

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

-----X

September 19, 2012
Start: 10:05 a.m.
Recess: 10:26 a.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
Larry B. Seabrook
James Vacca
Albert Vann
Vincent M. Ignizio

APPEARANCES (CONTINUED)

Robert Callahan
Representative
Toby's Public House

Chris Gonzalez
Assistant Commissioner for Government Affairs
New York City Department of Housing Preservation and
Development

Burton Leon
Deputy Program Director
New York City Housing Authority

Russell Lang
Project Manager
CPC Resources

1
2 CHAIRPERSON WEPRIN: Okay. Good
3 morning, everyone. Good morning, everyone. My
4 name is Mark Weprin. I am the chair of the Zoning
5 and Franchises Subcommittee of the Land Use
6 Committee. I'd like to welcome everybody here
7 today. I am joined by the following members of
8 the Subcommittee: Council Member Jimmy Vacca,
9 Council Member Joel Rivera, Council Member Jessica
10 Lappin, Council Member Al Vann, Council Member
11 Leroy Comrie, and Council Member Dan Garodnick.

12 We have before us today two cafes
13 and one Land Use item. The very first item, Land
14 Use number 685, Sel Et Gras, actually we have a
15 motion pursuant to withdrawal on that one. That
16 is Manhattan CB 2, 2012578. That one will not be
17 on the agenda as it is being withdrawn.

18 The second item is Land Use number
19 686, Toby's Public House, and we have with us
20 today Robert Callahan. Mr. Callahan, good to see
21 you again, who is here to discuss this café
22 application, which is in Community Board 2. Mr.
23 Callahan, whenever you are ready. You know the
24 drill.

25 ROBERT CALLAHAN: Yes. I'm going

1
2 to read a letter that was previously submitted to
3 the Committee.

4 CHAIRPERSON WEPRIN: And your name
5 is?

6 ROBERT CALLAHAN: My name is Robert
7 Callahan of Michael Kelly, Inc. Dear honorable
8 Council Member Chin, please accept this letter as
9 confirmation that as per our agreement we will
10 have umbrellas in the sidewalk café area, close
11 the sidewalk café at 11 pm Sunday through Thursday
12 and at midnight on Friday and Saturday. If
13 anything else is required, please contact my
14 representative at 914-632-6036. Sincerely,
15 Christine Lu [phonetic], managing member. And in
16 reference to the umbrellas that were mentioned,
17 new plans will be filed with the DCA reflecting
18 the addition of those umbrellas.

19 CHAIRPERSON WEPRIN: Great. Thank
20 you, Mr. Callahan. Council Member Chin's
21 representative is here, and he gives me the thumbs
22 up that this negotiation took place with his
23 office and they are on board with these changes,
24 so I turn to the members of the panel. Does
25 anyone have any comments or questions for this

1
2 gentleman? I see none, Mr. Callahan, so we thank
3 you very much, and we are going to close that
4 hearing and move on to our next item. That item
5 is Sound View Apartments [phonetic]. That is Land
6 Use number 687 in Council Member Palma's district.
7 I'd like to call the following gentlemen up: Chris
8 Gonzalez from HPD, Burton Leon from the Housing
9 Authority and Russell Lang from CPC Resources.
10 Gentlemen, just make sure when you speak into the
11 microphone to state your name so the record is
12 clear of who is speaking, and whenever you are
13 ready, you can make your presentation. Thank you.

14 : Good morning. Good morning,
15 Chair Weprin, members of the subcommittee. I am
16 Chris Gonzalez, assistant commissioner for
17 government affairs at the New York City Department
18 of Housing Preservation and Development, and I am
19 joined by Burton Leon of New York City Housing
20 Authority and Russell Lang of CPC Resources. Land
21 Use Item 687 is a rezoning action before the
22 Subcommittee today for a site located at the
23 southwestern corner of block 3515, lot 1, in
24 Community Board 9 in the Bronx. As a
25 collaborative effort between HPD and NYCHA the

1 zoning map amendment request seeks to change from
2 an R5 zoning district to an R6 district in order
3 to facilitate the construction of Sound View
4 Partners Apartments. In view of the shrinking
5 city owned land available for new residential
6 developments, such collaborations make it possible
7 to further the goals of the new housing
8 marketplace plan. The applicant is proposing to
9 construct approximately 238 units of new housing
10 with approximately 79 parking spaces and 68
11 bicycle spaces on an under-utilized parking lot on
12 the edge of a NYCHA development known as Sound
13 View Houses. The Sound View Partners Apartments
14 project has three components. The first is an
15 eight story residential building that will contain
16 120 dwelling units including one unit for the
17 superintendent, 42 parking spaces and 60 spaces
18 for bicycles. The units will be targeted towards
19 persons earning up to 60% AMI. The second
20 component is an eight story building for senior
21 citizens containing 86 units with an additional 19
22 parking spaces and eight bicycle spaces. The
23 building will receive project based Section 8
24 vouchers from NYCHA to subsidize rental for
25

1
2 seniors with incomes up to 50% AMI. The third
3 component of the development consists of 16
4 attached two-family townhomes with 18 parking
5 spaces. The rezoning allows for a superior site
6 plan because it minimizes the amount of land
7 needed to build the required density. The
8 additional height reduces the footprint and width
9 of the buildings, which will better maintain
10 existing views. The new development will provide
11 new opportunities in the community such as housing
12 for families currently doubled up or for people
13 who need to move, but wish to stay in the
14 neighborhood. It provides preferences for those
15 interested in moving into the new buildings,
16 particularly seniors currently in apartments too
17 large for them. Additionally, the new development
18 will remove blighted [phonetic] conditions at the
19 southern end of the NYCHA complex. Council Member
20 Palma has been briefed on this action and is
21 supportive and we thank you for your time, and are
22 available to answer any questions.

23 CHAIRPERSON WEPRIN: Thank you, Mr.
24 Gonzalez. Gentlemen, you're going to wait for
25 answer questions, right? Is that it? I have with

1
2 me—I wanted to read into the record—a statement
3 from Council Member Palma, who represents this
4 area and I'd like to just read parts of this
5 statement. As Council Member of the district
6 where the potential zoning change would take place
7 I want to express my support and my community's
8 support for the proposed zoning change. This
9 zoning change would allow the construction of 200
10 plus new affordable housing units. My community
11 is in great need of more affordable housing—and
12 these are bullet points—every day my office deals
13 with constituents that are being displaced from
14 their housing, and this project would undoubtedly
15 ease this issue in and around Council District 18.
16 She then goes on to tick off a lot of the
17 specifics that were already mentioned by Mr.
18 Gonzalez, and she concludes, "For all of these
19 reasons, Community Board 9, the residents of Sound
20 View Housing and I support the zoning change." And
21 she had asked me to read that into the record.
22 I'd like to call on—does anybody have any
23 questions member of the panel? Bronxites
24 [phonetic] or anyone? No. Seeing none, really?
25 Alright. I'd like to call on Council Member

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

Comrie, who has a question.

COUNCIL MEMBER COMRIE: Is the Department of Sanitation facility occupied? What is that brown area to the top left just before the Bronx River?

CHRIS GONZALEZ: That is the compost facility operated by the Department of Sanitation.

COUNCIL MEMBER COMRIE: A compost facility?

CHRIS GONZALEZ: Correct.

COUNCIL MEMBER COMRIE: And that's an outdoor facility?

CHRIS GONZALEZ: Correct.

COUNCIL MEMBER COMRIE: And will that facility be--was there any environmental studies done on it on a smell test for a compost facility for the winds or--what's the normal wind - - it runs through that area?

CHRIS GONZALEZ: We've gone through an environmental assessment statement, and it wasn't a concern. There was no mention of any noxious smells or anything.

COUNCIL MEMBER COMRIE: - - into

1
2 that facility goes through the complex or around
3 the complex? - - in and out of the compost
4 facility? You can walk? What's the amount of
5 yardage between the white line that is showing the
6 edges of the development site and the composting
7 site?

8 CHRIS GONZALEZ: Well, what will be
9 between that white line and the compost facility
10 is a road right here that will be built by the
11 development team, so there will be a buffer of the
12 road as well.

13 COUNCIL MEMBER COMRIE: And what is
14 the distance between that road and the facility?

15 CHRIS GONZALEZ: The road is
16 approximately-well, there is a 15 foot wide
17 sidewalk, and a 38 foot wide road, so
18 approximately 55 feet.

19 COUNCIL MEMBER COMRIE: 55 feet
20 before the edge of the facility.

21 CHRIS GONZALEZ: And the compost
22 facility has a fence around it as well.

23 COUNCIL MEMBER COMRIE: Mm-hmm.
24 Yeah, if that's what they want, I mean... sure. I
25 mean if Council Member Palma is happy with the

1
2 project... Is there anything that's being done to
3 assist—are the residents participating in that
4 compost facility or is there anything that is
5 being done to enhance the ability of the residents
6 to either utilize or ameliorate the effects of the
7 compost? I would imagine there is a smell coming
8 from it.

9 CHRIS GONZALESZ: Some residents in
10 the area do use it. They actually use the compost
11 for their own gardening.

12 COUNCIL MEMBER COMRIE: Okay.
13 Well, the Council Member strongly supports this
14 project, so I would not want to - - , but I was
15 just curious to understand why we would have that
16 right next to a facility and not try to either
17 ameliorate some of the effects of the facility or
18 get some opportunity to minimize some of the
19 smells coming from the compost facility.

20 CHAIRPERSON WEPRIN: I just want to
21 add, Council Member Comrie, that the Community
22 Board and the Borough President both supported
23 this as well as City Planning--

24 COUNCIL MEMBER COMRIE:
25 [interposing] - -

1
2 CHAIRPERSON WEPRIN: --without any
3 no votes.

4 COUNCIL MEMBER COMRIE: Without any
5 no votes at all. Clearly we need the public
6 housing. We need the affordable housing, but
7 clearly, that's an interesting project to be put
8 right there, but thank you. I was just curious.

9 CHAIRPERSON WEPRIN: Thank you,
10 Member Comrie. Let me ask just a question as long
11 as you're here. I'm just curious, where do the
12 residents at Sound View go to school if you have
13 small children?

14 CHRIS GONZALEZ: The local school
15 is P.S. 107.

16 CHAIRPERSON WEPRIN: And do we know
17 what—if that's an overcrowded school, an under
18 crowded school?

19 CHRIS GONZALEZ: As per the
20 February 2011 DOE underutilized space, P.S. 107
21 has 177 seats available for students. The current
22 capacity is 550 seats and the DOE calculates a
23 maximum capacity of 727 seats.

24 CHAIRPERSON WEPRIN: So as much as
25 we can trust DOE on that number, that seems like

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 have - - for any kids that would come.

CHRIS GONZALEZ: Correct. There is a senior component to it as well, so of the 206 units, 86 are for seniors.

CHAIRPERSON WEPRIN: So there won't be as many school aged children necessarily. One other question, supermarkets in the area nearby?

CHRIS GONZALEZ: There is a supermarket located on I'd say less than-it is located right here on Randall Ave. That's a supermarket, and then there is a larger one probably about a little less than a mile away.

CHAIRPERSON WEPRIN: Okay.
Alright.

CHRIS GONZALEZ: On Western - - , I think.

CHAIRPERSON WEPRIN: Okay. Good. That's great. Anyone have any questions on this item in Sound View? Well, gentlemen, thank you very much.

CHRIS GONZALEZ: Thank you.

CHAIRPERSON WEPRIN: And we are going to close this hearing, and we are going to proceed to vote on the two items we heard today.

1
2 Again Land Use number 685, the restaurant Sel Et
3 Gras is off the agenda is being withdrawn, so that
4 leaves us with Land Use number 686, Toby's Public
5 House and we're going to couple that with the item
6 we just heard, which we just closed Land Use
7 number 687, the Sound View Apartments project, so
8 those two items will be coupled and then we have a
9 motion to file pursuant to withdrawal on the first
10 item, 685, Sel Et Gras. So we will couple them
11 all together, okay, and move to a vote. I'd like
12 to call on Christian Hilton, the counsel to the
13 Committee, to please call the roll.

14 COUNSEL: Chair Weprin?

15 CHAIRPERSON WEPRIN: Aye.

16 COUNSEL: Council Member Rivera?

17 COUNCIL MEMBER RIVERA: I vote aye.

18 COUNSEL: Council Member Comrie?

19 COUNCIL MEMBER COMRIE: I vote aye.

20 COUNSEL: Council Member Vann?

21 COUNCIL MEMBER VANN: Aye.

22 COUNSEL: Council Member Garodnick?

23 COUNCIL MEMBER GARODNICK: Aye.

24 COUNSEL: Council Member Lappin?

25 COUNCIL MEMBER LAPPIN: Aye.

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

COUNSEL: Council Member Ignizio?

COUNCIL MEMBER IGNIZIO: Yes.

COUNSEL: By a vote of seven in the affirmative, none in the negative, no abstentions, L.U. 686 and 687 are approved and L.U. 685, motion to file pursuant to withdrawal is approved. All items are referred to the full Land Use Committee.

CHAIRPERSON WEPRIN: Okay. We are going to leave the rolls open for 15 minutes 'till 10:30, and with that, pending those last votes, we will be adjourned. Thank you.

COUNSEL: Council Member Vacca?

COUNCIL MEMBER VACCA: Aye on all.

COUNSEL: The vote now stands eight in the affirmative, none in the negative, no abstentions.

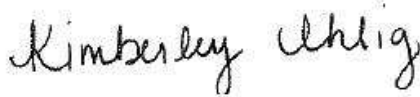
[pause]

COUNSEL: Final vote of the Zoning Subcommittee, eight in the affirmative, none in the negative, no abstentions.

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 _____

Date _____ October 1, 2012 _____