

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HOUSING AND BUILDINGS

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July 28, 2011
Start: 10:30am
Recess: 10:36am

HELD AT: Council Chambers
City Hall

B E F O R E:
ERIC MARTIN DILAN
Chairperson

COUNCIL MEMBERS:
Gale Brewer
Leroy G. Comrie, Jr.
Elizabeth Crowley
Lewis A. Fidler
Robert Jackson
Letitia James
Brad S. Lander
Melissa Mark-Viverito
James S. Oddo
Joel Rivera
Jumaane D. Williams

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2 CHAIRPERSON DILAN: Alright, I'd
3 like to call the Committee to order. Good
4 morning. My name is Erik Martin Dilan, and I'm
5 the chairperson of the City Council's Housing and
6 Buildings Committee. Today the Committee is
7 conducting a hearing for the purposes of a vote on
8 proposed Intro 338-A, which is a Local Law to
9 amend the administrative code of the city of New
10 York and the building code of the city of New York
11 in relation to greenhouses, as well as Resolution
12 507, which is a resolution calling upon the New
13 York State Legislature to amend Section 499-aaa of
14 the New York State Real Property Tax Law to allow
15 the Green Roof Tax Abatement to extend to owners
16 who produce live food producing plants.

17 Proposed Intro 338-A adds
18 greenhouses to the list of rooftop structures that
19 may be excluded from height limitations under the
20 building code and from being considered an
21 additional story under the building code when a
22 greenhouse and any other structures would occupy
23 in aggregate of no more than 33 1/3 percent of the
24 roof's area. The bill has been amended from its
25 original version by adding a provision which

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2 extends greenhouses' exclusion from height
3 limitations and the exemption from being counted
4 as an additional story for buildings built prior
5 to 2008.

6 Resolution 507 calls on the State
7 Legislature to amend the New York State Real
8 Property Tax Law to allow the Green Roof Tax
9 Abatement to extend to owners who produce live
10 food producing plants. The Green Roof Tax
11 Abatement does not clearly allow for vegetable
12 roof growing as it does not contain certain
13 language classifying a Green Roof as one that is
14 covered by live food producing plants. Green
15 Roofs can, in addition to providing storm water
16 management and air pollution control, provide new
17 opportunities for urban agriculture. The Council
18 calls on the State Legislature to provide new
19 opportunities for urban agriculture. The Council
20 calls on the State Legislature to also amend the
21 Real Property Tax Law to clearly allow the Green
22 Roof Tax Abatement to be extended to live food
23 producing plants, which would allow for more Green
24 Roof owners to take advantage of the Green Roof
25 Tax Abatement and result in more fresher locally

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2 grown produce. I'd like ask the clerk to couple
3 both items, and I urge my colleagues to vote in
4 favor of these two legislative items, and because
5 we're short in time, we will skip introductions of
6 the members and just ask the clerk to call the
7 roll.

8 COMMITTEE CLERK: Kevin Pin,
9 Committee Clerk, roll call in the Committee on
10 Housing and Buildings. Council Member Dilan?

11 CHAIRPERSON DILAN: I vote aye.

12 COMMITTEE CLERK: Rivera?

13 COUNCIL MEMBER RIVERA: I vote aye.

14 COMMITTEE CLERK: Comrie?

15 COUNCIL MEMBER COMRIE: Aye.

16 COMMITTEE CLERK: Fidler?

17 COUNCIL MEMBER FIDLER: Chairman,
18 may I be briefly excused to explain my vote?

19 CHAIRPERSON DILAN: Council Member
20 Fidler to explain his vote.

21 COUNCIL MEMBER FIDLER: I'm going
22 to voting now on 338-

23 CHAIRPERSON DILAN: Council Member,
24 if you could turn on your mic..

25 COUNCIL MEMBER FIDLER: Alright.

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2 Here I go. I'm going to be voting no on Intro
3 338-A. I don't know if it is a citywide problem,
4 but I know from personal and direct contact with
5 the Brooklyn Department of Buildings that the
6 abuse of greenhouses for the purpose of illegal
7 conversions is becoming rampant in and around
8 southern Brooklyn. I have found the Buildings
9 Department is utterly and totally incapable of
10 dealing with it, even when it's pointed out to
11 them directly by the local elected officials, so
12 God help a citizen who is living next door to
13 someone who has illegally converted a greenhouse.
14 The purpose of Intro 338-A is to encourage
15 greenhouses, and that would be great if we were
16 actually building greenhouses, but I can't in good
17 conscience vote for this piece of legislation
18 until and unless we have an ability to stop the
19 abuse, so I vote aye on the resolution and no on
20 Intro 338-A.

21 COMMITTEE CLERK: Jackson?

22 COUNCIL MEMBER JACKSON: I vote aye
23 on all.

24 COMMITTEE CLERK: James?

25 COUNCIL MEMBER JAMES: Aye on all.

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COMMITTEE CLERK: Mark-Viverito?

COUNCIL MEMBER MARK-VIVERITO: Aye

on all.

COMMITTEE CLERK: Crowley?

COUNCIL MEMBER CROWLEY: Aye on

all.

COMMITTEE CLERK: Lander?

COUNCIL MEMBER LANDER: Aye.

COMMITTEE CLERK: Williams?

COUNCIL MEMBER WILLIAMS: Aye.

COMMITTEE CLERK: Oddo?

COUNCIL MEMBER ODDO: I think

Fidler is probably right, but that won't stop me
from disagreeing with him. I vote aye on all.

[laughter]

COUNCIL MEMBER FIDLER: If I had

only traded in Jacoby Ellsbury.

COMMITTEE CLERK: Intro 338-8 was

adopted by a vote of ten in the affirmative, one

in the negative and no abstentions and the

resolution was adopted by a vote of eleven in the

affirmative, zero in the negative and no

abstentions. Members, please sign the Committee

Reports.

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2 CHAIRPERSON DILAN: Thanks. We
3 will keep the roll open for as long as the rules
4 allow, and at that time the Committee will be
5 adjourned.

6 COMMITTEE CLERK: Brewer?

7 COUNCIL MEMBER BREWER: I vote aye.
8 Thank you very much.

9 COMMITTEE CLERK: The vote stands
10 at 10 in the affirmative, 1 in the negative and no
11 abstentions for Intro 338-A and for Reso 507, the
12 vote is 11 in the affirmative, zero in the
13 negative and no abstentions.

14 COUNCIL MEMBER BREWER: I'd like to
15 close the hearing. Thank you very much. The
16 hearing is not closed.

17 COMMITTEE CLERK: The updated vote
18 on Intro 338-A is eleven in the affirmative, one
19 in the negative and no abstentions and Reso 507 is
20 twelve in the affirmative, zero in the negative
21 and no abstentions.

22 COUNCIL MEMBER BREWER: The hearing
23 is closed.

C E R T I F I C A T E

I, Kimberley Uhlig 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 Kimberley Uhlig

Date August 4, 2011