

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON LAND USE

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April 5, 2011
Start: 10:40 am
Recess: 11:05 am

HELD AT: Committee Room
250 Broadway, 16th Floor

B E F O R E:
LEROY G. COMRIE, JR.
Chairperson

COUNCIL MEMBERS:
Leroy G. Comrie, Jr.
Maria del Carmen Arroyo
Charles Barron
Inez E. Dickens
Daniel R. Garodnick
Robert Jackson
Rosie Mendez
Annabel Palma
Diana Reyna
Joel Rivera
James Sanders, Jr.
Larry B. Seabrook
James Vacca
Albert Vann

A P P E A R A N C E S

COUNCIL MEMBERS:

Brad S. Lander
Stephen T. Levin
Mark S. Weprin
Jumaane D. Williams
Vincent M. Ignizio
Peter A. Koo

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2 CHAIRPERSON COMRIE: We're going to
3 have the full Land Use Committee meeting for April
4 5th, 2011. I'm joined by Council Members Daniel
5 Garodnick of Manhattan, Al Vann of Brooklyn, Rosie
6 Mendez of Manhattan, Joel River of the Bronx,
7 Peter Koo of Queens, Robert Jackson, Brad Lander,
8 Jimmy Vacca of the Bronx, Steve Levin of Brooklyn,
9 Vincent Ignizio from Staten Island, Inez Dickens
10 from Manhattan, Annabel Palma and Maria del Carmen
11 Arroyo from the Bronx, and Larry Seabrook from the
12 Bronx. I think that's all that's in the room at
13 the moment.

14 Today, we are going through an
15 agenda. Starting with a ULURP/UDAAP in Council
16 Member Reyna's district. Land Use 296, Brooklyn
17 Community Board 1, item C 100095 HAK. It's a
18 designation of properties located at 37-39 Maujer
19 Street. It's called the Maujer/Ten Eyck/Bedford
20 project.

21 Also, we're dealing with Land Use
22 297 and 298, which are related. A ULURP/UDAAP in
23 Council Member Dickens' district. It's Manhattan
24 Community Board 11, item number C 110096 HAM.
25 It's known as the Harlem River Point, 1945-1951

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2 Park Avenue. This is to facilitate development of
3 three mixed use buildings with a total of
4 approximately 314 dwelling units to be developed
5 under HPD's low income rental program.

6 We have an amendment to the zoning
7 map in Council Member Dickens' district, Harlem
8 River Point. It's also related to the Harlem
9 River Point project. It's item number C 110097
10 ZMM. It's to change the R7-2 district to an R-8
11 district property to allow the development of the
12 low income rental program.

13 We have Land Use 299, 300, and 301,
14 which are related under 299, in Council Member
15 Rivera's district. It's also a ULURP/UDAAP, East
16 Tremont Apartments in Bronx Community Board 6,
17 item number C 110101 HAX. It's to facilitate.
18 It's called East Tremont Apartments, to facilitate
19 the development of three mixed use buildings with
20 a total of approximately 141 dwelling units. To
21 be also developed under HPD's low income rental
22 program.

23 I'm hearing all these voices around
24 me. Was that for me or not?

25 Land Use 300, a special permit in

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2 Bronx Community Board 6. I would imagine that
3 Council Member Rivera's district also, that's
4 related to the special permit. Sorry, I read that
5 already. That's item C 110100 ZSX. Also, the
6 special permit for the related item for East
7 Tremont Apartments, which is C 110103 ZSX.

8 We also have another amendment to
9 the city map in Council Member Gennaro's district,
10 162nd Street. It's Land Use 309 and 310, which
11 are related. It's in Queens Community Board 8,
12 which would eliminate and discontinue and closing
13 of 162nd Street between 86th Avenue and Glenn
14 Avenue in the modification of the grades
15 necessitated thereby. It's item C 100228 MMQ.

16 We have the next item, which is
17 Land Use 311, 312 and 349, which are related to 9-
18 17 Second Avenue in Council Member Chin's
19 district. It's also a ULURP/UDAAP to facilitate
20 the development of a 12-story mixed use building
21 with approximately 79 units. The acquisition of
22 the property and the amendment to the zoning text
23 is item C 110140 HAM, C 110141 PQM and C 110165
24 ZRM.

25 And we have an item in Council

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2 Member Foster's district, a UDAAP item, Land Use
3 313, Bronx Community Board 4, item N 110162 HAX,
4 to facilitate the development of two buildings
5 with approximately 108 dwelling units to be
6 developed under HPD's low income rental program.
7 It's located at 12 East Clarke Place.

8 I'm trying to run through the
9 items.

10 The next item is Land Use 319 in
11 Council Member Mark-Viverito's district.
12 Amendment to the zoning project, Manhattan
13 Community Board 7, item 20115463 HAM. That's
14 called North Park Apartments. It's approval for
15 the voluntary dissolution for an owner at the
16 property called North Park Apartments.

17 Then we have Land Use 333, known as
18 Campbell's Sports Center. It's an authorization
19 in Council Member Jackson's district. The item
20 number is N 100339 ZAM, Manhattan Community Board
21 12. It's an application submitted by Columbia
22 University for a grant to modify the location area
23 minimum dimension requirements of Section 62-50,
24 general requirements for visual corridors and
25 waterfront public access areas.

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2 Then the next item is a landmark
3 item in Council Member Koppell's district, Land
4 Use 335, the Alderbrook House in Bronx Community
5 Board 8. Item number 20115318 HKX. It's known as
6 the Alderbrook House, located at 4715 Independence
7 Avenue.

8 Next, we have an amendment to the
9 zoning map in Speaker Quinn's district. It's
10 combined Land Use items 350 and 351 in Manhattan
11 Community Board 12. It's also a ULURP and a
12 UDAAP, item number C 100125 ZMM and C 100125 HAM.

13 Then we have Council Member Vann's
14 district, an amendment to a housing plan and
15 project in Brooklyn Community Board 3, item number
16 20115510 HAK. It's known as the Kingston Heights
17 Apartments. It's a modification to a previous
18 plan for that project.

19 In Council Member Gentile's
20 district, we have a sidewalk café called Mussels &
21 More, Land Use 354, Brooklyn Community Board 10,
22 item number 201155006 TCK.

23 Also another sidewalk café in
24 Manhattan, Land Use 358, Community Board 12,
25 Speaker Quinn's district. It's called

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2 Pietrasanta, item number 20105725 TCM. That's
3 also a sidewalk café, which is going to be located
4 at 683 Ninth Avenue. The sidewalk café in
5 Brooklyn is 510 80th Street.

6 Now we have a modification to a
7 restrictive declaration in Council Member Vacca's
8 district, Community Board 10 in the Bronx. It's
9 Land Use 355 and 356 which are related, called the
10 Sea Breeze Estates. Items number N 900604 (A) ZMX
11 and N 070384 ZRX which is to create an amendment
12 for the zoning resolution related to the special
13 district within the City Island Special District.

14 We also have an amendment to the
15 zoning map in Council Member Nelson's district,
16 Land Use 357, known as Kingswood Office and Retail
17 Center in Brooklyn Community Board 15. Item C
18 100232 ZMX, which is changing and R5-b district to
19 a C4-4A for the Kingswood Office and Retail
20 Center.

21 We also have in Council Member
22 Mealy's district an amendment to the zoning map,
23 Land Use 359. It's 542-556 Howard Avenue
24 rezoning, Brooklyn Community Board 5. Item C
25 070579 ZMX. It's an application to change a C8-2

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2 district to an R-6A district property, bound
3 Eastern Parkway extension, Howard Avenue and
4 Pitkin Avenue.

5 We also have another amendment to
6 the zoning text in Council Member Chin's district.
7 It's C6-3A text amendment. Land Use 362,
8 Manhattan Community Board 1. It's N 110167 ZRM.
9 This is to correct a couple of problems with the
10 zoning that was done for the special bulk
11 provisions for area A-1 through A-7, related to
12 the special Tribeca mixed use district.

13 We have two other landmark items.
14 One in Council Member Recchia's district. It's
15 called the Child's Restaurant Building, Land Use
16 363, Brooklyn Community Board 13, item 20115422
17 HKK. It's to create a landmark designation of the
18 Child's Restaurant Building located at 1208 Surf
19 Avenue.

20 Also, in Speaker Quinn's district,
21 the last item is Land Use 364. It's the Haskins
22 and Sells Building, Manhattan Community Board 5,
23 item 20115462 HKM. It's the designation of the
24 Haskins and Sells Building located at 35 West 39th
25 Street as a historic landmark.

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2 Because we're running late and we
3 have a Councilman that has a pending important
4 appointment, we'll allow the clerk to ask Council
5 Member Seabrook to vote first. You didn't tell me
6 what you had.

7 COUNCIL MEMBER JACKSON: Mr. Chair?

8 CHAIRPERSON COMRIE: I know you're
9 going to speak, Robert Jackson, but Council Member
10 Seabrook needs to vote so that he can make his
11 critical appointment. So with that, if you could
12 ask Council Member Seabrook for his vote?

13 KEVIN PEN: Kevin Pen [phonetic],
14 Committee Clerk, roll calling the Committee on
15 Land Use.

16 KEVIN PEN: Council Member
17 Seabrook?

18 COUNCIL MEMBER SEABROOK: I vote
19 aye on all. Thank you very much.

20 CHAIRPERSON COMRIE: We've been
21 joined by Council Member Charles Barron. I
22 thought I saw Council Member James Sanders. Did I
23 get any other members that snuck in? That's
24 everybody.

25 With that, we'll hear comments from

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2 any members that would like to comment on items on
3 today's agenda. I want to remind the public--no
4 peanut gallery comments. I want to remind the
5 public that the items were vetted in the
6 subcommittee meetings. There were hearings on
7 ever item on today's agenda. I want thank, again,
8 all of the staff of the Land Use Committee and our
9 great subcommittee chairs for making sure that
10 everything was fully vetted so that it could be
11 voted on today. Council Member Jackson has some
12 comments, and Council Member Lander.

13 COUNCIL MEMBER JACKSON: Thank you,
14 Mr. Chair. My colleagues let me speak on Land Use
15 333, which is the Campbell Sports Center that's
16 being proposed to be built by Columbia University
17 on Bakersfield land in which they own. As you
18 know, it's in my district, and there's been an
19 open discussion since day one, meaning going back
20 to 2009, up until even as of prior to the Zoning
21 Committee meeting.

22 Regarding this particular Land Use
23 matter, I clearly have communicated loud and clear
24 to all of those that are willing to listen or that
25 will understand the process that we are involved

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2 with as members of the City Council, that all of
3 the issues concerning the land use matter in front
4 of us today were dealt with and addressed through
5 the process of community board, the City Planning
6 Commission and through here at the City Council.

7 My understanding is that issues and
8 concerns that residents have and I've listened to
9 those issues and concerns. I have addressed those
10 issues and concerns and will continue to address
11 those issues and concerns with Columbia University
12 as the representative of that particular district.

13 But I say to all of you, you may
14 have been approached by individuals, consultants
15 or otherwise concerning issues of concerns. If
16 you have any, then speak to me, it's in my
17 district. I say that to you loud and clear
18 because if you get the full picture, obviously you
19 know that when it comes to land use matters, you
20 are not directly involved in matters pertaining to
21 my district. As in Brooklyn, I'm not involved in
22 that. I listen to issues and concerns through the
23 hearing process and what my colleagues whose
24 district it is that represents and other members.
25 I ask questions. But I know that I'm not directly

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involved.

So any issues and concerns you may have, bring them to my attention. I say to you I have no problem whatsoever in voting on this particular matter and recommending to all of you as my colleagues to vote yes on this particular matter today, here at the Land Use Committee hearing and tomorrow. I and my staff will be available if you have any questions.

But I say to you, this is separate and apart from other discussions that are taking place. So, as colleagues, you should know that. I ask you to understand that in moving this matter forward. I ask you to vote yes. Thank you, Mr. Chair.

CHAIRPERSON COMRIE: Council Member Lander and then Council Member Barron.

COUNCIL MEMBER LANDER: Yes, I'm talking about Land Use 335, the Alderbrook House, which was approved in the Landmarks Committee yesterday. An email was passed around to some people this morning from the owner.

I just want to make clear that Council Member Koppell moved the public hearing

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2 once to make it possible for that owner to attend.
3 He did not attend, despite the hearing being
4 moved, with the opportunity to do so. He did not
5 show up at the LPC public hearing. He did not
6 show up at our public hearing. We were aware of
7 his opposition, but I would urge you to keep that
8 in mind if you choose to read this email. I
9 continue to urge you to vote aye on Alderbrook.

10 CHAIRPERSON COMRIE: Council Member
11 Barron?

12 COUNCIL MEMBER BARRON: Thank you,
13 Mr. Chair. I'm voting no on the Columbia
14 University item because I think Columbia is a
15 notorious realtor in Harlem and in our community.
16 I think the community is still developing some
17 things. I appreciate the work that Council Member
18 Jackson is doing, but oftentimes we give more than
19 what we get back from these rich, powerful
20 developers. So at the risk of being the lone--
21 somebody help me out.

22 COUNCIL MEMBER: [off mic]
23 Dissenting point.

24 COUNCIL MEMBER: [off mic] Wolf.

25 COUNCIL MEMBER BARRON: I just

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2 wanted to see where you all were coming from,
3 that's all. That was a setup question. But
4 anyway, at the risk of doing that, you know
5 sometimes we just got to let these rich, powerful
6 developers know that they just can't come into
7 communities and do things without really
8 satisfying the needs of all the--or as many or a
9 large majority of the people in that community.
10 So I'm going to vote no on Land use 333.

11 Then also, I'm voting no on Land
12 Use 350 and 351. I don't see affordability as 135
13 percent of the AMI in the communities and only 20
14 percent of the AMI for that particular project is
15 80 percent of the AMI and below, on 20 percent.
16 So I understand that we're trying to get the
17 middle class in and the upper middle class in, but
18 we need to increase the number for those who are
19 making less than \$50,000 and \$60,000 a year to be
20 able to get into these other communities. So on
21 those two items I'm also voting no. Thank you,
22 Mr. Chair.

23 CHAIRPERSON COMRIE: Do any other
24 members have questions or comments? With that, I
25 would recommend a yes vote on all items on today's

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2 agenda. I just want to remind the public that all
3 items were vetted. All items were vetted at the
4 subcommittee meeting, testimony was taken and
5 received and asked for during the meeting. So
6 with that, I want to again ask the clerk to call
7 the roll.

8 KEVIN PEN: Kevin Pen, Committee
9 Clerk, roll calling the Committee on Land Use.
10 Council Member Comrie?

11 CHAIRPERSON COMRIE: Aye on all.

12 KEVIN PEN: Rivera?

13 COUNCIL MEMBER RIVERA: I vote aye
14 on all.

15 KEVIN PEN: Reyna?

16 COUNCIL MEMBER REYNA: [No
17 response].

18 KEVIN PEN: Barron?

19 COUNCIL MEMBER BARRON: I vote no
20 on items 350 and 351. No on item 333 and aye on
21 all the rest.

22 KEVIN PEN: Jackson?

23 COUNCIL MEMBER JACKSON: Aye on
24 all.

25 KEVIN PEN: Sanders?

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COUNCIL MEMBER SANDERS: Permission
to explain.

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CHAIRPERSON COMRIE: So moved. You
need to come to the mic.

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COUNCIL MEMBER SANDERS: By all
means. Council Member Barron makes two good
points today. The first point is that Harlem has
become known as an international city. It's the
black mecca. It resonates throughout the U.S.
It's an area that many people are looking at. I
will have to defer to the wisdom of my colleague
who represents part of that area, Council Member
Jackson. So I'm going to defer there to his
wisdom.

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I also want to encourage all of us
that anytime that we're doing affordable housing
that we really need to look at the folk who are
getting the hardest hit with the need for
affordable housing. Every study is showing that
the poorer you are, the less likely you have a
chance. I am going to vote yes on that project
also. Yes to all, with an encouragement to all of
us that we need to keep these in mind, 20 percent
or more. Thank you.

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KEVIN PEN: Reyna?

COUNCIL MEMBER REYNA: Aye on all.

KEVIN PEN: Vann?

COUNCIL MEMBER VANN: Aye on all.

KEVIN PEN: Palma?

COUNCIL MEMBER PALMA: Aye on all.

KEVIN PEN: Arroyo?

COUNCIL MEMBER ARROYO: Aye.

KEVIN PEN: Dickens?

COUNCIL MEMBER DICKENS: Aye.

KEVIN PEN: Garodnick?

COUNCIL MEMBER GARODNICK: Aye.

KEVIN PEN: Mendez?

COUNCIL MEMBER MENDEZ: Aye on all.

KEVIN PEN: Vacca?

COUNCIL MEMBER VACCA: I vote aye

on all.

KEVIN PEN: Lander?

COUNCIL MEMBER LANDER: I pass.

Thank you. Please come back to me.

KEVIN PEN: Levin?

COUNCIL MEMBER LEVIN: Aye on all.

KEVIN PEN: Weprin?

COUNCIL MEMBER WEPRIN: Aye.

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KEVIN PEN: Williams?

COUNCIL MEMBER WILLIAMS: Pass.

KEVIN PEN: Ignizio?

COUNCIL MEMBER IGNIZIO:

Consistently a policy of voting no where a homeowner is opposed to a landmark. So I vote no on 335 and aye on all others. Thank you.

KEVIN PEN: Koo?

COUNCIL MEMBER KOO: I vote yes on all.

KEVIN PEN: Lander?

COUNCIL MEMBER LANDER: Mr.

Chairman, I just need to explain my vote. I apologize. I haven't done all my homework yet, so I've got a couple of issues I need to read a little more about. So I'm going to abstain on 350, 351 and 333 and vote aye on all the rest.

CHAIRPERSON COMRIE: You're not allowed to not be prepared when you come to class.

COUNCIL MEMBER LANDER: I should be prepared for Council Member Barron to raise issues I hadn't thought of yet.

KEVIN PEN: Williams?

COUNCIL MEMBER WILLIAMS: I have

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2 kind of the same situation. Excused to explain my
3 vote. I have the same situation. I just want to
4 get some more information. So I want to abstain
5 on 333, 350, 351 and aye on all the rest.

6 KEVIN PEN: By a vote of 20 in the
7 affirmative, zero in the negative and zero
8 abstentions, all items have been adopted, except
9 for Land Use item 333, 350 and 351, which was
10 adopted by a vote of 17 in the affirmative, 2 in
11 the negative and one abstention.

12 CHAIRPERSON COMRIE: Jumaane and
13 Lander abstained on 333, 350 and 351.

14 KEVIN PEN: By a vote of 17 in the
15 affirmative, one in the negative and two
16 abstentions.

17 CHAIRPERSON COMRIE: With that, the
18 Land Use Committee meeting for April 5th is
19 completed. We will keep the roll open for five
20 minutes. The next hearing for the subcommittee
21 hearings will be on Tuesday, April 12th. Please
22 note time changes and room changes. Please check
23 with the committee. With that, the hearing is
24 closed. Thank you all.

C E R T I F I C A T E

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

Signature *Donna Hintze*

Date April 25, 2011