

Testimony of Michael T. Sillerman
to the City Council Subcommittee on Zoning and Franchises
Public Hearing, October 9, 2007
Regarding Proposed Amendment to Zoning Resolution Section 15-41
(N 070394 ZRY)

This Application seeks a zoning text change to the "Loft Conversion" rules of Article I, Chapter V of the Zoning Resolution, to permit greater flexibility in the conversion and enlargement of non-residential buildings built prior to 1961. This text amendment is a preservation tool, which would allow for the retention of buildings that might otherwise be torn down to build taller, height-factor buildings.

For pre-1961 buildings that are located in R6 through R9 districts, and that are subject to Article I, Chapter V, the proposed text amendment would allow the City Planning Commission to authorize the maximum floor area ratio permitted pursuant to Section 23-142 in the applicable district without regard to height factor or open space ratio requirements, and would also allow the Commission to authorize a waiver of the rooftop recreation space requirements of Section 15-12 for the existing portion of a building converted to dwelling units.

The proposed text amendment would not create an as-of-right zoning mechanism, but instead would create an authorization that would be subject to review by the affected Community Board. Buildings that take advantage of this authorization mechanism would be required to provide sufficient open areas to meet the needs of the building's residents, and these open areas would be required to contain superior landscaping. The text amendment would also require a finding by the City Planning Commission that the proposed building is in keeping with the scale of the surrounding neighborhood, and does not adversely affect structures or open space in the vicinity of the building.

The height-factor and open-space-ratio regulations of Section 23-142 favor tall, narrow buildings with a small footprint and a large amount of open area. To meet these requirements, a zoning lot developed with an existing high-lot-coverage building that is converted and enlarged would, in many instances, be required to provide more open space than would be available on its zoning lot. This problem is particularly acute for the bulky, high-lot-coverage buildings that are common in many formerly industrial neighborhoods where conversions are likely to occur, such as the West Village, Chelsea, and northwestern Brooklyn and Queens. In order to utilize the permitted floor area on a zoning lot containing such a building, while complying with the height factor and open space requirements, it would often be necessary to demolish the existing building and build in its place a tall, narrow tower. Such a building, though permitted as-of-right, would be taller and more obtrusive than a building constructed pursuant to this text amendment.

The proposed development at 150 Charles Street in the Far West Village, which would be developed pursuant to this text amendment, illustrates how the authorization mechanism can be used to foster improved urban design. Under existing zoning a 30-story building could be built as-of-right at 150 Charles Street, if the existing four-story warehouse building were demolished to provide the open space required under the height-factor zoning regulations. The proposed building, in contrast, would be only 15 stories, and would preserve the street wall of the existing warehouse, which is compatible with the context and character of the surrounding neighborhood. The proposed building would provide open areas on its rooftops and in a large, central courtyard, both of which would be open and accessible to all building residents. These spaces will be lushly planted and well-designed.

This text amendment was unanimously approved by the City Planning Commission on September 19, 2007, and has been supported by 9 out of the 12 Community Boards in which the text amendment would apply: Manhattan Community Boards Two, Three, Four, Five, and Six, Brooklyn Community Boards One, Six, and Eight, and Queens Community Board 1. The Land Use Committee of Brooklyn Community Board Two voted unanimously to support the text amendment, although the full Board voted against it. The two other Community Boards did not take a position on the text amendment. Manhattan Borough President Scott Stringer and Brooklyn Borough President Marty Markowitz have also written letters in support of the Application, and Queens Borough President Helen Marshall declined to take a position.

We respectfully request your favorable consideration of the Application.

Testimony of Michael T. Sillerman
to City Council Subcommittee on Zoning & Franchises
Public Hearing, October 9, 2007
Regarding 400 Fifth Avenue

This Application seeks a zoning text change and special permits under Section 74-79 in connection with the construction of a 57-story residential, hotel and retail building at 400 Fifth Avenue.

The Subject Zoning Lot is located on the block bounded by West 36th and 37th Streets and Fifth and Sixth Avenue. It has a full block of frontage on Fifth Avenue and a lot area of 26,317 square feet. The Subject Zoning Lot is located in a C5-3 zoning district within the Special Fifth Avenue Subdistrict of the Special Midtown District.

The Proposed Building requires a special permit pursuant to Section 74-79 to permit the transfer of 173,692 square feet of floor area from 401 Fifth Avenue, a designated landmark building located across Fifth Avenue. With the transfer, the Proposed Building would contain 490,311 square feet of floor area and the Subject Zoning Lot would be developed at an FAR of 21.6.

In addition to the transfer of floor area from 401 Fifth Avenue, the Proposed Building would require modification of the applicable height and setback and pedestrian circulation space regulations, and the special use regulations applicable in the Fifth Avenue Subdistrict. Finally, this application seeks a zoning text amendment to permit the modification of the pedestrian circulation space and special use regulations in connection with a Section 74-79 special permit.

401 Fifth Avenue, from which the floor area would be transferred, is improved with the Old Tiffany Building, a 7-story landmark designed by McKim Mead & White. In

addition to the Tiffany Building, the Proposed Building would be framed on both sides by landmark structures, 404 Fifth Avenue, a recently designated landmark that is located on the Subject Zoning Lot, and the Gorham Building, to the immediate south across West 36th Street, which is an 8-story McKim, Mead & White building.

The design of the Proposed Building consists of a tower set back from the street, atop a 10-story base or podium. The podium of the Proposed Building would reinforce the strong street-wall presence and rectilinear, tripartite composition of the surrounding landmark structures.

This Application was the subject of a report from the Landmarks Preservation Commission, which approved the restoration work and cyclical maintenance program proposed for the Tiffany Building and which found that the Proposed Building will have a harmonious architectural relationship with the Tiffany Building.

The Application was approved by Community Board Five, Manhattan Borough President Scott Stringer and the City Planning Commission, and, during public review, the Proposed Building was widely praised for its “superior” quality design.

In addition to the high quality of its design, the Proposed Building would serve to reinforce the mixed use character of the area by adding new retail uses and a first-class hotel. The hotel use in particular would represent a significant addition to this portion of Fifth Avenue, which does not currently have a first-class hotel to serve the many visitors to the midtown business center and the local tourist attractions and transportation hubs.

In short, this application and the Proposed Building represent a unique response to landmarks preservation, architecture and urban planning concerns.

With respect to the text amendment portion of the application, Section 74-711 was liberalized over the years to permit the modification of all bulk and use regulations except floor area. In contrast, Section 74-79 has been little utilized. Therefore, it would be appropriate at this time to expand the scope of Section 74-79 to allow the broader range of zoning modifications necessary for the Proposed Building, in order to create a more harmonious project and a better site plan.

We respectfully request your favorable consideration of the Application.

HOLLIS 11423 BLOCK ASSOCIATION

October 9, 2007

City Council Hearing

Our block association started our request to have the north side of Hollis Avenue downzoned from R3-2 to R2 in 2005. Our request is based on the fact that the south side of the street is R-2 and both sides have the requirements for an R-2 zone. We testified at the Borough President's Hearing and the City Planning hearing, and we have sent several letters to the City Planning and elected officials. To date our request has not been granted; therefore, we are again requesting that the North side of Hollis Avenue from 191 Street to 104 Avenue be downzoned to R2.

We are attaching correspondence to prove that our request started in 2005 and the North side of Hollis Avenue meets the R2 requirements.

Your help in this mater will be appreciated.

Sandra Atwell
President

HOLLIS 11423 BLOCK ASSOCIATION

August 24, 2007

**Ms. Amanda Burden, Commissioner
NYC Department of City Planning
22 Reade Street
New York, New York 10007**

Dear Commissioner Burden:

We are enclosing an addendum to my testimony on August 22,2007. We are enclosing a map that shows the area in question, and we are adding the lot sizes to show that the lots are larger than the 40x100 requirement for an R2 zone. The following lot sizes are on the north side of Hollis Avenue, starting at 191 Street and ending at 104th Avenue:

307x240, 64x92, 42x107, 42.58x103, 42.75x98.25, 42.75x113, 40x127,

40x131, 40x145.17, 48x164.33, 92.33x197

Since these lot sizes fit into the R2 requirement and we have been requesting R2 since 2005,we are asking to have the 3X changed to R2. 3X is out of character with the area.

Your help in this matter will be appreciated.

CC: Councilman Comrie

HOLLIS 111423 BLOCK ASSOCIATION

August 24, 2007

*Honorable Leroy Comrie
Council Majority Whip
113-43 Farmers Blvd.
St. Albans, New York 11414*

Dear Councilman Comrie:

*We are attaching correspondence that was sent to Commissioner Burden.
This includes testimony given at the Borough President's Hearing as well.*

*Please let us know when the City Council will be holding a hearing on
the Hollis/St. Albans rezoning.*

Your help in this matter will be appreciated.

*Sandra Atwell
President*

99-20 191 Street, Hollis, New York 11423 718-776-8827

Hollis 11423 Block Association

August 8, 2007

Ms. Amanda Burden, Commissioner
NYC Department of City Planning
22 Reade Street
New York, New York 10007-1216

Dear Ms. Burden:

The transit and road delays prevented me from attending today's public hearing. Please accept the Hollis 11423 testimony that I wanted to deliver. If there is a problem accepting the testimony, please me know.

Thank you for your cooperation.

Sandra Atwell
President

CC: John Young, Queens Director

'99-20 191 Street 718-776-8827

HOLLIS 11423 BLOCK ASSOCIATION

August 8, 2007

Mr. John Young, Director
Queens City Planning Zoning
120-55 Queens Boulevard
Kew Gardens, New York 11424

Dear Mr. Young:

Attached is a copy of the testimony that I wanted to present at today's public hearing. Please accept this testimony. Attached is a letter sent to Commissioner Burden. Any help that you can give will be appreciated.

Yours truly,

Sandra Atwell
President

99-20 191 Street, Hollis, New York 11423 718-776-8827

HOLLIS 11423 BLOCK ASSOCIATION

June 6, 2007

Mr. Rob Holbrook
Queens City Planning Zoning
120-55 Queens Boulevard
Kew Gardens, New York 11424

Dear Mr. Holbrook:

Thank you for meeting with me on Wednesday, May 30. I wanted to meet with you because the maps did not give a clear picture. At that time I again expressed our request to have the North side of Hollis Avenue downzoned to R-2 so that both sides of Hollis Avenue from 191 Street to 104th Avenue will have the same zone. You did come to our meeting to explain R3X, but we have determined that we would prefer our request to have the R-2 zone for both sides of Hollis Avenue. We realize that the plan has been certified, but the change can be made before it is passed by the City Council.

Again, we thank you for the help that you have given us, and we look forward to have both sides of Hollis Avenue zoned R-2.

Sincerely yours,

Sandra Atwell
President

99-20 191 Street, Hollis, New York 11423

June 28, 2007

St. Albans/Hollis Downzoning
Public Hearing June 28, 2007

Dear Borough President Helen Marshall:

In 2005 Hollis 11423 Block Association started our request to downzone the north side of Hollis Avenue from 191 Street to 104th Avenue.. Our request is to have the north side rezoned from R3-2 to R-2. The south side is currently R-2. Attached is a copy of our correspondence.

The new zoning regulations currently show that the north side is being rezoned from R3-2 to R3X and the south side will remain R-2. However, since our request started in 2005, and we participated in the downzoning we feel that our request should be granted. Other R-2 areas have been extended.

Again, we are requesting that the north side of Hollis Avenue from 191 Street to 104th Avenue be rezoned to R-2.

Your help in this matter will be appreciated.

Enclosed:

July 15,2005 letter to Councilman Comrie

February 10, 2006 letter to Queens City Planning Director, John Young

March 27, 2007 letter to Rob Holbrook Queens City Planning Zoning

Hollis 11423 meeting notices dated November 18, 2004 and December 8, 2005

HOLLIS 11423
99-20 191 STREET
HOLLIS, NEW YORK 11423

July 15, 2005

Honorable Leroy Comrie
Council Majority Whip
113-43 Farmers Blvd.
St. Albans, New York 11412

Dear Councilman Comrie:

Thank you for some of the neighborhood improvements that we requested.

This letter is to inform you that HOLLIS 11423 would like to downzone the residential area on the north side of Hollis Avenue. We want to change it from R3-2 to R-2. Please let us know if you are planning a town hall meeting on this subject.

Thank you for your cooperation.

Sandra Atwell
President

HOLLIS 11423
99-20 191 Street
Hollis, New York 11423

February 10, 2006

Mr. John Young, Director
Queens City Planning Zoning
120-55 Queens Boulevard
Kew Gardens, New York 11424

Dear Mr. Young:

Hollis 11423 has participated in the downzoning of St. Albans and Hollis, but this process is going very slowly and in order to prevent the overdevelopment of our area, it is imperative to have the north side of Hollis Avenue downzoned from R-32 to R-2. The south side of Hollis Avenue is R-2, and we want both sides of the street to have the R-2 zone. We participated in the downzoning because we know the importance of having an R-2 zone.

We would like your help in an independent downzoning of Hollis Avenue and 99th Avenue from Farmers Boulevard to 104th Avenue. Your help in this matter will be appreciated.

Sincerely yours,

Sandra Atwell
President

CC: Helen Marshall, Borough President
Leroy Comrie, Councilman
Yvonne Riddick, District Manager
Planning Board 12

Hollis 11423 Block Association
99-20 191 Street
Hollis New York 11423

March 27, 2007

Mr. Rob Holbrook
Queens City Planning Zoning
120-55 Queens Boulevard
Kew Gardens, New York 11424

Dear Mr. Holbrook:

Attached are letters concerning the downzoning of the North side Hollis Avenue from 191st Street to 104th Avenue. We want the South side to remain R-2.

Your help in this matter will be appreciated.

Sincerely yours,

Sandra Atwell

HOLLIS 11423
99-20 191 Street
Hollis, New York 11423

MEETING
Thursday, November 18, 2004
7:30 P.M.

- I. Planning Board 12 approves Syringe Exchange Program for three locations.
- II Mayor's plan to reopen marine transfer stations. We need to support this plan because the commercial waste will be handled by rail and barge.
- III. City Council and Department of Sanitation Hearings
- IV. Rezoning – We will consider rezoning to prevent multiple dwellings from coming into the area.

Important Community meetings

103 Precinct Council Meeting – Second Tuesday of the month, St. Benedict
The Moor R.C. Church, 171-17 Brinkerhoff (110 Avenue), 7:00 p.m.

Planning Board 12 Meeting – Third Wednesday at 7:00 p.m., Robert Ross
Johnson Family Life Center, 172-17 Linden Boulevard



**Our next meeting will be held on
Thursday, December 8, 2005 at 7:30
P.M.**

Downzoning

In July we sent a letter to Councilman Comrie to downzone the north side of Hollis Avenue from R3-2 to R2. This will create a R-2 zone for both sides of Hollis Avenue and help in eliminating the overdevelopment of our area. City Planning Zoning would like help in downzoning St. Albans and Hollis. This is important because the following locations in our area are scheduled to be demolished:

92-17 190th Street, 92-24 195th Place, 179-12 89th Avenue, the garage at 191-20 102nd Avenue.

Jamaica Rezoning

We made a request to have heavy industrial facilities, such as waste transfer stations, clearly zoned for M-3 manufacturing districts. Heavy industrial facilities are hazardous to health.

Important Community Meetings

Planning Board 12 – third Wednesday of each month.
Robert Ross Johnson Family Life Center, 172-17 Linden Boulevard, 7:00 p.m.

103 Precinct Council Meeting- second Tuesday of the month,
St. Benedict The Moor R. C. Church,, 171-17 Brinkerhoff (110 Avenue) 7:00 p.m.

Please attend (99-20 191 Street) and express your opinions.
We must maintain a stable community.

St. Albans / Hollis Rezoning

Proposed Zoning



Legend

- Single Family Detached
- Two Family Detached
- One and Two Fam Semi
- One and Two Fam Att

CITY COUNCIL ZONING AND LAND USE

ULURP Bay Ridge Mixed-Use

LU 0578-2007 (C060353 ZMK)

LU 0579-2007 (C060354 ZSK)

OPPOSITION REPORT

by

Michael G. Driscoll

658-61st Street

Brooklyn, NY 11220-4111

718-492-8823

mdriscoll@nyc.rr.com

8/22/2007

ULURP Bayridge Mixed Use

LU 0578-2007 (C060353 ZMK)

LU 0579-2007 (C060354 ZSK)

SUMMARY REPORT

I respectfully request that this petition to re-zone these parcels be denied. This development does not meet the burden of benefit for the community for the following reasons:

1. The proposed building is too large for the neighborhood. It is proposed to be 11 stories in a 2-3 story neighborhood.
2. This project will generate 1500 vehicles per day, without an environmental impact study or an adequate traffic mitigation plan. These vehicles will have an impact of the children at PS69, which is downwind of this project. The developer has stated that he will fund a study **AFTER THE PROJECT IS BUILT**. The Federal Government requires an Environmental Impact Study BEFORE the first shovel of earth is turned, why is this project different ??
3. Since MSK Properties is a corporate entity, there is no guarantee that it will be viable AFTER the building is completed. Who will pay for this study?

4. Over 170 units in this project will be valued as Luxury apartments. Just over 40 units will be valued as Market rate apartments, masquerading as “Affordable Housing”.
5. Over 200 jobs are at risk for the sake of a “Big Box Store's” possible 150 menial jobs.

In conclusion, I believe that both local Council Members were misled by the developer into believing that this project would enhance the community on several levels. In fact the approximate yearly rental income of \$6,000,000.00 (6 MILLION!) with the Tax incentive advantages will be “windfall profits” for the developer and his investors, not the community or the city.

As I see it, this Council has 4 options:

1. Deny the re-zoning as Community Board 10's sub committee recommended to their board.
2. Require MSK Properties to pay for a DOT traffic study BEFORE any work is allowed.
3. Require MSK Properties to place \$1,000,000.00 in escrow to cover the DOT Traffic study after the project is completed.
4. Allow this re-zoning and live with the consequences for 40-50 years.

Thank you for your attention. Any Questions ?

Bay Ridge Mixed-Use Development

C060353 ZMK

C060354 ZSK

OPPOSITION REPORT

by

Michael G. Driscoll

658-61st Street

Brooklyn, NY 11220-4111

718-492-8823

mdriscoll@nyc.rr.com

8/22/2007

8/21/07

Thank you for the Opportunity to address the Commission on this matter.
My name is Michael G. Driscoll and I have 4 objections to this project

6200 8th Avenue Project

1

TRAFFIC

The petitioner predicts a daily increase of 1440 vehicles. In the morning the expected increase of at least 450 vehicles will be a hazard to the children of PS69 and a pollution burden. PS69 is 1 block East of this project. The children must use 8th Ave. The 68th Police Precinct has reported over 500 accidents nearby to this school and project. With this great increase in Traffic, I believe there is a safety and environmental hazard. Sunset Park has one of the highest rates of Hispanic Asthmatics in the City. Council member Gonzales has been OUTSPOKEN in her calls for remediation of this problem. It boggles my mind that she has remained TOTALLY silent on the possible adverse effects this traffic increase will have on the health of these predominately **ASIAN** children attending PS69.

I PRAY that no child will have to die so an Apartment building and a Home Depot can be built.

NO ONE SEEMS TO BE SPEAKING FOR THE ASIAN COMMUNITY REGARDING THE HEALTH AND SAFETY OF THEIR CHILDREN IN REGARDS TO THIS PROJECT.

8/21/07

2

AFFORDABLE HOUSING

The phrase "Affordable Housing" has been the **SIREN CALL** for this project. Local politicians have insisted that "Affordable Housing" be included and the builder has ultimately included 20%, perhaps to get additional Tax concessions. The developers own expert puts a value on "affordable housing" at about \$1700+ per month. That is the CURRENT GOING RATE FOR APARTMENTS in the Area. How this makes these apartments "affordable" is beyond my comprehension. The remaining 80% of the building will be PRICED ABOVE this rate, certainly not AFFORDABLE HOUSING. The term Affordable Housing is being used to obscure the fact that this building will be an **EXCLUSIVE, VERTICAL, ECONOMICALLY GATED COMMUNITY**, and beyond the reach of most of the area residents.

Let me be the first to welcome Mayor Bloomberg and Donald Trump to the neighborhood, because it seems they may be the only ones able to afford this AFFORDABLE HOUSING.

THE majority of the LOCAL COMMUNITY (predominately Asian) seems to be priced out of this project.

8/21/07

3

JOB CREATION

The petitioner, and **ALL Local Politicians** (Gonzalez, Gentile, Ortiz and Hinkind) claim that this project will create Jobs. This is a Tempting premise and it is wrong.

To the best of my knowledge, **No Elected Official** has conducted ANY research to identify any existing businesses that might be at risk of being forced out of business by this project.

I have.

I have a survey and can submit this information to the Commission today. There are over 65 businesses that may be adversely affected by the opening of the Home Depot. These are predominately Asian and by my estimate, assuming 3 workers per business, represent over 195 jobs.

In their efforts to impose their will on the Community that this project be allowed for this builder, the Local Politicians and their representatives have stressed that the jobs created would be new additional jobs.

Clearly, there may be a NET LOSS of jobs in the area!

**AGAIN, NO ONE SEEMS TO BE SPEAKING FOR THE ASIAN COMMUNITY
REGARDING THE POSSIBLE LOSS OF THEIR JOBS AS A RESULT OF THIS
PROJECT MOVING FORWARD.**

8/21/07

4

LAND USE

The petitioner is also asking that an adjacent parcel of land also be re-zoned. Unfortunately, this parcel was only discussed once during 4 Community meetings. When asked why the developer included this parcel in his request, his team responded, "New York city is reluctant to change only 1 parcel".

These parcels are very close to a recently DOWN ZONED section of Community Board 10 (ULURB Recommendation 070387 ZMK Dyker Heights/Fort Hamilton Rezoning). Why has the Community Board asked the Planning Commission to Down Zone this area (predominately 2 family houses) so recently, and now is recommending an **UP Zoning** of essentially the same area?

The only difference I can discern is that these parcels are again in a predominately ASIAN community and have no representation in local politics (Community Board 7 was mostly appointed by Ms. Gonzalez and are mostly Hispanic; Community Board 10 was mostly appointed by Mr. Gentile and are mostly Caucasian).

ONCE AGAIN, NO ONE SEEMS TO BE SPEAKING FOR THE ASIAN COMMUNITY REGARDING THE ZONING AND LAND USE IN THIS COMMUNITY.....

IS THERE A PATTERN HERE???????

Please re-examine this project and reject the request for re-zoning.

Thank you

Businesses at Risk
Bay Ridge Mixed Use Development
C 060353 ZMK
C060354 ZSK

The above requests for Re-Zoning will place many area businesses at risk of failure if the Home Depot component is successful.

This is a Survey of the Area surrounding the proposed Home Depot.

The criteria is Businesses that carry items that Home Depot sells and are within a specific area:

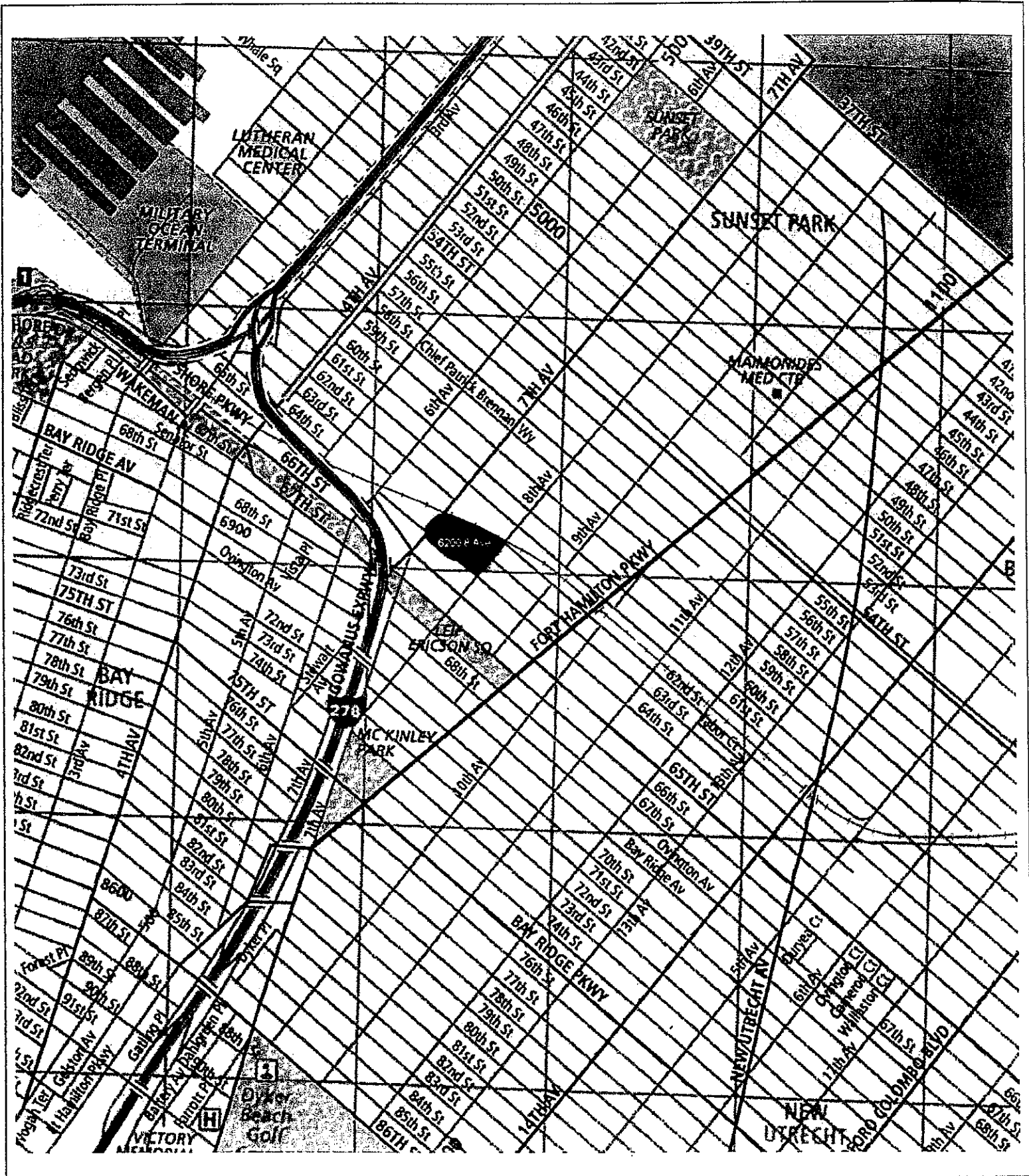
- 3 Avenues WEST of the Proposed site
- 3 Avenues EAST of the Proposed site
- 10 Streets NORTH of the proposed site
- 10 Street SOUTH (adjusted for parkland) of the proposed site

Each business was assumed to employ 3 persons.

Date of survey ended 8/15/2007.

Sixty-Nine (69) businesses were identified by M.G.Driscoll, representing by the above criteria, 207 jobs.

Business Area at Risk Because of HOME DEPOT



Avenue	Address	Business Name	Lumber Yard	Hardware	Electrical Supply	Plumbing Supply	Full Service Fixtures; Tiles; Flooring	Bath and Tiles	Electrical fixtures lamps lighting	Carpet Flooring; Hardwood Flooring	Fencing	Windows and Mirrors	Cabinets	Appliances
4	6919	Carpets By Wil								1				
4	6601	Total Kitchen Cabinets										1		
4	6324	Larsen Windows and Doors										1		
4	6123	Cathay Electrical Supply			1									
4	6002	Ridge Glass Works										1		
4	6001	Sunset Plumbing Supply			1									
4	5813	Liberty Furniture and Carpets								1				
4	5419	Managua Hardware		1										
5	563-62	B&E Glass & Mirror										1		
5	525-63	China Perfect Stainless									1			
5	515-63	Bay Ridge Hardwood Floors								1				
5	7305	Pearson Bay Ridge Home Center		1										
5	6804	The Floor Connection								1				
5	6734	F&H Floor Covering								1				
5	6324	American Eagle Plumbing Supply				1								
5	6303	Po-Hing Refrigeration Repair			1									
5	6212	Luxurious Stainless Steel									1			
5	6118	J&E Hardware and Electrical		1										
5	5823	H&B Hardware		1										
5	5602	LoCo Joe Appliances											1	
6	6221	Jun-Wei Enterprises						1						
6	6217	Grand Marble Counter Tops						1						
6	6213	S&L Grand Flooring								1				
6	6117	Evergreen Lumber Supply	1											

Avenue	Address	Business Name	Lumber Yard	Hardware	Electrical Supply	Plumbing Supply	Full Service Fixtures; Tiles; Flooring	Bath and Tiles	Electrical fixtures lamps lighting	Carpet Flooring; Hardwood Flooring	Fencing	Windows and Mirrors	Cabinets	Appliances
6	5701	C&W Hardware		1										
7	769-61	APLUS Decoration Materials						1						
7	758-61	Sunrise Lumber Center	1											
7	728-61	Forrest Grand Lighting							1					
7	711B-65	NY Flooring Supply								1				
7	711A-65	Bathroom Supplies						1						
7	6115	ACTIVE Lumber Supply	1											
7	6013	SUPER Sun Lumber Supply	1											
7	6002	LNC Flooring								1				
7	6012	M&Q Furniture and Lighting							1					
7	5908	KUJU Kitchen Cabinets											1	
7	5902	J&S Electrical and Lighting			1									
7	5601	Hangon Stainless Steel									1			
8	865-63	Quality Stainless Steel									1			
8	863-61	DECO Tiles						1						
8	853-65	65 Street Tile						1						
8	853-61	Meridian Trading						1						
8	847-65	Blinds & Carpet Gallery								1				
8	839-61	All New Home Center					1							
8	838-62	L&G Plumbing Supply			1									
8	833-65	Pioneer Kitchen Cabinets											1	
8	824-62	APPIA Granite & Marble						1						
8	813-63	Hylan Tile & Flooring												1
8	806-62	ECON Plumbing & Electric Sply				1								

Avenue	Address	Business Name	Lumber Yard	Hardware	Electrical Supply	Plumbing Supply	Full Service Fixtures; Tiles; Flooring	Bath and Tiles	Electrical fixtures lamps lighting	Carpet Flooring; Hardwood Flooring	Fencing	Windows and Mirrors	Cabinets	Appliances	
8	5819	Newman Hardware		1											
8	5610	Gin Hardware		1											
8	5415	Bloom Plumbing Supply				1									
8	5406	8 Ave Hardware Store		1											
9	901-65	S&K Wall and Floor Covering								1					
11	5911	Bundy Plumbing & Electrical				1									
11	5903	Woodworks Inc										1			
Ft Hamilton	7114	Premier Bath						1							
Ft Hamilton	6915	M&M Hardware		1											
Ft Hamilton	6824	Ft Hamilton Windows and Mirrors										1			
Ft Hamilton	6512	Bari Supply and Lumber	1												
Ft Hamilton	6402	Quality Stainless Doors&Windows										1			
Ft Hamilton	6311	Lee Hardwood Flooring								1					
Ft Hamilton	6302	Kitchen Vanity and Baths					1								
Ft Hamilton	6007	Pacific Supplies		1											
Ft Hamilton	6005	AEC Electrical			1										
Ft Hamilton	5902	Majestic Home Improvements										1			
Ft Hamilton	5611	E-Lite Lighting							1						
Ft Hamilton	5607	American Tri Star Lighting							1						
Ft Hamilton	5521	AVID Glass & Mirrors											1		
Ft Hamilton	5309	Stainless Steel Fencing									1				
TOTALS			5	10	4	6	2	9	4	12	5	6	5	1	69

For the Record

**Statement from Assemblywoman Barbara M. Clark
St. Albans/Hollis Rezoning-Public Hearing
Tuesday, October 9, 2007**

In response to community concerns that recent development has been inconsistent with neighborhood scale and character, the proposed rezoning plan was undertaken with input from community leaders, elected representatives and Community Board 12.

The Department of City Planning proposes to amend the Zoning Map on all or portions of 317 blocks in the southeastern Queens neighborhoods of St. Albans and Hollis, Community District 12, Queens, from existing R2, R3-2, R4 and R6B districts to lower-density or contextual zones.

The proposed rezoning plan, which includes changes to existing commercial centers, aims to preserve the area's predominantly low-density character and ensure that future residential development is consistent with its surrounding neighborhood. Additionally, the proposed rezoning would establish moderate density residential districts along portions of Hollis Avenue, Farmers Boulevard, Linden Boulevard and Merrick Boulevard and reduce the depths of commercial overlays to prevent encroachment of commercial uses onto residential blocks.

As one of the elected officials representing all of the Hollis community and much of St. Albans – I would like to commend Councilman Comrie who has been quite diligent on this issue, and can attest that immediate implementation of the St. Albans/Hollis Rezoning proposal is both critical and long overdue.

There must be an immediate end to the demolition of one-family homes being replaced with anywhere from four to ten, one- and two-family homes, as well as the sub-division of corner properties to build additional homes in the rear yard. I am certain that the committee recognizes that changing the character and the aesthetics of these communities is not the worst that happen to a neighborhood due to out of control building.

The more subtle but catastrophic consequences are insufficient community facilities, i.e., schools, libraries and supermarkets, as well as an infrastructure that cannot sustain the over-population. I ask that the Land Use and Building Committees and the full Council take a serious look at the architect Self-Certification process and the Department of Buildings to ensure that new and existing laws and regulations are enforced.



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October 3, 2007

**TESTIMONY TO THE ZONING AND FRANCHISES SUB-COMMITTEE
OF THE CITY COUNCIL – OCTOBER 9, 2007**

**RE: PROPOSED BAY RIDGE MIXED USE PROJECT
AND RELATED ZONING MAP AMENDMENTS
ULURP APPLICATIONS C060353ZMK AND C060354ZSK**

Hon. Councilman Avella, Chairman and Councilmembers. My name is Irving Minkin. I'm an associate with Sheldon Lobel, P. C., a Land Use firm.

Our firm prepared the two ULURP applications before you, numbers 060354ZSK and 060353ZMK.

Application No. CO6O354ZSK relates to a proposed mixed-use project on the site of a permanently discontinued railroad yard, consisting of a one-story and mezzanine large retail establishment, an office floor, eight residential floors accommodating 216 dwelling units, and three parking levels, two of which are below curb level. The project site has an area of 160,000 sq. ft., larger than the area of many city blocks, and is located between 7th and 8th Avenues, the southerly railroad right-of-way of the Bay Ridge Branch of the LIRR and the MTA – N Line, and buildings fronting on 64th Street.

The proposed rezoning of the project site is from an M1-1 District to a C4-2 District, to permit the residential component, and to facilitate the proposed bulk. The proposed rezoning of the portion of the block containing the buildings fronting on 64th Street is from M1-2 and M1-1 Districts to a C4-2A District, would be consistent with the existing primarily commercial health related uses of these parcels, and would facilitate their off-site parking in the project site.

The findings required in Section 74-681, Z.R. have been met in that:

- (a) With two 80 feet wide streets providing access to the project site, the EAS demonstrates their adequacy, in conjunction with identified traffic improvements, to handle the traffic resulting there from;
- (b) The project site is on the same block as a station of the BMT N train, which within two (2) years, will be accessible in both 7th and 8th Avenues;
- (c) There will be a widened sidewalk for all of the pedestrian entrances, which are on 8th Avenue;
- (d) The distribution of floor area and numbers of dwelling units do not adversely affect the character of the surrounding area; and
- (e) With separate accesses to the residences, office use, and retail establishment, separate floors for the retail establishment and office use, and location of the residences above the commercial uses, the uses do not adversely affect one another;
- (f) The site plan and structural design of the proposed development does not preclude future use of, or improvements to the adjacent railroad rights-of-way.

The proposed project will have a total zoning floor area of 545,000 sq. ft. comprising 104,000 sq. ft. of retail floor area, 60,000 sq. ft. of office area, 270,000 sq. ft. of residential floor area, and 111,000 sq. ft. of accessory parking above 23 feet above curb level. In addition, there will be underground self-parking at the cellar and sub-cellar levels.

A total of 684 required accessory off-street parking spaces for the proposed uses in the project will be accommodated on the three parking levels, as well as an additional 225 permitted accessory spaces, including off-site parking for the occupants of the buildings on 64th Street, for a total of 909 spaces. Access ramps for the cellar and sub-cellar levels will be from both 7th and 8th Avenues. Access for the second floor parking level will be from 7th Avenue, as well as access for the five loading berths provided for the commercial uses.

The total commercial F.A.R. proposed equals 1.0, the same as currently authorized by the present zone.

The proposed residential F.A.R. equals 2.02, less than that authorized for the extensive adjacent R6 District.

The number of dwelling units proposed, 216 apartments, is less than one-half of what the proposed rezoning authorizes for the site.

The developer has committed himself to an affordable housing component, equal to 20% of the number of dwelling units proposed.

My colleague from Greenberg Farrow, architects for the project, will describe the architectural design in some detail; and, my colleague from Heineman and Lemonides, Environmental Consultants, will address the environmental analysis highlights; and, they will both be available for questions.

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Mr. Herbert Siegel our housing consultant will give a brief synopsis of his progress relative to the affordable housing component, and he will also be available to answer any questions.

I, and Mr. Andrew Kohen, President of MSK properties, LLC the developer of the proposed project, will be available to answer any questions, as well.

We are all hopeful that the Zoning and Franchises Sub-Committee will vote favorably on the two applications, which would result in new housing, new jobs, more retail facilities, and office expansion availability for the adjacent health care facilities, and for relocation of administrative office space from nearby overcrowded schools.