

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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Wednesday, June 28, 2023
Start: 10:05 a.m.
Recess: 1:11 p.m.

HELD AT: 250 Broadway Committee Room,
14th Floor

B E F O R E: Kevin C. Riley, Chairperson

COUNCIL MEMBERS: Shaun Abreu
Selvena N Brooks-Powers
Erik D. Bottcher
David M. Carr
Kamillah Hanks
Farah N. Louis
Francisco P. Moya
Vickie Paladino
Lynn Schulman

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

Caroline Harris
Partner, GoldmanHarris LLC

Jesse Batus
Regional Vice President
The Community Builders

Alen Moghaddam, AIA
Architect/Partner
Urban Architectural Initiatives

Patrick Blanchfield
Environmental Consultant
AKRF Inc

Brittany Dixon
Coalition Coordinator
Far Rockaway Averne Nonprofit Coalition

Raul Rivera
TLC Driver

John Onyejon[ph]
Project Manager
REMA 4 US

Brandon Jeffries
Co-Founder
People Empowered Information
and Sol de Vida

Shenna Vaughn
Artist. Resident, Far Rockaway

William Bentley
Artist. Resident, Far Rockaway

Leonor Reina
Executive Director
REMA 4 US

Joseph Sbarro, Esq
Akerman LLP

Anthony Lim
Applicant Homeowner, Queens

Henry Eular
Resident, Queens

George Mihaltzes
Resident, Queens

Paul DiBenedetto
Resident, Queens

Gerard McCabe
Resident, Queens

Eli Gewirtz, Esq
Land Use Attorney
Davidoff, Hutcher & Citron

Jeff Lebb[ph]
Community Relations
7120 New Utrecht Avenue

2 Good morning and welcome to the Subcommittee on
3 Zoning and Franchises. Please silence all electronic
4 devices. Chair we ready to begin.

5
6 Good morning and welcome to a meeting of the
7 Subcommittee on Zoning and Franchises. I am
8 Councilmember Lynn Schulman, acting Chair of the
9 subcommittee. This morning I am joined by
10 Councilmembers David Carr and Councilmember Moya.

11 Today we will hold public hearings for three
12 proposals, two in Queens and one in Brooklyn. Before
13 we begin, I recognize the Subcommittee Counsel to
14 review the hearing procedures.

15 COUNSEL: Thank you Chair Schulman. I am
16 Angelina Martinez Rubio, counsel to the subcommittee.
17 This meeting is being held in hybrid format. Members
18 of the public who wish to testify may testify in
19 person or via Zoom. Members of the public wishing to
20 testify remotely may register by visiting the New
21 York City Council website at
22 www.council.nyc.gov/landuse to sign up, or for those
23 of you here in the chambers, please see one of the
24 Sergeant at Arms to prepare and submit a speaker card
25 to us. Members of the public may also view a

2 livestream broadcast of this meeting of the Council's
3 website, and I will announce that there's
4 simultaneous translation in Korean for this hearing
5 also on the Council's website, so if anyone here in
6 the room needs a headset for that, please go to the
7 entrance and see one of the sergeants, and they can
8 provide you with a headset.

9 When you're called to testify before the
10 subcommittee, if you're joining us remotely you will
11 remain muted until recognized by the Chair or I to
12 speak. When the Chair or I recognize you, your
13 microphone will be unmuted.

14 Please take a moment to check your device and
15 confirm that your mic is on before you begin
16 speaking. We will limit public testimony to two
17 minutes per witness, and for those of you who need
18 translation interpretation we will do testimony for 4
19 minutes and 15 seconds. If you have additional
20 testimony you would like the Subcommittee to
21 consider, or if you have written testimony you would
22 like to submit instead of appearing before the
23 Subcommittee, please email it to
24 landusetestimony@counsel.nyc.gov. Please indicate

2 the LU number and/or project name in the subject line
3 of your email.

4 We request witnesses joining us remotely remain
5 in the meeting until excused by the Chair as
6 Councilmembers may have questions for you.

7 Finally, today, there will be pauses over the
8 course of this hybrid meeting for various technical
9 reasons, and as I mentioned pauses to provide
10 interpretations for one of the hearings today. So we
11 ask that you please be patient as we provide
12 interpretation or work through any technical issues.

13 And for now we will take a brief recess and we
14 will continue the hearing in a second when Chair
15 Riley arrives.

16 Thank you.

17 [47.5 MINUTES]

18 So it looks like we're trying to confirm that the
19 internet is back up. We are-- we're going to start--
20 but now we're going to start with Ocean Crest first
21 just so you guys know, and then we'll do 43rd, and
22 then we'll do Utrecht.

23 [3 MINUTES]

24 CHAIRPERSON RILEY: Okay good morning everyone.

25 [GAVEL]

2 I just want to stay for the record We are joined
3 today remotely by Councilmember Moya, Chair Louis,
4 Councilmember Abreu, Councilmember Bottcher,
5 Councilmember Schulman, Councilmember Carr,
6 Councilmember Palladino, and Majority Whip Brooks-
7 Powers. I will now open the public hearing on LUs
8 239 and 240 related to the Ocean Crest rezoning in
9 Majority Whip Brooks-Powers's district in Queens.
10 This application seeks a zoning map amendment to
11 rezone the existing R4-1 zoning district to an R6-A
12 zoning district and the related zoning text amendment
13 to map an MIH program area. For anyone wishing to
14 testify on this item remotely, if you have not
15 already done so, you must register online and you may
16 do that now by visiting the Council's website at
17 council.nyc.gov/landuse. And once again for anyone
18 with us in person, please see one of the sergeant's
19 to prepare and submit a speaker's card.

20 I would like to give the floor to Majority Whip
21 Brooks-Powers to give her remarks.

22 MAJORITY WHIP BROOKS-POWERS: Thank you Chair
23 Riley and the members of the Subcommittee on Zoning
24 and Franchises. Today's Ocean Crest rezoning item
25 concerns a project in my district, which has seen a

2 lot of development in recent years. I look forward
3 to hearing from the applicant today and better
4 understanding their approach to these projects.

5 I also look forward to hearing from any community
6 members who may testify regarding this project.

7 As always, I believe the community's voice must
8 be centered in the land use process, and I urge the
9 applicants to listen closely to concerns raised by
10 members of the community. I look forward to asking
11 more questions as well on the record. Thank you.

12 CHAIRPERSON RILEY: Thank you Majority Whip.
13 Counsel, please call the first panel for this item.

14 COUNSEL: So the applicant panel assists of
15 Caroline Harris, Jesse Badus, Alen Moghaddam (sorry
16 if I butcher any names).

17 CHAIRPERSON RILEY: Counsel, please administer
18 the affirmation.

19 COUNSEL: Applicant panel, can you please raise
20 your right hand? Do you affirm to tell the truth,
21 the whole truth, and nothing but the truth in your
22 testimony before the subcommittee and in your answers
23 to all Councilmember questions?

24 ALL: Yes.

25

2 CHAIRPERSON RILEY: Thank you. And for the
3 viewing public, if you need an assessable version for
4 this presentation, please send an email request to
5 landusetestimony@counsel.nyc.gov. And now the
6 applicant team may begin.

7 Panelists, as you begin, I'll just ask you please
8 restate your name and organization for the record.
9 You may begin.

10 MS. HARRIS: Thank you. I'm Caroline Harris--
11 Thank you. I'm Caroline Harris, I'm a partner at
12 Goldman Harris. We are the land use counsel to the
13 Community Builders Association-- The Community
14 Builders sorry, the applicant in this rezoning
15 project. I want to thank all of you for coming,
16 those who are on the committee, and those visiting
17 and to also especially thank the staff of the
18 planning and land use division for the help they've
19 given in preparing for today. And with that, I'd
20 like to move forward on the next slide.

21 We're proposing a rezoning from R4-1 to R6-A
22 There'll be an MIH mapping and waterfront
23 revitalization program certification. And the
24 location is 29-32 and 29-64 Beach Channel Drive, and
25 part of 29-41 Ocean Crest Boulevard.

2 The development team, the presenters are here.
3 You can see the names. Because we have such a time
4 limit, I'm going to go quickly.

5 Next slide please.

6 The Community Builders Inc is a really
7 interesting organization. It's my first time working
8 with them, and I'm actually really happy to be
9 working with them. Not only are they building
10 affordable housing, which many of my clients do, but
11 they have a broader view of building community, not
12 only building affordable housing. It's a national
13 company. They have developed two other projects in
14 New York City, one of which is on Beach 21st Street
15 down the road from this proposed rezoning.

16 And so they-- this arm of the Community builders
17 is building housing and other aspects of the company.
18 Work in other related areas to build-- help build the
19 neighborhood, a 100% affordable housing project.

20 Next slide please.

21 We've done-- TCB has done considerable community
22 outreach to the people and organizations listed on
23 this slide. They've received written support from
24 FRANC RDRC, CAMBA, Ocean Bay CDC, and 11 local
25 residents. We have submitted the letters of support

2 to the Subcommittee, and some of these organizations
3 are here to testify today.

4 Queens Community Board voted substantially
5 against, but we were pleased that there were two in
6 favor and two abstentions. The borough president
7 also voted in favor with a condition in particular
8 that we try to increase the number of 30% units in
9 this affordable housing project, we We've committed
10 to do and TCB is-- will try to do more than that.
11 And City Planning Commission approved the project.

12 Next slide please.

13 This shows the rezoning area. You can see to the
14 north of the rezoning area, the zoning districts tend
15 to be R4s, R3s, and R1s, and south are R6s, R5s, and
16 even commercial districts. This-- Because of this
17 location diagonally across the street from higher
18 density districts, is one of the land use rationales
19 we have for the appropriateness of this rezoning. I
20 will explain other reasons as we go through this
21 presentation.

22 Next slide, please.

23 Another rationale is that we're-- we're right
24 across the street from a very large park, and it's
25 located on a wide street.

1 You can see on the slide (I hope everybody can
2 see it) that the rezoning site is outlined in blue.
3 The zoning lot that the new project would be on is in
4 red, and yellow is where the new building would be.
5 But right across the street, a band next to bays
6 waterpark, shows where there has been parking planned
7 for and budgeted for by the Parks Department. We've
8 ascertained that during the course of this process,
9 having adequate parking in this neighborhood, it was
10 a concern of the community which we are addressing,
11 in part by learning that this parking will be
12 provided within the next, I think, it's two years.
13 The money has already been allocated.

14 Next slide.

15 The site is near transit. It's located between
16 two A train stations. It's about a mile from the
17 Long Island Railroad, and there are many bus routes
18 nearby. So this is another rationale for land use,
19 to encourage development in a transit-oriented
20 neighborhood. This isn't designated as transit
21 oriented, but with that abundance of transit
22 available, it is serving that purpose.

23 The next slide please.

1 In this slide, you can see area photos. On the
2 top left, you can see the actual site where the
3 building will be-- would be constructed. And it is
4 currently a parking lot that is not utilized
5 particularly. It's just got a few cars on it. And
6 so instead of having an underutilized site with very
7 few cars being parked there, it would be able to be
8 more fully developed and of more utility to the
9 community, to everybody, than an empty parking lot.

10 Across the street, the site on the right you can
11 see where Bayswater Park is. You can see it's a wide
12 street. And you can see where cars are currently
13 parked on sand, or dirt. And that's where the
14 parking will be paved to provide additional parking.

15 The project is required to have 25 spaces under
16 the zoning. And the developer has arranged with the
17 neighboring building to use 27 unutilized spaces for
18 tenants in its building. So instead of just 27
19 spaces, there'll be 52 available to this project on
20 the zoning lot, plus the new parking across the
21 street.

22 If you could flip to the next slide, please.

23 On the top left, you see one of the buildings
24 that is also in the rezoning-- area to be rezoned.
25

2 That building was approved prior to a downzoning, and
3 it is under the prior zoning, it was an R6-A district
4 also, and it is now non compliant. The buildings on
5 the right are on the same zoning lot. They were
6 built pre '61. They are not zoning compliant under
7 the current zoning, and with the rezoning they would
8 become compliant.

9 On the bottom left, you can see buildings just
10 north of our site. And the immediate-- building
11 that's in blue on the right is immediately next door.
12 The zoning requires a distance from that building and
13 a step down so that the new bulk of this proposed
14 building will not overwhelm that existing building
15 next door.

16 Next slide please.

17 As I mentioned, the project is 100% affordable
18 building. It's going to range from 30% AMI to 80%
19 AMI with a nice spread among all of the bands in
20 between that reflect the income of the neighborhoods
21 on either side of the-- of the site, so it's not
22 bringing down the neighborhood. It's not bringing up
23 the neighborhood. It's very consistent with either
24 direction from the location of the building.

25 Next slide please.

1 The other benefits of this project that would
2 support its land use rationale: As I said, it's 100%
3 affordable. There will be a proposed daycare-- There
4 is a proposed daycare or other community facility use
5 on the ground floor, which will make it not just a
6 residential building, but we'll be adding other
7 features and amenities to-- for the people who live
8 there and in the neighborhood. There's a very
9 ambitious MWBE and local hiring goals. The targets
10 are that are required are 30%. They're certain to be
11 getting 35% utilization. And they're also committed,
12 at least to 30% local employment for new hires.

14 Now, having said that, in its prior building at
15 Beach 21st street, they had a much higher utilization
16 of MWBE, and a very significantly higher percentage
17 (67%) of local employment for new hires. Jesse
18 Batus, who's with us, will be able to speak to their
19 aggressive efforts to develop local talent, local
20 training, local jobs, and to be able to achieve much
21 higher targets for this project, jobs that have legs,
22 that give people a life of-- of work, not just a one-
23 off for this project.

24 They're also trying to benefit the community,
25 which is another good rationale for the project, with

1 broadband not only for this building, but for the
2 other building on the zoning lot, and perhaps on-- on
3 the block, along with those other employment
4 opportunities.

5
6 Next, please.

7 The proposed building-- it's about time I get to
8 talk about that-- is an almost 91,000 square feet,
9 1.57 FAR, on the whole zoning lot, which would be
10 allowed to have 3.6 FAR. They're only building 3.5
11 FAR. There'll be 106 dwelling units, including the
12 Supers unit. When I say there will be that's what's
13 proposed, all of that is dependent on financing, and
14 value engineering, and other issues. But that's the
15 target is 105 affordable dwelling units with one for
16 the super. I mentioned the parking already.

17 Next slide, please.

18 Now, before we get to the proposed building,
19 there are two things I wanted to bring to your
20 attention. One is that on the sustainability and
21 issues relating to evacuation and so on, TCB is
22 already a very committed member of the community.
23 It's not just building one affordable housing project
24 or two affordable housing projects and leaving. They
25 are getting involved in community organizations, some

2 of which are represented here, to work with them, to
3 work with the community to achieve the goals and the
4 concerns that have been articulated. There's a very
5 big concern about evacuation and flooding in the
6 community, which is understandable. It's a peninsula
7 and there's water everywhere.

8 TCB is already working, and will continue to work
9 hard to achieve a implementation of an emergency
10 response plan for the Rockaways. Actually,
11 installing infrastructure is certainly beyond the
12 scope of a 106-unit building. Some much larger
13 projects that are 2000 units or more covering
14 multiple blocks, when they're doing their work, have
15 the capacity to tear up the street and maybe help
16 with infrastructure, but a small project of this size
17 can't do that. But in fact, the Army Corps, the
18 State, and the City, are having initiatives, and have
19 to work very hard to work on the infrastructure.
20 There needs to be leadership in the city in getting
21 that done. TCB will help as in whatever way it can
22 to push the city to provide that leadership for
23 building the infrastructure in the Rockaways.

24 TCB is also already involved in the community,
25 recently invited by the borough president to join the

2 New York Forward Steering Committee, which is a \$4.5
3 million grant for downtown neighborhood improvements
4 in the Rockaways. And what I'm trying-- The message
5 I'm trying to tell you is that as a community
6 partner, TCB is the one you want to go with. This is
7 a builder who believes in building communities, not
8 just building buildings. And that's great.
9 Everybody should be applauding that. I'd like to
10 turn the presentation over to Alan Mogadon, the
11 architect to explain the proposed building, focusing
12 on sustainability and resilient features as we were
13 requested to do.

14 MR. MOGHADDAM: Good morning, Councilmembers.
15 Good morning, everyone.

16 MS. HARRIS: Next slide, please. Oh, do you want
17 to talk about it here?

18 MR. MOGHADDAM: This one, right here. Yeah.

19 Good morning, Councilmembers. Good morning,
20 everyone. My name is Alen Moghadam. I'm a partner
21 at Urban Architectural Initiatives. We are a small,
22 minority-owned architectural firm specializing in
23 affordable and supportive housing around New York
24 City.

1 What you see on the screen as an illustrative
2 rendering from ground level, from Bayswater Park,
3 which shows the various setbacks, terraces, and high
4 quality materials that we're proposing to use to
5 produce elegant-yet-understated building that we
6 think could fit well with the neighborhood.

7 Next slide, please.

8 So as Carrie had mentioned, these are some of the
9 sustainability and resiliency features which we are
10 considering. And this would give us an efficient
11 building envelope, technologies and maintaining a
12 resilient building for the tenants and-- and the
13 neighborhood at large.

14 To just name a few, we have photovoltaic solar
15 panels. The building will be all electric. We will
16 have high-efficiency wall and window systems, high-
17 efficiency HVAC systems for heating and cooling, and
18 an efficient condensing water heater. All appliances
19 lights will be Energy Star graded. There'll be
20 occupancy sensors throughout the building,
21 nonmetallic windows and additional concepts that we
22 will adopt as we go, as well as active design
23 guidelines.
24
25

2 Some of the resilient features is that we are
3 complying with the New York City climate resiliency
4 guidelines, the design flood elevation which I'll
5 discuss in the next slide, and permeable surface
6 surface parking, which I will as well.

7 Carrie some of the emergency features, and we
8 could expand on the evacuation plan later. You know,
9 we're-- the owner will be planning also shelter in
10 place. We will have an emergency generator. We will
11 have the solar power and potentially explore using a
12 battery storage system to supplement the emergency
13 generator.

14 And other-- a couple of other points about the
15 location of building that inhibiting evacuation to
16 those further east, and the work that TCB is doing
17 with FRANC on implementing emergency evacuation plan.

18 Next-- Next slide, please.

19 COUNSEL: Before we keep moving, Caroline, do we
20 have any copies of the presentation. Some of the
21 Councilmembers are asking if you have any hard
22 copies.

23 MS. HARRIS: [inaudible]

24 MR. MOGHADDAM: We've just got one copy right
25 there.

1 Okay, so this is again the same view from the
2 corner of 32nd street and Ocean Crest Boulevard. And
3 what we want to address is the most important flood
4 resiliency issues and note that we raised the
5 building first floor elevation by over three feet
6 above the designed flood elevation, and five feet
7 above the established flood elevation, which takes
8 into account expected sea rise to the year 2080.
9

10 The building's main entry, as you see at the
11 corner, is accessed nicely by a landscaped stair and
12 integrated accessible ramp that makes it natural and
13 part of the building.

14 To the right, the committee facility that we're
15 proposing is on 32nd street, and then the parking
16 which enters on the left is accessed at grade and
17 leased to the parking, to the additional parking
18 spaces that Carrie mentioned.

19 And just to note, we're providing the parking at
20 grade without a cellar, and this helps further the
21 resiliency goals of the building by minimizing the
22 impervious surfaces that would-- that would
23 exacerbate a flood and minimize the water going into
24 the city sewars.
25

2 And we'll see on the further slides, but I just
3 wanted to point that point out that the green spaces
4 for the tenants on the setback roof. Those are
5 adjacent to the laundry, exercise, and recreation
6 room on the seventh floor, and provide views to
7 Bayswater Park, which also is a further amenity for
8 the tenants.

9 Next slide, please.

10 Just real quickly, this is the ground floor plan
11 showing the relationship with the proposed building
12 in the upper left hand corner and-- and the existing
13 parking lot which is under the building that's on our
14 zoning lot, and with marked connections to them, so
15 the tenants will be easily-- will be able to easily
16 utilize additional parking spaces available to them.

17 And then just to go to the next slide

18 MS. HARRIS: Before that, on the left you can see
19 this-- the community facility space is hatched in a
20 darker color gray, which will be accessible from
21 outside of the building as well as inside the
22 building, if it's a daycare program.

23 MR. MOGHADDAM: Next slide.

24 And I just mentioned this before but I just
25 wanted to show you on the plan. This is the seventh

2 floor, and this is where we have the buildings
3 community room, laundry room, and exercise room, and
4 they take advantage of the setback that we're
5 providing with ample green space for the tenants'
6 use.

7 MS. HARRIS: One of the features of this building
8 that I find really wonderful, I and commend the
9 architect for is-- because you couldn't put the
10 laundry in the basement, because we can't have a
11 basement because of the floodplain, he put it on the
12 roof-- on the on the seventh floor, which meant that
13 people who are going to do the laundry, and I know I
14 do a lot of laundry, and people with kids (nice to
15 see your children here) have lots of laundry to do.
16 And rather than being in a basement or a dark space,
17 they're going to be in a room that looks out over
18 Beach 32nd and the park. And then people could go
19 out onto the terrace or in the community room, in the
20 fitness room, and be-- be enjoying their time while
21 the laundry is getting done. I just think that's a
22 terrific feature and a very thoughtful one that's not
23 usually considered in any apartment buildings, let
24 alone an affordable housing one. So I wanted to
25 point that out.

1 There were some other concerns that were raised
2 by the community that are certainly significant.
3 There's a concern that there-- needs to be a trauma
4 unit in the neighborhood in the hospitals. And we
5 looked into this and we understand that the City and
6 the State are aware of it, and it has to do a-- the
7 State has to do a study in order to support doing a
8 specific trauma unit, or putting it-- expanding the
9 hospital facilities that exists to have trauma units.
10 This is a kind of need in the community that's really
11 significant. But well beyond the scope of what an
12 affordable housing-- housing project can do,
13 certainly of this scale.

14 I believe TCB would do whatever it can, as a
15 member of the community and as an important-- as a
16 developer in the community to be able to foster
17 progress in that area. And we know that there are
18 several other smaller health care facilities that
19 either-- either recently opened or are funded to be
20 opened in the neighborhood. We agree with the
21 community that healthcare should be improved in the
22 area. And TCB is willing to use its efforts that it
23 can to achieve that goal.
24

2 And I think that that covers the issues that were
3 raised by the community: Flooding, density, parking,
4 affordability range, community facility space. Oh,
5 and by the way, the that space on the seventh floor,
6 that's a community room. It will be made available
7 to community groups for use from time to time. It's
8 obviously primarily for the tenants. But from time
9 to time, community groups are welcome to use-- will
10 be welcome to use that space.

11 Until the zoning is approved, the building is not
12 going to be designed. This is very schematic. Cost
13 estimates haven't been made. And they-- they are
14 applying to HPD for funding. And so the amount of
15 budget that would be available for other requests
16 that have been made, or suggestions made by the
17 community and by the-- the Majority Whip will have to
18 be explored once we-- they are at that point. It's a
19 little premature to be-- be dealing with that.

20 CHAIRPERSON RILEY: I'm sorry. I don't want to
21 cut you guys off, but--

22 MS. HARRIS: I've finished.

23 CHAIRPERSON RILEY: All right. Thank you.

24 MR. HARRIS: Just in time.

2 CHAIRPERSON RILEY: I appreciate it. Thank you
3 so much.

4 MS. HARRIS: Next slide: Q&A.

5 CHAIRPERSON RILEY: Thank you. I'm just going to
6 ask a few questions before I turn it over to the
7 Majority Whip. This question is directed to Jesse.
8 I know the-- I hope this is not the ceiling, but I
9 know it stated 35% and MWBE and 30% local employment,
10 but you stayed at a similar project you did 40% MWBE
11 and 67% local employment. Could you just break down
12 how you were able to get outreach to get to the 67%.
13 Also with the 40% MWBE, there's an issue with a lot
14 of communities that usually that MWBE contracts are
15 not directly in the communities that they're going to
16 be representing. Could you also describe if you guys
17 do outreach and give contracts to local vendors? And
18 how did you get to that 67%?

19 MR. BATUS: Sure both great questions. So first
20 as to local hire. So we worked with a local partner
21 at RDRC for job training. We also worked with a
22 local organization working with the New York City
23 HireNYC program to make sure we're directing those
24 new hire opportunities for folks out of the
25 community. This project actually was done at the

2 height of COVID. So we closed on the project and
3 then three months later, all construction shut down.

4 So we were pretty proud of that number. We think
5 we can do better in terms of what we've achieved for
6 local hiring, because we think the most important
7 impact are the folks that are living in this
8 community should be able to benefit. MWBE: Again,
9 40%: Really proud of that number. I think, you
10 know, that's-- now, as far as I'm concerned, that's
11 where we're going to be shooting to try to get to
12 because of our prior success. So we have a stable of
13 subcontractors that we worked with on a prior project
14 that were obviously successful. I don't have the
15 exact breakdown as to local MWBEs and citywide MWBEs
16 in front of me. I can certainly provide that
17 information in the future.

18 CHAIRPERSON RILEY: Are you guys committed to
19 working with local vendors to give them contracts for
20 this project?

21 MR. BATUS: Absolutely. And we do have within
22 that number of local vendors, there was a supply
23 house right down the street that provided a lot of
24 materials for our first phase, and folks like that
25 are people we'll be working with.

2 CHAIRPERSON RILEY: Thank you. I know you broke
3 it down, but can you-- can you do it again for the
4 record? Can you provide a breakdown of the
5 affordability of the proposed project?

6 MR. BATUS: Sure, if you could pass me the--

7 MS. HARRIS: Could we go back to the slide that
8 has affordability on it? Because we've given you our
9 presentation materials.

10 CHAIRPERSON RILEY: Oh. Sorry.

11 MR. BATUS: Sure. So this is the breakdown on
12 the screen here--

13 MS. HARRIS: No, it's okay. This is enough. Can
14 you read it?

15 MR. BATUS: I can squint at it.

16 CHAIRPERSON RILEY: It's all right. Go ahead.

17 MS. HARRIS: What page number is...?

18 MR. BATUS: Here. Pass me that.

19 MS. HARRIS: Oh, it's behind you, too.

20 MR. BATUS: Yeah. Thank you. So the current
21 proposed breakdown was 11 at 30%, 33 at 40%, 18 at
22 50%, 25 at 60%, and 18 at 80% of AMI. Now this was
23 before we met with the Borough President, requested
24 deeper affordability at the 30% tier. Off the bat,
25 you know, we looked at those numbers, we think

2 getting to two is totally feasible. We think we can
3 even increase that band with the understanding that
4 of course, it's going to be a conversation with--
5 with HPD around funding, and what those resources
6 are.

7 What I'll say is just in terms of what our
8 approach here was: We looked at the census tracts
9 all around this area. And we were trying to really
10 create-- this is a nexus point. This is kind of a
11 pivot point between some more affluent neighborhoods,
12 some less affluent neighborhoods, the goal here was
13 to really attract from all of the surrounding
14 community, and the community where it is to provide
15 opportunities for everybody. So this is really
16 affordable for a range of folks. But we are
17 committed to deeper affordability. And we're going
18 to continue to pursue that.

19 CHAIRPERSON RILEY: Okay. And my last question.
20 You spoke about the resiliency and sustainability on
21 this project. And you also spoke about an emergency
22 plan. Could you just state for the record? What
23 stakeholders were involved with this emergency plan?
24 And also, can you describe for the record the
25 resiliency of sustainability? Because I do think

2 it's a really concerning concern in the in the
3 community that, you know, flooding happens in this
4 area a lot. So can you just state that for the
5 record?

6 MR. BATUS: Absolutely. And, you know, I'll say
7 Councilmember, you know, my family's from Rockaway.
8 I live in Long Beach. We all felt the effects of
9 Sandy, and storms and flooding that just happens more
10 frequently. So this is really important to me,
11 really near to me.

12 In terms of the sustainability features for the
13 building, we have designed the building to be outside
14 of the floodplain above the floodplain through, I
15 believe, it's 2080. We've also provided a generator
16 for emergency power. We're looking into whether or
17 not we can provide some additional power, which was a
18 request from the Community Board, where there could
19 be essentially one outlet and each unit. We're
20 trying to figure out what that would cost, if we
21 could accommodate it within the structure of the
22 building. So that power does go down, and folks have
23 to shelter in place, they'll have access to power.

24 We are working with FRANC right now on-- both
25 FRANC and Rima, to local nonprofit groups that are

2 working in this space received grants for an
3 emergency response plan, where they're coming up
4 with, "Where can you go? How can you get access to
5 food and resources? Where are safe places to
6 shelter?" We're working directly with FRANC on that
7 now. We were just admitted to their committee on
8 that work pursuant to that grant. And we're super
9 supportive of what's going on right now, bringing
10 through state and federal resources. Obviously, the
11 work with the Army Corps trying to find out how we
12 can be piece of the puzzle.

13 One comment that came up at CPC was: Is there
14 going to be an emergency response plan and evacuation
15 plan for the building itself? And we certainly will
16 develop that.

17 CHAIRPERSON RILEY: Thank you, Majority Whip?

18 MAJORITY WHIP BROOKS-POWERS: Thank you for the
19 presentation. And I will concur that, you know,
20 Jesse, as I say all the time is very present at every
21 Community Board meeting. And, you know, we are
22 establishing a relationship based on Beach 21st. So
23 I do want to recognize that. But I do-- as I've
24 shared privately have some concerns about the size of
25 the project, and what the impact is going to be on

2 the community, and trying to find what that happy
3 medium is. And while New York City has a housing
4 crisis. I say this all time. Rockaway cannot be the
5 only answer to that crisis. We have significant
6 development happening on the peninsula right now.
7 And so any development has to be resilient, has to be
8 one that takes into account some of the challenges
9 that we see on that peninsula, which is
10 geographically isolated, surrounded by two bodies of
11 water, that Atlantic Ocean on one side and Jamaica
12 Bay on the other.

13 So in that vein, I want to start to walk through
14 some of the structural pieces, and then get to like
15 the workforce and the MWBE components.

16 So can you again, provide a breakdown of the unit
17 sizes? Like how many studios, how many one bedrooms,
18 how many...?

19 MR. BATUS: Sure. So right now, the current
20 plan, as proposed, is 12 studios, 46 one bedrooms, 40
21 two bedrooms, and 8 three bedrooms. That's all
22 subject to revision as we work through this with HPD
23 and the underwriting.

24 MAJORITY WHIP BROOKS-POWERS: And then, when we
25 first spoke before, I wanted to see like less

2 studios, more of the two and three so that families
3 can be there. So is this like, still in flux?
4 Or...?

5 MR. BATUS: Yes. 100%.

6 MAJORITY WHIP BROOKS-POWERS: Okay. And I saw
7 the breakdown of the parking spaces. But just on the
8 record, if you can speak about how many parking
9 spaces will be available for the residents, because
10 as you know, with Beach 21st street, there was
11 parking made available, but there's concerns about
12 not enough parking being available. So the point
13 that-- that-- and I understand that the parking lot
14 was not initially made available. But there were
15 people parking in No Standings and bike lanes, and
16 getting tickets, but they had nowhere to park, and
17 some extremely sensitive to the parking component.
18 So if you can share what the plan of action is 106
19 units in terms of parking?

20 MR. BATUS: Sure. So this development has 27
21 onsite spaces proposed for the development. It's two
22 more than what's required under the current unit mix.
23 Obviously, you know if that unit mix is in flux, if
24 units change, that may change that ratio, but you

1 know, would never go below what's required,
2 obviously, by zoning.

3
4 And then we've also arranged with a neighbor who
5 has an underutilized garage that has very few parkers
6 in it, that we can lease as spaces from that garage,
7 they have 25 more available spaces there that we can
8 use, if there's overflow required. And I'll
9 mentioned for Beach 21st, that garage is now open to
10 the public. So there's access for 40 of the spaces
11 in that 96 unit garage to be accessible by public
12 parkers at what we thought was a pretty reasonable
13 rate, as well as the remainder of the units to be
14 used for the folks that live on the-- at the
15 building.

16 And we actually haven't seen 100% utilization
17 requested for that yet, from the residents that live
18 in the building. We're doing another round of
19 outreach for folks to make sure that that gets
20 occupied. We know that was an issue, the timing of
21 getting that garage open was an issue. It was
22 honestly-- We thought it was going to be open a lot
23 faster and wanted to make sure folks that were in the
24 building all had equal access to those-- those

2 spaces. So I know that was a concern, and that was
3 FRANCHISE a misstep, and, you know, we own that.

4 MAJORITY WHIP BROOKS-POWERS: Now, if you see
5 that with the development, should it be approved,
6 there's additional need for parking. Is there in
7 agreement with the-- the site that is leasing you the
8 additional space to be able to scale that up.

9 MR. BATUS: They've essentially opened anything
10 that's available that's not leased to us now. That's
11 all available to us. So I don't know that I can
12 scale it up any further than we've already gotten.
13 The hope is, when that park work does happen, and
14 infrastructure improvement does happen, that'll
15 improve and expand the existing parking facilities in
16 the neighborhood. But I-- you know, as of right now,
17 this is I think, you know, this felt like the best
18 thing that we could do in terms of making sure there
19 was availability if we do run over what we need.

20 MAJORITY WHIP BROOKS-POWERS: So as you know,
21 there Committee approved a project nearby.
22 Thankfully, they have, I think a one-to-one ratio
23 with parking, so hopefully that won't spill into the
24 community. But there's also a nearby school, there's
25 a lot of congestion with drop off and pick up,

1 there's a shopping center across the street also, and
2 then now bringing in that amount and the proximity
3 with the houses. I'm just concerned about sufficient
4 parking that could spill over into community and
5 create an issue. So I like to keep talking in terms
6 of the parking component because that-- that's a
7 quality of life issue in our community.
8

9 Next, the Community Builders has, as we know, the
10 nearby property, project that's just recently opened
11 up. Can you tell me as of to date what the vacancy
12 rate is? Is there any vacancy?

13 MR. BATUS: 0%. Fully occupied.

14 MAJORITY WHIP BROOKS-POWERS: And now that it is
15 0%, can you break down how many is Rockaway
16 residents?

17 MR. BATUS: We exceeded 50% threshold for local--
18 local referrals. I believe there were two over what
19 are required number for local referrals.

20 MAJORITY WHIP BROOKS-POWERS: And can you break
21 down which zip codes of the local that they came
22 from?

23 MR. BATUS: I could follow up with you on that.
24 I don't have the data in front of me.

2 MAJORITY WHIP BROOKS-POWERS: Thank you. Have
3 you performed an environmental study of the impact of
4 the development?

5 MR. BATUS: Yes, we did.

6 MAJORITY WHIP BROOKS-POWERS: And in that impact,
7 did it go beyond this site? Did it take into
8 perspective the other developments that are underway
9 and that have been approved?

10 MR. BATUS: So--

11 MS. HARRIS: Our environmental consultant is
12 here. We could call him up to answer your questions--
13 -

14 MAJORITY WHIP BROOKS-POWERS: That would be
15 great.

16 MS. HARRIS: If you don't mind. [GESTURES] Come
17 up here please.

18 CHAIRPERSON RILEY: Just when you come up to the
19 mic, just please state your name and organization for
20 the record.

21 COUNSEL: And I'll-- I'll actually have to swear
22 you in. So if you can just state your name and
23 organization, and then I'll swear you in.

24 MR. BLANCHFIELD: Sure. Patrick Blanchfield,
25 AKRF Inc, Environmental Consultants.

2 COUNSEL: Okay, and can you raise your right
3 hand? Do you affirm to tell the truth, the whole
4 truth, and nothing but the truth in your testimony
5 before the Subcommittee and in your answers to all
6 councilmember questions?

7 MR. BLANCHFELD: Yes.

8 CONSEL: Thank you.

9 MAJORITY WHIP BROOKS-POWERS: So again, I just
10 wanted to understand the-- the nature of the
11 environmental study that was conducted, was it just
12 for the lot itself? Did it take into account the
13 scope of the community? Because there are a number
14 of developments on the way. We have Edgemere Commons
15 happening right, now over 1000 units. We've
16 recently, well last year, approved Resilient Edgemere
17 that's going to be almost 2000 units. We have
18 Arverne East also. They'll have apartments and
19 houses as well. So in a very small radius, there's a
20 lot of development happening, and all while being
21 surrounded by bodies of water.

22 MR. BLANCHFELD: So the project did undergo an
23 environmental review in accordance with the city
24 standards, City Environmental Quality Review, with
25 City Planning as the lead agency for the EAS, for the

2 Environmental Assessment Statement. So it did
3 consider for the different areas that are assessed in
4 the environmental review, different geographies or
5 different study areas for the various technical
6 areas. So it did look at other areas in the
7 Rockaways.

8 MAJORITY WHIP BROOKS-POWERS: And what did this
9 study find?

10 MR. BLANCHFIELD: The study found that the
11 project itself has certain requirements, has certain
12 requirements for remediation, for air quality. But
13 in terms of the other kind of density related areas,
14 there was no significant impact.

15 MAJORITY WHIP BROOKS-POWERS: Was there anything
16 that came up in terms of infrastructure?

17 MR. BLANCHFIELD: In terms of infrastructure, the
18 EIS identified existing map sanitary lines along Bay
19 32nd and Ocean Crest. So this is based on DEP
20 mapping information. So as part of the site
21 connection process--

22 MAJORITY WHIP BROOKS-POWERS: You said Bay where?

23 MR. BLANCHFIELD: Bay 32nd and Ocean Crest
24 Boulevard. These are sanitary lines. So the areas
25 served by a separate sewer system.

2 So as part of the site connection process, the
3 community builders and DEP would investigate the--
4 it's unclear while those lines are mapped to
5 sanitary-- sanitary lines, it's unclear whether they
6 function as sanitary lines or also as storm-- storm
7 sewars. So the nearest catch basins are about a
8 block away. So that process would happen as part of
9 the site connection process with the DEP.

10 MAJORITY WHIP BROOKS-POWERS: So is the developer
11 committing to making the repairs-- any necessary
12 infrastructure work that needs to be funded for that?

13 MR. MOGHADDAM: Yeah. So we're exploring two
14 options with our civil engineer. One is to extend
15 the sewer line to the city storm sewer, or otherwise,
16 use infiltration so we don't overwhelm the system in
17 the city, in the area.

18 MAJORITY WHIP BROOKS-POWERS: I'm going to try to
19 speed through these, so I could yield to my
20 colleagues. I still have concerns about the
21 infrastructure. It sounds like your environmental
22 impact study shows that there's something to be
23 concerned for too. We need to understand what the
24 plan of action more solidly is going to be on that.

2 MS. HARRIS: We'd be happy to submit something in
3 writing to you, to explain what they're considering
4 and how they would address this sewer connection
5 issue, and to sewerage and sanitary lines. We'd be
6 happy to present that to you.

7 MAJORITY WHIP BROOKS-POWERS: But I don't think
8 that all falls on the city. This is a private
9 development--

10 MS. HARRIS: But that's what they would be doing.

11 MAJORITY WHIP BROOKS-POWERS: Right. Okay.

12 MS. HARRIS: Absolutely.

13 MAJORITY WHIP BROOKS-POWERS: That's what I need
14 to be clear.

15 MS. HARRIS: Absolutely. We'll send that into
16 you after today's hearing.

17 MAJORITY WHIP BROOKS-POWERS: Thank you. And
18 then can you commit to providing my office with
19 regular updates on local hiring during the project
20 construction? And how do you plan on keeping in
21 touch?

22 MR. BATUS: Absolutely. We'll provide regular
23 updates. And we'll keep in touch as frequently as
24 you like. And I think, you know, we've been super
25

2 open, right? Anything you need, we're here to
3 provide updates, you know, formally or informally.

4 MAJORITY WHIP BROOKS-POWERS: So I know you've
5 made the-- the MWBE commitments. I definitely push
6 for it to be even higher than that and look at
7 diversity within diversity. But what that means is
8 black and brown vendors are most underutilized,
9 especially black women businesses. So I'd like to
10 have a commitment that you will prioritize black
11 women businesses in particular, but also black and
12 brown businesses across the development project.

13 MR. BATUS: We're totally committed.

14 MAJORITY WHIP BROOKS-POWERS: Will you commit to
15 paying workers on this project prevailing wage?

16 MR. BATUS: So HPD financing does not require
17 prevailing wage. And when we go through our review
18 with HPD, they do an OMB review for the costs
19 associated with developing the project. There's no
20 federal money. There's no city money. There's no
21 state money that triggers prevailing wages.

22 Now, what I what I always say is, you know, we'll
23 pay whatever the wage is that is required by HPD in
24 order to get the project funded and off the ground.

2 MAJORITY WHIP BROOKS-POWERS: So just so you
3 understand, and you've been in the meetings I've had
4 with the developers on all other projects that have
5 happened in Rockaway. My concern is that we're
6 building multimillion dollar developments and paying
7 workers \$15 an hour where developers will then, into
8 perpetuity be making a profit. Because it's not like
9 it's homeownership. This is rental. You'll be
10 getting a profit every month when the rent is paid.
11 And so to pay people \$15 with no benefits, to me, is
12 not acceptable.

13 And so this is a hard line for me. I need
14 prevailing wage projects in my district. I need
15 prevailing wage, if not union work being done,
16 because we're seeing exploitation happening almost on
17 some of these projects. And-- And that's a problem.

18 MR. BATUS: We're not in the position, I think,
19 to commit to prevailing wage at this time, given the
20 requirements that we have to go through with HPD.
21 I'm certainly open to continuing the conversations
22 that we've started about what those wage scales look
23 like. But right now, we're not even at the point
24 that we have a contractor selected, right?, to build
25

2 this. We don't know what the ultimate capital stack
3 will look like.

4 MAJORITY WHIP BROOKS-POWERS: And that's another
5 thing. You spoke about, like, going to HPD for
6 funding. What type of funding are you getting-- are
7 you looking to get from HPD?

8 MR. BATUS: This is proposed through the ELLA
9 program, so a combination of affordable housing, tax
10 credits, and subsidies.

11 MAJORITY WHIP BROOKS-POWERS: And then what
12 finances do have to date? Because we're being asked
13 to up-zone a property and it sounds like you're still
14 kind of figuring out the sourcing of your money.

15 MR. BATUS: It's kind of a chicken and egg issue,
16 right? So we've been engaged in conversations with
17 HPD around this project from day one. As soon as we
18 get through our zoning process, we move into queue,
19 and we'll find out exactly when we will be closing.
20 But in the meantime, you know, we-- as soon as we
21 have our zoning in place that opens us up to be able
22 to go apply for financing outside of the city. So
23 we'll look at things like the Home Loan Bank, private
24 foundation funding, state funding if it's applicable
25 for pieces of this, so that we can really maximize

2 both the benefit and also reduce the cost to the
3 city.

4 MAJORITY WHIP BROOKS-POWERS: The wage is going
5 to be a sticking point. So if it's not union work on
6 top of that, like, that's going to be a sticking
7 point. Obviously, if it's union work, this is going
8 to be benefits and a prevailing wage anyway. So...

9 CHAIRPERSON RILEY: Thank you Majority Whip.
10 Were there any colleagues have any questions for this
11 applicant panel?

12 There being no more questions for this applicant
13 panel, counsel, these members of the public-- or
14 excuse me, this applicant panel is now excused.
15 Counsel, are there any members of the public who wish
16 to testify on the Ocean Crest rezoning proposal
17 remotely or in person?

18 MR. BATUS: Thank you.

19 COUNSEL: Yes, Chair. While the applicant panel
20 is clearing out, I'll make an announcement. So we
21 have about three of you online, and we have about
22 four or five of you here. So I will make the
23 announcement that for those of you that are here to
24 testify, please note that you will generally be
25 called in panels of four. If you're a member of the

2 public signed up to testify on the proposal, please
3 stand by-- online, please stand by when you hear your
4 name being called and be prepared to speak when the
5 Chair says-- says that you may begin.

6 Please also note that all panelists in your group
7 have-- when they have completed their testimony, if
8 remotely you will be removed from the meeting as a
9 group, and the next group of speakers will be
10 introduced. Once removed, participants may continue
11 to view the livestream broadcasts of this hearing on
12 the Council website.

13 We will now hear from the first panel. Chair, if
14 you want to call the ones here in person--

15 CHAIRPERSON RILEY: Yes, thank you.

16 COUNEL: --these are their names. And then Raul
17 Rivera, are you here for this item? [BACKGROUND
18 VOICE:] Okay, so...

19 CHAIRPERSON RILEY: Okay. The first panel that
20 we'll be calling is Raul Rivera, Brittany Dixon, and
21 John Onyejon[ph]. Sorry if I mispronounced your
22 name. John, you could come up to the mic.

23 Members of the public will be given two minutes.
24 I'm-- That's a strict two minutes please, to speak.
25 Please do not begin until the Sergeant of Arms has

1 started the clock. When you begin, I just ask that
2 you please reinstate your name for the record. We
3 will begin with Brittany Dixon.

4 MS. DIXON: Hi, good morning. My name is
5 Brittany Dixon, and I am the Coalition Coordinator at
6 FRANC. The letter I'm about to read is just an
7 expression of FRANC's support for the Ocean Crest
8 project. So:

9 Dear respective Councilmembers. On behalf of the
10 Far Rockaway Arverne Nonprofit Coalition, I stand
11 before you today to express our support for the
12 proposed rezoning that would pave the way for a new
13 building in our beloved community of Far Rockaway.

14 We believe that this development, spearheaded by
15 The Community Builders holds immense promise for our
16 neighborhoods growth, prosperity, and wellbeing. At
17 the core of our endorsement lies the commitment to
18 affordable housing, a dire needed Far Rockaway. The
19 proposal outlines the construction of 106 affordable
20 housing units that align with the income levels of
21 the surrounding census tracts. This endeavor will
22 provide our hardworking residents with a chance to
23 secure a stable and dignified living environment
24
25

1 fostering a stronger sense of community and
2 belonging.

3
4 In addition to addressing the pressing issue of
5 housing affordability, equally commendable is TCPs
6 efforts to empower our local workforce. Their
7 previous Beach 21st Street project set a remarkable
8 precedent, achieving 67% local employment for new
9 hires and 40% minority and women-owned business
10 enterprise utilization.

11 By setting aggressive local higher and MWBE goals
12 for this new development, TCB ensures opportunities
13 and gainful employment through the construction
14 process, providing a pathway to economic prosperity
15 and self sufficiency.

16 As an engaged partner since their arrival in
17 Rockaway six years ago, TCB has demonstrated a
18 genuine commitment to the well-being of our
19 community. They have invested their time, resources
20 and enterprise to make tangible improvements and
21 enrich the lives of our residents. This proposed
22 development stands as a testament to their enduring
23 dedication and the recognition of the untapped
24 potential and unwavering spirit of Far Rockaway.

25 [BELL RINGS]

2 CHAIRPERSON RILEY: Thank you Brittany. Next, we
3 will have Raul Rivera. Raul, you may begin as soon
4 as the Sergeant starts the clock.

5 MR. RIVERA: Good afternoon. My name is Raul
6 Rivera.

7 CHAIRPERSON RILEY: You may begin go ahead.

8 MR. RIVERA: Good afternoon. My name is Raul
9 Rivera. I'm a New York native, a native from the
10 Bronx. I'm a TLC driver advocate. I'm the founder
11 of NYC Drivers Unite. We fight for the small
12 businesses. And I'm here today basically to try to
13 reach out to you, Mr. Riley. We have people in
14 district three, Bottcher's district, that are being
15 pushed out. This is Hudson Yards, small business
16 owners, vendors. They've been landscaped out of the
17 location, and they asking for help. They sent me
18 here because they need help.

19 CHAIRPERSON RILEY: Mr. Rivera is this for this
20 project? Or are you talking about something totally
21 different?

22 MR. RIVERA: It's-- It's about what's happening
23 in this city. It's about Councilmember Bottcher
24 who's not showing face. That's why we are here.

2 CHAIRPERSON RILEY: So Mr. Rivera. This is just
3 testimony on this project, okay?

4 MR. RIVERA: We have to come here and testify
5 because the Councilmember doesn't respond. He's on
6 your committee.

7 CHAIRPERSON RILEY: So I totally understand that.
8 But right now I need people that are here testifying
9 on this project. I have no problem having a
10 conversation with you after this, and setting up a
11 conversation with you and Councilmember Bottcher.
12 But right now, I just have people testifying on this
13 project, all right?

14 MR. RIVERA: We want to speak with you.

15 CHAIRPERSON RILEY: No problem.

16 MR. RIVERA: Thank you. Thank you. We
17 appreciate that.

18 CHAIRPERSON RILEY: I'm going to go to Mr. John.
19 John, I don't know how to pronounce your last name.
20 So please state it for the record.

21 MR. ONYEJON[ph]: Onyejon[ph], sir.

22 Thank you, sir. Go ahead, sir.

23 MR. ONYEJON[ph]: Good morning. My name is John
24 Onyejon[ph]. I'm the project manager of REMA 4 US.
25 I just wanted to state that I support Community

2 Builders and the Ocean Crest project. I wanted to
3 discuss the BID formation and how-- how supportive
4 Jesse Batus [inaudible] Lauren Finney has been
5 toward--

6 CHAIRPERSON RILEY: Sir. Give me one second.
7 The live stream is down. Sorry.

8 COUNSEL: Sorry. So we'll just pause for a
9 second, and when it's back up, we'll resume. So
10 we'll start with you.

11 MR. ONYEJON[ph]: Gotcha.

12 COUNSEL: We're okay?

13 CHAIRPERSON RILEY: Go ahead, John. Sorry.

14 MR. ONYEJON[ph]: I was going--

15 CHAIRPERSON RILEY: You can start over.

16 MR. ONYEJON[ph]: Yes sir. My name is John
17 Onyejon, the Project Manager for REMA 4 US. I wanted
18 to discuss how supportive Jesse Batus and Lauren
19 Finney have been to the efforts toward the BID
20 formation, signing the ballots, the footwork that's
21 been needed to be done, and how they've come down to
22 how Far Rockaway to participate in our town hall
23 meetings. They've come down to Far Rockaway to sign
24 the ballot. They're always the first ones to support
25 everything that REMA 4 US needs. And we appreciate

2 everything that they've done. We will support the
3 Wave Crest Project, and that's all I need to say.

4 CHAIRPERSON RILEY: Thank you John. Anyone has
5 any questions for this panel? All right. Thank you
6 so much. This panel is excused.

7 Okay, we have to take a brief reset.

8 [4 minutes silence]

9 All right. We're back. We're back. Thank you
10 everyone for your patience. The next panel I'm going
11 to call up is Leonor Reina and Kevin Alexander.

12 COUNSEL: I think she stepped out. If you want
13 to do the online first?

14 CHAIRPERSON RILEY: Okay, so you know what?
15 Kevin, I'm going to go ahead and do the online, and
16 then I'm going to come back to you, okay? Yeah, you
17 can sit right there if you want.

18 So the next panel I'm going to call up is Brandon
19 Jeffries, Sheena Vaughn, and William Bentley. If you
20 can hear me, I will start first with Brandon
21 Jeffries. You have two minutes Brandon.

22 SERGEANT AT ARMS: Starting time.

23 MS. VAUGHN: Hello.

24 CHAIRPERSON RILEY: Okay, is this Brandon
25 Jeffries?

2 COUNSEL: That's Shannon.

3 MR. JEFFRIES: --and Councilmember Riley, thank
4 you.

5 CHAIRPERSON RILEY: All right. Go ahead,
6 Brandon.

7 MR. JEFFRIES: Good morning all. My name is
8 Brandon Jeffries, co founder of People Empowered
9 Information and Sol de Vida, Information and Our
10 Space Organizations, respectively.

11 I'd like to acknowledge the City Council, Speaker
12 of the City Council, Adrienne Adams, Majority Whip
13 Brooks-Powers, and all those present. Thank you for
14 allowing me to speak today because I'd like to speak
15 personally on the Ocean Crest Project.

16 I'd like to speak in favor of The Community
17 Builders and the project at hand. Compliance is
18 something that I am, more times than not, in favor
19 of. As a result of that I can't speak enough about
20 The Community Builders. From the onset, the
21 development has been transparent as they've been
22 inclusive to both ideas, input, and next steps.
23 Ingenuity is present in TCBs phases and
24 implementation thanks to their willingness to make
25 Rockaway residents their own.

2 For that reason, I was pleased to see the 106--
3 the 106 affordable housing units proposed that are in
4 line with supportive income levels still in place, as
5 well as parking space for every unit to reduce undue
6 traffic.

7 On a personal note, the discounted broadband--
8 broadband service: At a time when people are
9 focusing on AI and cloud technology rather than the
10 ever-present digital divide is very personal to me.
11 And I'm happy to see that being included as well.
12 This project, and the presence of TCB is essential to
13 the next steps of today.

14 I look forward to the community facility space,
15 in the ways that can further progress Far Rockaway
16 going forward. Thank you all and have a nice day.

17 CHAIRPERSON RILEY: Thank you, Brandon. Next, I
18 will call on Shenna Vaughn. Shenna, you may begin.

19 MS. VAUGHN: Hi, I'm Shenna Vaughn and I am here
20 in favor of the TCB project. I had the opportunity
21 to work with them on Beach 21 creating art, which was
22 an amazing project. And what I appreciate about them
23 is how they bring the locals, the local artists, and
24 the local community to participate in their endeavors
25 in not only the affordable housing, but being able to

2 create a mural in the community that is thriving, and
3 the artists that-- and the artists in the community
4 that are thriving, just being able to participate in
5 that and having the residents there be a part of
6 that, whether it's while we're creating, or they want
7 to participate within that.

8 So letting them know that just because it's an
9 affordable housing. It's just-- It's more than just
10 an affordable housing. You get to have like the
11 finer things. You get to have the arts. You get to
12 just have all of the things that are outside of Far
13 Rockaway.

14 And so having this additional unit part in--
15 Having this additional unit in Ocean Crest would be
16 amazing to the additional residents in that area as
17 well, and being able to partake in like, let's say,
18 for example, a mural on the top overseeing the park.
19 Like how amazing is that? So they are for the
20 community, using local artists like myself and other
21 local artists, absolutely, absolutely asking that you
22 give them a chance, because it's-- it's thriving.
23 It's the heartbeat of the community. Housing: It's
24 difficult right now. It's in a crisis. It's-- It's
25 all about support, and just being able to generate

2 additional projects to jobs in addition to the other
3 jobs there while they're creating, the local artists
4 will thrive and appreciate that opportunity. Thank
5 you.

6 CHAIRPERSON RILEY: Thank you. Next I will call
7 on William Bentley. William, if you can hear me, you
8 may begin.

9 William, are you there?

10 MR. BENTLEY: Sorry about that. Can you hear me
11 now?

12 CHAIRPERSON RILEY: Yes. We can hear you. Go
13 ahead.

14 MR. BENTLEY: Okay, great. So again, I'm William
15 Bentley. I'm half of [inaudible], speaking in favor
16 of The Community Builders. We recently had our
17 experience partnering with them creating a mural, a
18 large mural for the gym at the Beach 21 Apartments.

19 It was a great experience just being a black-
20 owned business, and women-owned with my partner,
21 Shenna Vaughn, just being local artists and having
22 that opportunity to do what we do in the community,
23 for the community, providing community
24 beautification. Those are some of the things that we
25 stand by with our partnership, and to have TCB

2 support-- support that was a great experience, and we
3 definitely look forward to more opportunities within
4 the community and building in that way.

5 I think the arts are inspiring, definitely
6 sustaining culture of the community, just the
7 heartbeat of the community, and I appreciate having
8 an organization such as TCB keeping that fresh, and
9 keeping that energy within and not outsourcing or
10 taking-- taking away from the community.

11 CHAIRPERSON RILEY: Thank you, William. Are
12 there any Councilmembers who have questions for this
13 panel? Seeing no questions for this panel, this
14 panel is now excused. The last panel I will call up
15 for this item is Kevin Alexander and Leonor Reina.
16 Kevin, you may begin.

17 MR. ALEXANDER: Good afternoon Chairman Riley and
18 Committee Members. Again, my name is Kevin
19 Alexander, and I am the President and CEO of Rockaway
20 Development and Revitalization Corporation located in
21 Far Rockaway, Queens. Established in 1978, RDRC is a
22 Local Development Corporation that provides adult
23 workforce, youth leadership development, commercial
24 revitalization, HUD certified housing counseling,
25 business stabilization, and attraction services.

Collectively, we serve over 2500 participants and clients each year. Most recently, RDRC was designated as a NYCHA-REES partner organization to increase our services to thousands of residents living in five NYCHA campuses that includes affordable housing opportunities created by the Downtown Far Rockaway Redevelopment, Arverne, Edgemere Commons Development Projects.

The Community Builders Beach 21st Street Project is an excellent example of what a community partnership between developer and community stakeholders should include. Innovations in design, which includes open spaces, excellent views and sightlines, addressing the need for build resiliency as a coastal community, understanding community needs, daycare, well-designed community spaces, concierge services, laundry room, health and fitness on site social services, and property management.

I have no doubt that The Community Builders will again do a good-- effective job with the Ocean Crest project, not just in terms of the physical build, but in its willingness to include local residents by providing OSHA training for local residents to be placed on the project, placing experienced

2 construction workers on the project, and creating
3 business opportunities for local MWBE contractors and
4 suppliers that equated into \$31 million on the Beach
5 21st Street Project.

6 In conclusion, RDRC is fully supportive of the
7 TCB project-- Crest Project. [BELL RINGS]

8 Thank you.

9 CHAIRPERSON RILEY: Thank you, Mr. Alexander.
10 Last I will call up Miss Lenore Reina. You may
11 begin. Press the button

12 MS. REINA: Good afternoon. I am Lenore Reina,
13 the executive director of REMA 4 US. REMA stands for
14 Rockaway East Merchants Association. I'm here today
15 to support The Community Builders, because they have
16 been a true partner to REMA 4 US in terms of
17 partnering with our programming, with what REMA 4 US
18 mission is, which is supporting our local businesses
19 in the revitalization of the area. They have been a
20 true partner during the summer, and also during our
21 programs starting with the BID formation. They have
22 been also participating in our community event, which
23 is actually part of their mission: Building housing,
24 and also linking into the community services that

1 have been done through community-based organizations.
2
3 One of them is REMA 4 US.

4 So we are thankful for their partnership, for
5 providing these services to REMA 4 US. We should
6 also have improved, leading to the-- improving the
7 quality of life of our residents through jobs and
8 also training, which is going to be sustainable for
9 the rest of their lives. So we're not only talking
10 about housing-- affordable housing, but also a source
11 of funding and building on the skills for the local
12 life support in the area, which is going to also
13 translate into commercialization revitalization in
14 the area. We at RIMA 4 US support our merchants, but
15 we also connect with our local organizations like The
16 Community Builders, who have been there with us from
17 the beginning, three to five years ago.

18 So we are here to support all their mission, all
19 the work that they are doing, and we would like to
20 continue seeing this in our area. It not only
21 benefits one side, but also benefits the entire
22 Rockaway Peninsula, because whatever income comes to
23 this family, it also goes to the other extent to the
24 nearby communities.

2 I think that this is something that will benefit
3 the entire community in two ways: The Community
4 Builders, and also the community and partnerships.

5 CHAIRPERSON RILEY: Thank you so much. Any
6 questions for this panel? This panel is excused.
7 There being no more-- Is there anyone here who's
8 with us who wants to testify on this item? The Ocean
9 Crest Rezoning Proposal will stand at ease for five
10 seconds.

11 COUNSEL: And if there's anyone else online that
12 wishes to testify, please raise your hand on the
13 Zoom.

14 CHAIRPERSON RILEY: There being no other members
15 of the public who wish to testify on Lus 239 and 240
16 relating to the Ocean Crest rezoning, the public
17 hearing is now closed and the items are laid over.

18 I will now open the public hearing on Lus231
19 related to the 43rd Avenue demapping in Councilmember
20 Paladino's district. Can I just have the panelists
21 come up here? I just need three minutes to take my
22 daughter to the bathroom. All right? Thank you.

23 [2.5 minutes]

24 All right. Thank you, Counsel. I will now open
25 the public hearing on LUs 231 related to the 43rd

2 Avenue demapping in Councilmember Paladino's district
3 in Queens. This application seeks an amendment to
4 the city map to allow the closing of a portion of
5 43rd Avenue between 222nd Street and 223rd Street,
6 the adjustments of grades and block dimensions, and
7 the disposition of the demapped portion of the street
8 to the applicant for fair market value.

9 For anyone wishing to testify on this either
10 remotely, if you have not already done so you must
11 register online, and you may do that now by visiting
12 the Council's website at council.nyc.gov/landuse.
13 And once again for anyone with us in person, please
14 see one of the Sergeants to prepare and submit a
15 speaker's card.

16 I would now like to give Councilmember Palladino
17 to give her remarks and thank her for her patience.
18 Councilmember Paladino. Oh, no remarks? All right.
19 Thank you, Councilmember. Council, please call the
20 first panel for this item.

21 COUNSEL: Before I do, I just want to remind
22 everyone that for this hearing, we have simultaneous
23 translation in the Livestream. And we also have
24 headsets for anyone that needs it. And we have an
25

2 interpreter here with us to help us out with the
3 applicant for interpretation.

4 So the applicant panel consists of Joseph Sbarro
5 and Anthony Lim.

6 CHAIRPERSON RILEY: Counsel, can you please
7 administer that affirmation?

8 COUNSEL: Will do. And again, I will just remind
9 the interpreter, I will ask a question. You will ask
10 the applicant, and then just you know, help us make
11 sure he responds to the question.

12 So can the applicants please raise their right
13 hand?

14 Do you affirm to tell the truth, the whole truth
15 and nothing but the truth in your testimony before
16 the subcommittee, and in your answers to all
17 Councilmember questions?

18 MR. SBARRO: Yes.

19 [TRANSLATOR TRANSLATING]

20 COUNSEL: Can-- Can we have him say "yes" into
21 the microphone, please?

22 MR. LIM: Yes.

23 CHAIRPERSON RILEY: Thank you. For the viewing
24 public, if you have an assessable version of this
25

2 presentation, please send an email request to
3 landusetestimony@council.nyc.gov.

4 And now the applicant team may begin. Panelists,
5 as you begin, I ask you please reinstate your name
6 and organization for the record. You may begin.

7 MR. SBARRO: Good morning Chair Riley,
8 Councilmember Paladino, and members of the
9 Subcommittee. I'm Joseph Sbarro from Akerman LLP,
10 representing Mr. Anthony Lim, the applicant for the
11 43rd Avenue demapping application.

12 This is an application for a city map amendment
13 regarding a 1559 square foot portion of the south
14 side of 43rd Avenue between 222nd Street to the west,
15 and 223rd Street to the east. The applicant is the
16 owner of 222-08/43rd Avenue, which is located on the
17 corner of 43rd Avenue and 222nd Street. This
18 property and the adjacent property to the east have
19 retaining walls that encroach onto the south side of
20 43rd Avenue by approximately eight feet for the full
21 length of 43rd Avenue between 222nd and 223rd
22 Streets.

23 Ultimately, the applicant is seeking this
24 demapping to obtain a certificate of occupancy for
25 his home, which requires him to resolve this issue

1 with the encroachment. Note at the outset that no
2 city agencies, including the Department of
3 Transportation have raised objections to the proposed
4 demapping. The Department of Transportation was
5 involved in the process and made recommendations
6 regarding the dimensions of the street line resulting
7 from the demapping.
8

9 Next slide please.

10 The effective portion of the south side of 43rd
11 Avenue is shown on this zoning and land use map. The
12 western side of the block is zoned R3-X, and the
13 eastern side is zoned R3-2.

14 Next slide please.

15 This survey here shows the affected 1159 square
16 foot portion of 43rd Avenue, which is highlighted,
17 and in yellow and in this in the context of the
18 surrounding area. Along this portion of 43rd Avenue,
19 the sidewalk ranges from four foot six to five foot
20 two, and the planting area is 12 feet 7 inches at its
21 widest point near the intersection of 43rd Avenue and
22 222nd Street. The applicant's property abuts the
23 western half of the proposed demapping area.

24 Next slide please.
25

2 Here you can see an aerial view with the proposed
3 area to be demapped highlighted in yellow. The
4 applicant purchased the property in 1992. According
5 to the applicant, he had the current retaining wall
6 built starting in around 2006 to replace an existing
7 retaining wall. At the time, he was not aware of the
8 encroachment onto the city street. A few years
9 later, in 2010, portions of the wall were damaged and
10 DOB issued violations as a result. The applicant had
11 repairs made to the wall, but was unable to certify
12 correction of the violations to DOB. According to
13 the applicant, this is when he learned of the
14 encroachment issue.

15 Next slide please.

16 The photo on the left shows the applicant's
17 property and the encroaching retaining wall looking
18 west from the mid block. The design of the retaining
19 wall incorporates features for stormwater management.
20 The photo on the right shows the neighboring property
21 and the encroaching retaining wall looking east from
22 the mid-block.

23 Next slide please.

24 This is an alteration map showing the proposed
25 change to the city map that was prepared based on

2 DOT's recommendation regarding the dimensions and
3 review by the topographical Bureau of the Office of
4 the Queens borough president. The current line of
5 43rd Avenue would move north by approximately eight
6 feet for the width of the block to take in the area
7 where the retaining walls encroach on the south side
8 of 43rd Avenue.

9 Next slide please.

10 This detail of the alteration map from the last
11 slide shows the enlarged dimensions of approximately
12 eight feet in width, running the full length of 43rd
13 avenue for 195 feet between 222nd and 223rd Street,
14 based on the recommendation from DOT.

15 Next slide please.

16 Finally, as a condition of a mapping agreement
17 with the City, DOT is requiring the applicant to
18 improve the existing curb condition, essentially
19 removing the jog shown with the blue line so that the
20 curb follows a straight line, shown in red here on
21 the slide. The new proposed line is shown in yellow
22 below the red.

23 Next slide please.

24 Approval of the demapping would allow Mr. Lim to
25 enter into a mapping agreement with the city subject

1 to conditions imposed by the city. Mr. Lim is open
2 to discussion on additional-- additional reasonable
3 conditions for the mapping agreement. It would allow
4 Mr. Lim to purchase demapped portion from the City
5 based on the city's appraisal at fair market value.

6
7 To be clear, this is not a windfall for Mr. Lim.
8 He will have to pay the fair market value per square
9 foot of the de mapped area. The City conducts the
10 appraisal based on comparative data within six
11 months.

12 Lastly, approval would allow Mr. Lim to work with
13 the Department of Buildings to obtain a certificate
14 of occupancy for the property, subject to DOB review
15 and inspection. If Mr. Lim owns the property, he can
16 file with DOB for his CO and pull any permits as
17 required by DOB. Disapproval of the application
18 would punish a long-term neighborhood resident for
19 attempting to correct a nearly 20-year-old mistake.
20 Mr. Lim purchased the property in 1992. He is
21 retired and on a fixed income, and this is his home.
22 He has been trying to fix this issue for years at
23 great cost. Disapproval will further delay DOB's
24 oversight regarding the property. Without the
25 demapping, the retaining wall remains on city

2 property, and limits Mr. Lims ability to take action
3 at DOB. Finally disapproval would not change the
4 location or size of the retaining wall. A revocable
5 consent agreement with DOT would allow the status
6 quo, but must be renewed and creates uncertainty for
7 financing and title matters.

8 Next slide please.

9 I would also like to note that we have received
10 the support-- written support of Mr. Lims neighbor,
11 Miss Linda Hsu Rourke, who lives at 4309 222nd
12 Street, and we've submitted the letter in support to
13 the Subcommittee.

14 This concludes our presentation. We would like
15 to thank the Subcommittee for your time today.

16 CHAIRPERSON RILEY: Thank you so much. I have a
17 few questions. And then I'm going to pass it over to
18 Councilmember Palladino. What was the original
19 purpose of the retaining wall?

20 MR. SBARRO: So based on conversations with the
21 applicant when he purchased the property, it was
22 existing, and the grade changes from 222nd Street to
23 223rd Street from about 40 to 58 feet. So there is a
24 need for a retaining wall for the structural
25 integrity of the property.

2 CHAIRPERSON RILEY: At the time of the wall's
3 construction, did the applicant know it was
4 encroaching on the public's right-of-way?

5 MR. SBARRO: No. He was not aware of that at the
6 time.

7 CHAIRPERSON RILEY: Is there a responsible
8 alternative to demapping that would allow the
9 building violations to be resolved?

10 MR. SBARRO: We believe this is the best solution
11 for the situation. As I mentioned earlier, there is
12 the revocable consent option, but that doesn't
13 provide the-- you know, the sense of finality, and it
14 still could create potential issues with financing
15 and title, insurance matters down the road for Mr.
16 Lim. So we were looking for the most, I guess,
17 definitive way to approach this.

18 CHAIRPERSON RILEY: All right, thank you.
19 Councilmember Paladino.

20 COUNCILMEMBER PALADINO: Thank you, Chairman. I
21 have a couple of questions. I'm going to start with
22 the first one: Would it be feasible for the
23 encroachment to be corrected by rebuilding the
24 retaining wall on an at-the-lot line?

1 MR. SBARRO: It's a possibility. But I don't
2 believe it-- from a cost standpoint, it would be a
3 tremendous undertaking for the applicant. And he's
4 already expended a great amount of money over the
5 course of the last 20 years. So it's-- I don't think
6 it's financially feasible. So that's why we are
7 pursuing this route.

8 COUNCILMEMBER PALADINO: Okay. So I'm going to
9 take you answer as, "No, it's not feasible."
10 Alright. So, to back that up, do you have an
11 engineer's report that substantiates the claim?

12 MR. SBARRO: We can-- I will follow up after the
13 hearing, and we can provide you with that
14 information.

15 COUNCILMEMBER PALADINO: Okay. Another question:
16 Does the retaining wall currently require any
17 repairs?

18 MR. SBARRO: It will be inspected by-- it does
19 require repairs. That was the nature of the
20 violations. So there will be an inspection and
21 review with DOB. And if demapping were approved,
22 that would enable the applicant to certify correction
23 of those violations.

2 COUNCILMEMBER PALADINO: Will the sidewalk
3 realignment work be done at the applicant's expense.

4 MR. SBARRO: I will have to confirm that.

5 COUNCILMEMBER PALADINO: Okay. Will any street
6 parking spaces be eliminated by the sidewalk
7 realignment?

8 MR. SBARRO: Not to my knowledge.

9 COUNCILMEMBER PALADINO: I saw the house. I saw
10 the wall. Will the illegal curb cut that's pictured
11 on (it's a very nice brochure by the way)-- that's on
12 here. That's illegal. The retaining wall goes up
13 about-- my guess is if everybody looks at the
14 picture. It goes up past this illegal curb cut where
15 there's an illegal driveway. It goes up about nine
16 to 10, maybe 15 feet up. Now the retaining wall,
17 when you purchase this house back in 1992, how could
18 you purchase a house and be given a CFO on a house
19 that the already, in your words, "pre-existing wall"
20 had been there? How did you get the CO? How was the
21 mortgage approved? How did this happen? If that
22 wall was already there and on city property? That--
23 That is an interest to me. And you said that DOT--
24 Well, let's-- let's take this one first.

2 MR. SBARRO: Sure. So we are not able to verify
3 how this happened based on an extensive review of the
4 public records. The applicant understands this was
5 an error and is now trying to work to resolve to
6 correct it. But--

7 COUNCILMEMBER PALADINO: Yeah, but how was the
8 purchase made on the property? I don't get that.

9 Okay. Next. You also said that DOT gave you
10 approval?

11 MR. SBARRO: Yes.

12 COUNCILMEMBER PALADINO: In what year? How long
13 ago did DOT give you the-- the approval?

14 MR. SBARRO: I know there's been ongoing
15 conversations. I can get you the exact date.

16 COUNCILMEMBER PALADINO: Mm-hmm. Okay. We also
17 know that it now rides-- I understand the reasons for
18 a retaining wall, being a homeowner and I do know
19 that a retaining wall needs to graduate in size as
20 you go up or down a hill depending upon the way your
21 property is set up. But to go to this length, and
22 this height is, I think is out of-- totally out of
23 reach. And I don't know how-- You built it? He
24 built this wall?

2 MR. SBARRO: The wall was existing. And there
3 was a storm in 2010 where he--

4 COUNCILMEMBER PALADINO: This size wall was
5 existing in 2002 when he bought this house?

6 MR. SBARRO: The wall was existing wall was
7 existing, yes.

8 COUNCILMEMBER PALADINO: A wall was existing, or
9 this wall was existing?

10 MR. LIM: [SPEAKING KOREAN]

11 MR. SBARRO: So we have a photo here from 2005 of
12 the original wall. Can I give this to you?

13 COUNCILMEMBER PALADINO: Sure. Of course.

14 Okay, so the existing wall is-- looks like it's a
15 cinderblock wall. And it graduates from about four
16 feet, my eye being what it is, it graduates from
17 about four feet to about five and a half feet up.
18 And did that run the entire length of city property?
19 Or was that just for the length of the homeowners
20 deed?

21 MR. SBARRO: The wall runs from-- what? 222nd
22 Street to 223rd Street for about 195 feet.

23 COUNCILMEMBER PALADINO: So-- but there's another
24 owner right behind him, which they butt up against
25 each other.

2 MR. SBARRO: Right.

3 COUNCILMEMBER PALADINO: And they too took the
4 advantage of following the same line, which means
5 they're in encroachment also. And they built a much
6 more beautiful wall, but just the same, a wall that
7 exists on city property.

8 MR. SBARRO: That's correct.

9 COUNCILMEMBER PALADINO: Okay. So I have one
10 more, and then we're going to turn it over to the
11 public. I'm sure there's a couple of people who want
12 to ask. I'm going to go back to the illegal curb cut
13 along 43rd Avenue, and how will it be remedied?

14 MR. SBARRO: I believe that will be part of the
15 larger conversation with the Department of
16 Transportation. I'll get-- I can provide additional
17 detail after the hearing as well.

18 COUNCILMEMBER PALADINO: Well, I realize the
19 homeowners got a huge financial strain, and I'm
20 terri-- I'm sorry to hear about it. But this was
21 this was purchased in 2002, and I go back to my
22 original question, which is how could land be
23 purchased, or mortgage be given without a C of O?
24 And if there was a C of O, and the proper kind of C
25 of O, it would have saw-- you would have seen how the

2 wall bowed out onto city property. That's all I have
3 to say. We'll turn it over to the public. Thank you
4 very much.

5 CHAIRPERSON RILEY: Thank you, Councilmember
6 Palladino. Councilmember Carr?

7 COUNCILMEMBER CARR: Thank you Chair Riley. Just
8 trying to clarify something. So the date of purchase
9 was 1992, is that correct?

10 MR. SBARRO: In 1992, the applicant purchased the
11 property.

12 COUNCILMEMBER CARR: And 2005 was a redevelopment
13 of the site. Is that accurate?

14 MR. SBARRO: Right. So according to the
15 applicant, he had the current retaining wall built
16 around 2006 to replace an existing wall.

17 COUNCILMEMBER CARR: So-- But the redevelopment
18 on the site, it was only the wall, or he redeveloped
19 the home as well?

20 MR. SBARRO: So currently, there's a two-family,
21 two story home on the lot. The applicant occupies--
22 [TO MR. LIM:] When did you build the home?

23 MR. LIM: I got the CO in 2007.

24 MR. SBARRO: So you built the home in 2007?

25 MR. LIM: In 2007.

2 COUNCILMEMBER CARR: So it was previously a
3 single family, and it was redeveloped as a two
4 family.

5 MR. LIM: Yes. Single family.

6 COUNCILMEMBER CARR: So when you-- the prior
7 home, the prior structure, the one family that you
8 purchased in 1992, that had a final C of O. Is that
9 accurate?

10 MR. LIM: Yeah. I used to have a CO, and when I
11 built the house, I got the permit from the city.

12 COUNCILMEMBER CARR: Yup.

13 MR. LIM: And at the time, I-- it was in 2006, I
14 realized that my wall invaded the city lot, land. I
15 realized that in 2006 when I build the house. Before
16 that, I didn't know, because-- it's so-- it's two
17 feet to five feet higher than the road. And there's
18 a wall like that. So I don't-- there wasn't much
19 land.

20 COUNCILMEMBER CARR: So when you developed the
21 one family into a two family, were you given a
22 temporary C of O at any point?

23 MR. LIM: No, CO, not-- on the lot, [inaudible].
24
25

2 COUNCILMEMBER CARR: And so did you-- So you're
3 in a two family? Are you occupying both units? Or
4 do you have a tenant?

5 MR. LIM: No. One-- next unit, I rent it. The
6 one unit I occupy.

7 COUNCILMEMBER CARR: Right. So as you were
8 developing the new structure, that's when you became
9 aware that there was the encroachment issue? No
10 other surv--

11 MR. LIM: No. No.

12 COUNCILMEMBER CARR: No survey prior to that ever
13 indicated that there was an issue there?

14 MR. LIM: Just when I-- while building the new
15 building, the wall was destroyed by [inaudible],
16 because big trucks come and go like that. So I have
17 no choice but to rebuild the wall. Then at that time
18 I applied for CO. Then I realized that the-- I
19 invade the city wall-- the city land. So that's why
20 my-- the application was rejected for CO.

21 COUNCILMEMBER CARR: So it wasn't until you filed
22 the-- the permits for the wall itself that you were
23 informed that it was on city property.

24 MR. LIM: Yeah. I never think about the my--
25 invade the city land, my wall invade city land. I

2 didn't realize that. I never think of that. The
3 [inaudible] the wall is my land. I don't [inaudible]
4 it. Naturally, I think like that. I didn't do--
5 then in 2006, I realized that the I invade the city
6 wall, where when I update the other CO, at that time
7 I realized it. I never see any...

8 COUNCILMEMBER CARR: So a couple of my concerns
9 is, based on your answers to Councilmember Paladino's
10 questions is that there's still kind of a lot of
11 that's up in the air about what's going to happen
12 with the structure, even if we were to agree to the
13 rezoning. And I understand that's subject to
14 discussion with DOT. But I think it might be helpful
15 for the decision making process to have a sense of
16 what the-- what the after action is, if we were to do
17 this. So the Councilmember is raising questions
18 about the gap in the hole with the illegal curb cut.
19 It looks like it's an illegal driveway, and a host of
20 other issues.

21 So I think that that's of interest, right?
22 Because if you're saying that the revocable consent
23 option isn't as desirable. I think it's hard for us
24 to weigh all these options together without knowing
25 where this is leading.

2 MR. SBARRO: Right. And I understand that. So
3 we will provide the follow up information after the
4 hearing. And hopefully we can answer all of your
5 questions.

6 COUNCILMEMBER CARR: Thank you. Thank you,
7 Chair.

8 CHAIRPERSON RILEY: Thank you, Councilmember
9 Carr. Councilmember Paladino?

10 COUNCILMEMBER PALADINO: Yeah, I just want to add
11 to the fact that the Community Board 11 voted
12 unanimously, 39 to 0, to see that wall-- something
13 give with that wall and the curb cut. And there's
14 also been a petition done by the neighbors in the
15 area. So we have to come to some sort of an
16 agreement here. And again, I'm going to turn it over
17 to my constituents who live in and about that area
18 and let them take it from here. But thank you very
19 much.

20 MR. SBARRO: Thank you.

21 CHAIRPERSON RILEY: Thank you, Councilmember
22 Paladino. There being no other Councilmembers who
23 want to testify, this panel is excused. Counsel, are
24 there members of the public who wish to testify on--
25 on the 43rd Avenue demapping remotely or in person?

2 COUNSEL: Yes, we have 1, 2, 3, 4 members of the
3 public online. So I'll just make a quick
4 announcement that you'll be called in as a panel.
5 And just make sure that your mic is on before you
6 begin to speak-- to speak. The Chair will call your
7 name. I just note that again, you will be removed
8 once you're done with your testimony, but just please
9 stay on the hearing so that in case Councilmembers
10 have questions for you.

11 CHAIRPERSON RILEY: Thank you, Counsel. The
12 first panel I will be calling up is Henry Eular,
13 George Mihaltses, Paul DiBenedetto, and Gerrard
14 McCabe. I am so sorry if I butchered your name,
15 everyone. All right, so first, I'm going to have
16 Henry Eular go first.

17 MR. EULAR: Okay, thank you, Chair. Excuse me,
18 my name is Henry Eular. I'm a member of Queens
19 Community Board. I'm not representing the board
20 today with my testimony. I'm just very concerned
21 when this case came before our board. By the way,
22 I'm also a civic president of an organization to the
23 west of this site.

24 When this came before the board, I naturally went
25 to visit the site to see what was going on. I went

1 to the committee meeting, the full board meeting.
2
3 And as Councilmember Paladino said, the board voted
4 unanimously against this, 0 for and 39 against. It
5 just boggles my mind what-- during the hearings of
6 the community board, Mr. Mihaltses, who is on our
7 community board, he's also a resident that lives
8 right at the site. He tells us all about what was
9 going on at the site. And there was a lot of
10 problems, there are a lot of issues, and he'll go
11 into it when he speaks. There was also an issue with
12 43rd Avenue itself. It's very narrow at that point.
13 There may be some point in the future when it has to
14 be expanded. But for myself, I can't understand why
15 the company who installed the wall constructed it on
16 city property illegally. And why the applicant did
17 not notice that the wall was not on his property when
18 it was being built. Most of us know where our
19 property lines are, and I just can't understand how
20 that happened.

21 I think the best solution to the problem is for
22 the applicant to move his retaining wall back to his
23 property line. And I think that if we grant this
24 particular application, that would set a bad
25 precedent, and encourage other people to build walls

2 on property that belongs to the city, or maybe even
3 other residences, seemingly without consequences.
4 And as I said before, Community Board 11 voted
5 unanimously against it. That's what I have to say.
6 Thank you.

7 CHAIRPERSON RILEY: Thank you, Henry. Next,
8 we'll have George Mihaltzes. George, if you hear me,
9 you may begin.

10 George, are you here?

11 Okay, we'll go to Paul DiBenedetto and come right
12 back to George after. Paul, if you can hear me, can
13 you please unmute, and you may begin.

14 MR. MIHALTSES: I'm here.

15 MR. DIBENEDETTO: Go to George please. Thank you
16 very much.

17 CHAIRPERSON RILEY: Oh, there you go, George.
18 Thank you, George. Go ahead.

19 MR. MIHALTSES: Okay. Hold on. Can you guys
20 hear me?

21 CHAIRPERSON RILEY: Yes, we can hear you.

22 MR. MIHALTSES: Right. So good afternoon. My
23 name is George Mihaltzes. My wife and I live on 43rd
24 Avenue, a block away from the proposed demapping. We
25 have lived in the neighborhood and on 43rd Avenue

1 since 1988. We oppose this application. The
2 building on the property at 222-08 43rd Avenue was
3 constructed in 2005. Upon completion of the home,
4 the retaining wall sat in an unfinished state with
5 debris entirely blocking the sidewalk for a couple of
6 years. The wall was subsequently completed and the
7 sidewalk obstructions removed.

8
9 There are currently four open violations on this
10 property as well as a partial vacate order all
11 related to the retaining wall. The wall in its
12 current state significantly encroaches on city
13 property and appears unsafe. It is bowed and has
14 cracks in multiple places. Reinforcement bars are
15 visible. It does not have weep holes. It is my
16 understanding that a portion of the retaining wall
17 collapsed onto a neighboring property during
18 Hurricane Sandy. Furthermore, the applicant built a
19 wall with an opening on 43rd Avenue and a curb cut.
20 The curb cut, driveway, and garage space were never
21 approved by the City. This section of the wall has
22 remained unfinished and open to the adjacent
23 sidewalks since it was built.

24 Lastly, the retaining wall encroaches on city
25 property by five to eight feet, not inches. This is

2 not an innocent oversight. In 2005, the property
3 owner demolished the single family home that was on
4 the property and replaced it with two semi-attached
5 two family buildings.

6 So just for a historical perspective, this lot
7 was 62 by 100, was subdivided two 31 by 100 lots of
8 which this property on this home sits in. And then
9 there is a semi-attached home on the other one. So
10 the original life was 62 by 100. It was subdivided
11 to 31 by 100, two lots, and two homes went up. The
12 massive retaining wall was also constructed at that
13 time.

14 Architects, surveyors, contractors, lawyers, and
15 others were engaged in the redevelopment of this
16 property and the filing of its plans. It is
17 incomprehensible to believe that no one involved with
18 the planning of this building, including the owner,
19 had any knowledge that the new retaining wall-- [BELL
20 RINGS]

21 SERGEANT AT ARMS: Time expired.

22 MR. MIHALTSES: -- [inaudible] outside of the
23 property line. Allowing this sets a very bad
24 precedent. It also sends a message to other bad
25 actors in the community that they too can get away

2 with violating the building code. That slippery
3 slope is already happening in our neighborhood as the
4 adjacent property of 43-302 223rd Street--

5 CHAIRPERSON RILEY: Thank-- Thank you, George.

6 MR. MIHALTSES: --recently built a large
7 encroaching wall on city property as well. The
8 applicant has two other more--

9 CHAIRPERSON RILEY: George, I just need you wrap
10 it up, okay?

11 MR. MIHALTSES: Sure. As residents and property
12 owners, the only protection we have to keep our
13 community safe, beautiful places to live are the laws
14 that we all must abide by, and those laws to be
15 enforced by our government. The demapping of a city
16 street to benefit a single property owner, in
17 essence, validates that property owner's violation of
18 laws is not good policy. We urge this Committee to
19 stand with the with the community in opposition to
20 this proposal. Thank you.

21 CHAIRPERSON RILEY: Thanks, George. Next, I'm
22 going to call up Paul DiBenedetto. Paul, you may
23 begin.

24 MR. DIBENEDETTO: Thank you very much. And
25 thanks for the hearing today. And you got my name

2 right too. So just to let you know, we-- we
3 inspected the site-- You can all hear me, correct?

4 CHAIRPERSON RILEY: Yes, we can hear you, Paul.

5 MR. DIBENEDETTO: Thank you. Yes. We inspected
6 the site in person, we don't ever go by just Google
7 Maps or anything like that. We go to the location.
8 We look at it. We get a real feel for it. We did so
9 with the neighbors, with George Mihaltzes, and with
10 Councilmember Paladino, who also came directly to the
11 site to-- to investigate.

12 As-- As was mentioned before, this is a terrible
13 precedent to set. We have all kinds of issues in our
14 district with overdevelopment and other issues. And
15 the precedent of this in our-- As was stated already,
16 the neighbor behind-- immediately adjacent to this
17 property did the same thing. They saw that this--
18 this applicant got away-- got away with it and did
19 the same thing. That's-- that one's got to be
20 removed, too. And if they get away with it-- with it
21 this time, then why would anybody else do it? It--
22 There's plenty of situations where this can arise.

23 It's an illegal retaining wall. If the applicant
24 truly wants to correct the situation, they should
25 rebuild it on the property line that they were

2 supposed to. They should make it right. It's an--
3 There's an illegal curb cut there. The owner is
4 operating seemingly by his own rules. You know. The
5 whole story of how the wall was built, and they
6 weren't sure this and that. There's an illegal curb
7 cut. There's some kind of a garage there, a strange
8 thing, improper surveys, extra land, square footage
9 taken, can increase the zoning prospect for this to
10 be rezoned to-- to another up-zoning, right?

11 The Community Board was unanimous in its
12 decision. We're all homeowners too in the Community
13 Board-- apartments, houses, whatever it may be. We
14 understand the difficulties and the costs incurred as
15 homeowners. It's-- It's challenging, but we all do
16 it. But-- But I can tell you that none of us would--
17 would be involved in what's potentially a major, I
18 would almost theft of city property. [BELL RINGS]

19 SERGEANT AT ARMS: Time expired.

20 MR. DIBENEDETTO: So I will stop. Yes, thank
21 you. But I think it's clear that what we need-- what
22 we would like to see happen here, we would like it to
23 be rejected so that we can feel safe in our
24 neighborhoods that this kind of thing won't happen
25 again. Thank you very much.

2 CHAIRPERSON RILEY: Thank you, Paul. Next will
3 be Gerard McCabb. Gerard, you may begin if you hear
4 this.

5 MR. MCCABE: Gerard McCabe. That's okay. Thank
6 you so much for the hearing. I think it's critical
7 for the public to be aware of situations like this.
8 I'm an attorney I live two blocks from this mess.
9 And all I can say is I'm vehemently opposed to the
10 application. And on two points, I agree with
11 everyone who's already spoken. But as to a practical
12 impact, I drive down this block almost every day.
13 And it is without a doubt dangerous. But you cannot-
14 - two cars cannot pass simultaneously. My side
15 mirror has gotten nicked a couple of times because of
16 this mess that's been created. And you know, it just
17 should not be allowed to stand.

18 On a second point, from a public policy
19 standpoint: Citizens should have to follow the law.
20 You can't award reward somebody for violating the
21 building code. I don't care how long it's been. So
22 from my position quite briefly, this application has
23 to be denied. Thank you for your time.

24 CHAIRPERSON RILEY: Thank you, Gerard. Any
25 Councilmembers who have questions for this panel?

2 There being no questions for this panel, are there
3 any more members of the public with us in person or
4 online who want to testify on the 43rd Avenue
5 demapping? We will stand at ease for 10 seconds.

6 MR. DIBENEDETTO: Chair Riley? If I could just
7 men-- I don't know if I mentioned before, just that I
8 am that I am the Chair of Committee Board 11, and so
9 I oversaw everything about this this this case.
10 Thank you.

11 CHAIRPERSON RILEY: Thank you, Paul. There being
12 no other members of the public who wish to testify on
13 LU-231 related to the 43rd Avenue demapping, the
14 public hearing is now closed and the items are laid
15 over.

16 All right. I will now open the public hearing on
17 Lus 241 and 242, relating to the 7120 New Utrecht
18 rezoning in Councilmember Brannan's district in
19 Brooklyn. This application seeks a zoning map
20 amendment to rezone the existing R5/C2-2 zoning
21 district to a C4-4L zoning district, and the related
22 zoning text amendment to mapping an MIH program area.
23 For anyone wishing to testify on this either
24 remotely, if you have not already done so you may--
25 you must register online, and you may do that now by

2 visiting the Council's website at
3 council.nyc.gov/landuse. And once again, for anyone
4 with us in person, please see one of the Sergeants to
5 prepare and submit a speaker's card. Counsel, can
6 please call the first panel for this item.

7 So I don't think, Eli, I have the names of both
8 of you. So if you can just state your name for the
9 record. I think I don't have a slip for one of you.
10 So if you can just state your name.

11 MR. LEBB[ph]: Sure. My name is Jeff Lebb[ph].
12 I do community relations, government relations for
13 this project.

14 COUNSEL: And Eli Gewirtz.

15 CHAIRPERSON RILEY: Thank you so much, counsel.
16 Please administer the affirmation.

17 COUNSEL: If you could both raise your right
18 hand. Do you affirm to tell the truth, the whole
19 truth, and nothing but the truth in your testimony
20 before the subcommittee and in your answers to all
21 councilmember questions?

22 MR. GEWIRTZ: Yes.

23 MR. LEBB[ph]: Yes.

24 CHAIRPERSON RILEY: Thank you so much. And for
25 the viewing public, if you need an assessable version

2 of this presentation, please send the email request
3 to landusetestimony@council.nyc.gov. And now the
4 applicant team may begin. Panelists as you begin,
5 I'll just ask that you please restate your name and
6 organization for the record. You may begin.

7 MR. GEWIRTZ: Thank you so much. Good afternoon,
8 Chair Riley, members of the subcommittee, and perhaps
9 future councilmembers. My name is--

10 CHAIRPERSON RILEY: Thank you for acknowledging
11 my daughters. You're the only ones who did that
12 today.

13 MR. GEWIRTZ: Of course. I have two daughters
14 myself. So yes. My name is Ellie Gowertz. I'm a
15 land use attorney from Davidoff, Hutcher & Citron.
16 We are also joined by the Chair of our Land Use
17 Department, Howard Weiss, and as mentioned before,
18 I'm Jeff Leb as well. We are representing 7120 New
19 Utrecht LLC in their rezoning application at 7120 New
20 Utrecht Avenue in the Bensonhurst neighborhood of
21 Brooklyn, Community District 11.

22 Next slide please.

23 So as I said, I'm from Davidoff, Hutcher &
24 Citron. We are requesting to land use actions as
25 part of this application. The first is a zoning map

1 amendment to rezone the project area from R5/C2-2 to
2 C4-4L and a zoning text amendment to map an MIH area
3 over the project area with MIH options 1 and 2. The
4 two proposed actions would facilitate the development
5 of a nine-story mixed use building containing 85,000
6 square feet of floor area which is a 4.59 FAR, with
7 100 total dwelling units, 70 of which would be market
8 rate, 30 of which would be affordable pursuant to MIH
9 option 2 and approximately 11,650 square feet of
10 ground floor retail space at the development site.

11
12 Next slide please.

13 So just a brief recap of how the ULURP process
14 has gone up till this point: So Community Board 11
15 disapproved the application back on April 3rd.

16 However, at the borough president office, he
17 recommended the approval of this application without
18 any conditions.

19 And I just want to highlight a statement from the
20 borough president's recommendation report that I
21 think is very telling here. The recommendation
22 reports stated, and I quote,

23 "The project development site is the epitome of
24 transit-oriented development, and one would be hard

1 pressed to imagine a more ideal location for growth
2 in this community district."

3
4 And then the City Planning Commission voted
5 unanimously to approve this application on June 7,
6 2023. And as stated in their CPC report, they feel
7 again this is an appropriate site for increased
8 development in this part of Brooklyn, which has not
9 been providing enough housing, and their fair share
10 of affordable housing in particular.

11 Next slide please.

12 Just to orient ourselves to where the project is
13 located again: So we're on the western side of New
14 Utrecht Avenue between 71st and 72nd streets in
15 Bensonhurst, Community District 11, and we're in
16 Councilmember Justin Brannan's district in Council
17 District 43.

18 Next slide please.

19 This is an overview of the lots that are part of
20 our rezoning area. So highlighted in red are the
21 lots in our development site. It's block 6180, lots
22 31 and 33, which are on the northwest corner of 72nd
23 Street and New Utrecht Avenue. The development side
24 is comprised of 18,518 square feet of lot area. As
25 you'll see to the immediate North is lot 29 which is

2 not applicant owned, but we included it in our
3 rezoning area for a more comprehensive rezoning area
4 which is also C4/4L, as also we feel appropriate for
5 that lot as fronts the 80-foot widening Utrecht
6 Avenue. That site contains a two story building with
7 ground floor a deli and a nail salon and four
8 dwelling units on the second floor.

9 I'll also note that the C2-2 district that we're
10 eliminating, is currently mapped 100 feet deep from
11 New Utrecht Avenue. So part of that C2-2 overlay
12 cuts into neighboring lots 27 and 44. So that's why
13 part of those lots are part of our rezoning area as
14 well. But again, no development is proposed on those
15 lots. That's just the elimination of the C2-2
16 overlay.

17 Next slide please.

18 This is a aerial view of our site with some
19 context. As you see, one of the defining features of
20 the site is that the elevated subway line runs right
21 along Utrecht Avenue with D Train service, and
22 entrance to the 71st Street Station is immediately in
23 front of lot 29 which is part of our rezoning area to
24 the immediate north, which is why the borough
25 president says this epitomizes transit-oriented

1 development. I also want to point out this the road
2 to the immediate East is 16th Avenue which is also 80
3 feet wide. So our lot, although it directly fronts
4 Utrecht Avenue is very close and will be very much
5 adjacent to 16th Avenue, which is 80 feet wide, and I
6 also want to point out that there is a Verizon
7 utility building on 16th Avenue across from our
8 development site that is 75 feet tall, on one of the
9 tallest buildings within this immediate surrounding
10 area.
11

12 Next slide please.

13 This is our proposed zoning change map. So on
14 the left you see the site is currently zoned R5/C2-2.
15 It is a pretty large R5 zoning district, and there's
16 some R4 mapped to the south, and we are proposing to
17 rezone to C4-4L. A note about C4-4L districts: That
18 is the zoning district that the city has determined
19 to be most appropriate along elevated rail lines.
20 All of the current C4-4L districts are mapped along
21 elevated rail lines. There's one out along MacDonald
22 Avenue, which has the elevated F train. There are
23 some along the southern side of Broadway in Bushwick,
24 which has the elevated J line. C4-4L is meant for
25 these development sites that are adjacent to elevated

2 rail lines which is why we feel C4-4L is most
3 appropriate here.

4 Next slide please.

5 This is just a brief overview of the land use
6 context of the surrounding areas. I also want to
7 note, as you'll see to the immediate Northeast is
8 Lieutenant Joseph Petrosino playground, which further
9 supports the-- the rationale for increased
10 development of the site. There's nearby open space:
11 As you see to the west along 15th Avenue.

12 highlighted in blue are three community facility
13 buildings, one of them to the immediate west along
14 72nd is PS 112, Lefferts Park. To the immediate
15 South is Our Lady of Guadalupe Roman Catholic Church.
16 And then south of that along 15th Avenue is an annex
17 building to PS 112.

18 And highlighted in red are some of the commercial
19 districts. Some of the commercial uses that you see
20 lining Utrecht Avenue, most noteworthy along 70th
21 Street is a Key Food Supermarket. Also highlighting
22 the fact that there is infrastructure in this
23 immediate surrounding area to support the density
24 that we're proposing.

25 Next slide please.

2 This is just some brief overview of what the
3 project site looks like currently. So this is a
4 former Bank building on the-- on the development
5 site. I will note that for the past year, it was
6 leased out to a school on an interim basis while the
7 rezoning area-- while the rezoning is being-- being
8 looked at by the City. But this is a bank that left
9 in approximately 2018. So right now, this site is
10 not contributing to the retail continuity, which is
11 so essential to New Utrecht Avenue.

12 Next slide please.

13 And of course, I should also mention you could
14 see the elevated rail line immediately adjacent to
15 the project site along the Utrecht Avenue. Here you
16 see a bit of a wider view. So that's the existing
17 building on the-- on Lot 33, which fronts 72nd
18 street, and then to the immediate North is also part
19 of our project area. That's an accessory parking lot
20 to the former bank.

21 Next slide please.

22 Just another-- just giving you a sense of the
23 scale of how the elevated line, rail line interacts
24 with the development site.

25 Next slide please.

2 This is looking north down Utrecht Avenue with
3 the elevated-- underneath the elevated rail line.

4 Next slide please.

5 This is looking at the site from the 72nd street
6 frontage.

7 Next slide please.

8 And this is further down 72nd Street. This is
9 where we're proposing the entrance to the underground
10 parking, which is on the western most portion of the
11 lot along 72nd Street.

12 Next slide please.

13 This is looking straight at the site. That's lot
14 31. That's the accessory parking lot. And you can
15 see lot 29. That's the two story building I
16 mentioned before. That's again part of our rezoning
17 area, but not applicant owned. No development is
18 expected to be taking place at that site. And you
19 can see the entrance to the 71st Street D train
20 station right in front of that building on line 29.

21 Next slide please.

22 This is a straight on view of that building on
23 line 29 with the entrance to the D train right in
24 front.

25 Next slide please.

2 And this is the other side of that building on
3 lot 29, with the frontage from 71st Street.

4 Next slide please.

5 And here's a more wide view of, again, lot 29
6 with the elevated rail line and the entrance to 71st
7 Street Station.

8 Next slide please.

9 Now more about the proposed development itself.

10 So as I mentioned it was repurposing a nine story, 95
11 foot building. I want to highlight here how we
12 intentionally designed the building to make it most--
13 fit in best with the elevated rail line and-- and be
14 able to interact harmoniously with the-- with the
15 elevated rail line.

16 So one of the advantages again of the C4-4L
17 district is that it allows a minimum base height at
18 25 feet, which is lower than any other district
19 that's of comparable density. So let's say R6-A or
20 R7-A, those have a minimum base height at 40 feet.

21 So we would not be allowed to set back until the
22 fourth floor if it was another comparable district.

23 The other key component of the C4-4L district is that
24 it requires a five-foot sidewalk widening along this
25 frontage with the elevated rail line. So again

2 further pulling the building back from the elevated
3 rail line. And because of the setback that it allows
4 at 25 feet, it promotes a commercial base which again
5 is essential for the continuity-- the for the retail
6 continuity along New Utrecht Avenue.

7 So as you see here, we're proposing our 15 foot
8 setback at the lowest possible base height at 25 feet
9 at the third floor. I also want to point out on the
10 back of the lot, along the-- where we are-- along
11 the-- next to the homes in the R5 district to the
12 immediate west, we have an eight foot side yard that
13 we're proposing throughout the entire lot line along
14 that Western lot line. In addition to that, we're
15 proposing to pull the building back an additional 22
16 feet at 55 feet high. That's at the sixth floor.
17 Zoning only requires a 25-foot setback at 55 feet.
18 We're proposing a total of 30 foot setback, again
19 trying to be conscious of how the building massing
20 interplays with the surrounding context. And there's
21 also going to be a five foot-- as I mentioned, a
22 five-foot sidewalk widening which is required by the
23 C4-4L district, which other districts would not
24 require, further highlighting the appropriateness of
25 C4-4L at this site.

Next slide please.

This is just showing you our floor plan of what the internal program would look like on the residential floors. So the first-- the first floor would be completely retail. The second floor would-- as I will show, soon, as we're pulling, we have no dwelling units along the New Utrecht Avenue frontage, we just have rec spaces and laundry rooms. And this is just an example of one of our floor plans. So as I mentioned earlier, the project would facilitate 100 new dwelling units, 70 market rate, and 30 affordable. The breakdown of the units as of now is 20 studios, 46 one bedroom, 31 two bedrooms, and 3 three bedroom units. And the breakdown of the MIH units which are 30 are five studios, 14 one bedroom, 8 two bedroom, and 3 three bedrooms. All of the three bedrooms would be the MIH-- would be MIH units, which would be permanently affordable under MH option 2.

We are proposing 52 parking spaces in the cellar. And I want to make note that initially when we-- when we submitted this application, we were proposing the minimum required by zoning which is 35 spaces, but based on feedback we heard from the community that

1 they wanted to see more parking, we were able to
2 increase the amount of parking to 52 spaces. And
3 that is in line with city census data from-- from the
4 latest data which says that 40-- approximately 41% of
5 homeowners-- of homeowners in this community district
6 do not own a car. So we-- we find that where we're
7 meeting that that threshold. We're also proposing 52
8 bicycle spaces interspersed between the first floor
9 and the cellar, and 4 street trees proposed along
10 72nd Street, as well as street planters along the
11 five-foot sidewalk widening area along New Utrecht
12 Avenue.
13

14 Next slide please.

15 So this slide highlights some of the housing data
16 that we gathered from our racial equity report. All
17 the data comes from New York City's planning
18 equitable development Data Explorer tool. This data
19 highlights the pressing need for new housing in this
20 Community District.

21 First of all, only a 1.8% increase in housing
22 units in Community District 11 between 2010 and 2020,
23 compared to a 9.3% increase in population, which
24 means that household production in this-- in this
25 area severely lags behind population growth. And

1 I'll also note that this area has seen significantly
2 less housing production than the rest of Brooklyn and
3 New York City, yet it increased in population by a
4 greater percentage than both.

5
6 Since 2014, only 126 new income-restricted units
7 have been developed in this PUMA which is roughly
8 comprised of Brooklyn CD 11, 107 of which were
9 included in the low-income bracket, and 19 of which
10 were included in the middle-income bracket. So most
11 noteworthy there is that no dwelling units since 2014
12 were created from the 80 AMI to 100 AMI levels, and
13 that's exactly what we're proposing here by MIH
14 option two. So serving that need for-- for that
15 income bracket for-- for people that are in the
16 middle class to be able to live and stay in this
17 community.

18 Since 2014 364 total units have been preserved,
19 118 of which are for extremely low income, and 243 of
20 which are for very low income households, again, not
21 preserving anything in the MIH option 2 income
22 brackets, which is an average of 80% AMI. So some of
23 our units will be at 60% AMI, approximately 10--
24 approximately 10 will be at 80% AMI, and
25 approximately 10 will be at 100% AMI.

2 I'll also note that only two MIH areas to date
3 have been mapped in the entire Community District 11,
4 both of which are over two miles east of this
5 development site along MacDonald Avenue in a
6 completely different neighborhood. That's in Graves
7 End, not in Bensonhurst.

8 And lastly, I'll note how the Equitable
9 Development Data Export found that 99.5% of housing
10 in Bensonhurst West neighborhood tabulation area is
11 not income restricted, which is the highest level of
12 displacement risk.

13 So we really do find that our proposal will be
14 meeting a desperately needed housing need in this
15 part of Brooklyn, in the borough of Brooklyn, and the
16 city in general.

17 Next slide, please.

18 This is just our proposed rendering. So this is
19 what the building would look like along Utrecht
20 Avenue.

21 Again in deference to community concerns
22 regarding the historic darkness of this corridor
23 along-- underneath the elevated rail line, we added
24 lighting fixtures along New Utrecht Avenue, as many
25 as we could fit along the-- the vertical panels here

2 along New Utrecht Avenue, and we also have street
3 tree planters along the five foot sidewalk widening
4 area along New Utrecht. As you see, the base height
5 is that 25 feet and then we set back 15 feet
6 beginning at the third story.

7 Next slide please.

8 This is the 72nd street frontage of the building.
9 As you can see, the four street trees that we're
10 planting again in deference to the community they
11 wanted to see more street trees because it helps soak
12 up stormwater. So we added that. And as you can see
13 here, we have the 30 foot sidewalk-- excuse me the
14 30-foot setback along the sixth floor, and the
15 entrance to our cellar parking area will be along
16 72nd Street.

17 Next slide please.

18 I'll just again quickly just go through the
19 proposed plans just to highlight a few things.

20 Next slide please.

21 Next slide.

22 Next slide.

23 This is just, as you see, a configuration of our
24 development site. So we're proposing to rezone the

25

2 area 140 feet deep along 72nd Street, and 80 feet
3 deep along 71st Street.

4 Next slide please.

5 This is our improved modified cellar plan which,
6 the architect was said was able to fit 52 spaces as
7 opposed to the initial application which had 35
8 spaces.

9 Next slide.

10 This is, as you see the first floor is completely
11 all of the portion of the building on the first floor
12 along Utrecht Avenue will be for the commercial uses.
13 We're hoping to divide the retail spaces into
14 approximately two or three separate retail spaces to
15 bring in different types of neighborhood local
16 retail, and entrances to the-- to the parking as
17 opposed to-- additionally, the residential lobby will
18 be along 72nd Street.

19 Next slide please.

20 This is-- I wanted to highlight the second floor:
21 Because we couldn't set back at the set floor we
22 intentionally are not proposing any dwelling units
23 right up against the elevated rail line here. It's a
24 double height retail space and we have some of our
25 rec spaces and laundry rooms along the Utrecht Avenue

2 at the second floor, because we know that the
3 elevated line pretty much lines up with the second
4 floor of the building. So we wanted to create
5 quality dwelling units and we pushed them at this
6 floor away from the elevated line.

7 Next slide please.

8 And then for the third through sixth floors,
9 we're again going to have that 15 foot setback.

10 Next slide please.

11 And this is further setback along floors six
12 through nine which has the further setback from the
13 back of the building, which provides that buffer with
14 the R5 district to the west.

15 Next slide please.

16 And here again, this is some more views of how
17 our proposed building would interact with the
18 surrounding area, as I already highlighted all the
19 setbacks.

20 Next slide please.

21 And this is our section showing that the first
22 floor would be 15 feet, and all subsequent floors
23 above that would be 10 foot floor-to-ceiling heights
24 to a total of 95 feet. And the under the C4-4L

25

2 district, 115 feet is permitted. We do not want to
3 go that high. We're only proposing up to 95 feet.

4 Next slide.

5 And again, this is our renderings. This is the
6 New Utrecht Avenue frontage.

7 Next slide.

8 And this is the 72nd street frontage.

9 And that concludes the presentation. Thank you
10 for your time.

11 CHAIRPERSON RILEY: I just have two quick
12 questions. All right?

13 MR. GEWIRTZ: Okay.

14 CHAIRPERSON RILEY: All right. Roughly half of
15 the households and community are burdened. Did you
16 have an opportunity to discuss this project with HPD
17 to seek deeper affordability at this site?

18 MR. GEWIRTZ: So we haven't spoken to HPD yet.
19 At this point, we have not received any pushback on
20 the affordability levels. I think the community
21 realizes that they're lacking the affordability
22 levels that we're proposing here, that this currently
23 does not exist. And that's not something that we've
24 heard any issue from, from the community or the
25 Councilmember at this point.

2 CHAIRPERSON RILEY: Thank you so much. What
3 sustainability and resiliency measures are
4 incorporated into the building's design and
5 construction?

6 MR. GEWIRTZ: So we're going to be fully
7 compliant with Local Laws 92 and 94, which requires
8 green roofs for the-- for the building. As noted,
9 we're providing street trees, as many as we could
10 fit, along the project area frontage to help soak up
11 any stormwater. I'll note that this area is not in a
12 flood zone, but yes, we're going to do whatever the
13 DOB requires when it comes to sustainability measures
14 here.

15 CHAIRPERSON RILEY: Thank you so much, Eli.
16 There'll be no further questions, this applicant
17 panel is excused. Counsel, are there any members of
18 the public who wish to testify on the 7120 New
19 Utrecht rezoning proposal remotely or in person?

20 COUNSEL: I don't believe there any here in
21 person, and I have-- I heard that there are no online
22 so we can probably go ahead and close the hearing.

23 CHAIRPERSON RILEY: Thank you. There being no
24 other members of the public who was to testify on the
25 LUs 241 and 242 relating to 7120 Utrecht rezoning

2 proposal, this hearing is now closed and the item is
3 laid over. That concludes today's business. I would
4 like to thank the members of the public, my
5 colleagues, Subcommittee Counsel, Land Use and other
6 Council staff, and the Sergeant at Arms for
7 participating in suspend today's hearing.

8 This hearing is hereby adjourned.

9 [GAVEL]

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C E R T I F I C A T E

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



Date 07/10/2023