonderful public schools.

1
2 How can this be allowed? How can a
3 developer build a building and tout that school
4 aged children who move into the building can
5 attend neighborhood public schools that are at or
6 over capacity? How is it determined that hundreds
7 of family sized apartments could be built with no
8 impact to the community? It is time for this flaw
9 in the zoning regulation to be addressed.

10 Countless opportunities have been
11 missed over the past two decades to build a new
12 school on the upper west side. For years,
13 residents who lobbied for the construction of new
14 school buildings were told there was no available
15 land to build a new school yet somehow developers
16 were able to find those soft sites and tear down
17 two story neighborhood retail to build large
18 residential complexes. Why didn't the DOE and SCA
19 fund the same sites...

20 [Timer sounds]

21 ...to build--can I?

22 COUNCILPERSON WEPRIN: Finish up
23 quickly.

24 MS. MALLER: The Riverside Center
25 site is our last chance. We can not afford to

1
2 again pass up this golden opportunity to build a
3 new school for the district. The Council must be
4 steadfast in requiring the city to build 150,000
5 square foot school on this site. A 75,000 square
6 foot school will only accommodate the new
7 residents from the Riverside buildings but does
8 nothing to alleviate the overcrowding that already
9 exists in the district and will continue to be
10 exacerbated as new buildings come online in the
11 next few years.

12 Please do not pass up what may be
13 our last great opportunity to build a new school
14 on the upper west side. Please require the city
15 to partner with Extel to build a 150,000 square
16 foot school at the Riverside Center. Thank you.

17 COUNCILPERSON WEPRIN: Thank you
18 and we hope your child feels better.

19 MS. MALLER: Thank you.

20 SUSAN CRAWFORD: Hi, my name is
21 Susan Crawford and I am a District 3 parent with a
22 15 year old still in District 3 school. I just
23 want to connect some dots on what I heard this
24 morning. I was in the overflow room and--

25 COUNCILPERSON WEPRIN:

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2 [interposing] How was that?

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MS. CRAWFORD: It was fine but I couldn't quite tell who said the following. It was somebody from Extel. I think it was Mr. Barnett when asked didn't you realize when you built these buildings that you would need school seats for them. And he said the good news is that the families are moving in, the bad news is we don't want to have to pay for it, meaning their schools.

I would submit to you that in PlaNYC 30 there was no discussion of schools. They were intentionally told do not discuss schools. The administration seems to have an approach that says if we do not build it, they'll go away. The they, being middle class families when they have children who come of school age. I was one of those families in the mid 90s who did not go away. We are extremely annoying, apparently, to the over arching plan of development that we stick around and we want to use the public schools because we believe in public school.

I urge you. Gale told me last week

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2 at the PS 165 meeting in consternation that Eva
3 Moskowitz wanted to move in on it but she's now
4 moved elsewhere. That there's something in the
5 works called a Smart Development Bill. I just
6 urge the City Council to get it in place, pass it
7 and also to finish the revised blue book so that
8 at no time ever again can the DOE come in and take
9 out gyms, school yards, auditoriums, etc and turn
10 them into classrooms and jam pack kids like
11 sardines into schools. We need to build this one
12 big. Build it now. Have the SCA do it if Extel
13 won't. Isn't that their job? Thank you.

14 COUNCILPERSON WEPRIN: Thank you.

15 Yes, sir.

16 DANIEL GUTTMAN: My name is Daniel
17 Guttman. The main public benefit promised by
18 Riverside South is the 25 acre extension of
19 Riverside Park made possible by relocating the
20 West Side Highway underground. In 1991 the city,
21 the state and the developer all agreed that a new
22 relocated highway would be built concurrently with
23 the park and the buildings. Although the
24 developer is not really required to complete the
25 public amenities he proposes, in this case the

1
2 Council approved Riverside South without the
3 developer committing to pay for the highway
4 relocation because at that time the development
5 simply could not afford the added cost.

6 Today there are still no funding.
7 It is clear to me that to complete the park as
8 planned the main parties to the agreement, the
9 city, the state and the developer will all have to
10 contribute to funding the new highway. The ULURP
11 approval process is the only opportunity to
12 require the developer to contribute. If it is
13 left to the state, for example, to pay for the
14 highway on its own, I'm afraid that a new highway
15 will not be built for another 20 or 30 years.
16 Without the highway relocated the park will be
17 overshadowed for decades by an ugly elevated
18 structure and will be smaller than planned and
19 less usable.

20 The increase in density and the
21 change in use that you will be voting on will
22 greatly increase the value of the developer's
23 property and will make it possible for the
24 development to support some of the cost of a new
25 highway. I would urge that the Council re-assess

1
2 whether the developer is now reasonable able to
3 contribute more toward the completion of the
4 highway relocation and the park that was proposed,
5 a contribution of about \$50 or \$55 a square foot
6 has a good chance of moving the park and the
7 highway project toward completion but the exact
8 level of the contribution is for you to decide.

9 COUNCILPERSON WEPRIN: Thank you,
10 Mr. Guttman. Sir, go ahead. No? Okay. You want
11 to flip for it.

12 GEORGE HILAKIS: No, that's okay.
13 I'd rather be the next to the last speaker.

14 COUNCILPERSON WEPRIN: Pin
15 ultimate.

16 MR. HIKALIS: Pin ultimate. My
17 name is George Hikalis. I'm a civil engineer and
18 transportation planner and I'm president of the
19 Institute for Rational Urban Mobility, which we're
20 sadly short on in this city right now. I just
21 want to read a couple of comments from my
22 statement. The rest of it I would urge you to
23 take a careful look at.

24 Our organization urges the Council
25 to include preservation of an easement for

1
2 platforms and passenger access to a new regional
3 rail station at Riverside Center between 61st
4 Street and 59th Street as part of the zoning
5 amendment. A regional rail station is both
6 feasible and practical. While a portion of the
7 station platform would be on a curve at this
8 location, a safe and wheelchair accessible design
9 can be put into place.

10 Furthermore, the cost of
11 accommodating this easement is modest and will be
12 greatly offset by the gain in property values
13 resulting from the new station and regional rail
14 service. In conversations with Council Member
15 Brewer, it's my understanding that the developer
16 would actually like the station at this location.
17 The concerns are transit bureaucracies that are
18 following the book too closely. We really need to
19 put the station at this location. It's a real
20 opportunity and it's important that this Council
21 put this into the resolution. Thank you.

22 COUNCILPERSON WEPRIN: Thank you
23 and last but not least.

24 MARK DARREN: Good afternoon. I'm
25 Mark Darren and I will be focusing my oral

1
2 statement on just one and a half issues, open
3 space and I call it building for health to go.
4 Removal of building four would create more space,
5 let the sunshine in the center of the RC project,
6 open the view and integrate this Con Ed historical
7 building, a future landmark and cultural center.
8 All of this is in the long term interest of the
9 community and the city. Building four has to go.

10 At this stage of the project this
11 is the only way to create the quality open space
12 that is, at least, in the middle of the day
13 without the shade. Investing in quality open
14 space increases the value of the project and its
15 surroundings. These are the thoughts of
16 professional urbanists. The CPC made reference to
17 that in her speech at Columbia forum just about a
18 month ago. It's a message to the City Council,
19 the city governmental body that has more political
20 clout to request further change at the conclusion
21 of the approval process for the RC project.

22 What is left for us is to heed the
23 advise and long term public interest instead of
24 succumbing to the imperfections of the process or
25 to the negotiation strategy and the lobbying power

1
2 of the developer. By requesting the removal of
3 building four, all of your City Council members as
4 representatives of the long term interests of the
5 public have the chance to correct the
6 imperfections of the process, which did not allow
7 it to be inter roll with the RC projects from the
8 very beginning.

9 We'll have the last chance to
10 create a good quality open space in Riverside
11 Center for the lifetime of the project, one that
12 exceeds our own. The guarantees of people using
13 the open space ask who approved this to be built
14 with joy and a full heart...

15 [Timer sounds]

16 ...instead of irony and a frown.
17 And I would just say next one that I urge City
18 Council regarding the process to change the
19 process to allow the public interest influence
20 shaping projects from the very beginning and
21 physical features and other fundamentals of the
22 project are in creation. The public long term
23 interest provide a frame of reference for the
24 developer instead of its short term interests.
25 This will result in less friction at the

1
2 concluding stage of the project approval, better
3 fitting projects to the public needs including
4 creating more humane environment, integration into
5 surrounding city blocks and the future utilization
6 and better anticipation and driving of future
7 development of the city instead of perpetuating
8 the present imperfect solutions such as for
9 example West 59th Street as proposed.

10 I thank you for your attention and
11 I salute you again.

12 COUNCILPERSON WEPRIN: I salute
13 you, too. Ms. Brewer says thank you.

14 COUNCIL MEMBER BREWER: Yeah, I say
15 thank you to the Chair who is so fair and
16 reasonable and a wonderful chair.

17 COUNCILPERSON WEPRIN: Thank you.

18 COUNCIL MEMBER BREWER: And also
19 thank you to all who testified pro and con. I
20 know that we'll all be in dialogue forever.

21 [Laughter]

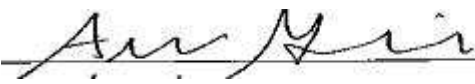
22 COUNCILPERSON WEPRIN: And I look
23 forward to continuing this dialogue. We're going
24 to have time to digest this. I appreciate
25 everyone's patience today. I know it was a little

1
2 difficult shuttling people back and forth but
3 thank you all for testifying. It really does make
4 a very important difference in this process so
5 with that in mind I'm going to move to close this
6 hearing and we will be meeting at a future date to
7 vote on this matter. Thank you. The meeting is
8 adjourned.

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C E R T I F I C A T E

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

Signature  _____

Date December 10, 2010