

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

-----X

June 19, 2013
Start: 10:03 a.m.
Recess: 2:10 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
MARK S. WEPRIN
Chairperson

COUNCIL MEMBERS:

Leroy G. Comrie, Jr.
Daniel R. Garodnick
Robert Jackson
Jessica S. Lappin
Diana Reyna
Joel Rivera
James Vacca
Albert Vann
Vincent M. Ignizio
Ruben Wills

A P P E A R A N C E S

John Young
Director of the Queens Office
New York City Department of City Planning

Deborah Carney
Deputy Director of the Queens Office
New York City Department of City Planning

Frank Toner
President
Rocky Hills Civic Association

Richard Hellenbrecht
Zoning Chair
Community Board 13

Lawrence Burian
Executive Vice President, General Counsel and
Secretary
Madison Square Garden Company

Joel Fisher
Executive Vice President of Sports and Arena
Transformation
Madison Square Garden Company

Elise Wagner
Land Use and Zoning Counsel
Kramer, Levin, Naftalis and Frankel

Signe Nielsen
Urban Design Consultant
Mathews Nielson

Ann Harakawa
Signage Consultant
212

Bob Yaro
President
Regional Plan Association

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

Vin Cipolla
President
Municipal Arts Society of New York

Bob Master
Legislative and Political Director
Communications Workers of America

Dan Canter
Working Families Party

Spike Lee
Filmmaker

Kathy Wylde
President and CEO
Partnership for New York City

James Claffey, Jr.
President
Local 1 International Alliance Theatrical Stage
Employees

Richard Andersen
President
New York Building Congress

Michael Slattery
Real Estate Board of New York

Jim Corian
Concerned Citizen

Stefano Trevisan
Community Board 5

Enrique Lopez
Office of State Senator Brad Hoylman

Jinny St. Goar
Community Board 5

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

Chris Erikson
Business Manager
Local 3 IBW

Dan Beaderman
President
34th Street Partnership

Malcolm Shaw
District Council of Carpenters

Jennifer Hensley
Executive Director
Association for a Better New York

Paul Fernandez
Chief of Staff
Building and Construction Trades Council of Greater
New York

William Shay
Concerned Citizen

Joe Cutrufo
Tri State Transportation Campaign

Daly Revil
Community Board 5

John Curtis
Community Board 5

Pattie Smith
Managing Director
Robin Hood Foundation

Jeffrey Lefrancoise
Office of Assembly Member Richard Gottfried

Devon Russell,
Executive Vice President
Women's Housing and Economic Development Corp

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

Michael Carolan
Executive Vice President
Meyers Parking Incorporated

Tom Dilan
President and CEO
Bettina Restaurant Group

Rosemin Fletcher
Director of Programs
Design Trust for Public Space

Brian Nesson
Concerned Citizen

James Lima
Concerned Citizen

1
2 CHAIRPERSON WEPRIN: Good morning
3 everyone. My name is Mark Weprin. I chair the
4 Zoning and Franchises Subcommittee, and I want to
5 welcome you all here today. I know we have a very
6 busy agenda today, and I am delighted to be joined
7 by the following members of the subcommittee:
8 Diana Reyna, Leroy Comrie, Ruben Wills, Dan
9 Garodnick, Jessica Lappin, Did I forget anybody?
10 One, two, three, four, five, six. Okay, that is
11 about right, and we will be joined by other
12 members as we move along here. Today like I said,
13 we had a busy agenda. We are going to start with
14 a couple--for one item in Queens before we get to
15 the main event, which I know a lot of people are
16 here for on Madison Square Garden. Before we get
17 to that, we must start first I want to let you
18 know on the agenda we have Land Use 821, which is
19 the telecommunication authorization resolution,
20 which is going to be laid over until our next
21 meeting, and now we are going to consider Land Use
22 number 850, which is the Bellerose, Floral Park,
23 Glen Oaks rezoning, which happens to be in Council
24 member Weprin's district, so we are going to give
25 that the utmost respect, and it's delighted to

1
2 call the following people from City Planning, who
3 are here today, Deborah Carney and John Young from
4 the Queens City Planning Office. Welcome to you
5 both. We will try to get through this as quick as
6 possible. It has been a long journey here, so
7 most of our issues have been taken care of
8 already, but this is obviously a very important
9 rezoning to the residents of eastern Queens, which
10 I am privileged to represent. I am just - - to
11 you guys already, and then for the members of the
12 committee what we are going to do once we hear
13 this rezoning, we are going to take a vote on this
14 rezoning, and then we will move to Madison Square
15 Garden, which we will hear. The hearing today we
16 will not be voting on Madison Square Garden today,
17 and we have been joined by Council Member Robert
18 Jackson. Mr. Young, who is going to start. Okay,
19 whenever you are ready.

20 JOHN YOUNG: Good morning, Chair
21 Weprin, Chair Comrie, Council Members, ladies and
22 gentlemen. My name is John Young, and I am
23 director of the Queens Office for the Department
24 of City Planning and on behalf of Planning
25 Director, Amanda Burden, I am very pleased to be

1 here this morning to introduce the Bellerose,
2 Floral Park, Glen Oaks rezoning. I am joined by
3 Deborah Carney, the Queens' Office's Deputy
4 Director, who will actually present the proposal
5 to you. This proposal is the 44th neighborhood
6 rezoning since 2002 that our office has had the
7 privilege of crafting for communities across the
8 borough in order to protect their distinct and
9 cherished residential qualities and ensure more
10 orderly and sustainable growth. To date, zoning
11 changes have been implemented for more than 6200
12 Queens's blocks. As Debbie will describe for you,
13 today's rezoning proposal is a very large and
14 comprehensive one. It encompasses more than 400
15 blocks and over 900 residential lots, and it is
16 proposing nine new zoning districts to reinforce
17 the low density suburban built character found in
18 this part of eastern Queens. It is bordered on
19 two sides by Nassau County. I want to
20 particularly note that we could not have
21 successfully crafted this proposal without the
22 feedback from our community advisory committee
23 that was organized with the assistance of Council
24 Member Weprin and had participation from the
25

1 leadership of Community Board 13, dedicated
2 members of area civic and cultural groups and
3 representatives of other area officials.
4

5 Following the February 19th certification of the
6 proposal, we are gratified to have received the
7 support and favorable recommendations from
8 Community Board 13 and Queens borough president,
9 Helen Marshal. In her recommendation, the borough
10 president asked City Planning to reexamine the
11 proposed zoning on one block within the rezoning
12 area, and on May 22nd, the City Planning Commission
13 approved the zoning changes with a modification to
14 an existing R3A zoning for the full western
15 portion of that block, which is bounded by 239th
16 Street, 86th and 87th Avenues and 241st Street, and
17 Debbie will note that once she describes the
18 proposed zoning changes to you. We certainly hope
19 that you will support this finely tuned rezoning
20 initiative to reinforce the built character and
21 land use patterns that make up these
22 quintessential Queens neighborhoods, and now
23 Debbie will present the proposal.

24 DEBORAH CARNEY: Thank you, John.

25 It is my pleasure to be here to present this

1
2 proposal to you this morning. As John said, this
3 is a zoning proposal that will affect 411 blocks
4 on properties in the section of northeastern
5 Queens right at the border of Nassau County. The
6 boundaries for the rezoning area are generally the
7 Grand Central Expressway to the north, Nassau
8 County to the east and to the south and to the
9 west an irregular boundary between Springfield
10 Boulevard and 229th Street. The commercial streets
11 running through the area and along the peripheries
12 include Union turnpike, Hillside Avenue, Jericho
13 turnpike and Braddock Avenue. The purpose of this
14 rezoning is to protect the lower density character
15 of these communities, and the predominant
16 character in these communities is detached
17 housing. On the eastern half, it is single family
18 detached housing that predominates, and on the
19 western half there tends to be a greater mix of
20 one and two family detached houses, but it is the
21 detached housing characteristic that is important
22 here. The predominant zoning in the area on the
23 eastern half is R2 and this is a zone that
24 requires development to be single family detached
25 houses on wide lots. The issue with this rezoning

1 is that it is flexible. There is no fixed height
2 limit. There is no front yard lineup provision.
3 While there is a minimum front yard requirement
4 there is no maximum front yard requirement, and
5 also the perimeter wall height requirement is a
6 bit higher than what is the norm in this area, and
7 so as a result you can get homes that are
8 significantly larger than the context of the area
9 referred to as the McMansion [phonetic] types, so
10 the issue on the eastern half is that of scale.
11 On the western portion of the area, there is a mix
12 of low density general residence districts that
13 permit all types of housing including multi-
14 family, and also lower density contextual zones
15 that do not reflect the housing type, again the
16 detached configuration that is predominant here.
17 Detached homes--single family detached homes I
18 should have mentioned make up 81 percent of the
19 housing types in this area. Two family detached
20 homes make up another nine percent and all of the
21 other housing types, semi-detached, attached, make
22 up nine percent, and the brown coloring that you
23 see is the multi-family development--makes up
24 about one percent, so the issue in the western
25

1
2 half is really a building type and density. We
3 have certainly - - come up with new tools, new
4 zoning tools to help protect neighborhoods, and we
5 are proposing nine new zoning tools in this area
6 to protect the detached character. I would like
7 to run through them very very quickly with you.
8 The R12A is proposed up in the Royal Ranch area
9 and also at the western edge of the rezoning area.
10 The R12A is a zone that limits to single family
11 detached, but the lot widths are wide. They are
12 at least 60 feet wide. What the R12A will
13 accomplish is that it will provide a height max.
14 it will also provide a front yard lineup
15 requirement. The perimeter wall height is very
16 similar to what is there today, but these tend to
17 be larger homes on wider lots. The R2A is being
18 proposed over--this will be the predominant zone
19 in the area. It will replace much of the R2 that
20 is there today, and also will extend the single
21 family zone will extend further westward into
22 zones where you have the lower density general
23 residence districts and also the lower density
24 non-contextual districts to date where the housing
25 tends to be single family detached. What the R2A

1
2 accomplishes again is a maximum height of 35 feet.
3 It provides a front yard line up. it actually
4 provides a lower perimeter wall height that is
5 closer to what is there today in this area in the
6 single family detached houses, and what the R2A
7 does is it provides a predictability to what can
8 be developed in this area so that it is keeping
9 with the context of the area. At the same time,
10 the R2A allows homeowners to make improvements on
11 their homes that comply with the new R2A zone.
12 The next zone is an R2. Actually we are extending
13 an existing R2 onto a portion of one block and the
14 reason we are doing that is because there is an
15 existing R2 right at the edge. This block that we
16 are extending it to is currently an R4. It was
17 developed with single family detached homes. It
18 makes sense to extend that onto that portion of
19 the block to protect those homes. The R3A is
20 proposed pretty much in the area to the south
21 where you have an R32 today and also an R31
22 district. The R3A is a zone that permits single
23 family detached homes, but on narrow lots. Again,
24 there is a height limit. There are line up
25 requirements, and then on the R3X is very similar

1
2 to the R3A. it is proposed up to the north, and
3 also in areas to the south. This is very similar
4 to the R3A. it limits the single family and two
5 family detached houses, but it has wider lots than
6 the R3A. The R31 will restrict to one and two
7 family detached and semidetached houses, and that
8 is proposed in a very small part to the north,
9 just north of Union turnpike. The R32 is a
10 general residence district and is being proposed
11 along Hillside Avenue, where you have a mix of
12 housing types, and so this will reflect that mix
13 of housing types along Hillside Avenue, which is
14 today zoned R2. The R41 is a zone that restricts
15 to one and two family detached and semi-detached.
16 It is also proposed on a very small part of the
17 rezoning area reflecting the one and two family
18 detached and semi-detached houses there, and then
19 lastly, there is an R4 extension along Jericho
20 turnpike. There are currently two block fronts
21 currently zone C81. We are extending an R4 that
22 exists to the west and we are applying a
23 commercial overlay to reflect--to give it similar
24 treatment to those properties that are also found
25 to the west of that property. It will allow for a

1
2 future mixed use development commercial as well as
3 residential. The current zone does not allow
4 residential at all. Finally, we had speakers at
5 the City Planning Commission public hearing that
6 wanted one modification which would affect one
7 block--a portion of one block on the west side of
8 239th Street between 87th and 86th Avenues, and
9 these are homeowners who wanted us to retain an
10 R3A that is in place today so that they could
11 develop or convert to two family in the future,
12 and so that is a small modification that is now in
13 this zoning proposal to you.

14 CHAIRPERSON WEPRIN: John, you got
15 to add anything?

16 JOHN YOUNG: Just again, we want to
17 thank everyone who has participated in this. As
18 you can see from the proposal with all of these
19 zones we went block by block. It was a finely
20 crafted proposal to make sure we were more closely
21 matching the building context and land use
22 patterns.

23 CHAIRPERSON WEPRIN: I just want to
24 raise two quick points just to be sure they are
25 clear. You might have mentioned this Debbie, and

1
2 I may have missed it. The commercial--the 150
3 feet to 100 feet, did you describe that?

4 DEBORAH CARNEY: Oh, I am sorry.
5 That is something that I neglected to mention.
6 Sorry. Thank you for catching that. We also
7 noticed that many of these commercial overlays
8 which were mapped in 1961 particularly along
9 Hillside Avenue were mapped at a depth of 150
10 feet. It intruded into the residential blocks and
11 was deeper than the commercial properties, so we
12 have reduced those to 100 feet for the most part.

13 CHAIRPERSON WEPRIN: Yeah. We had
14 the issue of people taking single family homes and
15 turning them into commercial businesses into a
16 residential block and that was a concern to the
17 community, and then finally I know that City
18 Planning, and I will just make this as a statement
19 you can agree with or disagree with it. One of
20 the issues we had raised from some of the people
21 who had been moving into the areas is they were
22 afraid they could not build their houses bigger
23 than they are now. City Planning did an extensive
24 search of the area and many of those houses, even
25 the bigger ones would be okay under the current

1 zoning under the R2A zoning, some of them would
2 not be, but could easily be amended. Is that
3 true? I just want to be clear. Some of them could
4 easily be amended if they were to be built again
5 and still fit within the R2A.
6

7 DEBORAH CARNEY: Yeah, many of the
8 news homes that are going up today would fit
9 within the R2A. So it is not impossible to
10 comply. We are giving enough room for compliance.

11 JOHN YOUNG: We think the envelope
12 is flexible enough and reasonable enough. The key
13 point that Debbie said, it allows people to
14 upgrade their homes, but to do so in a predictable
15 envelope.

16 CHAIRPERSON WEPRIN: Absolutely,
17 and I just wanted to make that clear for the
18 record since there were some community people who
19 were afraid this was going to limit their ability
20 to make their homes larger or to do things on
21 their home, and this does not do that. Alright.
22 Well, I want to thank you very much. Does anyone
23 on the panel have any questions? Mr. Comrie? The
24 only one who might have, I think.

25 COUNCIL MEMBER COMRIE: I just

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

wanted to ask you to just illuminate for the Council Members, what is the typical lot size for the R2A, the house lot size for the R2A area?

DEBORAH CARNEY: The R2A, you said the lot size? 40 feet wide.

COUNCIL MEMBER COMRIE: 40 feet wide?

DEBORAH CARNEY: 100 feet deep, minimum lot area of 3800 square feet.

COUNCIL MEMBER COMRIE: And the lot size for the R3As and Xs, what are those lot sizes?

DEBORAH CARNEY: For the R3A is 25 feet. For the R3X it is 35 feet.

COUNCIL MEMBER COMRIE: Part of this abuts the Queens County Farm Museum that-- part of the rezoning abuts the Queens County Farm Museum and the Long Island Jewish Medical Center. Were they able to participate in this rezoning? Are they aware of it?

JOHN YOUNG: We certainly had representatives from those organizations and the rezoning process let everyone mutually agree on where the boundaries for the rezoning were set.

1
2 COUNCIL MEMBER COMRIE: I just want
3 to say--I just want to compliment you both on
4 doing your usual thorough job of making sure that
5 all the community's issues were concerned. John
6 and Deborah have been great administrators of city
7 planning and are ensuring that community
8 involvement is kept at a high level, and I just
9 want to congratulate you on all of your work to
10 getting this plan put together. I know that this
11 is an area that has been suffering from McMansion
12 building, and I think this will go a long way to
13 help ensure that building there is kept to a
14 height and a level that is compatible with the
15 existing housing in the area because it is
16 important for the residents in Council Member
17 Weprin's district to maintain that type of
18 traditional housing, so congratulations to Council
19 Member Weprin too for putting together an advisory
20 board working with Community Board 13. I know
21 that the Land Use Committee Chair is here, Richard
22 Hellenbrecht. Are you testifying, Richard? Oh
23 okay, well, we were hear from Richard in a minute.
24 Thank you.

25 CHAIRPERSON WEPRIN: Sorry. Thank

1
2 you, Mr. Comrie. Anyone else have any questions?

3 Well, thank you very much. We do have two members
4 of that advisory board who are also going to
5 quickly testify after this, so we are going to
6 excuse you. You can leave the sign up for a
7 second just in case our next speakers want to
8 reference it. I'd like to call on Frank Toner
9 [phonetic] the president of the Rocky Hills Civic
10 Association and Richard Hellenbrecht, who is the
11 zoning chair of Community Board 13. I think that
12 is the title he is going with today, although he
13 has many. These two gentlemen are important civic
14 leaders in my area and have been very involved in
15 this process. A lot of the issues we have dealt
16 with in the past and over the last couple of years
17 we have been dealing with this issue, so
18 gentlemen, I welcome you and whenever you are
19 ready just please state your name for the record
20 and whenever you want to start you decide who goes
21 first.

22 RICHARD HELLENBRECHT: Thank you
23 very much, Mr. Chair, both chairs. I appreciate
24 you having us here this morning. I am very
25 pleased to be here representing Community Board

1
2 13. My name is Richard Hellenbrecht. I am chair
3 of Land Use Committee at Community Board 13, and
4 we have been working on this project for many,
5 many years now. I am here really to support the
6 project. I am here to commend the work of
7 yourself and pulling together myself and about a
8 dozen of our colleagues and several cultural
9 organizations and the community advisory group
10 that has been mentioned. It has been a tremendous
11 opportunity to get everybody's input and to come
12 up with truly an extraordinary zoning plan that
13 really takes everything into consideration, and
14 the community is thrilled I believe by all of the
15 changes that have been made. The R2A is an
16 excellent match for the construction and
17 development that is in place already and to the
18 western end all of those contextual zones that
19 have been placed really will help to resolve some
20 of the difficulties that we have had with over
21 expansion and overdevelopment over the past couple
22 of years. It was pointed out that there is an
23 overlay issue on Hillside Avenue and Union
24 turnpike that will be resolved. That has been a
25 significant issue, and we thank you for pointing

1
2 that out. It was very important, and most
3 importantly, I would like to thank the City
4 Planning Commission Queens Office for the hard
5 work and the diligent effort that they have put
6 into this. This is truly a surgical plan that
7 they have put together, and I am pleased that it
8 has received the positive support from everybody
9 that has spoken on it so far. I have submitted by
10 e-mail a testimony from Angela Gugliero [phonetic]
11 who is president of the Queens Colony Civic
12 Association. She was unable to be here today, but
13 she did want to make sure that her testimony was
14 considered, so that has been submitted by e-mail,
15 and I think I can speak, and I know Frank will
16 speak on behalf of all of the civic leaders in
17 eastern Queens. Thank you all for this, and we
18 hope that it goes forward without any further
19 difficulty.

20 CHAIRPERSON WEPRIN: Thank you,
21 Richard. I appreciate that. Frank?

22 FRANK TONER: Thank you. My name
23 is Frank Toner. I am the president of the Rocky
24 Hill Civic Association. Thank you, Mr. Chair,
25 chair, council members. My association represents

1
2 about 900 homeowners in the area of Bellerose
3 Manor, and I just wanted to say that I also
4 support the proposal and I thank you, and all of
5 the--and City Planning for their hard work. In
6 particular for my area, which is the western area
7 here and south of Hillside Avenue that area hadn't
8 been rezoned in over 50 years, so the area, the
9 present zoning that they had that allowed row
10 houses in those city blocks was completely against
11 the character of the community there, so we are
12 very glad that we got that changed 'cause most of
13 those homes there south of Hillside Avenue in that
14 western area there are one family or two family
15 homes. Under the new zoning, there is actually
16 some of the--a couple of the blocks there that had
17 allowed for row houses, but were still all one-
18 family homes. They were just about one-family
19 homes, and they are appropriately being rezoned
20 one-family, so basically, I just want to say that
21 we were very much in need of having this process
22 done. I have also put this information as the
23 other civic leaders have into our monthly
24 bulletins for the last year. We have had meetings
25 on it. I personally don't know anyone in my

1
2 community who opposes the changes that are being
3 made. Everybody is in favor, and sometimes I went
4 door to door and asked people. So I just want to
5 thank you for this and tell you that for my
6 feeling and dealing with the other community
7 members and I have family members who live nearby
8 Bellerose in that area that all support this.
9 Anyone I've ever talked to are very much in favor
10 of this, and we are just glad that there will not
11 be in the future any kind of chance of having row
12 houses there with all of the additional parking
13 problems that were going to occur. So thank you
14 very much.

15 CHAIRPERSON WEPRIN: Thank you,
16 Frank. I want to again thank you for all of the
17 help you have been in putting this together and
18 working out the issues that we had along the way.
19 Please thank Angela and the other civic leaders
20 for me for their input. Mr. Comrie, anybody have
21 any questions for these two gentlemen? Seeing
22 none, we thank you very much for coming down. We
23 thank City Planning as well, and we are actually
24 going to move to close this hearing. I am very
25 supportive of this project. The community as you

1
2 heard is very supportive of this project, so as
3 the member representing this area, I would hope
4 that we can pass this down zoning. So with that
5 in mind, we are actually going to vote on this
6 item right now, and I am going to call on Ann to
7 please call the roll for Land Use number 850.

8 Ann?

9 COUNSEL: Chair Weprin?

10 CHAIRPERSON WEPRIN: Aye.

11 COUNSEL: Council Member Reyna?

12 COUNCIL MEMBER REYNA: I vote aye.

13 COUNSEL: Chair Comrie?

14 COUNSEL: Chair Comrie?

15 COUNCIL MEMBER COMRIE: I vote aye.

16 Congratulations, Council Member Weprin and to City
17 Planning and to all of the people that were
18 involved in getting the project done.

19 COUNSEL: Council Member Garodnick?

20 COUNCIL MEMBER GARODNICK: Aye.

21 COUNSEL: Council Member Lappin?

22 COUNCIL MEMBER LAPPIN: Aye.

23 COUNSEL: Council Member Wills?

24 COUNCIL MEMBER WILLS: Aye.

25 COUNSEL: By a vote of six in the

1
2 affirmative, no abstentions and no negatives, Land
3 Use item number 850 is approved and referred to
4 the full Land Use Committee.

5 CHAIRPERSON WEPRIN: Yeah, so we
6 are going to leave this roll open until the end of
7 the meeting today. If anyone else comes in, they
8 can vote at that time. We are now going to move
9 the next item, which is why most of the people in
10 the room are here today. This is the Madison
11 Square Garden item. That is Land Use number 847,
12 848, and 849 for Madison Square Garden. Let me
13 just lay the lay of the land here, what we are
14 going to be doing. We are going to hear from the
15 applicant and their negotiating them on this item.
16 They are going to have as much time as they need
17 to answer the questions of the panel and to make
18 their presentation. Following that we will have
19 panels come up in opposition to this project and
20 in favor depending on how long we last. Now this
21 is just unfair now. I am going to call on Council
22 Member Jackson to vote while we are waiting. I
23 want to finish with the ground rules as soon as
24 Council Member Jackson votes.

25 COUNSEL: Council Member Jackson?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL MEMBER JACKSON: I vote
aye.

COUNSEL: The vote now stands seven
in the affirmative, zero negative, zero
abstentions, Land Use 850.

CHAIRPERSON WEPRIN: So again, I
would like to welcome everybody including the back
court, and we are going to deal with this item.
We are going to have to limit people who are
testifying to three minutes. We are going to set
a clock up, not for the first panel because we
have questions for you. They have a lot of our
answers that I know are going to be raised later
on, but those who are going to be testifying
afterwards if in your minds you can try to limit
your testimony to three minutes. I also want to
acknowledge the fact that we are here today on
this special permit for Madison Square Garden
which expired in January. We are here with the
other issues involved in that to do with the plaza
and the other zoning issues there. We are not
here for any other companies owned by Madison
Square Garden. We are not here on tax abatements
to do with Madison Square Garden. We have no role

1
2 to play over that in this committee. So if you
3 are going to talk about it, you are wasting your
4 three minutes. That is what this issue is about.
5 I know people are here to show support on a lot of
6 different issues, but that is why we are here
7 today in order to best accomplish what we want to
8 accomplish here today. Let's try to stick to the
9 topic, which is the special permit that is being
10 proposed to be renewed. So with that in mind, I
11 am going to call up the first panel, who are
12 already here in their places. Lawrence Burian
13 [phonetic], Joel Fisher[phonetic], Elise
14 Wagner[phonetic], Signe Nielsen [phonetic], and
15 Ann Harakawa [phonetic]. Who is missing? Oh, you
16 are all here. Can we get an extra chair up there
17 for her? Just a little closer to the action for
18 Ms. Harakawa. So whenever you are ready. For the
19 record, so if anyone is transcribing this hearing
20 we know who is speaking, so before you speak,
21 please state your name. And whenever you are
22 ready, we will get started. Thank you.

23 LAWRENCE BURIAN: Good morning,
24 Chairman Weprin and Chairman Comrie, members of
25 the Zoning and Franchises Subcommittee and council

1
2 staff. My name is Lawrence Burian. I am
3 executive vice president, general counsel and
4 secretary of the Madison Square Garden Company.
5 Joining me today are my colleague, Joel Fisher who
6 is an executive vice president of sports and arena
7 transformation for the company, Elise Wagner, who
8 is MSG's land use and zoning counsel--she is a
9 partner at the law firm of Kramer, Levin, Naftalis
10 and Frankel, Signe Nielsen, who is MSG's urban
11 design consultant--she is a partner at Mathews
12 Nielsen, a firm that specializes in projects that
13 improve the urban environment including the
14 transformation of Lincoln Center's public spaces
15 and the Hudson Square streetscape and Ann
16 Harakawa, MSG's signage consultant and principal
17 of 212, a design firm that specializes in complex
18 signage and way finding projects and who worked
19 closely with the mayor's office on PlaNYC and
20 destinations like Citi Field and Rockefeller
21 Center. I meant to say good morning to the
22 adorable and well-behaved young man on the panel.
23 I would like to start by saying that today's
24 discussion is extremely important to all of us at
25 the Madison Square Garden Company, and we do very

1
2 much appreciate the opportunity to be heard and to
3 share our perspective and answer your questions on
4 this matter. As you know, we are here for your
5 consideration on several land use actions. These
6 include our application for a special permit to
7 continue our ongoing use of the arena without a
8 term of years. in addition MSG has presented
9 plans to improve the plazas surrounding Penn
10 Station fully at MSG's expense and to bring our
11 exterior signage up to date and to make it
12 consistent both with the surrounding area as well
13 as other sports and entertainment complexes both
14 in New York City and throughout the country.

15 Before we start the formal presentation, I just
16 want to frame some what we believe to be important
17 context to keep in mind. MSG has operated as a
18 sports and entertainment arena at the current
19 location for more than 45 years. in that time,
20 our use as an arena has not changed. City
21 Planning in its report has already confirmed that
22 MSG meets and satisfies all requirements for the
23 issuance of a special permit, and it is current
24 practice not to impose a term of years on special
25 use permits. If a term of years were to be

1
2 imposed, Madison Square Garden would be the only
3 area or stadium in New York that would be subject
4 to a term on its use. Many of the issues and
5 concerns that have been raised and that will no
6 doubt be raised by others during this proceeding
7 are separate and apart from the zoning
8 requirements that are required to be applied in
9 this context, including many of the issues you are
10 likely to hear regarding Penn Station, and in any
11 event improvements to safety and the access and
12 circulation in Penn Station can be made without
13 limiting our special permit, and MSG has always
14 been and will continue to be a willing and eager
15 participant in those discussions. So today, my
16 colleagues and I will discuss our applications
17 after which we would be happy to answer any
18 questions. I would now like to turn things over
19 to Joel Fisher, who will begin our presentation
20 with an overview of the Madison Square Garden
21 Company.

22 JOEL FISHER: Thank you, Lawrence.
23 My name is Joel Fisher, and I have worked at the
24 Garden for over 25 years, which gives me a unique
25 perspective that I look forward to sharing with

1
2 you today. The Garden has been a premiere sports,
3 civic and entertainment arena in New York since
4 1879--

5 LAWRENCE BURIAN: [interposing]
6 There is a presentation on the screen that goes
7 with his comments.

8 JOEL FISHER: --inspiring more than
9 a century of greatness and enduring moments that
10 have enhanced the city is calls home. The
11 greatest athletes and entertainers in the world
12 have graced the halls of Madison Square Garden and
13 have become part of the fabric and energy of New
14 York City. I'd like to take a moment to recognize
15 a few of the Garden legends that are here with us
16 today to lend their support: Walt Clyde Frasier
17 recognized by the NBA as one of the 50 greatest
18 players of all time and a member of the basketball
19 hall of fame, Clyde Frasier led the Knicks to the
20 NBA championships in 1970 and 1973. Earl the
21 Pearl Monroe, he is also a member of the
22 basketball hall of fame and was also selected as
23 one of the greatest, 50 greatest players of all
24 time. He and Clyde won an - - championship with
25 the New York Knicks in 1973 and like Clyde, Earl's

1
2 number 15 hangs from the Garden rafters. John
3 Starks [phonetic], he played eight memorable
4 seasons for the New York Knicks and in 1994 as an
5 NBA all-star made one of the most memorable plays
6 in Kicks history, the legendary dunk over Michael
7 Jordon in the 1993 Eastern Conference Finals.
8 Finally, Rod Gilbert, his number 7 was the first
9 number to be retired by the New York Rangers
10 organization, the only player to record more than
11 1,000 points as a blue shirt, and spent his entire
12 hall of fame career as a Ranger. It's athletes
13 like these that have made the Garden the world's
14 most famous arena and why today more than four
15 million people continue to come to the heart of
16 New York City to be part of over 400 annual events
17 held at the Garden each year. The Garden is a
18 vital economic driver and spending for the area
19 and the theater alone generates nearly 530 million
20 in economic impact for New York City. Patrons who
21 travel to MSG from outside of the city contribute
22 at an incremental 200 million to the New York City
23 economy in offsite spending that includes dining,
24 shopping, lodging and parking. In addition, the
25 arena employs nearly 6,000 fulltime, part time,

1
2 seasonal and per diem employees and works with 27
3 unions. The Garden is currently in the last phase
4 of a three year, nearly one billion dollar self-
5 funded transformation. This transformation
6 created approximately 3700 union construction jobs
7 in a time when our city needed it most. It should
8 be noted that we embarked on this transformation
9 after spending millions of dollars and almost
10 three years exploring a move to the Farley
11 Building. That relocation plan did not work out
12 for reasons outside of our control. Like our
13 award winning restorations of Radio City Music
14 Hall and the Beacon Theater, the transformation
15 will ensure that the Garden continues to attract
16 premiere events and maintains its position as the
17 world's most famous arena for years to come. MSG
18 is equally proud of its commitment to the
19 community through the work of the Garden of Dreams
20 Foundation. MSG works with children from
21 organizations like the Children's Aid Society, the
22 Police and Fire Widows and Children's Fund and
23 wounded warriors to host 500 events a year. In
24 addition, the Garden has played a leading role in
25 response to local, national and global tragedies.

1
2 This has included the Concert for New York City
3 following 9/11, from the Big Apple to the Big Easy
4 for Hurricane Katrina and the recent 12/12/12
5 benefit concert to aid victims of Hurricane Sandy.
6 This fall we look forward to unveiling our
7 completely transformed arena, which will ensure
8 that MSG remains a global icon that reflects the
9 unique excitement of our city. We expect that our
10 economic impact will undoubtedly increase as the
11 transformation allows us to attract even more high
12 caliber events, but securing events requires years
13 of planning, which is one reason why we are so
14 concerned about our limit on our special permit.
15 The term limit introduces a level of uncertainty
16 that would negatively impact the operations of any
17 business. For MSG it harms our ability to secure
18 lasting commitments as well as our attempts to
19 make the garden a long term home for events like
20 the NCAA tournament and the Westminster Dog Show.
21 This undermines the Gardens, the city's economic
22 and New York's reputation as a sports and
23 entertainment destination. I will now turn things
24 over to Elise Wagner who will provide the zoning
25 and land use context along with specifics about

1
2 MSG's application that are before you today.

3 ELISE WAGNER: Good morning. My
4 name is Elise Wagner. I am a member of the firm
5 of Kramer, Levin, Naftalis and Frankel, and I am
6 here today on behalf of Madison Square Garden. As
7 Lawrence and Joel have already states, we are here
8 to discuss the applications to extend Madison
9 Square Garden's special permit and to provide
10 enhancements to the open space and signage. In
11 January 1963, when the permit was granted for a
12 term of 50 years, the property was subject to a 50
13 year lease from the Penn Central Railroad. Since
14 1985, MSG has owned the land and the building
15 where it has been operating as a sports and
16 entertainment complex for 45 years. The new
17 special permit would in essence extend the
18 existing special permit. MSG has agreed to
19 improve the open areas on the site to make the
20 spaces more attractive and inviting for
21 pedestrians, particularly at the 8th Avenue
22 corners. The plan includes seating, lighting and
23 decorative paving with a design that takes into
24 account the high volume of pedestrian traffic.
25 The cost of these improvements will be borne by

1
2 Madison Square Garden. Lastly, MSG would like to
3 replace the existing signage with a state of the
4 art integrated signage program with digital
5 content, including images of historic Garden
6 moments, promotions for upcoming events at MSG's
7 New York City venues and messages by its sponsors.
8 The existing signage regulations are designed for
9 office buildings and do not take into account that
10 MSG is an arena. On May 22nd, the City Planning
11 Commission approved the applications, but with
12 some very significant modifications to MSG's
13 proposal. First, City Planning imposed a 15 year
14 term on the special permit. Under City Planning's
15 formulation the term of years may be eliminated
16 only if MSG and the railroads reach an agreement
17 to relocate MSG and redevelop Penn Station or MSG
18 and the railroads reach an agreement that
19 facilitates enhanced access to an egress from Penn
20 Station by providing easements into MSG's property
21 for new Penn Station entrances, including new ADA
22 entrances and by improving compliance by Penn
23 Station with national fire safety standards as
24 well as making improvements to MSG's loading
25 operation. This is an extremely high standard to

1
2 be met. MSG believes City Planning's conditions
3 are inappropriate for several reasons that that
4 the permit should be extended without a term and
5 without conditions. With respect to the condition
6 regarding relocation of the Garden, as MSG has
7 made clear on numerous occasions a term of years
8 that is intended to force a relocation of MSG is
9 illegal and outside the scope of the special
10 permit. MSG has always been willing to explore a
11 move to another location at any point if it makes
12 business sense regardless of the special permit.
13 MSG's current location above a transportation hub
14 means that most visitors travel by public
15 transportation, which limits the noise, air
16 pollution and traffic impacts that would otherwise
17 be associated with an arena. This would not be
18 true of any other potential location. The idea
19 that relocating MSG will result in a new Penn
20 Station is completely divorced from reality. Any
21 major improvements to Penn Station would require a
22 concerted effort by three levels of government,
23 which would need to bring the railroads together
24 to create a plan for Penn Station and would need
25 to provide billions of dollars in funding. Even

1
2 if the arena's special permit expires, that will
3 not mean that Penn Station is free to expand on to
4 MSG's property. MSG would be entitled to
5 repurpose the building and tenant it with as of
6 right uses, build a different building on the site
7 or for that matter leave the existing building
8 vacant. The denial or expiration of the special
9 permit would not make the property available for
10 an expansion of Penn Station. With respect to the
11 condition opposed by City Planning in Connection
12 with the term limit, City Planning confirmed that
13 MSG meets all of the required findings for the
14 special permit. Since that is the case, there is
15 no reason for a term of years. moreover from a
16 business perspective, a term of 15 years would
17 damage any business' ability to operate, plan and
18 invest effectively for the future. We believe
19 this is an issue of fundamental fairness. It has
20 been the practice and policy of City Planning not
21 to impose a term of years, and today virtually all
22 special permits are granted without term limits.
23 In addition, no other stadium or arena in the city
24 operates pursuant to a special permit with the
25 exception of the Staten Island Yankees whose

1
2 special permit has no term. These provisions
3 similarly impose conditions that are not
4 appropriate to be demanded of a private property
5 owner through the special permit process. In any
6 event there is no indication that the railroads
7 are able to develop an actionable funded plan for
8 on-site improvements to Penn Station to serve as
9 the foundation of an agreement within the
10 prescribed timeframe. While MSG continues to
11 believe that the 15 year term is unreasonable and
12 that the conditions put an unfair burden on MSG,
13 the Garden has a long history of cooperating with
14 the railroads and expects to continue to do so.
15 City Planning also required certain modifications
16 to MSG's signage program. MSG agreed to reduce
17 the size of the proposed digital signs by 43
18 percent including a reduction in signage on the 8th
19 Avenue façade to match the size of the existing
20 marquis, which means there would be no additional
21 impact from the updated signage on the Farley post
22 office. City Planning also states that the
23 signage on the 8th Avenue corners may not be
24 installed until Penn Station identification signs
25 are installed. MSG should be allowed to install

1
2 signs irrespective of the timing of installation
3 of Penn Station signs. MSG has provided easements
4 to Amtrak to install the signage, and it is unfair
5 to tie MSG to the actions of the railroads. We
6 also wish to emphasize that sponsorship is an
7 integral component of the business model of modern
8 sports and entertainment venues as illustrated by
9 numerous venues including Citi Field and the
10 Barclays Center. I will now turn things over to
11 Signe Nielsen who will discuss MSG's open space
12 plan.

13 SIGNE NIELSEN: My name is Signe
14 Nielsen, a partner in the firm of Mathews Neilsen.
15 Our streetscape design balances the dynamic
16 setting with a design approach that provides
17 clarity and identity for both MSG and Penn
18 Station. Here is a current view of 33rd Street and
19 8th Avenue. These corner plaza spaces experience a
20 high volume of pedestrian traffic and lack design
21 coherence. The streetscape improvements have been
22 designed to address the full perimeter of Madison
23 Square Garden. The plan transforms the two
24 corners on 8th Avenue where we are seeking to
25 balance enormous volumes of pedestrians with new

1
2 improvements to make the spaces more attractive
3 and inviting. New paving will create a more
4 welcoming threshold and reflect the powerful
5 circular form of Penn Station, which will be
6 further enhanced with new lighting, Pedestrian
7 space will remain clear of obstructions to provide
8 unimpeded pedestrian movement at these critical
9 entrance locations. There will be significantly
10 improved way finding signage for Penn Station and
11 MSG. The 31st Street Plaza that you see here
12 utilizes the same forms and palate of materials
13 described for the north corner. Here you see the
14 image of improvements including new pavement, way
15 finding, benches as well as vitrines to enliven
16 the façade. Another significant component of our
17 plan is to improve the interior driveway between 2
18 Penn Plaza and Penn Station. It is currently an
19 unattractive environment with insufficient
20 lighting. Improvements to the interior driveway
21 include new lighting and new pavement and also
22 decorative pavers. In summary, the streetscape
23 improvements speak to the dynamic, fast-paced
24 environment surrounding Penn Station and the
25 Garden. Let me now turn it over to Ann Harakawa,

1
2 who will discuss the signage improvements. Thank
3 you.

4 ANN HARAKAWA: Thank you, Signe.
5 Our signage design is part of a larger
6 comprehensive streetscape plan that has been
7 thoughtfully conceived, coordinated and designed.
8 Just to create some context, it is clear that
9 signage plays a dominant role in this urban
10 context. This is the current signage plan
11 reflecting feedback from City Planning and other
12 stakeholders. We studied the signage at major
13 arenas and stadiums around the country with a
14 focus on the New York City area, and it is obvious
15 that the exterior signage is an integral part of
16 modern stadiums and arenas. Now I am going to
17 take you through our signage proposal showing you
18 existing conditions, our original plan and the
19 current plan reflecting feedback from City
20 Planning. Our first - - is the view from 8th
21 Avenue and 33rd Street looking south, and you can
22 see that there is an existing projected digital
23 display and theater identification on 8th Avenue.
24 You can see sort of further in the back there on
25 the very right hand side. our original signage

1
2 proposal envisioned fully enlivening the two
3 elevator towers and the façade of the theater with
4 the returns facing 31st and 33rd Streets. This
5 scheme is lively, engaging and fits with the
6 neighborhood's urban context. Also notice that
7 the Penn Station and Amtrak entrances are clearly
8 marked with much larger signage. MSG is providing
9 space to the railroads on its buildings for the
10 railroads to design, build and install entrance
11 signage. The current proposal significantly
12 reduces the size of the signage by 43 percent from
13 approximately 17,500 square feet to about 10,000
14 square feet. We reduced the height of the signage
15 on all four elevator towers from 66 feet high to
16 44 feet. We also replaced the 8th Avenue media
17 display that extended the full length of the
18 theater façade with a three-sided projecting sign.
19 The proposed three-sided sign is identical to the
20 size and square footage of the existing 8th Avenue
21 marquis. This is the current view from 7th Avenue
22 looking down west 33rd Street. The 7th Avenue
23 corridor is extremely active and vibrant. This
24 was our proposed plan with signage on the MSG
25 elevator towers facing 7th Avenue and consistent

1
2 with the 8th Avenue towers, the signage has been
3 reduced from 66 by 44 feet to 44 by 44 feet,
4 reducing the height of the signage. We have
5 incorporated feedback on our signage proposal from
6 the community, elected officials, City Planning,
7 Moynihan [phonetic] Station Development
8 Corporation, the railroads and others, and we
9 believe that the significant reductions in the
10 size of the current signage reflect that input. I
11 will turn it back to Lawrence Burian who will
12 conclude our presentation.

13 LAWRENCE BURIAN: Thank you, Ann.

14 Just before we turn it over to Q & A I just wanted
15 to summarize some of the highlights that you heard
16 from the presentation as well as some important
17 context that we hope that Council Members will
18 keep in mind through the rest of the proceedings.
19 As Joel presented, MSG is a vital cultural
20 contributor and a major economic driver to New
21 York City, creating thousands of jobs. The
22 current location for MSG is ideal given the
23 proximity to public transportation. As Elise
24 presented as a matter of practice terms of years
25 on these kinds of permits are not imposed. City

1
2 Planning has already confirmed that we satisfy all
3 of the legal findings that are required to be
4 found in order to issue the special permit, that a
5 term of years designed to force the relocation of
6 MSG is outside the permissible scope of a special
7 permit process and as a number of us have said,
8 MSG has always in any event been willing to
9 explore other options at any point in time if it
10 makes business sense to do so. Ann and Signe
11 presented our plaza improvements and signage plans
12 that we believe are both tasteful and full reflect
13 the feedback we received from City Planning. So
14 just some important context that we would like to
15 just present as we go into the Q & A. MSG owns
16 the building. We own the arena, and we own the
17 land on which it sits. The special permit is a
18 zoning process as you well know and it relates
19 solely to our use of that building as an arena.
20 It does not in any way affect MSG's rights as a
21 land owner to use that building in other ways to
22 repurpose that building. More important even
23 without a special permit Madison Square Garden
24 would be fully free as a legal matter without any
25 special permit to build an office tower on that

1
2 property. We could have two and half million
3 square feet of office space on that site, and that
4 tower would sit right above Penn Station with or
5 without a special permit. The perception
6 therefore that relocating MSG would somehow result
7 in the imminent construction of a new Penn Station
8 is simply false. We should know. We spent
9 several years and millions of dollars exploring a
10 possible relocation to the Farley post office
11 building across the street as part of the Moynihan
12 Station development plan, and as Joel said that
13 plan fell through for reasons having nothing to do
14 with MSG. Even City Planning has recognized that
15 large scale public projects such as this would
16 take at least a generation to materialize as it
17 would require massive effort on all levels to
18 plan, coordinate and fund, and I think that the
19 situation at Moynihan Station is particularly
20 instructive. It has been more than 30 years since
21 the late senator, Daniel Patrick Moynihan's
22 original vision to develop that into a train
23 station, and today 30 years later, after plans
24 that have changed over and over and over the
25 funding is in place for only the minimal first

1
2 phase, and what is going on at the Moynihan
3 Station has nothing to do with Madison Square
4 Garden. Madison Square Garden doesn't sit on top
5 of that location, and yet the public is not able
6 to develop a new train station. In the meantime,
7 what is proposed here is the imposition of an
8 arbitrary deadline on a successful, thriving
9 business that is a major economic contributor to
10 the city. Companies must be able to invest in
11 their businesses and make long term commitments
12 with confidence in the fairness and predictability
13 of the regulatory environment. MSG recently
14 invested nearly one billion dollars into our arena
15 that we feel benefits not only MSG, but the entire
16 city of New York, and it is precisely that kind of
17 continued investment and forward thinking that
18 allows businesses such as MSG to success and grow
19 and to help New York City grow its economy and
20 create jobs, and that is activity that this
21 committee should want to encourage. The Garden is
22 just one stakeholder in a much larger conversation
23 about Penn Station's future. Right now we are
24 simply seeking to continue to operate our business
25 in the ordinary course having always been a

1 willing partner with many of the other
2 stakeholders needed at the table to determine Penn
3 Station's future. So in conclusion just to
4 summarize what it is that we are requesting, we
5 are requesting a renewal of our special permit
6 without a term of years, and we certainly don't
7 want to go backwards from what City Planning has
8 approved. We are seeking the signage plan to be
9 approved consistent with the limited size that was
10 approved by City Planning and to allow us to use
11 those signs consistent with how other arenas and
12 stadiums operate. We have already provided the
13 railroads with easements onto our property to
14 install signs on our buildings, those large Penn
15 Station and Amtrak signs are on our property. We
16 have already made that available to them to build
17 and install signs. We do not believe it would be
18 fair to make our signs contingent on them actually
19 doing so. And of course we would plan to do the
20 improvements to the train station perimeter that
21 were previously presented, and were fully worked
22 out with City Planning.

24 CHAIRPERSON WEPRIN: Thank you very
25 much. I am going to ask a couple of questions,

1
2 and I know I have members of the committee who
3 have some questions. Let me start out by first
4 just making a statement. We do appreciate the
5 special guests you brought. We are happy they are
6 here; however, our decisions obviously are made on
7 what is best for the city and the future of the
8 city, but we are happy to have them here, and I
9 will confess I even had one of their pictures on
10 my wall once upon a time. You guys can just guess
11 who, but it was before Monroe got there. We want
12 to just make sure that this decision is made
13 obviously on the merits and what is most important
14 for the city and we want to all work together on
15 this. Everyone in this room we want to make sure
16 that the Garden exists in New York City. These
17 gentlemen wouldn't be here today if you were to
18 build an office tower on top of the way the Garden
19 is now. I don't think Mr. Starks would be here or
20 any of these gentlemen for that. I am sure Mr.
21 Lee wouldn't be coming every day to watch the
22 office tower. We want to be careful. We ought to
23 watch our rhetoric 'cause even a comment like
24 saying fixing up Penn Station is divorced from
25 reality is a little bit of an overstatement

1
2 because while you're right--three branches of
3 government coming together does seem almost
4 impossible, it is not impossible. It is not
5 something that is out of the realm of possibility
6 if the right people get behind it, and it is
7 something we would like to see is a state of the
8 art train station there if it was possible. We
9 just want to make sure we lay the groundwork here--
10 -just not to up the rhetoric, to make sure we stay
11 on the issue on hand. We want to see Madison
12 Square Garden in New York City, and we just have
13 to see what makes the best, most sense for the
14 city and whether things can change in the future.
15 So I just want to be clear about that. Let me ask
16 a question 'cause you had mentioned that Farley--
17 you had talked about going to Farley at one point
18 and you said that it didn't work out. Can you
19 describe why it didn't work out at Farley?

20 LAWRENCE BURIAN: Sure. I will
21 start with that because it was several years of my
22 life trying to make that happen and millions of
23 dollars. Fundamentally, the problem was an issue
24 of both the coordination among the railroads, the
25 post office and all the various government

1
2 agencies not to have the funding necessary to
3 actually build what was planned. MSG had an
4 agreement in place, a letter of intent with the
5 developers to move. Our deal was not at issue,
6 but fundamentally to build a project of that scale
7 required billions of dollars of government
8 investment, and the dollars weren't there. They
9 are not there today, and they weren't there then.

10 JOEL FISHER: We had a fully vetted
11 100 percent architectural plans, and we were ready
12 to go.

13 CHAIRPERSON WEPRIN: What we can
14 establish by that is that given the right
15 circumstances, given the right venue it would be a
16 possibility to possibly move the Garden again.

17 LAWRENCE BURIAN: Sure. If it
18 makes economic sense.

19 CHAIRPERSON WEPRIN: Okay, and that
20 is the point. When you do speak make sure to
21 identify yourself when you speak. I'm being
22 yelled at. I also want to be clear that I know
23 you mentioned that you own the property above
24 grounds you can build what you want there. I do
25 believe in certain circumstances Amtrak has to be

1
2 involved and give approval on some building. You
3 can't just build whatever you want there. I
4 believe that is the case. Is that true?

5 LAWRENCE BURIAN: I don't think so,
6 Mr. Chairman. We own the fee interest. We own
7 the building. There would be certainly
8 coordination that would have to take place with
9 the railroads below given that we have columns
10 that go down there, but that would be a regular
11 coordination of construction, and again, to your
12 point, we are not planning on building an office
13 tower.

14 CHAIRPERSON WEPRIN: You are
15 absolutely right. Our research had that, but you
16 are right. We don't want to go there. We would
17 rather not even discuss the possibility of
18 anything, but having a Garden there for the near
19 future and the Garden in the city as long as we
20 can.

21 LAWRENCE BURIAN: I apologize if
22 there was rhetoric. It was really just to make
23 more of the legal contextual point which is the
24 zoning process and the considerations that are
25 supposed to be made are supposed to be looking at

1
2 this use, and that the assumptions that denying
3 this use means that magically the building
4 disappears and Penn Station gets redeveloped, that
5 was the point, not to say that it was impossible
6 or that we were planning to build an office tower.

7 CHAIRPERSON WEPRIN: I got it. Let
8 me call on some members of the Committee who I
9 know have questions. I am going to start with
10 Council Member Ruben Wills from Queens.

11 COUNCIL MEMBER WILLIS: Good
12 morning. I am going to try to stick to the three
13 minute rule, if I can have my questions answered
14 in that. I believe most of my questions are going
15 to be directed to your land use expert, Ms.
16 Wagner, so if you can just give her the mic so we
17 can start. First, when did the one billion or 981
18 million dollar renovation start?

19 ELISE WAGNER: That is actually a
20 question for Mr. Fisher.

21 LAWRENCE BURIAN: What we would
22 request is if we could--

23 COUNCIL MEMBER WILLIS: You can
24 alternate.

25 LAWRENCE BURIAN: We will answer as

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

they--

COUNCIL MEMBER WILLS: It doesn't
matter--

CHAIRPERSON WEPRIN: Just state
your name before you answer.

JOEL FISHER: Hi. Joel Fisher. We
have been planning this for a number of years, and
we actually started construction three years ago,
and we are right in the last phase of that now,
the last summer.

COUNCIL MEMBER WILLS: When did
your conversations with City Planning start
regarding this special permit?

ELISE WAGNER: I believe the
conversations started at least a year ago if not
more.

COUNCIL MEMBER WILLS: So City
Planning was already under the clear understanding
that you had invested most of the 981 million, one
billion dollars into the project already when you
were going into the discussions for the special
permit?

ELISE WAGNER: I am sorry. Gale
reminded me I am Elise Wagner from Kramer Levin.

1
2 You are asking whether the plans for the
3 transformation occurred prior to the time that we
4 went into City Planning to talk about the renewal
5 of special permit. Yes, that is accurate.

6 COUNCIL MEMBER WILLIS: Okay. Is
7 there a difference technically in the language of
8 an arena or stadium?

9 ELISE WAGNER: The zoning
10 resolution requires a special permit for an arena
11 or a stadium of more than 2500 seats, so from a
12 zoning point of view, they are treated the same.

13 COUNCIL MEMBER WILLIS: Is there
14 anywhere else in the city that actually needs this
15 special permit or have this special permit in
16 place?

17 ELISE WAGNER: Only the Staten
18 Island Yankees minor league stadium. All of the
19 other arenas or stadiums are either located on
20 state land or in parks and therefore are not
21 subject to the zoning or in some cases zoning has
22 been overridden by state authorities.

23 COUNCIL MEMBER WILLIS: Okay, so to
24 say that you are the only one being targeted for
25 the special permit, how does that work?

1
2 ELISE WAGNER: Other than the
3 Staten Island Yankees, which has a special permit
4 with no term, Madison Square Garden is the only
5 arena or stadium with a special permit in the city
6 of New York?

7 LAWRENCE BURIAN: Can I just
8 clarify? It is Lawrence Burian. I think it is an
9 important--

10 CHAIRPERSON WEPRIN: [interposing]
11 Name?

12 LAWRENCE BURIAN: Lawrence Burian.
13 I think it is an important question that the
14 Council Member is asking. Whether it be Yankee
15 Stadium or Citi Field or the Barclay Center, those
16 facilities were all built on government land, and
17 in addition to the various other dynamics at play
18 there by having government land provided to them,
19 they were exempt from zoning, all zoning,
20 including the special permit, and therefore, they
21 didn't require a special permit and don't have a
22 term of years. the one facility that was not in
23 that case other than us is this Staten Island
24 Yankees that received its special permit in
25 perpetuity. MSG is in the unfortunate position of

1
2 actually not having government land, and therefore
3 owning its own property, and therefore being
4 subject to the zoning.

5 COUNCIL MEMBER WILLS: City
6 Planning has stated to you that you meet all of
7 the requirements for the special permit. What was
8 their reasoning stated--insinuated or stated
9 reason for them saying that they want to have this
10 special permit with terms and conditions on it if
11 they already said you met all of the requirements?

12 ELISE WAGNER: As we stated in our
13 presentation, we respect--Elise Wagner from Kramer
14 Levin. As we stated in our presentation, we
15 respectfully disagree with City Planning that it
16 is appropriate for them to issue a term of years
17 despite the fact that we do meet all the findings.

18 COUNCIL MEMBER WILLS: No, Ms.
19 Wagner. I understand that you disagree. I
20 disagree, but what I am asking you is what was
21 their reasoning behind if they already said that
22 you met the requirements now trying to give you
23 terms and conditions on the special permit.

24 LAWRENCE BURIAN: I think to the
25 extent that their reasoning is stated, it is in

1
2 their report. To the extent it is not in their
3 report, it would be hard for us to speculate as to
4 their deliberations.

5 COUNCIL MEMBER WILLS: What was the
6 reasoning stated?

7 LAWRENCE BURIAN: Again, I really
8 would not want to speak for City Planning. City
9 Planning issued a comprehensive report. They
10 imposed a term of years. We do not believe that
11 that is appropriate, but that is a question for
12 City Planning.

13 COUNCIL MEMBER WILLS: Ms. Wagner,
14 you also testified that the special term would be
15 eliminated--the special term and the conditions
16 would be eliminated if certain benchmarks were
17 met. By whose authority would they be, would the
18 terms and conditions be eliminated?

19 LAWRENCE BURIAN: So City Planning
20 in its report--Lawrence Burian--issued in its
21 report two alternatives. One, an alternative
22 whether MSG would relocate and reach agreement
23 with the train stations to improve Penn Station
24 even though we were relocating, and if we were to
25 do that, the special permit would be extended.

1
2 COUNCIL MEMBER WILLS: Extended to
3 what, in perpetuity?

4 LAWRENCE BURIAN: Until we
5 relocate.

6 COUNCIL MEMBER WILLS: Okay.

7 LAWRENCE BURIAN: And the second
8 alternative laid out in their report is that if
9 MSG reaches agreement with all of the stakeholders
10 on the property including New Jersey transit, Long
11 Island Railroad, Amtrak, et cetera to achieve a
12 list of very high hurdles, all sorts of
13 obligations such as providing potential easements
14 onto our property to improve ingress and egress to
15 Penn Station, to improve ADA access to Penn
16 Station, to improve Penn Station's ability to
17 comply with various codes, fire codes and the
18 like, to coordinate--the list is quite extensive,
19 if we are able to do that and the train stations
20 are able to get all of the necessary public
21 approvals to reach that agreement because they
22 have a whole series of public approvals and there
23 are certifications and all sorts of other
24 requirements. Then it goes back to City Planning
25 for them to confirm that that has occurred, and if

1
2 all that occurs then we are no longer subject to a
3 term of 15 years.

4 COUNCIL MEMBER WILLS: So City
5 Planning wants you to after first investing
6 upwards of a billion dollars in the property go
7 into negotiations, backtrack and go from a 50 year
8 term that you had to a 15 year term, give you
9 hurdles that have to be met with a multi-partner
10 agreement and try to extract the City Council out
11 of the process? Because if it goes back to them,
12 and only them to wipe out the terms and conditions
13 after all of these benchmarks are met, which is
14 not divorced from reality, but near impossible
15 sometimes when you have all of those multi
16 partners, and then on top of that the City Council
17 has no say so in the next set of special permits
18 that you would have to go for?

19 LAWRENCE BURIAN: I hear the
20 question. From our perspective, we don't want the
21 term of years to begin with let alone 15 years,
22 let alone this whole process of requiring us to
23 give up property or rights to a consortium of
24 train stations, so I can't speak to what that
25 interplay is between City Council and City

1
2 Planning, but you know, City Planning issued its
3 report.

4 CHAIRPERSON WEPRIN: You are going
5 to have to--every time you speak, say your name.

6 COUNCIL MEMBER WILLIS: So Mr.
7 Chair, I am asking you. Is that our understanding
8 that City Planning is trying to extract the City
9 Council out of the process at the end of this?

10 CHAIRPERSON WEPRIN: I am not sure
11 that was their motivation but the way that the
12 City Planning had ruled does not involve the City
13 Council.

14 ELISE WAGNER: I would just
15 suggest--Elise Wagner, Kramer Levin--that City
16 Planning stated that they believe that that
17 determination at that point would be
18 administrative. It would be made by the
19 Department of City Planning, not by the City
20 Planning Commission, and that if certain
21 conditions were met then the term would go away
22 and the permit would be in perpetuity, so I
23 believe they did not see it as cutting the Council
24 out; they saw it as an administrative
25 determination by the Department of City Planning.

1
2 COUNCIL MEMBER WILLS: But again,
3 at the--you came off of a 50 year term, invested
4 almost a billion dollars, then they forced or are
5 trying to push a multi-partner agreement with high
6 benchmarks, then it would be--

7 ELISE WAGNER: [interposing]
8 Exactly, and I would say we expected the special
9 permit to be renewed as a matter of course as most
10 special permits are, and so you know although I
11 would say we started talking to City Planning
12 about a year and a half ago, it was certainly with
13 the expectation that there would be a renewal and
14 the idea of the term is something that really came
15 as a surprise to us, and as we have said numerous
16 times, think it is inappropriate. Elise Wagner,
17 Kramer Levin. Thank you.

18 COUNCIL MEMBER WILLS: Thank you,
19 Mr. Chair. I yield my time.

20 CHAIRPERSON WEPRIN: Thank you, Mr.
21 Wills. Before we call on the next questioner,
22 first I want to acknowledge Vincent Ignizio from
23 Staten Island is in the room, a member of the
24 committee. We have also been joined the group in
25 the back from P.S. 94 in the Bronx, the student

1
2 government of Oliver Koppell's district. There
3 they are.

4 [applause]

5 CHAIRPERSON WEPRIN: Any of you
6 guys basketball fans? I would now like to call on
7 Council Member Garodnick, who has some questions,
8 followed by Council Member Comrie.

9 COUNCIL MEMBER GARODNICK: Thank
10 you very much, Mr. Chairman, and I will start off
11 by just noting that I appreciate the need for some
12 predictability here, and also the very significant
13 investment that you all made, but I also think it
14 is worth pointing out that Madison Square Garden
15 is different here because of your location, both
16 atop a transportation hub and also your location
17 in the heart of one of the mostly densely occupied
18 areas of the city, which is why I think we have
19 this conversation about term in the connection
20 with the special permit. I wanted to focus my
21 questions on that specifically because I
22 understand that you all want the special permit to
23 be renewed in perpetuity. There are proposals,
24 community boards said you should have it for ten
25 years, City Planning says 15 with some conditions,

1
2 and we in the Council are now in the position of
3 trying to sort out precisely what is fair and
4 reasonable for you all. Is it possible for you to
5 actually achieve any of the obligations that City
6 Planning set out for you, relative to the
7 railroads? They gave you a whole list of things
8 that you need to accomplish. Is that possible? Is
9 it something that you can achieve within 15 years?

10 LAWRENCE BURIAN: Lawrence Burian.

11 One observation and one response, the most recent
12 arena to be built in New York City sits in a
13 densely populated area in Brooklyn on top of an
14 incredibly busy transportation hub and does not
15 have any kind of term. Yes, it is possible, and
16 in fact, with or without the special permit term
17 way before this process even started, we have been
18 working closely with the railroads and their
19 Pennvisioning [phonetic] group to collaborate with
20 them to make improvements to Penn Station. It is
21 in everyone's interest to do so. The patrons that
22 come through Penn Station every day are also our
23 customers, and it is good for everyone to have
24 that occur. We believe that in coordination with
25 those groups, real and significant improvements to

1
2 Penn Station can be made. We don't think a
3 special permit process is the right process to
4 force that or create leverage for that, but yes,
5 undoubtedly, it can be done.

6 COUNCIL MEMBER GARODNICK: If the
7 Council would see fit to renew your special permit
8 without a term and then at some point down the
9 line saw changes in circumstances needs for Penn
10 Station, needs for the railroads, et cetera, there
11 is no way for us to dial that back at that point,
12 is there?

13 LAWRENCE BURIAN: Not in terms of
14 zoning. I am sure there are other ways to address
15 that. Lawrence Burian, sorry. It's hard. I
16 would say though City Planning came out in its
17 report with some very important findings about
18 that possibility. In particular, Penn Station is
19 currently at maximum capacity given the tracks
20 below, and therefore, the number of commuters and
21 the demands on Penn Station are at the most they
22 will ever be. Accordingly, whether it is today,
23 tomorrow or 20 years from now, those capacity
24 issues will not get worse. They can only get
25 better, particularly given the plans for Moynihan

1
2 Station to alleviate much of that pressure, so as
3 a Zoning matter, given that we meet all of the
4 requirements of the special permit today,
5 including all of the environmental and other
6 considers, there is no reason to believe that when
7 it comes to Penn Station or otherwise that that is
8 going to get worse. If anything, it will get
9 better. I hope that answers your question.

10 COUNCIL MEMBER GARODNICK: I think
11 it does. You also made a comment about how this
12 is outside the permissible scope of the special
13 permit process. Do you think that it is not
14 proper for the Council or for City Planning to be
15 imposing a term in connection with a special
16 permit?

17 LAWRENCE BURIAN: We do think that
18 that would be improper.

19 COUNCIL MEMBER GARODNICK: Okay.
20 Let's talk about the ULURP process for the moment.
21 I think that Council Member Wills was getting to
22 this point before, which is if there is a general
23 acknowledgement which I understand that Madison
24 Square Garden will never agree with that there
25 should be a term of years, and in connection with

1
2 that term of years, some entity whether it is
3 Department of City Planning or the Council or any
4 combination therein should have the ability to
5 evaluate the progress at the end of 15 years. why
6 shouldn't that be the City Council as opposed to
7 the Department of City Planning?

8 LAWRENCE BURIAN: I will turn that
9 over to land use counsel, Elise Wagner.

10 ELISE WAGNER: I certainly feel
11 that that is certainly something that could
12 happen, but from our point of view then there is
13 no reason for the condition. The whole point of
14 the condition is that there are a series of steps
15 that must be undertaken, and if we fulfill those,
16 then there is a determination that all of those
17 things have been fulfilled, and there is no need
18 for a further public process. If there is a
19 process that comes back to the City Council with
20 all due respect then it becomes a public process
21 and it is as if there were simply a 15 year term
22 limit without this requirement for negotiation.

23 COUNCIL MEMBER GARODNICK: If City
24 Planning at the end of 15 years decides that if we
25 were to go the route that they proposed that you

1
2 did not in fact satisfy either of the prongs that
3 they put forth to you, then the special permit
4 ends and you need to go through a ULURP process
5 again, right, or the special permit process again?

6 ELISE WAGNER: Yes.

7 COUNCIL MEMBER GARODNICK: So
8 essentially, you more or less have that anyway.
9 It is just that you get the special permit
10 opportunity to--you get an opportunity through
11 City Planning to forgo the Council after 15 years
12 if you satisfy those two prongs. Is that fair?

13 ELISE WAGNER: Yes. You have an
14 opportunity without a city public process. That
15 is the concept I believe.

16 LAWRENCE BURIAN: Just to clarify--
17 it is Lawrence Burian--I think that the dynamic at
18 play is that City Planning through the ULURP
19 process is identifying the goals that it wants to
20 have achieved and is setting up a process
21 administratively to confirm that the goals have
22 been achieved. If the goals are achieved to their
23 determination, there is no reason for a term of
24 years, and therefore, they are simply saying this
25 is our understanding of what City Planning is

1
2 saying is that if the goals are achieved that if
3 those goals were achieved today we would give it
4 in perpetuity, so if they are achieved tomorrow,
5 it is automatically in perpetuity, we just need to
6 certify that they have been achieved. If they are
7 not achieved then as you said as the councilman
8 said, the permit would expire and we would go
9 through a new ULURP to seek a new permit.

10 COUNCIL MEMBER GARODNICK: Last
11 question from me, I know that I am probably past
12 my time here. The issue of predictability. I
13 think that is an easy one to wrap your mind
14 around. On the subject of future events to be
15 planned--Westminster Dog Show or NCAA tournament--
16 do you not have any of those events booked for
17 2014, '15 or '16 at this present moment?

18 LAWRENCE BURIAN: Lawrence Burian.
19 We certainly do. I will get it by the end. We
20 certainly do, but I think it is important to
21 understand that until this whole process occurred
22 and as Ms. Wagner said, nobody certainly not us
23 anticipated that the term of years or the special
24 permit at all would be anything but a simple
25 routine. We are Madison Square Garden, we are

1
2 operating as an arena, we always have, nothing has
3 changed. Why wouldn't we have the zoning continue
4 to do so? It has certainly not been a public
5 discussion or one that has been raised by any
6 business partners or perspective partners 'cause
7 it has not been on anybody's consciousness. I
8 have no doubt that out of this process, it will
9 be.

10 JOEL FISHER: Joel Fisher. I would
11 like to add to just answer your question that we
12 do have some events booked, but for these events
13 and these big events that the city and all of us
14 want, there are certain production elements and
15 planning that are necessary to be able to house
16 these events with the uncertainty of not knowing
17 potentially what the building is if we were forced
18 to move they can't make commitments to us and
19 therefore to the city and that is the planning
20 that we are talking about.

21 COUNCIL MEMBER GARODNICK: Thank
22 you, Mr. Chairman, for the opportunity.

23 CHAIRPERSON WEPRIN: Thank you, Mr.
24 Garodnick. I would like to call on Council Member
25 Comrie now from Queens.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNCIL MEMBER COMRIE: Thank you.
Good morning, everyone. I just want to ask you, why are you not building a tower there? It's an iconic property in the middle of one of the busiest areas, the most traveled areas. Everyone comes to the Garden. Why not build a hotel tower with luxury rooms to help the MSG continue with the job development as well, but also with the economics of the building? Why not build a hotel tower? I am sure Mr. Starks or Mr. Frasier wouldn't mind having a second home above the tower.

LAWRENCE BURIAN: It's Lawrence Burian. That is really not the business we are in, and we have no current plans to do that. Maybe it is a good idea. We haven't really explored it.

COUNCIL MEMBER COMRIE: It just seems to me that that location there is no doubt that with the traffic there coming from Penn Station and coming from Amtrak and the location and the traffic there, it seems to me that a tower would make sense, especially in light of all of the issues that you are concerned regarding the

1
2 cost of doing business there. I don't see why it
3 is not being done. That is just in my particular
4 opinion. I just wanted to raise that first. Just
5 to go back to the special permits since everybody
6 is beating that to death, I might as well join in
7 also. You know, I just want to register my
8 opinion to cut to the chase. Clearly, the need to
9 make sure that Penn Station stays viable and stays
10 current to whatever the needs are for the century
11 that we are in is something that is going to
12 continue to be a problem whether it is now or ten
13 years from now or 20 years from now. Penn Station
14 is a transportation hub that the city is going to
15 need, so I think that that is why everybody is
16 concerned about having a process that will make
17 sure that MSG is going to be responsible partner
18 to that, not that you haven't' been. You have put
19 a lot of money into trying to do the Farley
20 building. I forget what the amount was, but it
21 was a significant amount, but there is always a
22 concern I think among people that there will be a
23 continued commitment from MSG to ensure that
24 whatever happens at Penn Station there is a full
25 commitment and buy in from your organization, so I

1
2 think that is the reason for the special permit,
3 not that--I understand that other areas don't have
4 a special permit, but I think that this particular
5 area is even more critical to the long term
6 lifeblood of the city, and so I think that the
7 need for a special permit only because we need to
8 have a check and balance is something that we have
9 to consider, and I hope that as we move through
10 this process we can find a way to come to some
11 term on that that will meet the needs of MSG and
12 meet the needs of the city.

13 LAWRENCE BURIAN: Mr. Chairperson,
14 we 100 percent share the goal. We would 100
15 percent assure the Council that MSG has every
16 interest and will continue to have every interest
17 in working with the railroads to try to do
18 everything possible to improve Penn Station in a
19 collaborative and appropriate way.

20 COUNCIL MEMBER COMRIE: But the
21 problem is, Mr. Burian, that MSG is owned by a
22 group now, but there may be a Brooklyn owned group
23 by Spike Lee that owns it that wants to make sure
24 that Barclays is the best stadium and they might
25 want to make sure that not anything happens. I am

1 just putting Brooklyn putting Brooklyn people--

2 [crosstalk]

3 COUNCIL MEMBER COMRIE: But all
4 jokes aside, there may be another business that
5 buys MSG and doesn't have the same protection of
6 the needs for Penn Station in mind. I understand
7 what you are saying about MSG wanting to be a good
8 partner, but I think the idea of the city having
9 some checks and balance in perpetuity is key,
10 especially at a location that is that critical. I
11 would hope that at the end of the day we come to
12 some discussion and determination on that. I just
13 wanted to exercise my opinion. I don't want to
14 beat that dead horse today anymore, but that is an
15 issue that really has to come up. Let me just
16 shift on the signage for me. In your
17 presentation, how large is that sign that is above
18 the Bank of America subway sign, the display that
19 is above the Bank of American subway sign? If you
20 look at the existing conditions, 33rd and 7th
21 Avenue--yeah, there you go. Back up. There you
22 go. Does anyone know how large that green sign is
23 that looks like an iPhone.

24 MALE VOICE: We don't know the
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

exact size.

COUNCIL MEMBER COMRIE: Do you think it is larger than what is being proposed--

JOEL FISHER: It is more than twice the size of what is being proposed.

COUNCIL MEMBER COMRIE: I am sorry. You have to say your name.

JOEL FISHER: I am sorry. Joel Fisher. That sign is more than twice the size of what we are proposing.

COUNCIL MEMBER COMRIE: And how long has that sign been there?

JOEL FISHER: As long as I can remember. It has been there for a long time.

COUNCIL MEMBER COMRIE: And also just to go back to your other--so that sign has been there. It is twice as large as what you are asking for, and so it would be three times as large as what the city is planning on giving you, correct?

JOEL FISHER: Just about. Yes.

COUNCIL MEMBER COMRIE: And the visuals from that sign--is that right on 34th Avenue where that Bank of America is?

1
2 JOEL FISHER: Joel Fisher. It is
3 on 33rd Street and 7th Avenue.

4 COUNCIL MEMBER COMRIE: 33rd and 7th.
5 Okay. So I just wanted to note that for the
6 record 'cause I kind of agree with the issues on
7 the signage. I don't understand why we would have
8 signs in that area, especially on 34th Street and
9 33rd Street that are larger than the signs that you
10 are asking for - - I think that having that visual
11 again would add to your income generation. I
12 think that that is something that should be
13 reconsidered by the Council, and I also kind of
14 like the large sign that you presented for--let me
15 make sure I have the right--the current plan for a
16 tower on 8th Avenue.

17 LAWRENCE BURIAN: That is the
18 current one approved by City Planning.

19 COUNCIL MEMBER COMRIE: I like the
20 original plan as well. I think it gives a better-

21 -

22 LAWRENCE BURIAN: [interposing] So
23 did we.

24 COUNCIL MEMBER COMRIE: I am just
25 stating my opinion here since we are still in

1
2 America, so--last I heard. Just to talk about the
3 signage, I think that the need for the signage and
4 the ability to ensure that the signage is
5 maintained and kept and the illumination that I
6 think would create some protection for Farley as
7 well with the better visual at night over there
8 because I remember there was a stabbing there a
9 couple of years ago--maybe a year and a half ago.
10 To have that visual for Farley, I think would be
11 good, and it could be even iconic utilizing that
12 sign, even do movies for people at a particular
13 point in time, so I am not against the idea of
14 having the original conditions for the signs. I
15 just wanted to again to be brief since a lot of
16 the other questions were asked by my colleagues
17 regarding the special permit, regarding the need
18 for Penn Station, acknowledging the work that you
19 have done to try to help with the Farley Station
20 before. there was one other major question I
21 wanted to ask. Have you looked at any or do you
22 own any other property in the area, MSG?

23 LAWRENCE BURIAN: MSG, we own the
24 arena with the theater that is part of it. We
25 have a long term lease and operate Radio City

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Music Hall in New York City, also a major contributor to the city's economy. We have a long term lease of the Beacon theater on the Upper West Side, similarly very successful both fully renovated by us at our cost, but we do not have any other owned property in New York City.

COUNCIL MEMBER COMRIE: Nothing on the West Side?

LAWRENCE BURIAN: No.

COUNCIL MEMBER COMRIE: But you would never look at tearing down Radio City Music Hall and building a new MSG there?

LAWRENCE BURIAN: We don't own that property. It is a lease.

COUNCIL MEMBER COMRIE: It's a long term lease.

LAWRENCE BURIAN: It is also landmarked.

COUNCIL MEMBER COMRIE: I did forget that. I am sorry. We were part of that landmark. What was I thinking? Again, have you had any recent discussions with the Amtrak or the Long Island Railroad or New Jersey Transit regarding where they are with the Penn Station

1
2 upgrades? You mentioned something about your
3 frustration with it. Could you detail if there
4 has been any recent discussions or any idea on a
5 timeline that you can bring to us today?

6 LAWRENCE BURIAN: Sure. Lawrence
7 Burian. We have has extensive discussions with
8 those agencies. They have been collaborative.
9 They have been productive. We coordinate with
10 them the signage proposal for example. We
11 coordinate with them and continue to explore all
12 sorts of ways to try in a mutually beneficial way
13 to improve Penn Station. The biggest issue over
14 and over with these things is not us. It is the
15 inability to have the funding, the government
16 funding frankly to do the improvements. In fact,
17 I think it is just illustrative. We granted to
18 the train stations space on our building to put
19 those signs up, gave it to them. It is theirs to
20 put up and City Planning was so concerned about
21 them not having the funding to put up a sign let
22 alone to renovate that that is why they put the
23 conditions on us on the signage. It is the issues
24 of coordination among multiple government agencies
25 and their lack of funding. If I could just

1
2 observe, Mr. Chairman, the observation you made
3 before about the look see [phonetic] and making
4 sure about given the importance of the space that
5 there is always an opportunity, one observation we
6 would make is the pressure that is being brought
7 to bear by a term of years is being brought to
8 bear on the one party that can't actually achieve
9 the goal. It is being put on the private owner,
10 but ultimately not on the train stations that are
11 the ones that actually would have to get their act
12 together, actually have to develop a plan,
13 actually have to agree among themselves on the
14 priorities of that plan and get the funding to do
15 it, yet the leverage is being put on us, and that
16 is why the case of Moynihan Station was so
17 illustrative because there there is no MSG, there
18 is no special permit, and yet the plan has changed
19 dozens of times. First it was Amtrak, then it was
20 Long Island Rail Road, then it was New Jersey
21 Transit, then it was one phase, then it was three
22 phases and at the end of the day, it is not
23 happening. Only phase one is happening, so the
24 leverage of the special permit doesn't make these
25 things happen.

COUNCIL MEMBER COMRIE: I

understand that argument, and I would say only in response to that argument that we do need to do more to ensure that the government does its share. We do need to figure out a way to make sure that there is a final plan from the government and that there is a better way to ensure that the government can get its act together on those federal levels and to fund money for it, but I think there is a major concern as you know from tradition and one of the reasons why City Planning Commission was created because Grand Central Station was almost torn down, and the need to ensure that we have a transportation hub is I think a real concern which is why we are stuck with this special permit. There is no other way to ensure long term involvement unless there is some kind of that would transition new ownership, and I think that is the major concern, not the ownership that is there today, but the ownership that may be there tomorrow at MSG, so I understand that you are frustrated about that, but I think that there is a larger issue that we need to deal with the special permit as well. So I just want

1
2 to thank you. I would still suggest building the
3 hotel because I think that as I said earlier, your
4 legacies would definitely especially since they
5 are still broadcasting there, they could just go
6 up in the evening as opposed to driving back to
7 wherever they live at the moment. Thank you.

8 Thank you, Mr. Chair.

9 CHAIRPERSON WEPRIN: Thank you, Mr.
10 Comrie. I am just going to call quickly on
11 counsel to call the roll on Land Use number 850,
12 which you heard before. Vinny Ignizio wants to
13 vote.

14 COUNSEL: Council Member Ignizio?

15 COUNCIL MEMBER IGNIZIO: I vote
16 aye.

17 CHAIRPERSON WEPRIN: Great. Thank
18 you. I'd now like to call on Council Member Diana
19 Reyna, who is joined by her son Adrian, and his
20 hat over there has a blue and orange sash. I want
21 to be clear has nothing to do with the Knicks.
22 Council Member Diana Reyna from Brooklyn and
23 Queens.

24 COUNCIL MEMBER REYNA: How
25 appropriate. Thank you so much, Mr. Chair. I

1
2 just wanted to take a moment. There was a lot of
3 clarity by the line of questioning regarding the
4 special permit and the number of years, and
5 highlighting the fact that it is not about current
6 ownership, but the future, and that is the dilemma
7 in city government we always have is to be able to
8 bring back parties that have to be brought
9 together to have discussions for the betterment of
10 our city. I just want to go through for the
11 record, Staten Island Yankees are an arena more
12 than 2500 seats, which would require a special
13 permit and has no term limits on it. Correct?

14 LAWRENCE BURIAN: That is correct.

15 Lawrence Burian.

16 COUNCIL MEMBER REYNA: The Coney
17 Island Cyclones, Mets also an arena of 2500 seats
18 or more has no term limits as well. Correct?

19 LAWRENCE BURIAN: They didn't
20 require a special permit.

21 COUNCIL MEMBER REYNA: The require
22 a special permit and have no special permit term
23 limit?

24 ELISE WAGNER: Elise Wagner. I am
25 not familiar specifically with that stadium. I

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

can tell you certainly most of these other stadiums such as Citi Field is located in a city park. That may be true of the cyclones. I apologize. I don't know the answer that specifically.

LAWRENCE BURIAN: It has been clarified. It's Lawrence Burian. The cyclones--

COUNCIL MEMBER REYNA: If you could just state your name for the record, so the back and forth cane--

LAWRENCE BURIAN: Lawrence Burian. The cyclones are built on a city park, and therefore are exempt from zoning and therefore have no zoning requirements and certainly have no special permit or term.

COUNCIL MEMBER REYNA: Thank you very much. Ms. Wagner, you were mentioning Citi Field as an arena.

ELISE WAGNER: Elise Wagner. Yes. Citi Field would require a special permit if it were not located in a park. Parks are not zoned, and therefore it was able to be built without a special permit.

COUNCIL MEMBER REYNA: And we have

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the Yankee Stadium--

ELISE WAGNER: Elise Wagner.

Yankee Stadium I believe is also built on parkland, and so it is in the same situation as Citi Field.

COUNCIL MEMBER REYNA: And Barclay Center.

ELISE WAGNER: The Barclay Center was built pursuant to a state, Empire State Development general project plan, so ESDC is a state agency and they were able to override the zoning, and that is why a special permit was not required for the Barclay Center with no terms.

LAWRENCE BURIAN: Lawrence Burian.

In each case, each of those other properties are either built on city parks or on government land with all the other dynamics at play and don't have a term of years.

COUNCIL MEMBER REYNA: And I just wanted to ask is there any other example of arenas that have not been mentioned with no special permit with no terms?

ELISE WAGNER: Elise Wagner. This requirement was put into the zoning resolution in

1
2 1961. We did the research. The only special
3 permits that we found were--

4 [background conversation]

5 ELISE WAGNER: There is no other
6 arena. There was one other special permit that
7 was granted in the past for a convention center
8 type facility that was never built. Other than
9 that, Madison Square Garden and the Staten Island
10 Yankees are the only ones.

11 COUNCIL MEMBER REYNA: As far as
12 the transit systems are concerned, right now is
13 there any dollar budgeted amount that would give
14 you the indication that conversations can continue
15 in relationship to upgrading what would be Penn
16 Station, rebuilding Penn Station?

17 JOEL FISHER: Joel Fisher. Nothing
18 that we know of. And as Lawrence stated earlier,
19 we have been meeting well over a year with the
20 Pennvisioning group on plans and we have been very
21 cooperative with them, but there is no funding.
22 They don't have any funding to do anything. As
23 Lawrence stated, they don't even have funding to
24 put up the signage that we have given--

25 LAWRENCE BURIAN: [interposing]

1
2 They say they do. I would also just note that all
3 of the improvements that you saw here to the
4 plazas to improve Penn Station is at MSG's
5 funding.

6 COUNCIL MEMBER REYNA: So the Penn
7 Station consortium of the different railways have
8 not contributed to any of the upgrades at this
9 moment?

10 LAWRENCE BURIAN: Not at - -

11 JOEL FISHER: Joel Fisher. None at
12 all.

13 COUNCIL MEMBER REYNA: And any
14 further upgrades below what would be the MSG site
15 are not budgeted for any improvements or
16 renovations of sorts to your knowledge?

17 JOEL FISHER: Joel Fisher. To our
18 knowledge, no.

19 COUNCIL MEMBER REYNA: And--

20 LAWRENCE BURIAN: [interposing] I
21 would say--it's Lawrence Burian--Pennvisioning
22 submitted a letter to City Planning laying out
23 their vision of improvements that could be done in
24 collaboration with Madison Square Garden and that
25 letter was submitted just a few weeks ago. We

1
2 have been working them and collaborating with them
3 to see what is achievable, but that letter to my
4 knowledge does not articulate any source of
5 funding for them to actually achieve anything that
6 is proposed.

7 COUNCIL MEMBER REYNA: And the
8 proposal is coming from...?

9 LAWRENCE BURIAN: Lawrence Burian.
10 It is called a group called the Pennvisioning
11 Group, which is a group organized by the three
12 railroads at Penn Station to try and collaborate a
13 vision for improving Penn Station with MSG at the
14 location.

15 COUNCIL MEMBER REYNA: Do we have a
16 copy of that letter? Thank you very much.

17 ELISE WAGNER: Elise Wagner. That
18 letter is in the record of the City Planning
19 Commission and certainly we would be happy to
20 provide that to you, but it is in the record to
21 the City Planning Commission.

22 COUNCIL MEMBER REYNA: Thank you
23 very much. at this moment I have no further
24 questions.

25 CHAIRPERSON WEPRIN: Thank you,

1
2 Council Member Reyna. I would like to now call on
3 Council Member Vincent Ignizio for a quick
4 question.

5 COUNCIL MEMBER IGNIZIO: Thank you,
6 Mr. Chairman, and thank you all for being here. I
7 am sitting here with my colleagues and I am trying
8 to have an understanding of why we would put a
9 term on Madison Square Garden--why the city would
10 desire or seek to, and really, the only thing I
11 can come up with is that City Planning and overall
12 city government wants more control over the site,
13 and to have you have to come back every 15 years
14 or 20 years or ten years, whatever the number is,
15 sounds to me like it is city government flexing
16 their muscle to have more control over the overall
17 site. The only thing I am going to look at and
18 the way I am going to cast my vote is based on
19 what I think is in the best interest for New York,
20 so I am going to pose that question to you as if
21 you were sitting here. What is in the best
22 interest for the citizens of New York to have in
23 terms of Madison Square Garden in terms of your
24 agreement, thinking not just as MSG
25 representatives, but thinking about the public,

1
2 those who use Penn Station and those who traverse
3 the area every day for work, and those who live in
4 the community.

5 LAWRENCE BURIAN: I am so thrilled
6 that--it's Lawrence Burian--I am so thrilled that
7 you asked that question because I'd like to answer
8 it in a number of ways. I think what is good for
9 New York is number one, for the citizens of New
10 York and the businesses in New York and the
11 private property owners in New York to have
12 confidence in the fair and non-arbitrary
13 disposition of the laws of New York, and that
14 folks should not have a view that a zoning process
15 with specific requirements all of which have been
16 satisfied by any measure and it's not an issue
17 would not be used or abused to try to achieve
18 other objectives that are unrelated to the issue
19 that is supposed to be resolved, so I think that
20 the confidence in our government institutions and
21 the ability for private owners and businesses to
22 invest in New York and grow New York with
23 confidence is a very high priority. Number two, I
24 would say that the term of years and the other
25 things we are talking about are actually

1
2 counterproductive to achieving the goal of
3 improving Penn Station because it creates a
4 dynamic where the railroads may feel that they
5 have undue leverage to say that now we can sit
6 back and wait for MSG to someone help solve our
7 problems as opposed to saying that we are not
8 going to use the levers or the police power of the
9 state to impose on a private property owner so
10 that the parties at the table who have been
11 negotiating for years and working out these things
12 collaboratively do so without an imprint of a
13 government process that is unrelated, so we
14 actually think it is counterproductive to those
15 negotiations. Finally, Madison Square Garden
16 itself is a thriving business and cultural icon in
17 the heart of New York and I would suggest that the
18 notion that MSG would be or that New York would be
19 better off with MSG not in the heart of New York,
20 not on its current location would be misguided,
21 and in fact, I would assume that if MSG was here
22 proposing any other site in Manhattan this room
23 would be to more overflow capacity when people
24 think about traffic and noise and environmental
25 and the issues. We think New York is incredibly

1
2 well-served by the fact that Madison Square Garden
3 Sits on Penn Station and is able to provide the
4 least disruption to New York in terms of traffic
5 and environment ad all the other conveniences that
6 it provides to sell out that building and to drive
7 revenue and economics to New York so for all of
8 those reasons we think that sitting in your chair
9 the best outcome here is to treat this as any
10 other zoning process and not to let the process be
11 infected by other goals and issues that are
12 unrelated and to recognize those overriding goals
13 for New York.

14 COUNCIL MEMBER IGNIZIO: Thank you,
15 and I agree. I don't think that should be taken
16 into consideration notwithstanding the arguments
17 or merits of anyone's position vis-à-vis your
18 leadership role or union dispute or anything like
19 that. I think what really ought be discussed is
20 the process here, and that is what the Zoning
21 Committee does. Do you believe or is it the
22 position of Madison Square Garden that the special
23 permit is a ministerial process that if you make
24 the findings that it should be an automatic no
25 term permit?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

LAWRENCE BURIAN: Lawrence Burian.
I don't believe technically it is ministerial. I
could turn that over the Elise, but I think that
there are a list of--

COUNCIL MEMBER IGNIZIO:
[interposing] I am just asking for your
interpretation of it.

LAWRENCE BURIAN: I will turn that
over to Land Use counsel.

ELISE WAGNER: It is clearly a
discretionary process, but the City Planning
Commission in its report stated that based on its
discretionary view that we had made the funding so
therefore, we believe that it is appropriate for
us to obtain a special permit without a term.

COUNCIL MEMBER IGNIZIO: Can you
tell me in your meetings with City Planning where
the discussion of terms began and how that
developed?

LAWRENCE BURIAN: Lawrence Burian.
I think that the first we ever heard of this
concept was through the ULURP process when it was
recommended by the community board and the borough
president raised the issue in their reports and

1
2 therefore it became at issue in the City Planning
3 Process. I am turning to Elise. I believe that
4 is where it came from, and so it became a matter
5 of public record. It became part of the ULURP
6 process, and then it became with all due respect a
7 big public and political dynamic.

8 COUNCIL MEMBER IGNIZIO: Okay. I
9 appreciate your time, and I apologize to my
10 colleagues because I said I was going to ask one
11 question, particularly to Jessica, and I asked
12 more than that. Listen, I just think that this -
13 - and everybody I have spoken to on this side of
14 the table wants and believes in Madison Square
15 Gardens and what they bring to the city, and I
16 just think that we are better served as a city for
17 having Madison Square Garden there and ultimately
18 the economic impacts - - but my colleagues most of
19 which are concerned about is what if there is a
20 better mousetrap we could build ten, 15, 20, 30
21 years down the road and don't want to be hamstrung
22 in saying we can no longer do that because a
23 special permit was in perpetuity. Perhaps if
24 there was a way you can term it then you have more
25 leverage to discuss those things. that is what I

1
2 think I am hearing on the opposite side of the
3 spectrum that if there is a better way to build a
4 better mass transit hub, perhaps this special
5 permit would allow us to pursue that in a more
6 concise and a more better way for the public than
7 just having Madison Square Garden have that permit
8 in perpetuity so you understand. Thank you very
9 much, Mr. Chairman. I will wait to hear your
10 response, but I am going to end my turn.

11 LAWRENCE BURIAN: First we very
12 much appreciate your comments and whether it be 15
13 years from now, or five years from now or 25 years
14 from now, if there is a better mousetrap and there
15 is funding and there is a plan that makes sense
16 for everybody that is also respectful of us as a
17 private business and is signed on by the various
18 stakeholders and railroads, we would participate.
19 We did that without a special permit dynamic and
20 spend millions of dollars to try to do that at
21 Moynihan Station, and we will participate with or
22 without a special permit term to try and improve
23 Penn Station. It is in our interest to make a
24 more welcoming entrance to our building. It is
25 just the issue or the fallacy that the special

1
2 permit impacts that one way or another. 15 years
3 from now we will just be back here having
4 satisfied all the terms and conditions. We will
5 have just spent millions of dollars in legal fees
6 and costs and hearings and process, but at the end
7 of the day, MSG will satisfy the conditions in 15
8 years, and will just be at it again but it doesn't
9 solve Penn Station's issues to put a term.

10 JOEL FISHER: I would like to add
11 that in addition to the recent conversations we
12 had about Farley and moving this is the fourth
13 location of Madison Square Garden. We have proven
14 over the years different owners that if it made
15 business sense, we would move.

16 LAWRENCE BURIAN: I would say--
17 Lawrence Burian--if there is an issue about a
18 concern that Madison Square Garden wouldn't be
19 owned by the Madison Square Garden company and how
20 that might affect the special permit and I don't
21 know what the legalities are of that consideration
22 and the process, so I am not opining on it, but
23 there are more simple ways to address that issue
24 than a term of years.

25 CHAIRPERSON WEPRIN: Okay. I am

1
2 going to call on Council Member Lappin from the
3 east side of Manhattan and then we are going to
4 try to wrap up on this panel.

5 COUNCIL MEMBER LAPPIN: So much has
6 been said and asked and so I guess just to sort of
7 pick up where Council Member Ignizio left off, I
8 think there is--I understand this idea that it
9 doesn't solve the problem of the Penn Station
10 issue, but there is a feeling and a sense that it
11 closes the door, and that it does make it much
12 more difficult if not impossible to have some of
13 these discussions, and the idea that I think it is
14 great that you say that you would be willing to
15 continue to discuss, but it is a different dynamic
16 and this is a very unique space, Penn Station, and
17 that has to inform the discussion, and I do think
18 it is appropriate for us to be discussing this
19 application in that context of what you sit over
20 and what that means to the city, so I am not sure
21 there is a helpful kind of round and round and
22 round for us to go although I mean--feel free to
23 say something, but--

24 LAWRENCE BURIAN: Lawrence Burian,
25 I don't know if I am allowed to ask a question

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

back, so--

COUNCIL MEMBER LAPPIN: You're not.

LAWRENCE BURIAN: I will ask it rhetorically. I am not sure in what way a special permit closes any doors, and that is the crux of the issue.

COUNCIL MEMBER LAPPIN: The idea that you would be sort of in perpetuity able to not be part of those discussions makes it more difficult for us to have the kind of discussion around planning over the next ten years that we should have.

LAWRENCE BURIAN: Let's just dissect that for a moment, right. It's Lawrence Burian. Thank you. If the notion is to use the special permit to keep open the door of potentially forcing MSG to change locations that is not a legal consideration for this process-- just as a matter of law. If the idea is that it is going to help pressure MSG to work with the railroads, there are serious issues of law there as well, and it is counterproductive. The question--

COUNCIL MEMBER LAPPIN:

1 [interposing] I don't see how it is
2 counterproductive at all, and you said that
3 before, and I actually think it is productive.
4

5 LAWRENCE BURIAN: Let me give you
6 an example. We are a private property owner. The
7 railroads instead of taking the initiative and
8 coming up and pushing for funding and coming up
9 with a plan is now going to sit back and say
10 alright, MSG, you want a special permit, you try
11 to come up with the plan. That is backwards. It
12 is dysfunctional. It is not the way it should
13 work. They are now going to feel potentially
14 emboldened to make asks of us that we couldn't
15 possibly give and turn the dynamic into a leverage
16 negotiation rather than a collaborative one. It
17 is not--as soon as you put a thumb on the scales
18 or an implied threat to a private business dealing
19 with third parties, it changes the dynamic of
20 those discussions. They have been nothing but
21 collaborative. They have been nothing but
22 productive, and we think it would be
23 inappropriate.

24 COUNCIL MEMBER LAPPIN: I guess we
25 will just agree to disagree on that point. I did

1
2 want to ask about the signage and I know there was
3 some back and forth about this, but I just want to
4 know in simple terms is your current proposal
5 conforming with what the borough president and the
6 community board asked for?

7 ELISE WAGNER: Elise Wagner. When
8 we met with the community board and the borough
9 president, they suggested that perhaps the signage
10 could be made smaller, and we have significantly
11 reduced the size of the signage, so...

12 COUNCIL MEMBER LAPPIN: So it is
13 now in conformance with what the borough president
14 was seeking when his disapproved this application?

15 ELISE WAGNER: The borough
16 president didn't provide a specific size. He
17 requested it be substantially reduced, and that is
18 what we have done.

19 COUNCIL MEMBER LAPPIN: So in your
20 view, you are complying with the borough
21 president's request?

22 ELISE WAGNER: Yes, we are
23 consistent with the borough president's request.

24 COUNCIL MEMBER LAPPIN: Okay.
25 Thank you.

1
2 CHAIRPERSON WEPRIN: Thank you very
3 much. Any other members of the panel have a
4 question? Alright. We are going to finish up with
5 this panel. Thank you very much. we are going to
6 excuse you guys. We are going to move on. Now I
7 just want to remind everybody about the ground
8 rules. We are going to limit speakers from here
9 on in to three minutes apiece, so if you can try
10 to limit your remarks in your head we will try and
11 be as strict as possible on that, and again, we
12 are going to try to limit it to the topic at hand,
13 which is the special permit. We can't discuss who
14 the next point guard should be or anything like
15 that as we decide. So I'd like to call up a panel
16 in opposition, and then we will alternate to a
17 panel in favor after this. I'd like to call on
18 Dan Canter [phonetic], Bob Master from CWA, Bob
19 Yaro [phonetic]. I have got one more, and the
20 gentleman from the Municipal Arts Society I
21 thought was on the list. I lost him. Here you
22 are. Vin Cipolla [phonetic]. Are you here, Vin?
23 I put you under paper. So gentlemen, whenever you
24 are ready. The four of you we are going to try to
25 limit you to three minutes, so you guys can decide

1
2 who goes first. Okay. Whenever you are ready,
3 Mr. Yaro, you want to start?

4 BOB YARO: Thank you very much,
5 Council Weprin. Bob Yaro president of Regional
6 Plan Association. Thanks for the opportunity to
7 speak today to testify today. We urge the Council
8 to deny the Garden's request for a permit in
9 perpetuity and instead grant MSG a ten year
10 special permit to provide time for redesigning
11 Penn Station in conjunction with the new arena in
12 another midtown location. A ten year permit will
13 catalyze the public and private sectors to act now
14 and work together to find a solution. We also
15 strongly urge the Council to eliminate the
16 loophole contained in the City Planning
17 Commission's findings that would allow the Garden
18 to strike a private deal with the railroads that
19 operate within Penn Station and obtain a permit in
20 perpetuity despite recommendations by city
21 officials. This loophole would only require the
22 sign off of the planning department avoiding any
23 public review of a deal that would permanently
24 saddle our city with a failed Penn Station. By
25 approving a ten year permit would no loophole, the

1 Council will send a clear message that the
2 continued location of the Garden over Penn Station
3 should not be permanent and that a new and
4 expanded station is urgently needed to meet the
5 transportation and economic development needs of
6 the city, the metropolitan area and the northeast.
7 City Council has a unique opportunity to
8 reenvision the future of Penn Station and Madison
9 Square Garden, two of our city's most vital public
10 spaces. The Alliance for a New Penn Station led
11 by Regional Plan Association and my colleague, Vin
12 Cipolla here from the Municipal Arts Society
13 believes that New York deserves a world class
14 train station and a world class arena. Currently
15 we have neither. Some half a million commuters
16 and visitors pass through Penn Station every
17 weekday. It works out to about the same number of
18 people who go to the Garden every year go through
19 the station in less than a week. They grapple
20 with severe overcrowding, grim corridors,
21 unpleasant and indeed unsafe public area. The New
22 York Metropolitan region has endured this
23 depressing state of affairs for nearly half a
24 century. Since the current makeshift Penn Station
25

1
2 was built in 1960s passenger volumes have
3 increased to almost half a million daily trips and
4 additional people go through the station. We
5 expect that that number is in fact going to
6 increase by 2030. We also believe that there is
7 an opportunity to build a new station that the
8 first step in the process is in fact for the City
9 Council to make it very clear that the public
10 policy of the City of New York is that the Garden
11 does need to relocate, that we do need to get
12 going with the design and construction of both a
13 new Penn Station and a new Garden. You can't
14 achieve that without relocating the Garden. The
15 current problem is that we have 1163 columns that
16 hold up the Garden that were there to hold up the
17 original Penn Station that were not removed when
18 the original Penn Station was demolished, and
19 given the increase in passenger volumes, given the
20 dramatic change in the way people travel today,
21 the wheely bag [phonetic] is this great
22 technological innovation of recent years was not
23 anticipated when the station was designed, and
24 imagine a thousand passengers getting off an
25 Amtrak train and 800 of them, many of them senior

1
2 citizens with wheely bags trying to maneuver
3 around the 1153 columns on the platforms that are
4 about half the width of current design standards,
5 so as little 17 feet. The current design standard
6 is 30 feet, so in any event unless you remove the
7 columns, remove the garden, redesign the
8 platforms, there is no potential to create new
9 capacity in the station - - only limited
10 potential. We believe that if the Garden would be
11 relocated it creates the opportunity to design a
12 new Penn Station to build a new Penn Station. The
13 City has the opportunity to initiate this process.
14 There is a federal railroad administration master
15 plan being developed for the entire northeast
16 corridor. Penn Station is the hub. At the
17 moment, that master plan is proposing to design
18 and finance new stations in Washington, Boston,
19 Philadelphia, Baltimore--everywhere but here. You
20 need to start the process now of getting us a new
21 station and a new arena. Thank you.

22 CHAIRPERSON WEPRIN: Thank you, Mr.
23 Yaro. Gentlemen, who wants to go next? State your
24 name. The reason we are sticklers on the record
25 is that someone is going to transcribe this, and

1
2 they may have to read it later, and they need to
3 know who is talking, and they won't hear the
4 voices just so you know.

5 VIN CIPOLLA: Good morning. I am
6 Vin Cipolla, president of the Municipal Arts
7 Society of New York, and I want to thank our
8 partner here, Bob Yaro and the Regional Plan
9 Association. Much of what I am going to cover Bob
10 has gone through as well in detail. Madison
11 Square Garden sits on top of the most important
12 train station in North America. Its presence has
13 effectively frozen Penn Station in time. It
14 stifles the station's growth, prevents significant
15 improvements, and forces over a half million
16 people a day to navigate the confusing, cramped,
17 subterranean quarters of what is left of Penn
18 Station. A better future for Penn is vital to the
19 economic health and wellbeing of New York City and
20 it is not a question of if we will need a new Penn
21 Station, but when? Today we are confronted with
22 what is a historic choice, what is the fate of the
23 most important train station in North America and
24 of Madison Square Garden? New York City deserves a
25 first rate Penn Station and a first rate MSG. in

1
2 order to ensure that we plan for the long term
3 economic health of our city, we urge the City
4 Council to take two specific actions: one, to
5 create a ten year term limit on the special
6 permit; two, to remove the loophole the City
7 Planning Commission created, which would allow
8 MSG, the three railroads and the Department of
9 City Planning to make a determination about the
10 future of Penn Station without any public review.
11 Last month the City Planning Commission voted to
12 limit Madison Square Garden's special permit.
13 This decision acknowledges the significant issues
14 facing the nation's busiest transit station, a
15 station that will only experience increased growth
16 in the coming decades. A ten year limit will
17 allow the Garden to continue to operate, but will
18 give the city an opportunity to plan for both an
19 improved station and arena. As the City Planning
20 Commissions recognized in their report, for MSG
21 the Commission believes a new site could provide a
22 modern, more generously sized event space and
23 relief from some of the operating constraints at
24 the current site. As MAS welcomes and appreciates
25 the Commission's overall decision, we are deeply

1
2 concerned about the loophole provision that would
3 provide Madison Square Garden with a permit in
4 perpetuity by striking a deal with the railroads.
5 Such an agreement would only require the sign off
6 of City Planning, avoiding any public review. The
7 public and this body needs to be involved in
8 future decisions about the fate of the most
9 important transit facility in New York City and in
10 the region. Thank you for the opportunity to
11 speak before you today.

12 CHAIRPERSON WEPRIN: Thank you very
13 much. I appreciate it. Keeping under the three
14 minutes also, that is great. Mr. Master?

15 BOB MASTER: Chairman Weprin,
16 Chairman Comrie, members of the Council, thank you
17 for giving me the opportunity to testify today.
18 My name is Bob Master. I am the legislative and
19 political director of Communications Workers of
20 America, District 1 and we represent 25,000
21 workers and their families who live in New York
22 City. Our members love this city. They are
23 sports fans and transit users. They want New York
24 City to be a world class leader when it comes to
25 both professional sports and public

1 transportation. As a result our members share the
2 concerns expressed just now about the future of
3 Penn Station and Madison Square Garden. As riders
4 of the subway, the Long Island Railroad and the
5 New Jersey Transit, they are all too familiar with
6 the shabby, depressing and constricted terminal
7 that is the current Penn Station. They know we
8 can do better. The expiration of MSG's special
9 permit provides New York a unique opportunity to
10 remedy the colossal architectural, historical and
11 transportation error we made when the old Penn
12 Station was demolished. Not only is the 50 year
13 old Penn Station Madison Square Garden
14 unattractive, even if it is iconic as Madison
15 Square Garden claims, it is also a totally
16 inadequate train station, but if we relocated MSG
17 in the process making it the world class arena
18 that New York deserves we can right these wrong
19 sand improve the travel experience for the half a
20 million people who use Penn Station every day.
21 That almost certainly will not happen if Madison
22 Square Garden is granted the unlimited operating
23 permit it is seeking. Over the next decade, there
24 will be a critical confluence of developments
25

1 including as Bob Yaro Regional Plan Association
2 has previously testified before City Planning, the
3 completion of the LIRR east side access terminal
4 near Grand Central, the completion of improvements
5 at Moynihan Station and the completion of Amtrak's
6 gateway tunnel project with two new tunnels under
7 the Hudson River. These developments open a
8 unique window of opportunity to at long last
9 replace the current Penn Station with a world
10 class railroad station appropriate for our world
11 class city. That can only happen if Madison
12 Square Garden is moved and the space above the
13 rail center opened up to accommodate the
14 necessities and amenities of a great train
15 transportation hub. That is why we urge the
16 Council to limit the renewal of MSG's special
17 operating permit to ten years or less. The
18 loopholes proposed by City Planning, which would
19 give Madison Square Garden the ability to extend
20 the permit if arena management strikes a deal with
21 the rail agencies that use Penn Station are even
22 more problematic. They would give one person, the
23 director of the City Planning Department
24 unilateral and unchecked authority to extend the
25

1
2 permit forever. Given the magnitude of the issues
3 involved here that proposal is undemocratic and
4 unacceptable. We want you to know that we also
5 endorse the recommendations on the signage and
6 lighting from Community Board 5 and borough
7 president Stringer. Finally, as you know the
8 Garden has paid no property taxes since 1982 when
9 the administration granted an exemption to keep
10 the Knicks and Rangers in the city. At the time
11 in that climate, that might have made sense. 30
12 years later, we know the Rangers and the Knicks,
13 two of the most valuable and profitable franchises
14 in the world of sports aren't going anywhere.
15 Community Board 5 recommended the elimination of
16 the abatement and urged the Council to make its
17 elimination a condition of any extensions. We
18 concur. Members of the Council, you have the
19 power to ensure that Madison Square Garden doesn't
20 prevent the city from reimagining Penn Station and
21 bringing New York City's rail services into the
22 21st century. I can remember that when I was
23 growing up, my grandfather, a ladies' garment
24 tailor worker, who immigrated from Russia worked
25 in the garment center and lived in Brooklyn,

1
2 mourned the destruction of the magnificent Penn
3 Station. It was a loss that was felt at the
4 deepest level of those who live in and love the
5 city. In the next 15 years we have an opportunity
6 to remedy that mistake and bring a great station
7 back to the west side of New York. I urge you to
8 use your power to ensure that opportunity is not
9 squandered. Thank you.

10 CHAIRPERSON WEPRIN: Thank you, Mr.
11 Master. Full disclosure. You are a Princeton
12 guy. You must have been a big Bill Bradley fan.

13 BOB MASTER: I was.

14 CHAIRPERSON WEPRIN: I just want to
15 be clear on that.

16 BOB MASTER: I was a great fan of
17 the 1970 Knicks, but we may disagree now.

18 CHAIRPERSON WEPRIN: Yes, sir.

19 DAN CANTER: Chairman Weprin,
20 Council Members, my name is Dan Canter of the
21 Working Families Party. I am also here today
22 because I want to urge the Council to urge this
23 opportunity to seize this opportunity offered by
24 the expiration of the special permit. We can use
25 this to improve both Penn Station and the Garden.

1
2 50 years ago, 1963, a prior generation of city
3 leaders made a terrible mistake when we allowed
4 the destruction of the old Penn Station. It
5 wasn't just that we replaced a beautiful train
6 station with a really monumentally ugly arena, the
7 bigger mistake is that we refused to recognize
8 that train service would continue to be a major
9 form of intercity and intracity travel. About a
10 half a million people use Penn Station daily. As
11 anyone who has used it knows, it is crowded, it is
12 hard to navigate, it is often plagued by delays.
13 When you enter Grand Central you feel ennobled.
14 When you enter Penn Station, you feel diminished.
15 Similarly, Madison Square Garden, despite the
16 renovations recently is old and outdate. Its
17 glory days are gone despite the fantastic athletes
18 sitting behind me at a time when the metropolitan
19 area is building new arenas and rethinking other
20 old arenas, we should definitely consider best
21 ways to improve the Garden. It is not glued to
22 its current location. It has had other locations,
23 and it can have a new one. The ideal solution as
24 has been commented and has been stated is to move
25 Madison Square Garden to a new location and

1
2 drastically improve Penn Station both above and
3 below ground. The loopholes that the City
4 Planning Commission added to their recommendations
5 are terrible. It would give the rail agencies and
6 the Garden should they make an agreement leaves
7 all the power in the hands of one person to decide
8 whether or not to allow the deal to go forward.
9 The loophole should not be permitted. That is it.
10 Thank you.

11 CHAIRPERSON WEPRIN: Thank you very
12 much. I know there are a couple of questions
13 here. Council Member Comrie has a question.

14 COUNCIL MEMBER COMRIE: Mr. Yaro,
15 you mentioned in your testimony that there are
16 alternate sites. Do you have these sites that you
17 can illuminate for us?

18 BOB YARO: Well, as everybody knows
19 the Garden needs a superblock site. It needs more
20 than a single midtown city block and so there are
21 a limited number of super block sites in Midtown.
22 We are not likely to create new ones. I think
23 probably the most likely site is the site of the
24 Morgan postal annex. The decline in first class
25 mail service, the potential is there for the

1
2 postal service to consolidate those activities
3 elsewhere. I think one of the reasons to proceed
4 with a limit and to get this process going--

5 COUNCIL MEMBER COMRIE: I am sorry.
6 The Morgan postal annex is where?

7 BOB YARO: It is between 37th and
8 39th Street between 10th and 11th Avenues in--

9 COUNCIL MEMBER COMRIE: Are there
10 subways that go there?

11 BOB YARO: It's about a block away
12 from Penn Station, from - - .

13 COUNCIL MEMBER COMRIE: And who
14 owns that property now?

15 BOB YARO: I am sorry. The United
16 States Postal Service.

17 COUNCIL MEMBER COMRIE: Has this
18 been a discussion with anyone on the federal level
19 about obtaining that?

20 BOB YARO: There has been.

21 COUNCIL MEMBER COMRIE: Pardon me?

22 BOB YARO: Yes.

23 COUNCIL MEMBER COMRIE: And what
24 level of discussion has there been had on the
25 federal level about--

1
2 BOB YARO: There have been private
3 conversations with high level people at the postal
4 service. Our understanding they ran I think it
5 was a 13 billion dollar deficit last year. They
6 are supposed to be a break even operation.

7 COUNCIL MEMBER COMRIE: Was this
8 done by the mayor's office, the governor's office,
9 the senator's office or just your office?

10 BOB YARO: Our office.

11 COUNCIL MEMBER COMRIE: Thank you.
12 Any other sites?

13 BOB YARO: Yeah, I think there are
14 other--there are possible other sites, but a
15 limited number of sites, and I think one of the
16 concerns that we all have is that if we are going
17 to get a new Garden, which we think is important,
18 we need to move quickly so that other sites--there
19 are going to be decisions made about all of the
20 other possible sites.

21 COUNCIL MEMBER COMRIE: And who is
22 leading this discussion to find these sites?

23 BOB YARO: Well, I think it is up
24 to the City Council and up to the city to--

25 [crosstalk]

1
2 COUNCIL MEMBER COMRIE: In other
3 words no one to date--there is no federal person,
4 there is no congress member, there is no senator
5 that is championing this discourse. This is just
6 your proposal. I just want to be clear on that.

7 BOB YARO: I think it very clear
8 that we are talking about this being your
9 proposal. In fact it is really up to the city to
10 provide some leadership on this issue.
11 Fundamentally it is the city of New York that has
12 been suffering with this situation for 50 years.
13 it is really up to the city of New York to take
14 the initiative here, and insist that the state and
15 federal governments and the railroads rise to the
16 occasion.

17 COUNCIL MEMBER COMRIE: So you are
18 asking the Mayor's Office to champion this?

19 BOB YARO: I am asking you and the
20 Mayor's Office, yes. It is the city of New York,
21 and ultimately, it is up to this Council to
22 provide the leadership and that is what we think
23 is going to happen. we hope it will.

24 COUNCIL MEMBER COMRIE: Have you
25 sent the Council find sites for large projects in

1
2 your time in the Regional Plan Association? Had
3 the Council ever sited large projects before?

4 BOB YARO: Yeah, the Council has
5 provided leadership on a number of projects.

6 COUNCIL MEMBER COMRIE: We have
7 added the projects, but we haven't sited projects.

8 BOB YARO: I guess what we are
9 asking is that you provide the leadership on this
10 now. This is before you at the moment.

11 COUNCIL MEMBER COMRIE: Thank you.
12 Just one other question--

13 BOB YARO: [interposing] Just to be
14 very clear the Morgan postal facility at 28th and
15 30th, 9th and 10th, not 28th. I am sorry. I was
16 misspoken.

17 COUNCIL MEMBER COMRIE: But you
18 don't have any other sites that you can illuminate
19 for us today?

20 BOB YARO: Well, I think back of
21 Farley is still a possibly, Javits [phonetic]
22 discussions have been in play about Javits and
23 whether that is going to be a permanent fixture on
24 the landscape.

25 COUNCIL MEMBER COMRIE: Those are

1
2 just sites that people have been talking about in
3 perpetuity that haven't had anything done as you
4 know what happened with Javits is that is not
5 going to be developed even though there were three
6 different plans for it to be developed. Again, it
7 would go back to where is--you are asking us as a
8 city to provide leadership when we would have the
9 least amount of dollars to put into a project that
10 should be done on a federal level. With all due
11 respect, Mr. Yaro, I don't agree with your
12 supposition that we can lead on such a
13 multimillion dollar project, but thank you. I am
14 done.

15 BOB YARO: Thank you. I am
16 suggesting that the city provides some leadership
17 on this, and it begins with the City Council.
18 Thank you.

19 CHAIRPERSON WEPRIN: You said that.
20 Thank you. Mr. Wills has a question.

21 COUNCIL MEMBER WILLS: So they say
22 that a sign of a good negotiation is everybody
23 leaves the table happy, the sign of a successful
24 negotiation is that nobody leaves happy. It seems
25 as though we have turned a corner and gone to a

1 point where we want to go from 15 years to ten
2 years for the term. At the same time, we are not
3 speaking to the 981 million dollar investment that
4 MSG has put in--private investment that they have
5 put in already. We have brought up, which we
6 weren't supposed to the tax incentives from other
7 places in view of their place, but those tax
8 incentives are twice as much as what MSG is going
9 to get. We also are blaming MSG it seems for the
10 congestion at Penn Station, but Penn Station is
11 shared or is multi-partners. How do you see that
12 it is fair to blame that on MSG when the Long
13 Island Railroad just had a derailment that stalled
14 traffic to 11 o'clock at night? How are the
15 congestion aspects and different things like that
16 to be blamed solely on MSG when it is shared by
17 three transit hubs, three partners in that transit
18 hub?
19

20 BOB YARO: I don't think anyone--

21 COUNCIL MEMBER WILLS: You have to--

22 -

23 BOB YARO: I am Bob Yaro, president
24 of Regional Plan Association. I don't think
25 anyone is blaming the Garden for the situation at

1 Penn Station other than--and as others have
2 testified there was a disastrous decision made 50
3 years ago by the City Planning Commission to
4 permit the demolition of Penn Station and the
5 location of the Garden there. As far as we know,
6 it is the only place in the United States where
7 this has ever been tried to collocate a major
8 transportation facility and an arena of this
9 scale, and it hasn't worked, and unlike the
10 Atlantic Yards, which is also a transportation
11 hub, - - there is no intercity traffic at all,
12 marginal commuter rail services going in and out
13 of the station, and of course those are the
14 principal activities--it is the principal
15 transportation hub in the city of New York in the
16 northeast. It hasn't worked and so the first step
17 in the process of developing a new station is in
18 fact making the decision that the Garden needs to
19 relocate, and then of course it really will be up
20 to the city, the state and then the federal
21 government and the railroads to--

22 COUNCIL MEMBER WILLS:

23 [interposing] If the Garden relocates what if they
24 don't relocate here in New York? We lose the whole
25

1
2 revenue based on the Knicks, the Rangers and the
3 Liberty and all the car shows and everything else
4 that the Garden holds. What happens if they
5 relocate out of New York?

6 BOB YARO: Well, they used that
7 argument to convince the state legislature to give
8 them the tax abatement that they have today. I
9 think that was probably a misguided decision. I
10 don't think there is a real serious danger of
11 that, but the only reason that could happen is if
12 we don't seize the opportunity soon.

13 COUNCIL MEMBER WILLS: Or is it
14 that it can't happen now because we have already
15 allowed them to invest almost a billion dollars,
16 and who is going to walk away from a billion
17 dollar investment?

18 BOB YARO: Look, I think everyone
19 in the room probably agrees that it is important
20 for the Garden, for the teams to be here, for the
21 train station to be here. The Garden has
22 relocated four times in its history to three
23 different locations. It is possible to relocate
24 again. It is not possible for the train station
25 to relocate and that is what we are talking about

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

today.

CHAIRPERSON WEPRIN: Mr. Master, do you want to add something?

BOB MASTER: Yeah. I think it is worth noting in terms of this issue of the Garden leaving that the Knicks are the most valuable franchise in the NBA. The Rangers are the second most valuable franchise in the NHL after the Maple Leafs. They are worth three to four times as much as the Islanders and the Devils. As you know, the Islanders are moving to the city, so it kind of defies reason to think that the Garden would relocate out of the city and give up the incredible value of those franchises, so I think that is a red herring I think.

COUNCIL MEMBER WILLS: But Mr. Master, isn't it the opposite of that argument the Nets coming to Brooklyn? They weren't in Brooklyn-

[crosstalk]

BOB MASTER: There is more money to be made in the city.

COUNCIL MEMBER WILLS: Yeah, but it was made in the city by an initial investment. It

1
2 was made in the city by New York Knicks, the
3 Rangers and the Liberty already being here for 50
4 years and building on that. We have had ups and
5 downs with the teams. I am not a sports fan at
6 all, but New York has been in love with the Knicks
7 because of the heart of New York. But how do you
8 expect someone to take an investment of a billion
9 dollars, and now just up and move that investment
10 or say that they should only get a permit for ten
11 years to meet--and everyone at the table are
12 expert negotiators--to meet benchmarks that seem
13 not likely in this the very nature of them having
14 multi-partners to deal with.

15 CHAIRPERSON WEPRIN: Just quickly
16 respond to that if you want. You don't have to.

17 MALE VOICE: All I would say is
18 that I think the question before the Council here
19 today is balancing the public's interest in having
20 a world class train station against the private
21 interests of the Garden to make money, which they
22 have done extremely successfully under the current
23 circumstances. They didn't invest 981 million
24 dollars in the Garden out of the goodness of their
25 hearts. They did it to increase the profitability

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

of the arena.

COUNCIL MEMBER WILLS: But if a compromise was struck that the term was extended and the conditions was met, and there wasn't City Planning, but it had to come back for City Council review in a public procedure.

BOB MASTER: It seems to me that-- Bob Master, CWA--it seems to me that is what we are recommending.

COUNCIL MEMBER WILLS: No, what you are recommending it to be shortened from 15 years as suggested to ten years. I am asking about the extension of the term, and the fact that after the term is extended when it is met, it comes back to the City Council not by administrative review for City Planning.

BOB MASTER: I would defer to Mr. Yaro on that.

CHAIRPERSON WEPRIN: Just briefly, Mr. Yaro, if you can.

COUNCIL MEMBER WILLS: That is my last question.

BOB YARO: We think it is very appropriate for the City Council to act on an

1
2 issue of this importance. We believe that getting
3 this right is fundamental to the long term
4 wellbeing of the city of New York and that is very
5 appropriate for the Council to act on this.

6 COUNCIL MEMBER WILLIS: So you feel
7 it is more appropriate for it to come back to the
8 City Council and public review.

9 MALE VOICE: Absolutely.

10 CHAIRPERSON WEPRIN: Mr. Ignizio?

11 COUNCIL MEMBER IGNIZIO: Thank you.
12 So how would this work in the way you see it, and
13 once again, I want to reiterate for anybody for
14 you all I don't have a dog in this race. I don't
15 know how I am voting on this at this stage. I
16 think Madison Square Garden is a vital part, and
17 I do--there are some things I agree with, some
18 things I disagree with what you all said. I think
19 the current market of sports franchises is to go
20 for the better deal, to go for the newer facility,
21 and I think that the Knicks are only as grounded
22 as our ability to keep them and keep the seats
23 full and will look to other markets once that goes
24 down. Not Knicks per se, I just mean any arena or
25 any of the franchises. How would it work? Let's

1
2 pretend Madison Square Garden stands up or down
3 and says, you know what, you guys you are right.
4 We are going to agree to a 15 year permit and all
5 of you at the table, let's all work together to
6 try to find a place to go. I remember in this
7 very room Rudy Giuliani when he was mayor at a
8 state of the city address announced we were moving
9 Madison Square Garden, and that never came to
10 pass. They own the land, we all know that. So
11 what would happen? Would government come in, buy
12 them out of their land rights, and then seek to
13 move them in a place where it is mutually
14 accepted? How would it work from your perspective?

15 BOB YARO: Sure. This is Bob Yaro,
16 Regional Plan Association. I think this is going
17 to be an extended negotiation between the Garden
18 and the City and the state of New York. I think
19 all of these major projects in the state of New
20 York and Empire State Development have played a
21 role whether it's Times Square, Atlantic Yards and
22 has been discussed earlier the state's resources
23 are probably important to be there. Amtrak is a
24 federal property, so I think the railroads and
25 Amtrak and the federal government will be involved

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

as well.

COUNCIL MEMBER IGNIZIO: Would it be bought out? Is that what would happen?

BOB YARO: No, I think what will happen is that the first step is you taking this action. I think we will then see action taken by the Federal Railroad Administration to incorporate plans for a new Penn Station in the NED future master plan for the northeast corridor of its being--they are 18 months into a three year long process, and that that will be incorporated into that process. The federal government the Congress is expected to act on a new federal rail authorization when the current one expires at the end of this year. We have the opportunity then to include funding authorization for a new station, which we estimate to be in the 3.6 to four billion dollar range. I think there will be a negotiated deal between the Garden and the city and the state and the railroads to relocate the Garden and to build a new station. That is what needs to happen.

COUNCIL MEMBER IGNIZIO: In the interest of time, you have been in the business a

1
2 very long time. I was a state assemblyman prior
3 to this, now I am a city council member. I was a
4 staff member for a long time in this body, and you
5 couldn't get an intersection done in this city in
6 a ten year timespan--literally an intersection.
7 There is one particularly in my district that took
8 14 years to build an intersection, so where does
9 the ten year number come from you guys and why
10 wasn't it 15 or five or 25? Is there a basis to
11 that or let's say ten years out of curiosity?

12 BOB YARO: Well, as Mr. Master
13 testified the ten years that timeframe is being
14 driven by this window of opportunity that opens up
15 when the east side access project, the new Long
16 Island Rail Road Terminal next to Grand Central
17 opens. Amtrak is planning the Gateway and Penn
18 South projects again to open in about 2023.
19 Moynihan Station we believe can be online at about
20 that point, and that creates the opportunity then
21 for the phased reconstruction of Penn Station.
22 You need to do it a couple of tracks and platforms
23 at a time, probably at over about a ten year
24 period. So a window of opportunity opens about
25 2023, 2024 begins to close about ten years later

1
2 because of the increase in passenger demand and
3 traffic in the station, which makes it difficult
4 to do that phased reconstruction of the station.
5 That is the reason for the ten year window.

6 COUNCIL MEMBER IGNIZIO: So from
7 the panel currently up here we don't have any
8 alternative sites, right? Is that my
9 understanding. Outside of Javits I heard was one
10 of them, but other than that, they should move and
11 kind of like a dot, dot, dot, but nobody has any
12 idea where?

13 MALE VOICE: Well, we think the
14 Morgan Postal Annex site is probably the most
15 likely place. There are other locations. Again,
16 another reason for this, Council, to act today and
17 for this whole process to get going is that
18 decisions will be made by the postal services.
19 Decisions will be made by the owners of these
20 other superbblock sites that will begin to close
21 these opportunities, and if you want to see the
22 Garden relocate outside of Manhattan or outside of
23 the city that would be a nice way to do it.

24 COUNCIL MEMBER IGNIZIO: Thank you
25 very much, Thank you, Mr. Chair.

1
2 COUNCIL MEMBER WILLIS: Councilman
3 Comrie has a follow up question, Mr. Chair?

4 CHAIRPERSON WEPRIN: I am going to
5 call on Mr. Comrie.

6 COUNCIL MEMBER COMRIE: Just check
7 with the Chair, Chair Weprin, to find out that the
8 question on whether or not we had gotten any
9 details or issues or feedback from Regional Plan
10 Association about these ideas prior to the
11 meeting, and I found out that he did meet with
12 Council Member Weprin. I didn't have the
13 opportunity to meet with you nor have I had the
14 feedback from you since I have been chair, so I
15 was just concerned about that, so I just wanted to
16 put that on the record. Thank you.

17 CHAIRPERSON WEPRIN: Thank you, Mr.
18 Comrie. Council Member Reyna?

19 COUNCIL MEMBER REYNA: Thank you,
20 Mr. Chair. I just wanted to note there was a
21 reference of 2025, 2020 as far as years were
22 concerned and I am looking at a letter was issued
23 to Amanda Burden as chair of the New York City
24 Planning Commission and there is a mention of the
25 study partners who seek to provide a comprehensive

1
2 road map for both incremental near term
3 improvements and guide more extensive longer term
4 major construction aimed at delivering a
5 transformed Penn Station facility by 2025. One
6 could argue that if the date in which a delivery
7 of what would be an aimed long term improvements
8 to be communicated to the City of New York that
9 would be dated 2035 that we could certainly extend
10 this particular special permit for that year as
11 well.

12 BOB YARO: There are two things
13 going on here--the railroads--

14 COUNCIL MEMBER REYNA:
15 [interposing] If you could just--

16 BOB YARO: Bob Yaro, Regional Plan
17 Association. You are referring to a letter from I
18 believe it was sent by the MTA on behalf of the
19 pending vision collaborative between--

20 COUNCIL MEMBER REYNA: This is on
21 behalf of the MTA, New Jersey Transit as well as
22 Amtrak.

23 BOB YARO: What they are referring
24 to is a planning process called the Pennvision
25 [phonetic] study, which they initiated a couple of

1
2 years ago, and what it was, it was to look at what
3 the incremental improvements to the station might
4 be if the Garden were an immovable object, if the
5 Garden were not to be relocated. And there are
6 some things that you can do, but what you cannot
7 do, and the recognized this that you cannot change
8 the fundamentals of the station, you can't remove
9 the 1153 columns supporting the Garden you can't
10 redesign the tracks and the platforms and the
11 vertical circulation and the elevators and
12 escalators and stairways and so forth. Those are
13 the fundamental things that have to be changed.
14 None of that can change. You can make some modest
15 improvements in access and egress that would bring
16 you up to minimal safety standards, and you can't
17 even meet ADA standards.

18 COUNCIL MEMBER REYNA: Mr. Yaro,
19 right now as of right, the Madison Square Garden
20 lot is buildable for a tower, a commercial tower.
21 Is that not right?

22 BOB YARO: The Garden--

23 COUNCIL MEMBER REYNA:
24 [interposing] I just want a yes or no answer
25 'cause we are time limited.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BOB YARO: I think the answer is no. They own the right--

COUNCIL MEMBER REYNA:
[interposing] It is not as of right?

BOB YARO: They own air rights over the station. They would have to have the agreement of the other co-owners of that lot, which include Amtrak, New Jersey Transit and - - .

COUNCIL MEMBER REYNA: Mr. Yaro, I don't think we are speaking the same language. Is the size of the lot above the transit system buildable as of right for a commercial tower?

BOB YARO: Buildable as of right under zoning, but not without the permission of the - - .

COUNCIL MEMBER REYNA: Under the Zoning law, which is what we are referring to right now, it is as of right a buildable lot for commercial tower.

BOB YARO: There are semantics here. From a zoning perspective, yes. From a practical perspective, no.

COUNCIL MEMBER REYNA: Well, practicality right now is that this is a Zoning

1
2 Committee and we are talking about as of right
3 commercial construction versus what you are
4 proposing to have a limited special permit allowed
5 in order to have discussions that may or may not
6 happen in regards to an upgrade to the Penn
7 Station that we have been talking about for how
8 many decades?

9 BOB YARO: This is the first time
10 that there has ever been a discussion about
11 changing the zoning--changing the special zoning
12 permit.

13 COUNCIL MEMBER REYNA: No, the
14 special zoning permit was issued already and it is
15 just being renewed.

16 BOB YARO: That is right. First
17 time in 50 years that it has been renewed.

18 COUNCIL MEMBER REYNA: In the last
19 50 years has there been any applications for tiger
20 grants [phonetic] for Penn Station?

21 BOB YARO: No.

22 COUNCIL MEMBER REYNA: Has there
23 been an application to the federal government for
24 tiger grants?

25 BOB YARO: No, there is a tiger

1
2 grant that was applied for and it received for the
3 first phase of Moynihan Station.

4 COUNCIL MEMBER REYNA: And the
5 Moynihan Station did receive how many rounds of
6 tiger grants?

7 BOB YARO: One round.

8 COUNCIL MEMBER REYNA: One around,
9 so the public investment has been made with the
10 Moynihan Station unlike what would be the Penn
11 Station discussions.

12 BOB YARO: Yes, separate parcels,
13 separate project.

14 COUNCIL MEMBER REYNA: So we have
15 no further movement on Penn Station upgrade
16 construction beyond what would be the discussion
17 of a lot of hearsay and speculation of wanting to
18 do something as opposed to the dollars that have
19 been in the federal government issued to other
20 stations and plans like the Moynihan Station.

21 BOB YARO: There is a master plan
22 process underway by the federal railroad
23 administration called NEC future that began about
24 18 months ago. It is a three and a half year long
25 planning process. It is master planning and doing

1
2 the tier 1, the preliminary environmental impact
3 reviews for the entire northeast corridor. Penn
4 Station is the hub, half of the inter city traffic
5 in the northeast corridor originates or ends in
6 Penn Station. The presumption in that study up
7 until now is that the Garden is not going to be
8 relocated. The first step in this process is the
9 City Council deciding - - that it is a policy of
10 the city of New York that the Garden should be
11 relocated that will then trigger action by the
12 Federal Railroad Administration to consider the
13 design of a new station as part of the master plan
14 for the northeast corridor.

15 COUNCIL MEMBER REYNA: Mr. Yaro, I
16 have never met with you. I have sat on the Zoning
17 Committee--this is my fourth year. I am a three
18 term member, and this is the first time I hear you
19 mention the City Council coming before the City
20 Council for discussions of Madison Square Garden
21 having to be relocated for the purposes of Penn
22 Station to be reconstructed. Having said that, I
23 just want to go back to the letter that was issued
24 regarding Penn Station facility by 2035 we could
25 easily certainly generate what would be concurrent

1
2 possible date as 2035 being the preferred term
3 limit as opposed to ten, 15, no term limit option
4 considering that this is the only formal
5 communication we have received from this group of
6 three railways in relationship to this discussion.

7 BOB YARO: I'll be very clear.

8 That letter refers to a project that was
9 predicated on the notion that the Garden would not
10 be relocated in the event that the Council were to
11 decide that it is the policy of the city of New
12 York to limit the term and that the Garden should
13 be relocated I think that in fact you would be
14 initiating a process with the railroads of
15 reconsidering that master plan.

16 COUNCIL MEMBER REYNA: I certainly
17 appreciate your comments, but I believe that with
18 no funding in place and no proposal issued to the
19 federal government and this being the first
20 conversation of any mention regarding what would
21 be the reconstruction that may or may not happen
22 of Penn Station in relationship to this special
23 permit falls short and we have to enact what would
24 be in the best interest of the city of New York
25 with relationship to Madison Square Garden and not

1
2 seeing what would be another Ebbit's Field
3 [phonetic]--I am not a sports guru here--Ebbit's
4 Field is the closest I know of how we were not
5 able to come to terms with, how the city did not
6 act and no one else stepped in and we certainly
7 saw the results of that particular arena.

8 BOB YARO: Let me just point out in
9 response to that the zoning resolution requires
10 that the City Planning Commission and the City
11 Council make a finding in order to improve a
12 special permit of this kind, that the benefits to
13 the public outweigh the disbenefits to the public,
14 and I think it is impossible for you to make that
15 finding. Thank you.

16 CHAIRPERSON WEPRIN: Thank you, Mr.
17 Yaro. Thank you, Ms. Reyna. We want to excuse
18 this panel. Thank you very much for your
19 cooperation. We are now going to move into a
20 panel in favor. Again, we are going to limit
21 people to three minutes. I would like to call up
22 the following people for this panel, Spike Lee,
23 Kathy Wylde [phonetic], James Claffey [phonetic],
24 on behalf of Steve Spinola from the Real Estate
25 Board Mr. Slattery and Dick Andersen [phonetic]

1
2 from the New York Building Congress. Those five
3 people. I think we have five chairs there. I'll
4 let you guys figure out how to go first. - - You
5 guys ready? Me. Lee whenever you are ready,
6 please start. Just state your name for the record
7 and we will put you on a three minute clock.

8 Thank you.

9 SPIKE LEE: Spike Lee, filmmaker
10 from the republic of Brooklyn, New York. My
11 father used to take me to the old Garden before
12 they relocated to the new Garden, and I - - with
13 my student government card in we called it the
14 blue seats. So I grew up--Walt Frasier was my
15 favorite player--hero, along with Joe Namath,
16 Muhammad Ali, and Willie Mays, and then we had - -
17 , and those are my guys. I was at Game 7 when
18 Willis limped onto the court. I was there, and I
19 heard these guys kept talking about the public.
20 Who do they think goes to the Garden? That is the
21 public. I don't understand how--they own the
22 land. You are telling them they have got to move?
23 But where? I don't understand where they would
24 move, and I don't understand why Long Island
25 Railroad, Amtrak, they can't go where the post

1 office is. Also, there were several references to
2 we need a world class Penn Station, a world class
3 Madison Square Garden. Have those guys stepped
4 into the new Garden yet? They spent almost 800
5 million dollars on the renovation of the Garden.
6 There is not an arena in the United States of
7 America that is going to be as good as the Garden.
8 Also, it is called the world's most famous arena.
9 You just don't move from that. When visiting
10 teams come to the Garden, it is someplace special.
11 There is no coincidence why Jordan, LeBron, Kobe--
12 sorry if I'm leaving out some hockey, Rod. When
13 you come to the Garden, it is the Mecca and the
14 Garden is just as important as MOMA, Lincoln
15 Center. It is part of the culture of New York
16 City, and I just listened to these guys speak. It
17 seemed like they never stepped foot in the Garden.
18 They kept referring to subpar. - - if they have
19 seen the transformation that has taken, and for
20 me, also I would like to say I am not paid by the
21 Garden. I got my reason tickets the day after we
22 got Patrick Ewing in the lottery pick, so I was in
23 the blue as a kid, and I worked my way down to
24 courtside. I pay for my seats. I am not here on

1
2 behalf of the Garden. I am here speaking as a New
3 Yorker. I do not think that it is feasible that
4 Madison Square Garden be moved. The guy said--
5 where is this new place he said? The post office?

6 CHAIRPERSON WEPRIN: Farley post
7 office?

8 SPIKE LEE: No, no. He said
9 another place. How far is that to the subway? For
10 me the Garden is being blamed for what is
11 happening underneath. The own the land and expect
12 them after spending close to a billion dollars on
13 renovation go find another location--who knows how
14 much that is going to cost, just the land, and
15 then build another Garden on top of that? Where is
16 all this money coming from? New York City is
17 closing schools. New York City is closing
18 schools. All of a sudden this money is coming out
19 of nowhere to fund Penn Station? This is fairytale
20 land over here.

21 CHAIRPERSON WEPRIN: I don't mean
22 to cut you off, but thank you. We have a lot in
23 common. I am still in the blue seats.

24 SPIKE LEE: You have got to make
25 some movies.

1
2 CHAIRPERSON WEPRIN: I did have the
3 Puma sneakers. Did you have the Puma sneakers?

4 SPIKE LEE: Yes, before Nike came,
5 I was wearing Pumas.

6 CHAIRPERSON WEPRIN: Ms. Wylde?
7 Thank you.

8 KATHY WYLDE: Kathy Wylde,
9 president and CEO of the Partnership for New York
10 City. Partner's business leadership organization.
11 We recently published a jobs blueprint, which made
12 the point that the most important thing we have to
13 do in the city to keep our economy growing and
14 going and to create the jobs we need so
15 desperately right now for people here is leverage
16 our existing assets. There are few assets that
17 are more important, more job generating than
18 Madison Square Garden with 6,000 middle class and
19 high paid jobs, and being a magnet that has helped
20 make this city number one in tourism in the
21 country, and to ignore that and to as in the
22 previous panel's discussion to ignore that this is
23 a private business that is contributing enormously
24 to the city of New York and that is something that
25 we have to pay attention to and then to look at

1
2 yes, we were big supporters of the Farley Station.
3 We were big supporters of investment in public
4 transportation, but the fact is, we have 20
5 billion plus outstanding in capital funding for
6 projects that are underway not including any
7 project with Penn Station that we don't have funds
8 to pay for. We need the revenues. We need the
9 support we need the jobs right now, and I think
10 that the questions that were raised in the last
11 panel are important in pointing out that from the
12 city's standpoint the public interest is to make
13 sure that the people who are working at Madison
14 Square Garden continue to have jobs, which I know
15 is going to be addressed and to make sure that the
16 city does not do anything to diminish this
17 important private sector asset. Madison Square
18 Garden demonstrated for three years they held off
19 the renovation of their building that they are now
20 making, the investment that they are now making as
21 part of a team partnership effort to make Moynihan
22 Station and the Penn Station expansion happen.
23 they waited three years, and they saw at the end
24 of that period that it wasn't happening at this
25 point in time. To hold them up now to interfere

1
2 as City Planning has suggested with their business
3 plan on the signage and dictating what the quality
4 of their business activity is is just taking the
5 intervention too far. We should be partners and
6 what we are looking for is partnership between the
7 city, the City Council and private sector
8 business. I think MSG has come with a proposal
9 looking for the same thing, and I hope you will
10 support them.

11 CHAIRPERSON WEPRIN: Thank you, Ms.
12 Wylde. Okay. Mr. Claffey, please state your
13 name.

14 JAMES CLAFFEY JR.: Mr. Chairman,
15 how are you? Council Members on the Zoning and
16 Franchises Subcommittee, I do know most of you,
17 and for those that don't know me, my name is James
18 Claffey, Jr. I am president of Local 1 of the
19 International Alliance Theatrical Stage Employees.
20 I would like to first suggest before I ask for
21 your approval to read some of my own comments. I
22 did also hear the comments made by the prior
23 panel, and I agree with Mr. Lee's comments.
24 Whatever political agendas that we have in the
25 City of New York, whatever liaisons, whatever

1
2 objectives that we serve, Madison Square Garden is
3 our arena and New York should take pride in the
4 fact that that is our arena, the world famous
5 arena, but the world's greatest arena, and it is
6 the very fact that it is world renowned and people
7 recognize it for anybody to say that it is subpar
8 or ugly, I take exception to that on behalf of my
9 members and on behalf of the fact that we are New
10 Yorkers that happen to take great pride in that
11 arena. My members join with up to two dozen
12 unions in Madison Square Garden that take great
13 pride in keeping Madison Square Garden to where it
14 should be and setting up and operating and making
15 all of us proud as New Yorkers of what Madison
16 Square Garden represents, and again, I take
17 exception to anybody that says those unkind words
18 about New York's arena. With that, Local 1 of the
19 IATSC represents 3200 stagecraft employees which
20 make up live theater, live television and scenic
21 that build all the sets and scenery for the city
22 of New York. I have hundreds of members employed
23 by Madison Square Garden, not in just the arena,
24 but in the other locations that were spoken about
25 prior. Our members enjoy working at Madison

1
2 Square Garden. Our members take great pride in
3 saying the work at Madison Square Garden, and
4 again, two dozen unions that work inside that
5 arena we have a lot to say about our concerns for
6 the future. I appreciated Council Member Wills'
7 line of questioning on the prior panel and to just
8 ask the question, what if Madison Square Garden
9 were to leave the city of New York and anybody can
10 say it is unlikely, but we are not willing to take
11 the chance. We have hundreds of people employed
12 and we are not willing to take that chance. With
13 your approval, Mr. Chairman, I would just like to
14 read some comments.

15 CHAIRPERSON WEPRIN: Sure.

16 JAMES CLAFFEY JR.: Madison Square
17 Garden is an important economic anchor for New
18 York City. There are shows, concerts and events,
19 over 400 a year with Sundays having multiple
20 events attract the world to Madison Square Garden.
21 Those shows mean steady work for union members and
22 revenue for the city of New York. Throughout each
23 of local 1's negotiations with Madison Square
24 Garden, we have found the company's management to
25 be fair and reasonable. We have always come to an

1
2 agreement on issues concerning decent wages and
3 benefits and we expect to continue to do so for
4 many years to come. Just as we have found Madison
5 Square Garden to be respectful and appropriate of
6 its workforce at labor negotiations we hope, we
7 sincerely hope that the Council will be fair and
8 acknowledge the important role that Madison Square
9 Garden plays in New York City. Madison Square
10 Garden employs approximately 6,000 people, injects
11 over a half billion dollars into the local economy
12 and draws more than 200 million dollars in offsite
13 spending from people visiting New York to attend
14 events--

15 CHAIRPERSON WEPRIN: [interposing]

16 If you can just wrap up, Mr. Claffey.

17 JAMES CLAFFEY JR.: I will.

18 Madison Square Garden remains the world's most
19 famous arena. It cannot be restricted by an
20 arbitrary time limit that will impact the Garden's
21 ability to secure events, jeopardizing the
22 thousands of highly paid unionized professional
23 and skilled jobs Madison Square Garden supports
24 and the million dollars in revenues it generates
25 for the city. MSG's billion dollar transportation

1 [phonetic] that is currently under way will only
2 enhance the Garden's impact and importance in the
3 local economy. Local 1 and you will hear from
4 other union leaders hope that the City Council
5 will think about our members, their families, our
6 children and the future of the city by approving
7 Madison Square Garden's application.
8

9 CHAIRPERSON WEPRIN: Thank you,
10 Jim. I am sorry to cut you off. We have got a
11 lot of people left to testify, and I just have to
12 keep it somewhat close. Richard Andersen, are you
13 going to go next?

14 RICHARD ANDERSEN: I am.

15 CHAIRPERSON WEPRIN: Please state
16 your name.

17 RICHARD ANDERSEN: Mr. Chairman, I
18 am Richard Andersen, president of the New York
19 Building Congress and past president of Regional
20 Plan Association although I don't endorse the
21 views of that organization at this point. The
22 Building Congress strongly supports Madison Square
23 Garden's application for a renewed special
24 operating permit. Efforts, Mr. Chairman, to amend
25 the special permit resolution and restrict the

1 garden's ability to operate represent a failure of
2 government, a failure to plan for the future of
3 the Penn Station area, a failure to develop public
4 private partnerships, and a failure to bring the
5 city together with the state on a long range
6 development agenda. Madison Square Garden has
7 operated in New York City for more than a century
8 and a quarter and is now completing a nearly one
9 billion dollar renovation of its current home as
10 we all heard. The Garden provides thousands of
11 quality jobs--we have heard about that--at all
12 skill levels, and we have heard about the strong
13 and positive economic impact of the garden for the
14 city's economy. The Building Congress like others
15 would like to see a revitalized and expanded Penn
16 Station, a station worthy of this city and capable
17 of serving the hundreds of thousands of people who
18 use it every day, but we should not hold the
19 private owner responsible for thousands of jobs
20 and who must make a rational long term business
21 decision to be forced to operate under a cloud of
22 permanent uncertainty with its primary asset.
23 That is not good for the Garden, and it is not
24 good for the city. Mysteriously the ULURP process
25

1
2 has been used to threaten MSG and its ownership
3 with termination of its right to operate, yet MSG
4 ha absolutely no control over convening multiple
5 public agencies coordinating what will be a long
6 term planning process assembling a massive
7 financing plan and finally, executing one of the
8 most complex infrastructure in the city's history.
9 This job is the sole responsibility of government.
10 We must have forceful coordinated leadership from
11 the city, state and federal governments. If we
12 have got to realize of a new Penn Station, the
13 burden must be on government, and advocates for an
14 improved Penn Station to advance the vision of a
15 new transportation core at this site; therefore,
16 instead of using the special permit process we
17 must challenge government, not MSG to make
18 meaningful progress and meet milestones. If
19 government cannot coordinate effectively then
20 Madison Square Garden must be allowed to continue
21 to operate without artificial restrictions. The
22 special permit process has become costly and
23 demanding and it should not be used in this way.
24 We urge the council to approve a special permit
25 with no time limit. The council must then direct

1
2 its energies to bringing other leaders with real
3 responsibility for planning and executing a plan
4 for a new Penn Station to get to work. Thank you,
5 Mr. Chairman, for the opportunity to testify.

6 CHAIRPERSON WEPRIN: Thank you, Mr.
7 Andersen. Very good. Right under the clock too.
8 Mr. Slattery?

9 MICHAEL SLATTERY: Good afternoon.
10 Michael Slattery here representing the Real Estate
11 Board of New York and in the interest of full
12 disclosure. I am a Rangers season ticket holder,
13 but unlike Spike I am still up in the blue seats.
14 We are here to support Madison Square Garden's
15 proposal for permanent extensions of the special
16 permit, enhancements to their open space and
17 updating their exterior with modern, state of the
18 art signage befitting the iconic New York City
19 destination. Madison Square Garden is a world
20 renowned sports and entertainment facility
21 attracting New Yorkers and visitors from across
22 the country and around the world. It is an
23 integral part of New York's business and
24 entertainment industry and a generator of good
25 jobs and economic activity. Its commitment to New

1
2 York and to this location is attested to by the
3 one billion dollar self-funded capital investment
4 to modernize and enhance this facility. This
5 investment will be completed this summer and will
6 have important economic and financial benefits to
7 New York. This level of self-investment is
8 significant and should be rewarded, not punished.
9 It was made with the expectation that there would
10 be beneficial return over a long time frame
11 including from sign income clearly made with the
12 reasonable expectation that the special permit
13 would be renewed without a term of years, which is
14 the standard practice for most special permits
15 renewed by the city. Any limits to the Garden's
16 ability to operate and generate income from signs
17 could ultimately cost the city and its taxpayers
18 millions of dollars while injecting uncertainty
19 into the business climate that would stifle the
20 economic growth and investment. Behaviors such as
21 this sends a terrible message to the business in
22 the city and anyone who is seeking to do business
23 here. Madison Square Garden is simply seeking to
24 be held to the same standards enjoyed by other
25 arenas and stadiums. Imposing real material

1
2 obstacles on MSG could impact its ability to
3 secure lasting commitments for events and harm its
4 continued successful operation because of some
5 hope that another location for Madison Square
6 Garden will emerge and be transformed and Penn
7 Station will be transformed on the site. Madison
8 Square Garden has been a positive force in our
9 city and at this location for generations. It has
10 created jobs, attracted visitors and tourists and
11 played a beneficial role in the community through
12 the Garden of Dreams foundation and other
13 charitable efforts. the special permit process
14 and the request for renewed permit should strongly
15 reaffirm the numerous benefits of this facility.
16 It should not be used to punish, limit or to say
17 not so subtlety go somewhere else. Thank you.

18 CHAIRPERSON WEPRIN: Thank you, Mr.
19 Slattery. Any members of the panel have questions
20 for these gentlemen and lady? Mr. Comrie.

21 COUNCIL MEMBER COMRIE: I just have
22 a comment 'cause I want some umbrage with the fact
23 that a couple of panel members spoke to the issue
24 that the Council should be the generator of the
25 project for this when at least two of the members

1 sat on the governor's economic development
2 oversight committee and I was going to ask you has
3 that been part of the regional plan that the
4 governor has been dealing with? Has that been part
5 of his scope to do anything with Penn Station? I
6 believe Ms. Wylde and Mr. Andersen sits on the
7 governor's regional, so whatever they are calling
8 that panel--regional council that is overlooking
9 infrastructure for the state. Is that part of the
10 governor's plan at all?

12 KATHY WYLDE: Well, the plan is
13 really generated--Kathy Wylde with the Partnership
14 for New York City and I do sit on the board of the
15 Regional Economic Development Corporation. I
16 don't think I suggested that the Council take a
17 specific initiative on this. This is clearly part
18 of the regional transportation planning initiative
19 aside from endorsing improve public
20 transportation, the Regional Economic Development
21 Council has not specifically been involved in this
22 area of public works infrastructure. As I noted,
23 we are basically at the--

24 COUNCIL MEMBER COMRIE:

25 [interposing] Just in the interest of time since

1
2 the regional plan hasn't looked at this
3 infrastructure as part of their overall plan, how
4 do you think that long term planning such as the
5 need to improve Penn station should be done and
6 what do you think is the proper mode to actually
7 get that done in light of the fact that Moynihan
8 Station died as a project, Javits has died as a
9 regional plan? What do you think is the proper way
10 to get regional planning done in this atmosphere?

11 KATHY WYLDE: Well, regional
12 planning is not my particular business. The
13 Economic Development Corporation is really
14 interested in jobs today, and as I indicated from
15 the standpoint of the Regional Economic
16 Development Corporation our top priority is good
17 jobs, good private sector jobs now and encouraging
18 businesses to stay here, long term job security
19 for workers, and we think that MSG's proposal does
20 that. I am not here to testify on the long term
21 transportation planning. This is a hearing on a
22 land use zoning decision limited to Madison Square
23 Garden - -

24 COUNCIL MEMBER COMRIE: But the
25 issue at question is not necessarily the Garden

1
2 itself as an entity, but the fact that the Garden
3 sits on a transportation hub that we need to
4 preserve, protect, enhance, relocate and as part
5 of the sitting on your other entities since there
6 is no plan for that, I am asking you just as what
7 do you think is the best way to get something to
8 happen to create an opportunity to do something to
9 improve Penn Station and this environment? I would
10 ask the panel that. Mr. Andersen, Mr. Slattery,
11 what is the plan? I would love for the Council to
12 lead that effort as Mr. Yaro tried to insinuate
13 that we should have, but we can't do that in and
14 of ourselves. It has to be done with the
15 assistance of the governor's office and buy in
16 from the federal government. If there is no plan
17 on the governor's level, if there is no plan on
18 the federal level, I haven't heard of any of our
19 federal legislators making that a key issue.
20 Where do we go to create this plan?

21 KATHY WYLDE: I think you are
22 absolutely right that this is a long planning
23 process that is not in place. The only ones that
24 I have seen working on this specific area is the
25 work that Amtrak is doing on their plans for

1
2 improving access from their Amtrak corridor, and
3 they are working on a plan, but they have no
4 funding for that plan either.

5 COUNCIL MEMBER COMRIE: Right, but
6 as--I would just agree that no one is disputing
7 that the income that Madison Square Garden
8 generates, the fact that it is an iconic location,
9 the fact that it is the place where people want to
10 play or be seen. No one is disputing that. I
11 think what the overall arcing question is what do
12 we do to ensure that the transportation needs for
13 the city in the future and beyond our generation
14 is taken care of, and I haven't seen anyone that
15 has been able to give us a cogent answer to that
16 question or even a template for a plan to get to
17 an answer for that question.

18 KATHY WYLDE: I think you are
19 right.

20 RICHARD ANDERSEN: You are right,
21 Council Member Comrie, but the state has created
22 the Moynihan Station--

23 CHAIRPERSON WEPRIN: [interposing]
24 that is Dick Andersen speaking.

25 [crosstalk]

1
2 RICHARD ANDERSEN: Richard
3 Andersen, New York Building Congress. Council
4 Member, the Moynihan Station Development
5 Corporation was created as a subsidiary of Empire
6 State Development by the state charged with
7 pulling together a lot of the pieces. The first
8 phase of the Moynihan Station redevelopment is
9 under way. It is funded. It is lacking funding
10 for subsequent phases, but this Council can pass
11 the special permit as well as an accompanying
12 resolution calling on the state and the city to
13 get on with the joint efforts to redevelop the
14 area, and I think that is what all of us would
15 like to see you do.

16 COUNCIL MEMBER COMRIE: I agree
17 with you that we should push to get the other
18 elements of government to get something done, but
19 I don't believe Moynihan Station is including a
20 Penn Station relocation or just a renovation so I
21 think we need to work on that as well. So I am
22 not in disagreement with you. I am just
23 frustrated that we are not coming up with long
24 term planning to enhance the needs for our
25 transportation. I don't want to blame MSG. As I

1
2 said earlier I think MSG has been responsible to a
3 degree, but if MSG gets sold to someone tomorrow
4 that person may not be as responsible, so we need
5 to as a government to try make sure that there is
6 a balance so we don't have another problem where
7 we lose another facility, where we create another
8 teardown of a station as Penn Station was torn
9 down 50, 60 years ago, which created the need for
10 City Planning, so I think we need to find that
11 balance, and that is what this hearing is all
12 about. Thank you.

13 CHAIRPERSON WEPRIN: Thank you, Mr.
14 Comrie. Okay. I think we are good. We are going
15 to let you guys go. Thank you for your patience.
16 Your testimony was very helpful. we are now going
17 to call up a panel in opposition. Vicky Barbero
18 [phonetic] from CB5, Jinny St. Goar [phonetic],
19 James Corian [phonetic] and Enrique Lopez from
20 Senator Hoylman's Office. I know Senator Hoylman
21 is in Albany, and I am sure he would rather be
22 with us. Thank you, Mr. Starks. Good to see you
23 again. Mr. Starks is very helpful with one of my
24 middle schools, helping them with some training
25 even though they couldn't identify Oklahoma, but

1
2 that is another story. Do I have four? All four
3 of the people I mentioned here? Enrique, you are
4 here? Yes. Okay. James? Jinny and Vicki. You
5 are here for Vicki? Alright. You don't even look
6 like a Vicki. Okay. Whenever you are ready you
7 can decide who goes first. Getting a little
8 punchy. Whenever you are ready, figure out who is
9 speaking first and then state your name and give
10 your testimony. Thank you.

11 JIM CORIAN: Good morning. My name
12 is Jim Corian. I run a family business.

13 CHAIRPERSON WEPRIN: Wait for them
14 to leave because there is a buzz about them. I
15 think we are good. Go ahead.

16 JIM CORIAN: My name is Jim Corian.
17 I run a family business started by my grandparents
18 about 80 years ago. My grandmother Sarah Corian
19 [phonetic] became an entrepreneur supporting her
20 family from an early age in Jerusalem and became
21 one of the first women in New York real estate.
22 My grandparents left their family with several
23 important assets, but the most important is the
24 full block of land under 1 Penn Plaza. The future
25 of the west 30s is of great importance to us.

1
2 While Manhattan has become a vastly better place
3 to live in recent decades, the west 30s has lagged
4 significantly. We believe that the key to
5 reversing this trend is a world class train
6 station and a world class stadium. For reasons
7 that have been expounded by the Regional Plan
8 Association and the Municipal Arts Society, we
9 believe this will not happen so long as Madison
10 Square Garden sits atop the train station.

11 Specifically, the proliferation of vertical
12 supports from the Garden is not compatible with
13 the track and platform layout for an efficient
14 train station. We support the efforts by MAS and
15 RPA to plan the kind of transportation hub that
16 New York deserves, effectively supporting high
17 speed rail and rail connection to the airports.

18 In addition we believe that building a new stadium
19 at a nearby location is a key component of this
20 plan. The value of the Garden brings to the city
21 and neighborhood is very significant and ensuring
22 that it has a great home cannot be treated as an
23 afterthought. I am 60 years old now and I have
24 grandchildren of my own. It is my hope that my
25 children and my grandchildren will see the kind of

1
2 neighborhood my grandmother envisioned 30 years
3 ago. It is the right things for my family, the
4 right thing for other land owners in the
5 neighborhood and the right thing for New York
6 City. Thank you.

7 CHAIRPERSON WEPRIN: Thank you.

8 Whoever wants to go next, and then just state your
9 name.

10 STEFANO TREVISAN: Hi, my name is
11 Stefano Trevisan [phonetic] from CB 5. I am here
12 reading testimony on behalf of Vicki Barbero,
13 chair of Community Board 5. My name is Vicki
14 Barbero and I am the chair of Community Board 5.
15 Let me also mention that I have lived and worked
16 in the central part of Manhattan for over 40 years
17 and have served on the board for the past 20
18 years. During these two decades of volunteer
19 service, I can think of no issue that came before
20 CB 5 that had a greater importance for the entire
21 city of New York than the subject of today's
22 hearing. Our thoughts and conclusions regarding
23 Madison Square Garden's request for renewal of a
24 special permit in perpetuity boiled down to a very
25 few simple facts. To begin with, Penn Station is

1
2 desperately in need of improvements to capacity,
3 access and overall experience. It is an outmoded
4 and embarrassing transit hub for the greatest city
5 in the world. Unless it is physically separated
6 from Madison Square Garden, it will pretty much
7 stay that way in perpetuity. It simply needs more
8 space in order for it to be modernized and
9 significantly upgraded. The current situation
10 should be totally unacceptable to anyone involved
11 in planning for the future needs of the city.
12 This point of view was represented by a unanimous
13 vote of the members of CB 5. Secondly, we have a
14 cultural and sports arena that is 45 years old and
15 in need of being replaced by a facility that will
16 rival the finest arenas to be found anywhere in
17 the world. The external architectural statement
18 that is currently Madison Square Garden is not one
19 that any of us should feel proud of. Remaining in
20 its current location will not change that simply
21 reality. In short, if Madison Square Garden is to
22 remain and envied and - - American icon in the
23 future, we believe a new and spacious location
24 must be found; otherwise, it will soon become a
25 second rate cousin to the new and glamorous

1
2 Barclay Center in Brooklyn. For these and many
3 other reasons on behalf of CB 5 I would urge the
4 City council to accept the wise recommendation by
5 the borough president, the Municipal Arts Society
6 and the community board just to name a few that
7 the length of the special permit should be
8 restricted to a ten year period and new
9 discussions undertaken with respect to planning a
10 new and dynamic transit hub for the city and a
11 world class arena that will build on the great
12 traditions of Madison Square Garden. Lastly, the
13 loophole that allows the renewal in perpetuity if
14 the three railroads, MSG and the Department of
15 City Planning agree on improvements to Penn
16 Station cuts the public and the community board
17 out of the review of one of the most important
18 transportation issues New York City faces and
19 removes any Council role in the process as well.
20 We believe any renewal of the permit needs to go
21 through the city's Land Use review process and
22 strongly urge removal of this loophole. Thank you
23 for the opportunity to provide testimony.

24 CHAIRPERSON WEPRIN: Thank you,
25 sir.

1
2 ENRIQUE LOPEZ: Hello. My name is
3 Enrique Lopez, and I will be reading testimony on
4 behalf of State Senator Brad Hoylman. Thank you,
5 Chair Weprin for the opportunity to present
6 testimony before the New York City Council
7 Subcommittee on Zoning and Franchises today. I
8 represent New York State's 27th Senate District,
9 which includes parts of the west midtown central
10 business district where Madison Square Garden is
11 located. Although my district's boundaries do not
12 include Madison Square Garden, I represent the
13 neighborhoods immediately surrounding the arena.
14 Furthermore the long term prospects of Madison
15 Square Garden, Penn Station and the vicinity,
16 which are at stake in this hearing are extremely
17 important to my constituents as well as all New
18 Yorkers. As you know, on May 22nd, the New York
19 City Planning Commission passed a resolution
20 recommending the approval of the application by
21 MSG holdings for two special permits with
22 modifications. The modified special permit would
23 limit the continued operation of its 22,000 seat
24 arena in an arena zoned to allow an arena of only
25 2500 seats to 15 years unless the three railroads,

1
2 Amtrak, Long Island Rail Road, New Jersey Transit
3 and MSG come to an agreement to improve access and
4 egress, aesthetics and safety for the transit hub.
5 This so-called improvement agreement would be
6 subject to approval only by the director of the
7 Department of City Planning after which the arena
8 would be allowed to remain atop Penn Station
9 forever. While I recognize that the Commission
10 did not outright approve the renewal of the
11 arena's special permit allowing it to continue
12 operation in perpetuity, I strongly object to this
13 loophole that would in essence allow just that. I
14 appreciate that MSG is a major international venue
15 and a significant contributor to the local
16 economy. I also recognize that there are numerous
17 obstacles to the relocation of the facility;
18 however, I believe that we should embrace this
19 unique opportunity for the possibility of a modern
20 and revitalized transit hub in the heart of
21 Manhattan's west side as part of a new Moynihan
22 Station. Transportation infrastructure is
23 fundamental to our city's economy, culture and
24 global stature and ensuring its long term
25 viability must be a top priority. The type of

1
2 improvements necessary for Penn Station to remain
3 and efficient transit hub let alone one befitting
4 a main entrance to the world's greatest city can
5 only come with a redevelopment of the site
6 currently occupied by MSG. as such I strongly
7 support the recommendations made by Manhattan
8 Community Board 5, the Municipal Arts Society and
9 Regional Plan Association that MSG's permit
10 renewal be strictly limited to ten years. the
11 other special permit CPC recommended for approval
12 would allow new large LED signs that exceed the
13 surface area and use restrictions over the site's
14 existing zoning. I should note that this proposed
15 new signage would be in addition to existing
16 signage that currently does not comply with the
17 site's zoning. I oppose the type of large scale
18 LED advertising screens found in Times Square
19 spreading into the west midtown central business
20 district and other neighborhoods. Currently, MSG
21 displays approximately 4,000 square feet of
22 advertising above Penn Station. This special
23 permit would allow for about 10,000 square feet of
24 signage including a series of different sized
25 display panels along the arena's 8th Avenue façade.

1
2 Such signage is not suitable for the neighborhood.
3 I echo the recommendation made by both CB 5 and
4 Manhattan Community Board 4 that the special
5 permit for this enlarged sign be denied and that
6 all restrictions regarding signage and sub area b4
7 of the special Hudson Yards District be enforced.
8 Thank you for allowing me to testify and for your
9 consideration of my remarks.

10 CHAIRPERSON WEPRIN: Thank you,
11 and please thank Senator Hoylman on behalf of all
12 of us. Thank you.

13 JINNY St. GOAR: Good morning, now
14 good afternoon. This has dragged on. Members of
15 the Subcommittee, I and Jinny St. Goar, and I am a
16 member of Manhattan's Community Board 5 and of
17 that board's land use ad zoning committee. Penn
18 Station needs more than a facelift. I think we
19 all agree. The station is too heavily used though
20 by the public for its redesign to be fashioned
21 behind closed doors by the managers of the garden
22 and the three converging rail systems. The
23 numbers of people who pass through the station
24 daily should speak volumes. Many of the 650,000
25 are your constituents--all 650,000 are the people

1 who make this city ticket, the larger public that
2 has vested in you the public trust of guiding the
3 city's growth, of fostering its vitality. We New
4 Yorkers deserve a world class train station. The
5 current Penn Station is not. In fact, the
6 existing Penn Stations deadens the prospect for
7 economic development on the west side rather than
8 enlivening it. The notion that the station could
9 be tinkered with as Madison Square Garden
10 continues to perch above it in perpetuity reflects
11 the limited vision that doesn't do justice to the
12 energy and potential of our city. Madison Square
13 Garden deserves better too. What is more we have
14 an unusual opportunity to grapple with the
15 redesign of Penn Station in these next ten years.
16 the opening of the east side access in this window
17 of time now scheduled for 2019 will allow Long
18 Island Rail Road passengers to get off at Grand
19 Central. That window of time provides a hiccup in
20 the growth of the numbers of people using Penn
21 Station. The urban design planning and
22 architectural community as well as the wider
23 polity have already started to capitalize on this
24 ten year window. The Municipal Arts Society in
25

1
2 particular should be applauded for its design
3 challenge for new Penn Station and Madison Square
4 Garden. They have in fact proposed four
5 schematics. As you probably know. I urge you,
6 Mr. Chairman and members of this committee to take
7 this opportunity to help pave the way for New York
8 City's future. Close the loophole on the City
9 Planning Commission's proposal that the permit for
10 Madison Square Garden be renewed forever as long
11 as the mangers of the Garden and the managers of
12 the rail lines that converge in Penn Station can
13 agree on station improvements. That loophole does
14 not belong. We need nothing less than a major
15 redevelopment of the station and limit the term of
16 Madison Square Garden's special operating permit
17 to ten years while we continue to build the
18 momentum and consensus for the huge undertaking of
19 fashioning a new Penn Station. Thank you.

20 CHAIRPERSON WEPRIN: Thank you very
21 much. Thank you all very much. we are going to
22 excuse this panel. I appreciate your patience. I
23 apologize. We have a lot of people, and it is
24 hard to get to everybody. I am now going to call
25 the following--this is wrong. Stop. I'd like to

1
2 call on the next panel. This one is in favor.
3 Paul Fernandez, Chris Erikson [phonetic], Dan
4 Beaderman [phonetic], Malcolm Shaw [phonetic] from
5 the Carpenters and Jennifer Hensley [phonetic]
6 from ABNY. Are you all here? We will go for the
7 maximum five. There you are, Paul. Whenever you
8 are ready, you guys sort it out again, and you can
9 start.

10 CHRIS ERIKSON: Okay. Thank you.
11 Good afternoon, Mr. Chairman, Committee members.
12 My name is Chris Erikson. I am the business
13 manager at Local 3 IBW. I am also chairman of the
14 Madison Square Garden Labor Committee, and I have
15 a responsibility in that capacity to appear here
16 today. Now as the business manager of a
17 construction union of electrical workers, I get
18 excited about hearing about the possibility of
19 another new Garden somewhere or a new Penn Station
20 because those are jobs, those are important union
21 jobs; however, today we are here to discuss the
22 permit that is the issue, and while many opinions
23 have been expressed today and grand scale issues
24 regarding what is to be, and there are also I
25 understand people that are upset with Mr. Dolan,

1
2 who runs Madison Square Garden for a variety of
3 issues, and I would urge that we don't punish MSG
4 or its employees and cloud the issue of what is at
5 stake here. The fate of the Garden being tied to
6 Penn Station, you know, Grand Central is pretty,
7 and the last thing I want is the Municipal Arts
8 Society to be mad at me; however, Penn Station is
9 functional, like the New York subway system. It
10 is gritty. It is who New York is. People go to
11 work and home every day in and out of Penn
12 Station. There is nothing better than coming in
13 from Long Island and going right upstairs into
14 Madison Square Garden. It is functional. We are
15 working New Yorkers that take the subway in every
16 day and we can handle this. I am afraid of a
17 shutdown. I know that this clearly affects
18 collective bargaining. A limit on their permit
19 would be a problem. The democratic and republican
20 conventions that came to New York City, thousands
21 and thousands of jobs and work opportunities and
22 visitors and money came in. If the Garden only
23 has ten years, they don't pick--I don't know how
24 far out, but I would tell you we wouldn't have a
25 shit with the ten year limit here of ever

1
2 entertaining another convention in this city. The
3 affects that collective bargaining again, I think
4 it would give some leverage to the employer as to
5 how to negotiate the contract or the unions to
6 negotiate not knowing whether or not this building
7 is going to be here at some time. Finally, you
8 know, Dolan owns the land. There is such a thing
9 as eminent domain. You want to take it, try it
10 or buy him out. That is how this works. I don't
11 think you can move Times Square. I don't think
12 you should deny MSG. I think you should give them
13 another 50 years. Thank you.

14 CHAIRPERSON WEPRIN: Thank you, Mr.
15 Erikson.

16 DAN BEADERMAN: Thank you, Mr.
17 Council Member. Dan Beaderman, president 34th
18 Street Partnership. I submitted written comments.
19 I won't read them. I am just trying to make some
20 points in the interest of time that may not have
21 been made or give examples that haven't been used
22 yet. We are for the unlimited permit with the
23 reduced sign size. we hope the Garden will get
24 that this was brought up at a meeting of our
25 board. We are the BID that improved the

1 neighborhood around the Garden--34th Street
2 Partnership. There was some sympathy for the
3 civic group's point of view that there ought to be
4 some limit on the time period, but not much
5 sympathy for ten years for I think the following
6 reasons: there are five agencies that would have
7 to agree on a new Garden plan at least--the city,
8 the state, three railroads, and we have dealt
9 individually with some of those groups on some
10 things we have tried to get done, and here is the
11 total of years that it took for us to get some
12 minor things just to give you an idea of how long
13 a task this would be--it would not be completed in
14 ten years. Historic signs in the district, 14
15 years 'till the prototype was just put in.
16 graphics on the back of our tourist booth, we had
17 to negotiate with one of the railroads, graphics
18 in a booth in Penn Station, five years.
19 Relocation of buses from other cities, six years;
20 it hasn't happened yet. Use of funds for 7th
21 Avenue improvements that is with one of the
22 governments - - 11 years so far and nothing
23 happened. Moynihan Station, some progress, small
24 progress, but five units of government involved,
25

1
2 very unlikely that that is going to happen
3 quickly. One unit of government is enough for a
4 decade--five units of government or quasi-
5 government are a much longer issue. So it is hard
6 to hold the Garden to account for the length of
7 time this decision may take, and then some general
8 comments about the Garden as a neighbor. Much has
9 been made of the tax exemption. The Garden easily
10 as a result of being tax exempt could have not
11 paid into our BID, and through negotiation, which
12 they were terrific with in the late 80s early 90s,
13 they decided to voluntarily make a sizeable BID
14 payments. They are one of our biggest payers.
15 They have cooperated with us on outdoor
16 improvements as part of the scheme. They have
17 listened to our designers, made some of our ideas
18 part of theirs. City Planning presided over that,
19 so they have been terrific in that way and then as
20 to - - the blank wall that faces Moynihan Station,
21 the blank wall would not be very good, the
22 advertising as circumscribed by comments that City
23 Planning has made, changes City Planning has made,
24 I think would be fine. Keep in mind 7th Avenue has
25 had a new side district put in, so some group of

1
2 people including the Council decided that 7th and
3 8th Avenues might have a different treatment with
4 regard to illuminated signs than the rest of our
5 district and we think signage on the back wall
6 would be consistent with that. Thank you.

7 CHAIRPERSON WEPRIN: Thank you.

8 MALCOLM SHAW: Good afternoon. My
9 name is Malcolm Shaw. I'm a carpenter foreman at
10 Madison Square Garden and am a longstanding member
11 of District Council of Carpenters. I have been
12 working on Madison Square Garden since shortly
13 after my arrival in America from Belfast, Ireland
14 in the early 1960s. If you did the math, I have
15 been with MSG for 50 years. many folks here have
16 mentioned the Garden's history, but I have seen it
17 firsthand all underneath that famous ceiling.
18 While growing up in Ireland I dreamt about coming
19 to America despite not really knowing a great many
20 things about it, but I did know about the Empire
21 State Building, the Statue of Liberty and Madison
22 Square Garden. In the years after World War II,
23 boxing was a huge interest for many people
24 particularly in Ireland and for them Madison
25 Square Garden and boxing went hand in glove. I

1 realized part of my dream when I came to New York
2 in 1961. I eventually found work in construction
3 and one day was asked to help build a stage for
4 the - - Ballet, which was performing at MSG. I
5 remember writing home to my father in Ireland
6 telling him that I had taken a job at the Garden.
7 Realizing another dream had come true, my father
8 knew what Madison Square was--the world does. It
9 is not only the world's most famous arena; it
10 represents New York to the world. The Garden has
11 meant everything to me and my family. The
12 Garden's events and shows and literally kitchen
13 table conversations. It has been a great place to
14 work because of the dedication of all those who
15 work there and the pride that they have in their
16 jobs. Like all New Yorkers I have seen history
17 being made in that building. I was there when
18 Willis Reed [phonetic] limped onto the court to
19 help the Knicks win their first NBA championship
20 in 1970. I was at ringside for the fight of the
21 century between Muhammad Ali and Frazier in 1971.
22 I kissed the pope's ring when he came to the
23 Garden in 1979 and I touched and drank from the
24 Stanley Cup when the Rangers won that prized
25

1
2 trophy in 1994. With your support for a new
3 special permit, I expect to be working at the
4 Garden for many more years right where it
5 currently stands witnessing countless more New
6 York triumphs. Thank you.

7 CHAIRPERSON WEPRIN: Thank you.

8 JENNIFER HENSLEY: Hi. I am Jen
9 Hensley, executive director of the Association for
10 a Better New York. ABNY is one of the city's
11 longest standing civic organizations advocating
12 for the policies, programs and projects that make
13 New York a better place to live and work and
14 visit. I don't want to repeat what has been said
15 here today, but do want to draw attention to the
16 6,000 fulltime, part time, seasonal and per diem
17 workers that Madison Square Garden employs and the
18 525 million dollars that the Garden contributes to
19 the city's economy in direct and indirect
20 spending. I also want to say that ABNY's young
21 professionals organization recently received a
22 tour of the Garden and got to see firsthand the
23 nearly one billion dollar renovation up close.
24 Everyone was extraordinarily impressed like Spike
25 Lee with the quality of the facility and the staff

1
2 at the Garden, and it is now a state of the art
3 facility on par with other newly constructed arena
4 facilities in the city. As was mentioned the
5 Garden is a cultural institution neck in neck with
6 the best New York City has to offer. We support
7 the special permit without a term of years for all
8 the reasons discussed, including mostly fairness
9 relative to other similar facilities in the city.
10 We also support the proposed signage which we
11 believe reflects the style and type of a world
12 class arena in midtown Manhattan and we look
13 forward regardless of the action before you here
14 today to discuss the relocation and rehabilitation
15 of the rail station as another of the city's
16 assets, but today we support the application
17 before you and encourage you to do the same.

18 CHAIRPERSON WEPRIN: Thank you.

19 Thank you very much. Mr. Fernandez? I promised
20 I'd get you out by 1:30 and now it's up to you.

21 PAUL FERNANDEZ: We won't let you
22 down. Good afternoon, Mr. Chairman, members of
23 the Subcommittee. My name is Paul Fernandez. I
24 am the chief of staff of the Building and
25 Construction Trades Council of Greater New York.

1
2 Our organization consists of local affiliates of
3 15 national and international unions representing
4 100,000 working men and women in New York City.
5 We are pleased to testify today in support of
6 granting Madison Square Garden a special permit
7 for operations with a limit on time. We oppose a
8 15 year limit on this permit that would be
9 arbitrary, unfair and not advance the objectives
10 claimed by its advocates. For many years,
11 alternatives uses for this site and improvements
12 to Penn Station have been proposed. A number of
13 factors have prevented those alternative uses and
14 improvements from coming to be. Granting a
15 special permit limited to 15 years, which by the
16 way is effectively the situation under which MSG
17 has operated for the last 15 years, will not bring
18 together the confluence of favorable circumstances
19 needed for alternative uses of the site and
20 improvements to Penn Station to advance. The very
21 recent history of the expiring special permit
22 indicates that the duration of the special permit
23 neither positively nor negatively affected efforts
24 to reimagine the future of this site. It has been
25 a non-factor and it will remain a non-factor. No

1 organization in this city as you know would turn
2 its back on a viable proposal to build a new
3 Madison Square Garden and see major commercial
4 redevelopment at the site including improvements
5 to Penn Station. It would be an enormous amount
6 of job creation in our industry but granting a
7 special permit of a duration longer than 15 years
8 or of an unlimited duration will do nothing to
9 prevent those plans from advancing. If it would,
10 we wouldn't be here testifying as we are. Three
11 years ago as you may know, our organization
12 negotiated a project labor agreement with Turner
13 Construction Company, which is performing the
14 renovations and the improvements to Madison Square
15 Garden that have created 3,700 union construction
16 jobs, all those workers being paid good union
17 wages with health insurance, pensions and other
18 benefits. In addition as you know, there are
19 hundreds if not thousands of full time equivalent
20 positions that are heavily unionized in many
21 trades that work in the operations on a daily
22 basis of Madison Square Garden for Knicks games,
23 Rangers games, and other events at the facility.
24 Their jobs matter, and too much of the discussion
25

1
2 about just throwing a 15 year permit and a window
3 on the operations of the facility with no
4 alternative for where it would be relocated that
5 is viable to keep it in the city and keep those
6 jobs here is in our view an untenable road to go
7 down. We therefore again urge the Subcommittee
8 and the Council to support a special permit for
9 MSG of unlimited duration and specifically to
10 reject a 15 year time limit that in our view would
11 just be completely irresponsible. Thank you.

12 CHAIRPERSON WEPRIN: Thank you, Mr.
13 Fernandez. Before I let you go, I just want to
14 make a statement on this idea of the time limit.
15 You may be right that the time limit means almost
16 nothing to people. It may not have any effect in
17 pushing forward a negotiation on a train station.
18 It might not if you had no limit at all, it might
19 not hamper the idea of changing things as
20 circumstances change. I also don't think though
21 putting a time limit necessarily hamper some of
22 the things we are worried about--Mr. Erikson
23 worried about conventions coming to town. As you
24 mentioned, for the last 15 years we have been
25 under the idea that 15 years from now, the permit,

1
2 nobody really thought about it but the special
3 permit was going to expire. It didn't discourage
4 people from coming to the world's most famous
5 area. I don't think a time limit whether we go
6 with the 15 or not really will have that effect of
7 discouraging people from coming because as you
8 mentioned, it is unlikely something will change
9 and we will be back here in 15 years maybe with
10 different celebrities and certainly different
11 Council Members, although maybe Diana Reyna's son
12 will be here, but I just want to make that point.
13 I don't want to overstate either way the permit.
14 I am not sure it will have a huge effect either
15 way, but it does make us come back and revisit it
16 if it was in place and if we were going to go
17 ahead with the permit. I just wanted to make that
18 point. So thank you all very much, Again, I am
19 sorry for holding you up, and I know it has been a
20 long morning and early afternoon, but thank you
21 very much. I came close to getting you out by
22 1:30. We are now going to call a panel in
23 opposition, right? Okay. Brenda Levin [phonetic],
24 is she still here? She is hard to miss, but she is
25 not here. She walked out. Jesse Quinn

1
2 [phonetic], William Shay [phonetic], Joe Cutrufo
3 [phonetic] and Daly Revil [phonetic]. I
4 understand people have lives and sometimes have
5 other places to go, so anyone who has left, we
6 will read your name into the record and what your
7 position was, and if you leave testimony, we will
8 certainly enter it into the record. How many do
9 we got? Three people here? I can add another one.
10 Did I call you? I am going to call the next name I
11 was given is John Curtis [phonetic]. Mr. Curtis,
12 why don't you come up? We will start with four.
13 It's actually a better number than five anyway.
14 Okay. Whoever wants to start can go first.

15 WILLIAM SHAY: How are you, Mr.
16 Commissioner? Two simple points, three simple
17 points. Number one, I hear all these things about
18 the world coming to an end. I think the Dodgers
19 and the Giants left. Did we die? I missed it.
20 Two, is there anything in here that doesn't affect
21 money? I'm missing that one. Number one, you put
22 15 to 25 million dollars of taxes onto Madison
23 Square Garden, and you are going to clobber their
24 stock because it went from 30 to 60, and he is
25 pretty happy now. Take it from 60 to 30, he is

1
2 not happy. That is what he is yelling about. If
3 in fact the threat that was made by these lawyers
4 that they are going to leave New York has any
5 value, the honorable Mr. Jackson right over here I
6 think is 148th Street, big stock, a lot of
7 infrastructure, put one in there. I could raise
8 four billion dollars. I could put a team into New
9 York. I could put a stadium into New York. I
10 could have NBA and NHL. No problem. In ten years
11 from now the world would sit there and say, wasn't
12 it terrible? Madison Square Garden is gone. 148th
13 Street is in. And guess what? Ten big concerts,
14 four or five good boxing machines and the whole
15 world knows the name of the new place. Come on.
16 This is more about money and it's about whether we
17 can as a City Council and as a people, could we
18 wipe out with that money some of those water
19 taxes? I mean there has been some stink about
20 that. Could we change the way that we are
21 charging some of our small businesses for what may
22 or may not be called questionable charges. Could
23 we have better than 64 percent of our graduates
24 coming out of high school in New York? Could all of
25 those things that we all talk about occur with

1
2 between 15 to 25 million a year? Why should these
3 guys get the break that nobody else gets? They are
4 running a business. Without New Yorkers there is
5 no business. Without New Yorkers there was no
6 business. I had tickets from the time I was a
7 kid, my grandfather had the first Madison Square
8 Garden on 48th Street. We had tickets from day
9 one, we had eight of them. I still believe it's
10 venue and team. You can change the names.

11 Somebody brought the Mets back, replace the
12 Dodgers, replace the Giants. So what? Everybody
13 goes to the game. Everybody goes to the place.
14 The venue name is not as important as the place.
15 It is New York. It is New Yorkers. It is teams.
16 It is venues. It is I love you. All of you. But
17 I have no opinion.

18 CHAIRPERSON WEPRIN: Thank you very
19 much. There are some people I know almost died
20 when the Dodgers left. I just want to be clear
21 about that. Nobody really died, but some of them
22 would rather have. Next please.

23 JOE CUTUFRO: Hello. My name is
24 Joe Cutrufo. I am representing the Tri State
25 Transportation Campaign today. We are a non-

1
2 profit transportation watchdog. We are dedicate
3 to a balanced and environmentally friendly
4 equitable transportation system in New York, New
5 Jersey and Connecticut.

6 CHAIRPERSON WEPRIN: A little
7 closer to the mic... just a little back.

8 JOE CUTRUFO: Thank you for the
9 opportunity to speak today. Tri State encourages
10 the Subcommittee to renew the permit for ten, not
11 for 15 years and to ensure that New York City
12 Council and the general public have an opportunity
13 to be engaged in the renewal of the permit via the
14 city's land use review process. A lot of what I
15 have planned to say has been said already today,
16 so I will be brief. It has been said today that
17 Penn Station is functional, and that may be true
18 for the time being, but it probably won't be in
19 the future when you consider the growing ridership
20 and the development coming into midtown Manhattan
21 and on the west side the Hudson Yards development.
22 Nearly 640,000 commuters use Penn Station every
23 day. Two of the busiest subway stations in the
24 MTA are located in Penn Station, and in the first
25 quarter of fiscal year 2013, system wide New

1
2 Jersey Transit averaged 22.2 million monthly
3 passenger trips, a two year high. That represents
4 a four and a half percent increase over the same
5 time period in 2012, so ridership is growing
6 coming across the Hudson. It is also growing
7 coming across the East River. 81.7 million people
8 rode Long Island Rail Road in 2012. Ridership
9 increased despite super storm Sandy. And Amtrak
10 which carried over 31 million passengers
11 nationwide in fiscal year 2012 ridership also
12 growing there. Penn Station in the northeast
13 corner is the busiest route in the country. So
14 when you consider all of the new development
15 coming in and the growth in ridership, Penn
16 Station's size is not sustainable, and we
17 encourage that the City Council and the
18 Subcommittee amend the permit from 15 to ten years
19 and ensure that the permit process goes through
20 the Land Use review process and at that juncture
21 is not outside the public realm. Thank you.

22 CHAIRPERSON WEPRIN: Thank you.

23 Next?

24 DALY REVIL: My name is Daly Revil
25 [phonetic] and I am on Community Board 5, and

1
2 everybody else has very well covered the topic I
3 believe. I would like to answer the question
4 asked by Vincent Ignizio what is good for New
5 York. I strongly believe that what is good for
6 New York is powerful public places, and it would
7 appear I think to most people who are there at any
8 time that Penn Station today is not a powerful
9 public place in any positive way, and that Madison
10 Square Garden sits right on top of it, and
11 therefore, I strongly hope that the City Council
12 will make it possible for Madison Square Garden to
13 move to a new venue. Thank you.

14 CHAIRPERSON WEPRIN: Thank you.
15 Short and sweet. That was good. Okay. Next.

16 JOHN CURTIS: Mr. Chairman, I will
17 try to be short and sweet too. Thank you for the
18 opportunity to--

19 CHAIRPERSON WEPRIN: [interposing]
20 a little closer to the mic again. My hearing is
21 going I think.

22 JOHN CURTIS: My name is Jon
23 Curtis. I am a member of the Community Board 5
24 land use and zoning committee, and I would like to
25 speak in support of the Community Board's

1 resolution that asks City Planning Commission to
2 limit the special permit renewal to ten years.
3 The loophole allowing permanent permit approval
4 should be eliminated. I hope that CPC, the City
5 Planning Commission, will be a leader in the
6 public and open planning process to resolve the
7 critical transit and quality of life issues for
8 the Penn Station area. It is unfortunate that the
9 choking of one of the nation's most critical
10 transit hubs is being publically subsidized by a
11 permanent tax abatement, and I hope that the City
12 Council will show leadership on this issue. Thank
13 you for the opportunity to testify.

14
15 CHAIRPERSON WEPRIN: Thank you.
16 Thank you all very much. thank you for coming.
17 Again, thank you for your patience. I appreciate
18 it. I'd like to now call up another panel in
19 favor of this project or this extension of the
20 permit--Jeffrey Lefrancoise [phonetic], Pattie
21 Smith [phonetic] from the Robin Hood Foundation,
22 Devon Russell [phonetic], Tom Dilan [phonetic] and
23 Mike Carolan [phonetic]. I am not sure if
24 everybody is still here or not, but... maybe? One,
25 two, three, four, everybody? Alright. Thank you

1
2 for being so patient. Once, twice, three, shoot.
3 Who wants to go first? No one seems to do ladies
4 first anymore I noticed. You want to break that
5 now? There you go.

6 PATTIE SMITH: Hi. Good afternoon,
7 Mr. Chair. My name is Pattie Smith. I am
8 managing director of the Robin Hood Foundation,
9 and I am pleased to be here to support Madison
10 Square Garden and give voice to its exemplary
11 record in responding to crises. I know that many
12 people here recognize Madison Square Garden for
13 what it does day in and day out, for its role as a
14 national leader in sports, media and
15 entertainment, but I know this organization as a
16 different kind of leader, one that immediately and
17 unquestionably supports the city and the country
18 in times of great need. For example, the concert
19 for New York City after 9/11, which raised 35
20 million dollars was held just four weeks after the
21 attacks on our city; the Big Apple to the Big
22 Easy, the concert for the Gulf Coast, which raised
23 nine million in the weeks after Hurricane Katrina
24 and most recently, 12/12/12, the concert for Sandy
25 relief which raised more than 50 million dollars

1 held five weeks after the storm devastated our
2 area. MSG was at the forefront of each of these
3 herculean efforts. we were privileged to be
4 involved with them for both the concert for New
5 York City and 12/12/12. One of the things that
6 struck me was that no one asked MSG to get
7 involved. They simply saw a need, recognized that
8 they were the only ones who could attract the
9 world's greatest stars, command the attention of a
10 distracted public and galvanize a nation to act
11 all while providing world class, unforgettable
12 entertainment that gave hope and inspiration to
13 all. And so MSG joined with Clear Channel and the
14 Weinstein Company and quite simply, got to work.
15 Virtually the entire MSG organization donated
16 their time, their talent, their contacts and their
17 money to this effort. They took a leadership role
18 in every aspect of these events. They pushed
19 themselves and others to raise as much money as
20 possible with as much visibility as possible while
21 ensuring that the proceeds went to serve the
22 greatest needs of those affected. Since the
23 concert for Sandy relief Robin Hood has
24 distributed the money raised throughout the city
25

1
2 and the state and has seen firsthand how MSG has
3 improved people's lives. MSG's willingness to
4 respond, to lift up our city and other cherished
5 regions in this country matters. It reflects that
6 those of us who live here know to be the true
7 character of New Yorkers and the city should be
8 extremely proud that it has MSG as one of its most
9 visible symbols. We are.

10 CHAIRPERSON WEPRIN: Thank you.

11 Okay gentlemen.

12 JEFFREY LEFRANCOISE: Thank you,
13 Mr. Chairman. My name is Jeffrey Lefrancoise. I
14 am here on behalf of Assembly Member Richard
15 Gottfried, who as your pointed out along with his
16 colleague is up in Albany. Assembly Member
17 Gottfried represents the 75th Assembly District,
18 which includes Madison Square Garden as well as
19 the surrounding areas including Chelsea, Midtown
20 and Hell's Kitchen. Thank you for allowing me to
21 submit this testimony today. Madison Square
22 Garden has applied for an extension without a
23 sunset clause of the special permit it received in
24 1963 to operate an arena. The Garden is also
25 seeking text amendment changes in the Pennsylvania

1 Station sub area B4 of the special Hudson Yards
2 District to allow for larger signs than are
3 currently permitted under the zoning and changes
4 the plazas and public space in the area around the
5 Garden. Madison Square Garden is a unique
6 facility. It is one of the best known venues in
7 the world, and it is woven into New York's history
8 and identity. Madison Square Garden sits above
9 the nation's busiest public transportation center.
10 If the Garden were at a site less accessible to
11 public transportation its operation would have a
12 serious negative impact on vehicular traffic in
13 the city; however, its presence above Penn Station
14 has hampered efforts to reestablish a grand
15 entrance to the train station. Throughout the
16 discussion of the future of Penn Station, the
17 Garden has been ready and willing to relocate. At
18 one point the plan was to relocate MSG to the 9th
19 Avenue side of the Farley Post Office complex as
20 part of Farley's conversion to Moynihan Station.
21 MSG was prepared to make that move and spend tens
22 of millions of dollars on plans. The development
23 of the Moynihan project has been long complex and
24 tedious to say the least. The fact that previous
25

1
2 relocation efforts for MSG did not succeed may not
3 have been any party's fault. The Garden held off
4 on making needed renovations and modernizations of
5 the facility. Rather than move out of town the
6 Garden chose to stay and modernize in place
7 spending nearly one billion dollars, which also
8 created 3700 construction jobs and a welcomed
9 spark to the local economy. While the Garden
10 receives a property tax abatement like many other
11 developments, it did not unlike some other sports
12 facilities threaten to move out of town if it did
13 not receive more from the government. MSG does
14 not hold the keys to the lock that would open the
15 way for a grand entrance to Penn Station, nor is
16 there a location to move that is readily
17 available. Any proposed new site for the Garden
18 would likely generate a variety of objections and
19 involve years of discussions and negotiation on
20 the special permit. MSG is asking for a special
21 permit to approve to continue doing business the
22 way it has done for 45 years. for an arena that
23 has the capacity 22,000, it is remarkable how
24 small an impact it has on the neighborhood because
25 most visitors arrive by public transit. There are

1
2 criteria a special permit holder must meet set out
3 in sections 7441 of the zoning resolution. The
4 Garden fully complies with those criteria. I
5 believe it would be inappropriate if not arbitrary
6 and capricious to deny the Garden a renewal of its
7 permit, yet last month the City Planning
8 Commission voted to give MSG an extension of its
9 special permit for only 15 years apparently to
10 force MSG to leave and free the space above Penn
11 Station. There was a time when it was common to
12 put sunset clauses in special permits; however
13 that is rarely done today except in limited cases
14 that are meant to be temporary operations, not
15 billion dollar world class arenas. Just one more
16 if I may, Mr. Chairman.

17 CHAIRPERSON WEPRIN: Please finish
18 up.

19 JEFFREY LEFRANCOISE: I do not know
20 what this limited renewal would accomplish. It is
21 unlikely that a suitable alternative site would be
22 settled on and approved and running, yet I don't
23 think anyone is suggesting that the Garden should
24 just close and leave its many fans and followers
25 in a lurch. The 15 years even if the city refuses

1
2 to renew MSG's permit would leave owners with a
3 huge and largely unamortized investment in the
4 building, and it should still have substantial
5 legal rights to the land. A more reasonable limit
6 to the time would be a period of 25 to 30 years.
7 The west side of Manhattan faces major changes.
8 Madison Square Garden should contribute to,
9 benefit from and grow with that change. Thank you
10 for allowing me to submit this testimony today.

11 CHAIRPERSON WEPRIN: Thank you.
12 Well done. Please send Dick Gottfried our
13 regards.

14 JEFFREY LEFRANCOISE: Certainly
15 will.

16 CHAIRPERSON WEPRIN: Thank you.

17 DEVON RUSSELL: I'll go. Good
18 afternoon, Mr. Chairman. My name is Devon
19 Russell, and I am the executive vice president of
20 the Women's Housing and Economic Development Corp,
21 WHECO in the Bronx, and I am here today on behalf
22 of the 22 organizations that have the enormous
23 good fortune to work with the Garden of Dreams
24 Foundation and Madison Square Garden and to
25 highlight an area of Madison Square Garden that

1
2 many at the Garden say is the most meaningful
3 thing they do. I know firsthand that this is an
4 organization that uniquely walks the walk. WHECO
5 has been involved with MSG for the last 13 years
6 and most recently with the Garden of Dreams
7 Foundation. Since 2006, the Garden of Dreams has
8 helped more than 225,000 children facing enormous
9 obstacles such as homelessness, illness and
10 burdens of extreme poverty through more than 500
11 annual events. The Garden of Dreams is unique
12 among charities in its responsiveness, breadth and
13 extent of programming. It has developed long term
14 personal relationships with a myriad of children
15 and undertakes tireless efforts to change lives.
16 It is not unusual to hear the staff on a weekly if
17 not daily basis asking us about issues we are
18 facing and how they can help. It is difficult to
19 express what it means to children from poor
20 communities such as ours who could never afford
21 tickets to Madison Square Garden or Radio City
22 Music Hall to be welcomed like MSG's most
23 important clients. Think of the tremendous impact
24 this experience not just once, but again and again
25 has on the self-esteem of poor, sick or

1
2 traumatized children. We are no longer shocked
3 when our kids meet coaches, athletes, performers
4 or even Rockettes on a regular basis, have the
5 opportunity to be mentored by professionals or to
6 attend sold out events. Quite simply, now we just
7 rely on the fact that the Garden of Dreams and
8 Madison Square Garden open every area of their
9 business and every part of their lives to brighten
10 the lives of the city's children who need it most.
11 It is imperative that you understand that the
12 Garden of Dreams would not exist if not for the
13 commitment and involvement of MSG. I sincerely
14 hope you understand how important both Garden of
15 Dreams and Madison Square Garden have become to
16 some of the city's most effective, well respected
17 and far reaching community organizations such as
18 WHECO and that nothing can be done to jeopardize
19 their ability to support our children. Thank you.

20 CHAIRPERSON WEPRIN: Thank you very
21 much.

22 MICHAEL CAROLAN: Good afternoon.
23 My name is Michael Carolan, and I am the executive
24 vice president of Meyers Parking Incorporated
25 [phonetic]. I am here representing my company

1
2 today to support MSG's proposal that is under
3 consideration, and we urge the City Council to
4 renew MSG's special permit without any term of
5 years. Meyers Parking currently owns and operates
6 six parking facilities in New York City. Three of
7 them are located within the immediate neighborhood
8 of MSG. Meyers Parking, and its predecessors have
9 been in business since 1929. We currently employ
10 146 people and our customers vary from tourists to
11 business people to the wide variety of people who
12 attend the events at Madison Square Garden. MSG
13 provides a huge boost to the local businesses and
14 as my company and MSG we see it as a vital
15 component to our operations. We benefit in many
16 ways from having MSG as our neighbor, primarily by
17 more than over one million people a year that park
18 in our facilities while attending events at the
19 Garden. We even feel the positive ripple effect
20 of the events at Madison Square Garden at our
21 Times Square location. Businesses from the Garden
22 allow us to hire 34 percent more staff or 49 more
23 positions and we hire even more people each year
24 during the NBA and NHL playoffs. Employees that
25 work at Meyers range from full time professionals

1
2 to part time employees. For some of these
3 workers, it is a second job. We are able to offer
4 very flexible work schedules because of the MSG
5 event calendar. Our staff come from all five
6 boroughs, Long Island and New Jersey, men and
7 women, young and old, students, retirees and
8 single parents. Placing a term of years on the
9 Garden would not only create uncertainty for MSG,
10 it would also have a drastic unintended
11 consequences for the area businesses as well. Our
12 business' investments, growth and expansion
13 opportunities rely on MSG operating as the world's
14 most famous arena. This could be jeopardized if
15 the garden were to lose events due to uncertainty
16 about its ability to operate. Meyers makes many
17 business decisions based upon the Garden. My
18 business and countless other local businesses that
19 depend on the games, events and shows held at the
20 Garden would be forced to reevaluate our
21 operations and our hiring if the Garden's
22 operations were interrupted. Any limit to MSG's
23 business is a risk for my business and for the
24 local economy. Thank you.

25 CHAIRPERSON WEPRIN: Thank you.

1
2 Thank you very much. Fortunately, it was just
3 this past year we got playoff games. It had been
4 awhile since we had playoff games--just to make
5 the record clear. Yes.

6 MICHAEL CAROLAN: We had last year.

7 CHAIRPERSON WEPRIN: - -

8 MICHAEL CAROLAN: Not both teams.

9 TOM DILAN: I had season tickets in
10 2000, so I have got a gripe with that. I am Tom
11 Dilan, president and CEO of the Bettina Restaurant
12 Group [phonetic]. I am here to speak on behalf of
13 MSG. Bettina employs over 1,000 employees in
14 restaurants in the city, which draws business from
15 MSG, whether it's Rockefeller Center, Macy's or
16 Grand Central. We have Nick and Steph's, which is
17 located directly in the Garden as well as doing
18 all of the food service in the cellar at Macy's we
19 just opened up Stellar 34 [phonetic], a 10,000
20 square foot restaurant in the sixth floor of
21 Macy's. The investment was over 20 million
22 dollars, and it is crickets after eight o'clock if
23 there is not something going on in the Garden, so
24 clearly the key to us getting a financial return
25 on our investment is having strong and vibrant

1
2 events at the Garden. We are also in the process
3 of opening a new restaurant in the Empire State
4 Building as well. The continued long term
5 vitality and successful operation marketing of MSG
6 is critical to the success of our business in new
7 York and the jobs we create. Furthermore, as a
8 businessperson who works in a very competitive
9 industry, it is clear to me that it would be
10 unreasonable to restrict a business from being
11 able to compete with other venues on such an
12 integral industry standards like signage. Signage
13 enhances the - - of the area, ensuring more
14 interest in patrons for MSG, my restaurants and
15 other local businesses. We have operated the
16 majority of our New York City restaurants for more
17 than 30 years and make significant long term
18 financial commitments to make the investments
19 worthwhile. Any lack of certainty around the long
20 term operation of a venue such as MSG is a major
21 deterrent to us making these investments, and I
22 can say very heartfully [phonetic] and sincerely,
23 if I was going to take a lease in the Garden,
24 around the Garden and it was a 15 year term it
25 would be very difficult to pay that back and I

1
2 either wouldn't do it or I would look for
3 significant concessions from the landlord or from
4 MSG to do that. We are proud members and big
5 supports of NYC & Co. where principal owner Mr.
6 Nick Volenti [phonetic] has been a board member.
7 It is hard to think of a more important partner in
8 the success of New York City than MSG, and they
9 are phenomenal people to do business with. I
10 really cannot tell you what upstanding people they
11 are and what a privilege it is to work with them.
12 On a personal note, I live on 37th Street not far
13 from the Garden and for the most part the Knicks
14 and the Rangers have had a very positive impact on
15 my life and certainly the concerts add
16 immeasurably to the quality of my life. Outside
17 of that just in closing, we are all in the
18 business of selling dreams whether we are
19 politicians, restaurateurs, charities or the
20 Garden and it's a city of dreamers, and I love
21 that. At the same time we are pragmatists. You
22 can't be successful in New York if you are not a
23 realist and a pragmatist and you don't really
24 focus on getting things done, and I think it is a
25 huge mistake to sell the dream of what Penn

1
2 Station can be and ignore the reality of what the
3 Garden does. Penn Station works. I grew up in
4 Long island. I go to D.C. I go to Boston. It
5 works. The Garden works, and I really hope level
6 heads prevail, and we do the right thing. Thank
7 you.

8 CHAIRPERSON WEPRIN: Thank you very
9 much. Nice ending note there. We thank you all
10 very much. We now have a panel in opposition.
11 This is actually the last panel we have listed
12 here, so I am going to call the names. If you are
13 here and you have not been called, we may bring
14 you up right now. Roseanne [phonetic], you know
15 who you are, and you will tell me what I did
16 wrong, Brian Nesson [phonetic], James Lima
17 [phonetic]. Is he still here? James? Is anyone
18 else here to testify either for or against this
19 project? Seeing none, right. Okay. Alright.
20 Whenever you are ready, do you want to go first
21 and state your name properly that I screwed up.

22 ROSEMIN FLETCHER: Thank you, Mr.
23 Chairman. My name is Rosemin Fletcher [phonetic],
24 director of programs at the Design Trust for
25 Public Space. We are an organization that is

1
2 dedicated to making New York City's public spaces
3 more dynamic, livable and sustainable. I'd like
4 to make a few key points in supporting the
5 restriction of the permit to ten years. as part
6 of the Alliance for a New Penn Station led by the
7 Regional Plan Association and the Municipal Arts
8 Society, we believe that New York deserves a world
9 class arena, a world class train station and most
10 importantly, a world class public realm in the
11 heart of Midtown. We commend the City Planning
12 Commission on its conclusion that a rebuilt Penn
13 Station and a relocated Garden would be the best
14 outcome for New York City, but we contend that
15 these plans should begin now with the goal of
16 beginning construction in ten, not 15 years. Penn
17 Station, one of New York City's most highly
18 trafficked public spaces is grossly inadequate on
19 many accounts. It is unsafe. Narrow platforms
20 and overcrowding create a potential disastrous
21 scenario. It is too small. The congested space
22 and tracks contribute to inefficiencies and delays
23 and provide little to alleviate the discomfort of
24 those waiting for trains, in particular the
25 elderly, disabled and young riders. It is

1
2 unpleasant and disorienting. As a gateway to New
3 York City Penn Station should be welcoming, easily
4 navigable and inspiring to visitors and residents
5 alike. We are at a critical moment and should
6 seize the opportunity to create a new Penn Station
7 that reflects the great progress this city has
8 made in recent years to improving public space.
9 Waiting any longer than ten years will only
10 compound the difficulties associated with the
11 construction and logistical coordination of such a
12 complex transit site. Waiting any longer will
13 also squander the opportunity to plan holistically
14 for how a new Penn Station integrates its
15 infrastructure and public space plans with
16 development areas such as Hudson Yards and East
17 Midtown as well as the garment district. In our
18 recent report making Midtown a new vision for a
19 21st century garment district, the Design Trust
20 recommended a series of improvements to the
21 district's public realm. These improvements
22 should be considered in conjunction with plans for
23 a new Penn Station. For all of these reasons we
24 ask that you restrict the permit to ten years. we
25 also ask you to remove the loophole that allows

1
2 the permit to be renewed in perpetuity. Any
3 agreement such has been mentioned earlier would
4 circumvent New Yorkers and the Council's role in
5 reviewing plans for a new Penn Station. It is
6 essential that the planning process be transparent
7 and subject to the city's established land use
8 review process. Thank you.

9 CHAIRPERSON WEPRIN: Thank you.

10 Yes, sir?

11 BRIAN NESSON: Hi. My name is
12 Brian Nesson. Thank you, Chair Weprin for the
13 opportunity to speak to you. How did New York
14 become great? It became the city that it is today
15 because throughout its history there were people
16 who could imagine a bigger, better city and
17 planned accordingly. New York has a superb
18 natural harbor, but in the early 1800s its port
19 was second to Philadelphia's and New Orleans had
20 the only water connections to the nation's
21 interiors. Plans for a canal to connect the
22 Hudson to the Great Lakes were dismissed as folly
23 by many, but the opening of the Eerie Canal in
24 1825 led to economic growth for the city and the
25 nation for the rest of the century. 100 years

1
2 after the canal was completed the Port Authority
3 announced a plan to build a bridge across the
4 Hudson. Like the canal this idea proposed by the
5 Regional Plan Association was greeted with
6 skepticism. Where is the funding? Is this
7 possible? But in 1931, the world's longest span,
8 the George Washington Bridge became a vital link
9 in a regional transportation system that is knit
10 together in the New York Metropolitan area. What
11 impresses me most is its designer's forethought to
12 include the capacity for adding a second traffic
13 deck in the future. Today the two decks of the
14 GWB carry more traffic than any bridge in the
15 country. On the other hand, the designers of Penn
16 Station wrongly assumed that rail traffic would
17 continue to decline and so under designed Penn
18 Station. Today the Station cannot accommodate the
19 more than half a million commuters who pass
20 through it. The center of the country's most
21 extensive commuter rail system and the New York
22 stop of Amtrak Penn Station is the busiest train
23 station in the country and among the worst. It
24 has twice the commuters, but only half the
25 platforms as Grand Central Terminal. The growth

1
2 of our city and our economy is at risk as the
3 infrastructure of the past is maxed out. 50 years
4 ago, City Planning must have thought that there
5 was a possibility that this could happen, and so
6 wisely limited the original special permit to 50
7 years so that the wisdom of putting an arena on
8 top of Penn Station could be reconsidered if
9 ridership increased and in fact it has. If we
10 want to imagine a future of growth for New York,
11 we need to start planning to improve the
12 transportation infrastructure. There can be
13 technical solutions to the problem of Penn
14 Station's narrow platforms, inadequate stairways
15 and worn like corridors, but the technical
16 solutions are all constrained by the arena's
17 squatting atop that station, its structure
18 extending through it. Had we measured the
19 economic impact of Penn Station vis-à-vis MSG
20 think about what happened when Hurricane Sandy
21 closed Penn Station. The impact of the
22 transportation network shutting down was
23 staggering. Well, Penn Station is the bottleneck
24 to that system is currently running under
25 capacity. The Council must act now. Please limit

1
2 the renewal of Madison Square Garden's permit to
3 ten years and eliminate any loopholes in that
4 permit that might allow it to stay. Thank you.

5 CHAIRPERSON WEPRIN: Thank you.

6 Last but not least. I went through my life
7 thinking that was my last name actually--last but
8 not least, Mark Weprin, 'cause I was always W and
9 I had to go last, so don't take offense.

10 JAMES LIMA: I will be sure to turn
11 the lights out on my way out. Good afternoon. My
12 name is James Lima. I am a strategic planning and
13 real estate development advisor with the practice
14 focusing on structured public private partnerships
15 in real estate and economic development. I work
16 on projects in all five boroughs and nationally,
17 and I am delighted to be back here before the
18 subcommittee to which I served as a land use
19 staffer many years ago with some of the colleagues
20 here today. My firm was asked to analyze the real
21 estate development potential in the vicinity of
22 Penn Station as a means of demonstrating potential
23 sources of capital funding for the improvements to
24 Penn Station, and I would like to outline the
25 results of that work, but first I want to urge the

1 Council to impose a deadline to focus the parties
2 on a mutual agreed deal for both upgrades to Penn
3 Station and a new Madison Square Garden and to
4 remove the DCP loophole, which limits Council and
5 public approval in the future. I agree with Kathy
6 Wylde's comment earlier that New York City must
7 leverage the value of the assets that it has.
8 Despite being the busiest transportation hub in
9 the western hemisphere and located within the
10 largest central business district in the United
11 States, Penn Station has never served as a major
12 hub for high quality office and mixed use
13 development. It has never been identified as a
14 quality of life district in the city. It has been
15 said before when did anyone ever say, meet me for
16 a drink at Penn Station? In fact the opposite has
17 been the case. It has been a place that has
18 really repelled additional investment. 50 years
19 ago America has little reason to be optimistic
20 about the future of cities or about the future of
21 rail transportation, and the siting of MSG on top
22 of the rail station reflects that. Today all of
23 that has fundamentally changed. We are in a
24 period of great optimism about our cities and we
25

1
2 are a nation flocking to the vibrancy of great
3 urban places. That demand for cities has created
4 unprecedented real estate value nowhere more so
5 than on the island of Manhattan, and so I would
6 like to speak for a few minutes in that context
7 about how this presents opportunities for the
8 project before us. My report to the Municipal
9 Arts Society demonstrates that there is very
10 significant real estate value that can be created
11 through a Penn Station redevelopment initiative.
12 To a great extent, that value has not been created
13 because of the negative environment both in and
14 around Penn Station and the Garden. More
15 important, this significant real estate value has
16 not been, but can be captured as a source of
17 funding for Penn Station. To be clear, the
18 discussion of specific funding strategies for Penn
19 Station is not for today. It is not a question
20 before the Council today; however, Spike Lee asked
21 the question earlier, where is the money for a new
22 Penn Station and for a new Madison Square Garden?
23 I have always wanted to have a dialogue with Spike
24 Lee. So very quickly, we looked at a scenario
25 where world class transportation hub is created,

1
2 Madison Square Garden is relocated and zoning and
3 other regulations allow for high density
4 development appropriate to the proximity to a
5 major transportation hub.

6 CHAIRPERSON WEPRIN: Just take
7 another 30 seconds.

8 JAMES LIMA: We identified 34
9 potential sites within easy walking distance of
10 Penn Station, we applied average floor area ratios
11 to the sites that mirror the Department of City
12 Planning's 2007 rezoning plan for the district.
13 This generated an average FAR of 24. The
14 aggregate development potential equaled to 31
15 million square feet. If we assume conservatively
16 that a third to half of all of those sites are not
17 redeveloped on a 30 year timeline the built
18 program is 15 to 20 million square feet in the
19 Penn Station district, that generates at a
20 conservative estimate of 200 dollars a foot, more
21 than a billion dollars, more like a billion three
22 just in bonus floor area sales. If you look at
23 payments in lieu of taxes, real property taxes and
24 other direct and indirect benefits of the economic
25 redevelopment of districts anchored by Penn

1 Station, we are talking about many billions of
2 dollars of direct benefit to the city to pay for a
3 new Penn Station and to pay for a new Madison
4 Square Garden. So there is a deal to be made
5 around money and around time that is very grounded
6 in the real estate realities of that corner of
7 Manhattan's biggest central business district and
8 so the value of real estate can be leveraged both
9 to pay for public benefit improvements, to drive
10 our national and regional economy of which this is
11 a huge piece and to solve problems of the private
12 owner that needs to identify ways to pay for a
13 relocation that currently is a hindrance to that
14 public and economic growth. Thank you.

16 CHAIRPERSON WEPRIN: Well, thank
17 you very much. I want to ask again, is anyone
18 else here who came to testify who has not been
19 heard? We have nobody. Well, we thank you all for
20 your patience and for your time. We are now going
21 to close this hearing, and we are going to remind
22 everyone that Land Use numbers 847, 848 and 849
23 are going to be laid over to our next meeting. Do
24 we have a date for that next meeting yet, Ann? Not
25 yet. Okay. ...for our next meeting in the

1
2
3
4

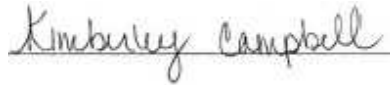
Subcommittee, and with that in mind, the hearing
is closed, and the meeting is now adjourned.

[gavel]

C E R T I F I C A T E

I, Kimberley Campbell 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

Handwritten signature of Kimberley Campbell in cursive script, written over a horizontal line.Date 7/20/13