

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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June 27, 2017  
Start: 10:26 a.m.  
Recess: 1:36 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: DONOVAN J. RICHARDS  
Chairperson

COUNCIL MEMBERS:

DANIEL R GARODNICK  
JUMAANE D. WILLIAMS  
ANTONIO REYNOSO  
RITCHIE J. TORRES  
VINCENT J. GENTILE  
RUBEN WILLS

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

Jennifer Maldonado  
Executive Director of the New York City  
Educational Construction Fund, ECF

Martin Piazzola  
Senior Vice President of Avalon Bay

John Vogel  
Vice President of Avalon Bay

Kevin McCarthy  
Principal of Park East High School

Ron Wade  
Resident of East Harlem and a Local 32 BJ

Caroline Harris  
Partner at Goldman Harris, Represents Carnegie  
Hill Neighbors

Geoffrey Croft  
President of New York City Park Advocates

Lo van der Valk  
President of Carnegie Hill Neighbors

Sara Tranter  
Senior Vice President at New York City Economic  
Development Corporation

Robert Marino  
Acting Vice President of Government and Community  
Relations at MTA New York City Transit

Drew Greenwald  
Principal of Grid Properties

Richard Bass  
Senior Planning and Development Consultant with  
Akerman LLP

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

Gerard Soffian  
Licensed Professional Engineer in the state of  
New York and Adjunct Professor at NYU Tandon  
School of Engineering

Bob Claeson  
Real Estate Partner at Akerman

Sean Lashley  
Speaking on Behalf of Speak Up for a Better Bronx

Kathy Murray  
Speaking on Behalf of Speak Up for a Better Bronx

Susan Lawhorn  
Speaking on Behalf of Speak Up for a Better Bronx

Chris Widelo  
Associate State Director at AARP for New York  
City

Diego Berberana  
Representing Himself and Two Children

George James  
Planner often Working with Community Board 11 and  
Carnegie Hill Neighbors

Curtis Sherrod  
President and CEO of All Things Traffic, works at  
Hip Hop Cultural Center

Charlie Samboy  
Assistant Vice President, New York City Economic  
Development Corporation, NYCEDC

Marian McCormick  
Speaking on Behalf of Speak Up for a Better Bronx

Jose Colon  
Speaking on Behalf of Speak Up for a Better Bronx

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

Mildred Gore  
Resident of Northeast Bronx, Speaking on Behalf  
Of Speak Up for a Better Bronx

Leone Hall  
Resident of Bronx Section five

Roxanne Delgado  
Resident of Community Board 11

Meliza Lashley  
Executive Director of Speak Up for a Better Bronx

Tashmire Gathers  
On Behalf of Barbara Askins

Talia Lopez  
Resident of the Bronx

Pamela Hamilton-Johnson  
Speaking on Behalf of Speak Up for a Better Bronx

Reverend Carol Hamilton  
Resident of the Bronx

Anita Yvonne Middleton  
Speaking on Behalf of Speak Up for a Better Bronx

Hillary Bloomfield  
Community Board 12 Treasurer

John Doyle  
Resident of the Bronx

Dena Robins  
Doctor and Lifelong Resident of the Bronx

Barbara Gibson  
Resident of the Bronx

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[gavel]

COUNCIL MEMBER GENTILE: Good morning...  
thank you. I am Council Member Vincent Gentile, I'm  
sitting in this morning for a while for the Chair of  
the Subcommittee on Zoning and Franchises, Councilman  
Donovan Richards. We're joined here today by our  
Speaker, Speaker Melissa Mark Viverito as well as  
Council Member Richie Torres and other members that  
will be joining us. Today we will be holding hearings  
on two applications and voting on several  
applications that we laid over from our last meeting.  
We will move on first to today's hearings, we will  
start with the hearing on the ECF East 96<sup>th</sup> Street  
development and move onto a hearing on the Baychester  
Square application as our second hearing. The ECF  
East 96<sup>th</sup> Street project, LU 700 through 703 is an  
application for a zoning map amendment, zoning text  
amendment and two special permits to facilitate the  
development... [clears throat] I'm sorry... of a full  
block site located between 1<sup>st</sup> Avenue, 2<sup>nd</sup> Avenue,  
East 96<sup>th</sup> Street, and East 97<sup>th</sup> Street in the  
Speaker's district. This is a joint application  
submitted by the New York City Educational  
Construction Fund and Avalon Bay Communities

1  
2 Incorporated. This site is currently occupied by the  
3 Coop Tech High School and Marx Brothers Playground.  
4 The rezoning action would map the area as an R10  
5 slash C2-8 zone. The text amendment would establish  
6 the area as a mandatory inclusionary housing area and  
7 permit the waiver of lot coverage requirements and  
8 the two special permits would allow for modifications  
9 of bulk regulations and a waiver of off street  
10 parking requirements. These actions would facilitate  
11 a mixed-use development containing 990,000 square  
12 feet of residential space, space for three new public  
13 high schools and retail. The developer would also  
14 reconstruct the existing playground which would be  
15 relocated to a different part of the same block. I  
16 will now open the hearing for LU 700, 701, 702, and  
17 703. As I said this project is in the Speaker's  
18 district so we will begin with a statement from our  
19 Speaker, Melissa Mark-Viverito.

20 COUNCIL MEMBER MARK-VIVERITO: Thank you  
21 Council Member Gentile for, for stepping in and, and  
22 chairing this Committee hearing... Subcommittee  
23 hearing. I'm just going to make very brief remarks  
24 and definitely look forward to the testimony and then  
25 any, any questions that will result out of that. So,

1  
2 clearly, I'm here today to listen to testimony of the  
3 public on the important project in my district. The  
4 Education Construction Fund and Avalon Bay will be  
5 partnering to develop space for three existing local  
6 schools all of with substantial needs for a new  
7 space. Heritage High School is an overcrowded school  
8 using 136 percent of the building's capacity,  
9 occupying space in a cultural center what was  
10 formally an elementary school now being used by a  
11 high school and it does not have a gym. Park East  
12 High School is in a space designed to be a music  
13 school and includes small rooms with walls positioned  
14 at odd angles. These are two schools that are in the  
15 neighborhood and are performing well and obviously  
16 are extremely limited by the constraints that the  
17 existing spaces offer them. Coop Tech is using an  
18 outdated facility to teach our children the trades  
19 for the 21<sup>st</sup> century. So, these three schools will  
20 get new state of the art facilities funded by this  
21 project not the School Construction Authority and I  
22 think it... if reporting is accurate we have not seen  
23 any sort of high school built in the East Harlem area  
24 in close to 50 years. While the project will rebuild  
25 and enhance an existing public park and develop much

1  
2 needed affordable housing, community stakeholders  
3 have called for the development of housing with  
4 deeper levels of affordability which I would like to  
5 see included in the proposed development. In addition  
6 to specific local hiring commitments both on  
7 construction and post-construction employment. I also  
8 do have serious concerns as others, others have  
9 expressed about the proposed scale and height of the  
10 building, the residential tower would be the tallest  
11 structure in my community and one of the tallest in  
12 the Upper East Side. Many residents in both  
13 communities have expressed serious concerns and need  
14 direct response from ECF and Avalon Bay at this  
15 hearing. So, again I appreciate the ECF being here,  
16 an Avalon Bay Representatives, I definitely look  
17 forward to hearing the testimony and I will have a  
18 couple of questions after that.

19 COUNCIL MEMBER GENTILE: Thank you Madame  
20 Speaker. So, we will begin with our first panel  
21 already seated from the Education Construction Fund.  
22 We have Jennifer Maldonado and from the Avalon Bay  
23 Communities Incorporated we have Martin Piazzola,  
24 John Vogel and Ken Lowenstein. If you could decide  
25 who goes first.. [cross-talk]



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JENNIFER MALDONADO: Sure, I'll... [cross-talk]

COUNCIL MEMBER GENTILE: ...and then... [cross-talk]

JENNIFER MALDONADO: ...I'll start... [cross-talk]

COUNCIL MEMBER GENTILE: Okay and just, just identify... [cross-talk]

JENNIFER MALDONADO: Introduce myself... [cross-talk]

COUNCIL MEMBER GENTILE: ...yourself... [cross-talk]

JENNIFER MALDONADO: Sure... [cross-talk]

COUNCIL MEMBER GENTILE: ...before you speak.

JENNIFER MALDONADO: Good morning, I am Jennifer Maldonado and I'm the Executive Director of the New York City Educational Construction Fund also known as ECF, ECF was organized in 1967 and is governed by a three-member board of trustees, the Chairman of which is school's Chancellor Farina. The organization has sponsored projects since 1967 that have added 18,000 school seats, 4,500 market rate and affordable housing units and 1.2 million square feet

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2 of office space to New York City neighborhoods. I'm  
3 here today to present and answer questions on our ECF  
4 project at 96<sup>th</sup> Street. The project would be  
5 constructed on the full block site of East 96<sup>th</sup> and  
6 97<sup>th</sup> Street between 1<sup>st</sup> and 2<sup>nd</sup> Avenues. The site is a  
7 current home of New York City's Coop Tech School  
8 which is a Career and Technical Education School and  
9 the Marx Brothers Playground, a DOE jointly operated  
10 playground. Also, here with me today are Martin  
11 Piazzola, Senior Vice President of Avalon Bay  
12 Communities and John Vogel, Vice President of Avalon  
13 Bay who will also be part of our formal presentation.  
14 As I said by way of background, ECF was created in  
15 1967 by the New York State Legislature as a financing  
16 and development vehicle of the New York City  
17 Department of Education. its sole purpose is to  
18 construct public school facilities for DOE's  
19 exclusive, exclusive use by leveraging private  
20 funding. Under Article 10 of the Education Law, ECF  
21 is authorized to lease air rights above public  
22 schools for 75 to 99 years. ECF can only develop on  
23 municipally owned parcels of land. ECF does not  
24 receive budget appropriations from the federal,  
25 state, or local government; 100 percent of ECF's

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2 revenues are derived from ground rents and tax  
3 equivalency payments from private developers. The  
4 ground lease between ECF and the developer requires  
5 the developer to make annual payments of rent and tax  
6 equivalency and also requires the developer to  
7 construct new public-school facilities that meet the  
8 requirements of the Department of Education. ECF's  
9 Coop Tech Project at East 96<sup>th</sup> Street presents a  
10 unique development opportunity to build three new  
11 high schools in East Harlem. These would be the first  
12 public high school buildings built in East Harlem in  
13 over 50 years. These schools are the anchor of the  
14 overall project that will also include a residential  
15 apartment tower with over 300 units of permanent  
16 affordable housing, retail uses and the  
17 reconstruction and modernization of the Marx Brothers  
18 Playground. These school buildings will be the new  
19 homes of Coop Tech, Park East High School, and  
20 Heritage High School, schools that have been part of  
21 East Harlem for decades. Again, these schools will be  
22 built with no capital or expense outlay from the city  
23 of New York. across New York City there is a need for  
24 new modern school buildings with ample space and up  
25 to date classrooms. The building limitations and

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2 constraints in the current Coop Tech, Park East, and  
3 Heritage High School buildings do not allow for the  
4 schools to offer adequate career and technical  
5 instruction in those trades that provide real career  
6 opportunities for students. CT instruction such as  
7 welding and carpentry now have significant waiting  
8 lists as each only has one workshop. In the case of  
9 Heritage and Park East High Schools both have space  
10 constraints, lack appropriate gymnasiums,  
11 auditoriums, and libraries; neither school has  
12 outdoor recreational space. Kevin McCarthy, the  
13 principal of Park East High School will provide  
14 testimony on behalf of the schools. As to the  
15 Heritage High School, its relocation will provide the  
16 added benefit of allowing for the expansion of the  
17 Julia De Burgos Latino Cultural Center, a significant  
18 local resource. Replacing these three buildings with  
19 facilities that have all the amenities required for  
20 21<sup>st</sup> century education will cost approximately 300  
21 million dollars and the current capital... and the  
22 current SCA capital plan does not include funding for  
23 an investment of this size but we have found a  
24 partner in Avalon Bay, a real estate developer with a  
25 proven track record that is ready, willing, and able

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2 to make such an investment in our public schools.  
3 Over the last several years ECF has engaged with  
4 Speaker Mark-Viverito staff, Borough President Brewer  
5 and other elected officials, New York City agencies,  
6 Community Board 11 and Community stakeholders to  
7 address the community's specific requests for any  
8 proposed project. Those requests included new East  
9 Harlem schools, significant permanent affordable  
10 housing, economic development, job training and  
11 employment opportunity for East Harlem residents.  
12 With this project ECF and Avalon Bay can together  
13 achieve these goals. Avalon Bay proposed us to build  
14 development that will include the three new high  
15 school facilities, over 1,000 rental apartments with  
16 30 percent of those units being permanently  
17 affordable, ground floor retail that supports the  
18 neighborhood and the rehabilitation of Marx Brothers  
19 Playground. This proposal at... is a tremendous step  
20 forward for East Harlem High Schools while also  
21 providing other significant public amenities. My  
22 colleagues at Avalon Bay will provide more detailed  
23 information on the project but first I want to  
24 address the rehabilitation of Marx Brothers  
25 Playground. The Marx Brothers Playground was opened

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2 in 1947 as a jointly operated playground for the  
3 youth of the then Machine and Metal Trades High  
4 School which is now Coop Tech. JOP's jointly operated  
5 playgrounds were established to assist both the  
6 Department of Education and the Parks Department to  
7 meet their mutual goals of providing playground space  
8 to students and also neighboring communities where  
9 playgrounds were not being utilized by the adjacent  
10 schools. Currently there are more than 250 JOP's  
11 throughout the five boroughs. Historically in the  
12 case of Marx Brothers Playground schools have used  
13 the... have use of the athletic fields until four p.m.  
14 on weekdays during the school year and the children's  
15 play area is open to the public all day. Under the  
16 JOP model the playground is operated by the school  
17 during school hours and by the Parks Department after  
18 school and weekends. The Marx Brothers Playground  
19 has... as I said has been a JOP since 1947 and is  
20 always... has always been held in the jurisdiction of  
21 the Department of Education. At the moment, it's also  
22 held jointly with the Department of Citywide  
23 Administrative Services. It's always been located  
24 within a designated zoning district and has generated  
25 floor area. In 2004 the Marx Brothers Playground was

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2 alienated by the state legislature to allow staging  
3 for the MTA's Second Avenue subway construction.  
4 While, while legislation is not typically needed for  
5 JOP's this 2000... this alienation... I'm sorry, while  
6 legislation is not typically needed for JOP's this  
7 2017 alienation legislation was necessary because the  
8 2004 legislation incorrectly identified the  
9 playground as parkland although it is neither mapped  
10 as park land nor in the jurisdiction of the Parks  
11 Department. After passage of a Home Rule Resolution  
12 by this council the state legislature approved the  
13 alienation legislation on June 21<sup>st</sup>, 2017. The  
14 alienation legislation also allows the city to convey  
15 the block including the Marx Brothers Playground to  
16 ECF which release a portion of the site for Avalon  
17 Bay for residential and retail uses and a portion of  
18 the site to DOE for the schools. The balance of the  
19 site will be developed as a replacement playground  
20 which will again be operated by the DOE and the Parks  
21 Department as a jointly operated playground but not  
22 mapped as parkland. Additionally, in keeping with  
23 state alienation requirements the city of New York  
24 will dedicate an equal amount or... equal amount to or  
25 greater than the fair market value of the parkland

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2 being discontinued toward the acquisition of new  
3 parkland or towards capital improvements to existing  
4 parkland and recreational facilities within the  
5 borough of Manhattan. We've been working very closely  
6 with the Parks Department to ensure that the new  
7 playground meets the needs of the schools and the  
8 broader community. We continue to work with the  
9 community to address their concerns regarding the  
10 playground closure during the construction period and  
11 our partners at Avalon Bay have committed to  
12 assisting with the rehabilitation of nearby Stanley  
13 Isaacs Park. I'm joined today by colleagues from the  
14 Parks Department who can answer any playground  
15 related questions. ECF and the DOE are very  
16 enthusiastic about this project, this project  
17 provides an opportunity to build new schools in East  
18 Harlem while also meeting other important public  
19 needs and objectives including permanent affordable  
20 housing, community serving retail and local  
21 employment opportunities. Thank you for your time and  
22 I'd like to introduce Martin Piazzola, Senior Vice  
23 President at Avalon Bay who will speak further about  
24 these topics.



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MARTIN PIAZZOLA: Thank you Jennifer and good morning. My name is Martin Piazzola, I oversee development for Avalon Bay in New York City. As mentioned this development project encompasses an entire city block with the Coop Tech School occupying the Eastern half of the block and the Marx Brothers Playground occupying the Western portion. The overall massing of the development is dictated by in large by the various and sizable community benefits. The phasing of the project is dictated by the needs to first build the replacement Coop Tech school which will be located along East 97<sup>th</sup> Street near 2<sup>nd</sup> Avenue. The size of the footprint of the new Coop Tech school is a function of the targeted overall size of 135,000 square feet coupled with the need to limit the height to nine floors. It should be noted that two of the school building lower floors extend under the residential building in order to help limit the overall height of the school building. Once the new expanded Coop Tech school is built and occupied the existing Coop Tech school building on the East side of the block can be demolished and work will then commence on the second school building. This second school building will accommodate the Heritage

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2 High School and Park East High School. The size of  
3 the second school building's footprint is a... is a  
4 function of three factors. The first being the  
5 various school uses including gymnasium, auditorium,  
6 library, cafeteria, etcetera. The second factor is  
7 the height of the building which is dictated by SCA  
8 requirements to limit travel distances to students.  
9 And the third factor is the targeted overall size of  
10 135,000 square feet. It is worth noting that the  
11 three newly built schools will exceed the size of the  
12 three existing school buildings by nearly 60 percent  
13 and will be the first newly built schools in East  
14 Harlem in 50 years as previously mentioned. A brand-  
15 new replacement playground will also be built to the  
16 same size and configuration of the existing  
17 playground and will once again occupy roughly one  
18 half of the entire block this time to be located  
19 midway between 1<sup>st</sup> and 2<sup>nd</sup> Avenue. This new eight-  
20 million-dollar playground with funding from Avalon  
21 Bay and ECF will replace the existing playground  
22 which hasn't seen any capital improvements in over 20  
23 years. Additionally, any resources made available  
24 once the MTA leaves the staging area are earmarked  
25 for the playground improvements. The newly

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2 constructed and upgraded playground will be operated  
3 as a JOP as it had before. Now the residential  
4 component will be built on the remaining parcel of  
5 land that is not occupied by the new playground and  
6 the two new schools. Would you change the slide? The  
7 residential building will consist of 63 stories  
8 totaling between 111,000 apartments designed with one  
9 entrance and one lobby on East 96<sup>th</sup> Street. Thirty  
10 percent of the units will be set aside for permanent  
11 affordable housing with one third of such affordable  
12 units targeted to households earning no more than 40  
13 percent of AMI. The rent for the approximately 100  
14 apartments in the 40 percent AMI ban would be between  
15 629 dollars per month and 938 dollars per month  
16 depending on the size of the apartment. The remaining  
17 200 or so affordable apartments would be set aside  
18 for households at or below 60 percent and 110 percent  
19 of AMI. Slide please, it... go back, back, back thank  
20 you. It is worth highlighting the fact that the  
21 proposed 30 percent affordability level exceeds the  
22 level required under M... Mandatory Inclusionary  
23 Housing known as MIH. Next slide please. The  
24 development will also include a retail component  
25 totaling roughly 20,000 square feet located on the

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2 ground level and the second level. Next slide. It is  
3 our intention to lease a portion of the second-floor  
4 retail space at a below market rate to one or more  
5 East Harlem retail operators. Next slide, one more.  
6 Now for the financing of this project. ECF and Avalon  
7 Bay will not tap into New York City capital dollars  
8 to finance this approximately 950-million-dollar  
9 project. The schools are estimated to cost roughly  
10 250 to 300 million, the affordable housing component  
11 is estimated at 192 million and the playground again  
12 is estimated at eight million for a total of roughly  
13 500 million dollars in community benefits. The other  
14 residential and retail components total roughly 450  
15 million. ECF will use ground lease payment and tax  
16 equivalency payment obligations documented in a  
17 ground lease with Avalon Bay to finance the cost of  
18 the two school buildings and we'll use the cash  
19 payments received under the ground lease agreement to  
20 fund the debt service of school facility bonds.  
21 Affectively all of the funding for the community  
22 benefits totaling roughly 500 million dollars is from  
23 private investment. The project does not qualify for  
24 HPD housing subsidies and again does not utilize any  
25 New York City capital funding. To make the project

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2 economically feasible given the sizeable level of  
3 community benefits being provided namely three new  
4 schools, a new 64,000 square foot playground, and a  
5 30 percent permanently affordable housing component  
6 the residential building has to be a certain size and  
7 given all of the site constraints described and  
8 dictated by the community benefits the residential  
9 component needs to be a certain height as well. In  
10 short for the project to be feasible the residential  
11 component must be the size and height as proposed. At  
12 this time, I would like to introduce John Vogel, Vice  
13 President of Avalon Bay who will speak further about  
14 the topic of local employment.

15 JOHN VOGEL: Thanks Marty. Good morning,  
16 I'm John Vogel from Avalon Bay Communities. I'll be  
17 speaking about the, the need for local employment  
18 opportunities within East Harlem. If you could  
19 advance two slides, that's it. Avalon Bay knows as a  
20 responsible developer that this issue is very  
21 important. Building permanent affordable housing,  
22 open space, and three new schools in East Harlem... in  
23 East Harlem are all very meaningful but we will have  
24 missed an opportunity if we don't simultaneously  
25 focus on how we can provide construction and

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2 permanent job opportunities to those members of the  
3 East Harlem community that are able to contribute to  
4 this effort. We will of, of course utilize existing  
5 city job placement infrastructure such as Hire NYC to  
6 connect jobs with those seeking jobs but we also want  
7 to go beyond that. With the Speaker's guidance and in  
8 an... in an effort to maximize local construction  
9 employment we have met with many local non-for-profit  
10 community based labor organizations including STRIVE,  
11 Positive Workforce and Youth Action, YouthBuild. Our  
12 goal is to develop partnerships with these  
13 organizations to develop, fund, and implement a local  
14 hiring plan which will include extensive outreach  
15 events and training opportunities. All jobs will be  
16 prevailing wage, this will consist of a mix of both  
17 union and non-union trades. Our local hiring goal  
18 will be 20 percent of the roughly 1,000 construction  
19 jobs. In addition, we expect that one third of the 32  
20 BJA union property maintenance jobs will be filled by  
21 members of the East Harlem community. Finally, our  
22 local WMBE contracting goal will be 20 percent. As  
23 our... as a final component of our employment  
24 initiative we are exploring opportunities to arrange  
25 internships with the many high school students that

1  
2 will be involved in this project certainly  
3 coordinating with Coop Tech students as they seek to  
4 transition into good paying construction jobs is a  
5 very natural fit as we expect to organize 30  
6 internships with Avalon Bay. Our construction manager  
7 still to be selected and with our subcontractors  
8 throughout this process. In addition, we expect there  
9 will be opportunities to match high school students  
10 with local employers including Metropolitan Hospital  
11 on 97<sup>th</sup> Street and others within East Harlem for non-  
12 construction roles. In summary and the last slide  
13 this project offers significant public benefits, the  
14 construction of a new bigger and better equipped  
15 school facility for Coop Tech, creation of a modern  
16 new school to house Heritage High School and Park  
17 East High School, 300 plus units of permanent  
18 affordable housing, the reconstruction and  
19 revitalization of Marx Brothers Playground, 30 plus  
20 internships for Coop Tech students with a developer  
21 and our contractors, quality job creation again  
22 paying prevailing wages, approximately 20,000 square  
23 feet of neighborhood serving retail, we will allow  
24 for the expansion of the cultural resources in East  
25 Harlem at the Julia De Burgos Latino Cultural Center,

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2 and the project is funded by ECF and the developer  
3 with no city capital funding. At this point I'd like  
4 to introduce Kevin McCarthy of Park East High School  
5 who will speak to his school's news.

6 KEVIN MCCARTHY: Morning...

7 COUNCIL MEMBER GENTILE: Just introduce...

8 [cross-talk]

9 KEVIN MCCARTHY: ..good morning.. [cross-  
10 talk]

11 COUNCIL MEMBER GENTILE: ..yourself  
12 please.

13 KEVIN MCCARTHY: My name is Kevin  
14 McCarthy and I'm the principal of Park East High  
15 School in East Harlem. I'm here on behalf of myself,  
16 the principals from the Heritage School and Coop Tech  
17 and our students and the families that we serve to  
18 implore you to approve this opportunity for our kids.  
19 Our schools work very hard to serve our students and  
20 their families under far than ideal circumstances. In  
21 each of our buildings we deal with conditions that  
22 limit our abilities to provide the kinds of learning  
23 experiences that our students deserve. Park East and  
24 Heritage are in converted spaces that were never  
25 designed to support instruction adequately. There is



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2 no outdoor space at all, we have no dedicated  
3 instructional spaces for physical education or art,  
4 we teach those classes in the cafeteria. Tiny, half  
5 sized classrooms that are designed to support 12  
6 students are used to teach 25. At Coop Tech, they  
7 struggle to meet the growing need for specialized  
8 instructional spaces to support their unique career  
9 and technical education classes and give our students  
10 a real-world skill set and level the playing field.  
11 These are but a few of the examples of the  
12 constraints that we live with every day in our  
13 current inadequate buildings. Our kids deserve  
14 better, they deserve the same opportunities afforded  
15 to kids in other parts of the city including the  
16 ability to be outdoors. Our kids are your kids, don't  
17 you all want the best for your kids? I know there are  
18 people that oppose this project for various reasons  
19 but those reasons against don't come close to the  
20 reasons for this project. As one of our students said  
21 at a community board meeting this gives us hope and  
22 opportunity, only through this project do we get this  
23 opportunity. Thank you for the opportunity to speak  
24 about this crucial issue, I implore you again to  
25 please approve this opportunity for our kids.

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COUNCIL MEMBER GENTILE: Does, does that complete the testimony of the panel, okay? Let me just mention for the record that we have been joined by Council Member Dan Garodnick and Council Member Andy King and we will begin with some questions from our Speaker, Melissa Mark-Viverito.

COUNCIL MEMBER MARK-VIVERITO: Thank you Council Member Gentile. So, thank you for the testimony, I, I know that the review process has already gone before the community board, has gone before the borough president and we're here now. There's been a lot, lot of conversations with all of you; Avalon, ECF, we as obviously have heard from the community and those of that are representatives of the community have been bringing a lot of the concerns to the table. So, I appreciate the level of engagement and... that, that we've been having on these matters to take into account concerns that have been raised by the community and to the Principal thank you so much for being here. I've been advocating very strongly for both Park East and for Heritage because of the substandard space they have, brought the Chancellor to both schools to really understand the limitations that they have. This has been an ongoing

1  
2 issue and challenge as something that the communities  
3 really concerned about that we do provide the best  
4 educational opportunities to our children  
5 particularly in schools that are performing well. And  
6 so, this is really a moment in time which is  
7 important so I know that the Chancellor has on her  
8 own separately also paid particular attention to some  
9 of the needs that both these schools have had. You  
10 mentioned some of the questions I had in your  
11 testimony but I do want to just reinforce it in terms  
12 of, of, of your response. Just to clarify and I know  
13 this is something that I mentioned when we voted on  
14 the resolution or the home rule for the park  
15 alienation. There is absolutely no space that is  
16 being lost in the park, correct, right... [cross-talk]

17 JENNIFER MALDONADO: Correct... [cross-  
18 talk]

19 COUNCIL MEMBER MARK-VIVERITO: ...they  
20 replaced 100 percent, in terms of the amount of open  
21 space available will be the same as it is now?

22 JENNIFER MALDONADO: A hundred percent...  
23 [cross-talk]

24 COUNCIL MEMBER MARK-VIVERITO: ...right...  
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JENNIFER MALDONADO: ...it actually includes also that piece that has been taken over by the MTA's 2<sup>nd</sup> Avenue staging as well so the entirety of the, the park, playground will be reconstituted and re-modernized.

COUNCIL MEMBER MARK-VIVERITO: Okay, so I... and then I want you to just explain again about the, the relationship that JOP in, in terms of community access to that playground and.. versus school access to that playground just in terms of, of.. detailing that a little bit further.

JENNIFER MALDONADO: Correct, so.. and I have some members of Parks.. the Parks Department here that can speak with much, much more technical ease than I can about the parks. The JOP functions during the day, the school hours in support of the schools. So, the JOP from eight to four p.m. are utilized by the schools and then after hours there, they're opened to the public, permitted through the Parks Department during the day, during the week, I believe on the weekends as well they're permitted through the Parks Department. So, anytime that the schools are not in session its open space for the community and

1  
2 there is specific permitting that goes through the  
3 Parks Department.

4 COUNCIL MEMBER MARK-VIVERITO: Are those  
5 the requirements that exist right now?

6 JENNIFER MALDONADO: Yes.

7 COUNCIL MEMBER MARK-VIVERITO: So, it'd  
8 be just following and mimicking..

9 JENNIFER MALDONADO: U-huh, it, it would  
10 maintain its JOP status and go right back to the  
11 permitting and the use of the schools. So, it would..  
12 it would return to use between eight and four by the  
13 schools and after school hours it would be maintained  
14 by the Parks Department.

15 COUNCIL MEMBER MARK-VIVERITO: Okay. In  
16 terms of the... this was mentioned, in terms of the  
17 phasing of the project... [cross-talk]

18 JENNIFER MALDONADO: Uh-huh... [cross-talk]

19 COUNCIL MEMBER MARK-VIVERITO: ...I think  
20 it was indicated... I'm not sure but I think the second  
21 testimony... the person who testified that the Coop  
22 Tech, the school would be built first?

23 JENNIFER MALDONADO: Correct.

24 COUNCIL MEMBER MARK-VIVERITO: Talk about  
25 the... [cross-talk]

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JENNIFER MALDONADO: The, the... [cross-talk]

COUNCIL MEMBER MARK-VIVERITO: ...phasing.

JENNIFER MALDONADO: The, the ECF mandate is that the Coop Tech has to stay operational until their new building is built. So, all the schools are actually operational until the new schools are built so Coop Tech will be built first on 91<sup>st</sup> Street... I'm sorry, on 97<sup>th</sup> Street and 2<sup>nd</sup> Avenue once that building is completed the current Coop Tech is demolished and then the two new school buildings will be built. So, there is no loss in instructional time for any of the schools.

COUNCIL MEMBER MARK-VIVERITO: So, all the schools get built first?

JENNIFER MALDONADO: Correct.

COUNCIL MEMBER MARK-VIVERITO: Okay and at what point is the playground, is the playground being structured at this time, restructured... [cross-talk]

JENNIFER MALDONADO: I think... [cross-talk]

COUNCIL MEMBER MARK-VIVERITO: ...at this time... [cross-talk]

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JENNIFER MALDONADO: ...so... I believe so, Correct? Yes.

MARTIN PIAZZOLA: Yeah, just one clarification, the... on the... while we're building the first building, the Coop Tech building the, the residential building will be built at roughly the same time, it's the same foundation, you have to build it together but the school clearly will be finished before the residential building and then we would build the second school building where the existing Coop Tech building currently stands.

COUNCIL MEMBER MARK-VIVERITO: Okay, what's the... if this is approved what is the time line for the full project?

JENNIFER MALDONADO: John, did you want to speak to it?

JOHN VOGEL: The, the, the full project time line is to open the Coop Tech school in 2021 to 2022 which is basically two to three years after we start and then we would start the second high schools at that point after the Coop Tech vacated and its similar to it's a two-and-a-half-year construction period for the second schools and then, you know

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while all that's going on the housing will be built simultaneously.

COUNCIL MEMBER MARK-VIVERITO: Okay, so open Coop Tech, the new facility, the new school building 2021?

JENNIFER MALDONADO: Correct.

COUNCIL MEMBER MARK-VIVERITO: Okay. And the second two schools?

JOHN VOGEL: 2023... [cross-talk]

COUNCIL MEMBER MARK-VIVERITO: ...by the end of... [cross-talk]

JENNIFER MALDONADO: 2023.

COUNCIL MEMBER MARK-VIVERITO: Okay, so then you... and again I know you alluded to this in your testimony but I just want to... because it is a question that I have and a question I'll keep asking. So, in terms of looking at the tower and looking at whether or not the design or the, the way you envision where the tower is going to be that could be adjusted, the idea of having residential floor plates above the school as a way of minimizing the height if you could speak to that?

MARTIN PIAZZOLA: Sure, so just to repeat in... under the current plan we actually have two



1  
2 school floors of the Coop Tech building under our...  
3 under the residential tower to start, you might be  
4 referencing some other studies that were done by some  
5 third parties as well as ourselves that showed  
6 residential tower on top of the second school  
7 building but the... meaning along 1<sup>st</sup> Avenue but the  
8 long and short of that is that it simply doesn't  
9 work... [cross-talk]

10 COUNCIL MEMBER MARK-VIVERITO: Yeah,  
11 obviously because it's on the other side of the...  
12 [cross-talk]

13 MARTIN PIAZZOLA: And... right, it doesn't...  
14 and, and, and it doesn't work in particular because  
15 it doesn't meet the goals of the school and the, the  
16 programming goals. In order to do that we'd have to  
17 expand the footprint which means the parkland.. or  
18 the, the playground would actually be minimized so...  
19 we'd have to take space away from the playground in  
20 order to make the footprint bigger for that type of  
21 arrangement with having residential on top of the  
22 second school building.

23 COUNCIL MEMBER MARK-VIVERITO: What is  
24 the height of the, the second school building where  
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the Heritage and Park East are, what's the height of that structure?

MARTIN PIAZZOLA: That's eight stories.

COUNCIL MEMBER MARK-VIVERITO: And was any of the scenarios of moving the park over towards 1<sup>st</sup> Avenue to accommodate the other buildings, maybe building the school facility of Park East and Heritage?

JENNIFER MALDONADO: One of.. one of the requirements and this, this actual diagram speaks to it extremely well, one of the requirements as we worked with the city agencies is the Parks Department specifically requested that the playground be moved mid-block so that it.. the school's bracketed the, the, the actual playground itself so that led to the playground being midblock. The City Planning Agency requested that the residential tower be located on the corner of 96<sup>th</sup> and 2<sup>nd</sup> Avenue to take advantage of the two wide avenues and streets so that left the configuration to be constructed as it is right now.

COUNCIL MEMBER MARK-VIVERITO: And those... again I'm just getting.. [cross-talk]

JENNIFER MALDONADO: Yep.

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COUNCIL MEMBER MARK-VIVERITO:

...information and we can move... [cross-talk]

JENNIFER MALDONADO: Uh-huh... [cross-talk]

COUNCIL MEMBER MARK-VIVERITO: And let me

ask additional questions after. Looking at the, the schools themselves, obviously one of the issues is the prior... you know prioritizing East Harlem students...

JENNIFER MALDONADO: Correct... [cross-talk]

COUNCIL MEMBER MARK-VIVERITO: ...if you could speak to that.

JENNIFER MALDONADO: So, we've continually had conversations with DOE, I know that they're looking at addressing what kind of priorities that they could guarantee for East Harlem students, I know that that's a conversation that... [cross-talk]

COUNCIL MEMBER MARK-VIVERITO: Uh-huh... [cross-talk]

JENNIFER MALDONADO: ...the Chancellor has had and I know with some certainty that they should be able to release the information about what they plan to do for that priority within the next two weeks. They're looking at it right now, they've

1  
2 assured me that within the next two weeks they'll  
3 have something.

4 COUNCIL MEMBER MARK-VIVERITO: Okay and  
5 then you spoke about the local hiring strategy of  
6 incorporating local stakeholders, you mentioned names  
7 so I, I know that that's a conversation that's really  
8 critically important... [cross-talk]

9 JENNIFER MALDONADO: Correct and it... and  
10 it continues every day, every week.

11 COUNCIL MEMBER MARK-VIVERITO: Okay,  
12 because I know we... I hear... I hear HireNYC and that  
13 always gives me a little bit of a pause... [cross-talk]

14 JENNIFER MALDONADO: I know... [cross-talk]

15 COUNCIL MEMBER MARK-VIVERITO: ...the focus  
16 is not necessarily very community focused, it's more...  
17 [cross-talk]

18 JENNIFER MALDONADO: Yes... [cross-talk]

19 COUNCIL MEMBER MARK-VIVERITO: ...citywide...  
20 [cross-talk]

21 JENNIFER MALDONADO: Yes... [cross-talk]

22 COUNCIL MEMBER MARK-VIVERITO: ...in just  
23 employment focus so our issue is advocating to make  
24 that our community benefits from those opportunities.  
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JENNIFER MALDONADO: Yes and we've heard the same thing and I think that's one of the reasons that we've wanted to work with community stakeholders, the ones that have been mentioned here but continue to find opportunities to work with community stakeholders and community organizations that really involve the community on a sort of ground floor level so I think that's a... we, we welcome any, any other suggestions, we continue to try to find other groups, these, these three or four that we've talked about obviously are the ones that are, are most dominant in that area but I think even smaller workforce opportunities is something that we're looking at, I don't know if John, do you have something... [cross-talk]

JOHN VOGEL: I would just... also, also on the affordable housing side we're also having conversations with local stakeholders about who could help us not only with the outreach and the marketing and the administration of the affordable housing programs whether it's Barrio's Operation Fightback or Hope Community or others but as well providing credit counseling so that people can be prepared, well

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prepared for the documentation required to qualify for this affordable housing.

COUNCIL MEMBER MARK-VIVERITO: Yeah and doing that obviously sooner rather than later...  
[cross-talk]

JENNIFER MALDONADO: Yes... [cross-talk]

COUNCIL MEMBER MARK-VIVERITO: Right...  
[cross-talk]

JENNIFER MALDONADO: ...yes... [cross-talk]

COUNCIL MEMBER MARK-VIVERITO: ...because these opportunities are important. And, and look, you know we... this is opening the, the review process first as a council so we're... I'm hoping to engage my constituents to hear more feedback... [cross-talk]

JENNIFER MALDONADO: Uh-huh... [cross-talk]

COUNCIL MEMBER MARK-VIVERITO: ...the height I know is an issue, the affordability levels, you know are... you know are in some cases continue to be an issue for me. Obviously, the level of community benefits and what the community would get in return...  
[cross-talk]

JENNIFER MALDONADO: Uh-huh... [cross-talk]

COUNCIL MEMBER MARK-VIVERITO: ...not taking into account some of the ancillary benefits

1  
2 like freeing up and taking Heritage out of, you know  
3 Julia Burgos Cultural Center really frees up that  
4 cultural center to be what it was envisioned to be  
5 and then that right now is being stunted because the  
6 school which is a space that just isn't... is not  
7 suitable for a high school is, is there. So, there's  
8 other ancillary but, but there's obviously real  
9 serious concerns. The last thing I want to just ask  
10 and I know there might... they might... some of my  
11 colleagues may have some additional questions. You've  
12 indicated several times in the testimony and we know  
13 that there is no capital allocation from the city,  
14 you indicated, you know HPD, this is not a project  
15 that will be eligible for HPD subsidies but how... was  
16 any scenario looked at where if there were to be some  
17 sort of capital investment from the city... [cross-  
18 talk]

19 JENNIFER MALDONADO: Uh-huh... [cross-talk]

20 COUNCIL MEMBER MARK-VIVERITO: ...in what  
21 ways that would alter the project whether it be going  
22 to, to deeper levels of affordability, whether it is...  
23 you know bringing down the, the scale and height of  
24 the building, if there were to be a commitment of  
25 capital dollars from the city of New York in what

1  
2 ways would that change the composition of this  
3 project to take into concerns some of the... to take  
4 into account some of these additional concerns that  
5 are being raised by the community?

6 MARTIN PIAZZOLA: Yeah, I... the, the short  
7 answer is that we would consider it, we'd have to  
8 know what, what those subsidies are and the level of  
9 them and how they come about. We'd be happy to work  
10 with the staff to consider those but as of right now  
11 without knowing that any exist there were no exact  
12 studies done.

13 COUNCIL MEMBER MARK-VIVERITO: Alright, I  
14 think... I think that's something that we should  
15 discuss further. So, those, those are some of my  
16 questions obviously if there's any additional  
17 questions from my colleagues and then we'll hear from  
18 the public but thank you.

19 JENNIFER MALDONADO: Thank you.

20 COUNCIL MEMBER GENTILE: Thank you Madame  
21 Speaker and we'll go now to questions from Council  
22 Member Ritchie Torres.

23 COUNCIL MEMBER TORRES: Thank you Mr.  
24 Chairman. So, I take it that the cross subsidy from  
25 the 700 market rate units is funding both the



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affordable housing and the educational facilities, is that...

MARTIN PIAZZOLA: Correct.

COUNCIL MEMBER TORRES: And obviously the opportunities for these long overdue capital investments in the educational facility sound exciting but if I heard you correctly there's, there's no room for compromise around height, you feel like you cannot go lower without jeopardizing the cross subsidy, is that...

MARTIN PIAZZOLA: That's correct.

COUNCIL MEMBER TORRES: Okay, what's, what's the value of the capital investment in the educational facilities?

JENNIFER MALDONADO: The educational facilities the construction cost for the educational facilities?

COUNCIL MEMBER TORRES: Yes.

JENNIFER MALDONADO: It's approximately 300 million and that's being paid, ECF loads bonds for the construction of the schools and those bonds are repaid through the rent and taxes paid by the developer for the... for the project.

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COUNCIL MEMBER TORRES: And for the affordability units what, what, what affordability levels are you reaching?

JOHN VOGEL: It's in the... page 18 of the deck that I think we distributed, it's 40 percent AMI at, you know the... 10 percent of the 30 percent that are affordable would be at 40 percent AMI, 15 percent would be at 16 percent AMI and five percent would be at 110 percent of AMI.

COUNCIL MEMBER TORRES: The lowest is 40?

JOHN VOGEL: The lowest is 40... [cross-talk]

COUNCIL MEMBER TORRES: And... [cross-talk]

JOHN VOGEL: ...because these, these are the MI... these are consistent with the MIH program, Mandatory Inclusionary Housing program affordability levels but the difference between this program and what might become, become before you at... in other applications is we're going above and beyond in terms of the number of units that would be produced so this is more affordable housing but at those requirements.

COUNCIL MEMBER TORRES: But given that these are luxury market rate units is 30 percent feasible?

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JENNIFER MALDONADO: It would be required... [cross-talk]

JOHN VOGEL: I'm not sure I understand the question.

COUNCIL MEMBER TORRES: Thirty percent AMI?

JOHN VOGEL: No, no... 30 percent AMI is not feasible, no.

COUNCIL MEMBER TORRES: Okay because of?

JOHN VOGEL: Because of the benefits that are... that are being paid for out of the, the program we have; the schools, the public open space and the affordable housing and we need to maintain the, the viability of the project.

COUNCIL MEMBER TORRES: And what about the nature of the construction, is it union, non-union?

JOHN VOGEL: It'll... the all prevailing wage, it'll be a mix of union and non-union we expect.

COUNCIL MEMBER TORRES: And what about the building maintenance?

JOHN VOGEL: The, the building maintenance is going to be 32 BJA union.

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COUNCIL MEMBER TORRES: 32 BJA, okay. Is this project exempt from MIH?

JOHN VOGEL: No, it is... it is under be... it is being... [cross-talk]

COUNCIL MEMBER TORRES: Its subject to the requirements of... okay. That's the extent of my questioning, thank you.

COUNCIL MEMBER GENTILE: Okay, seeing no other questions we will dismiss this panel, thank you very much for being with us. We're going to pause in the hearing proceedings to... since we do have a quorum, do we have a quorum? Council Member Reynoso, you coming back? Yes, we do have a quorum, okay. We've been joined by Council Members Antonio Reynoso and Council Member Rafael Salamanca. So, we're going to take a, a, a brief pause in the hearing to vote on several applications that were laid over from our previous meeting. We will be voting on... we will be voting to approve LU 682 and 683, the Whitlock and 165<sup>th</sup> Street rezoning in Council Member Salamanca's district. This application is for a... [clears throat] excuse me... for a rezoning and text amendment to facilitate an affordable housing development and Council Member Salamanca supports the approval and I

1  
2 understand that Councilman Salamanca does have a  
3 statement to make.

4 COUNCIL MEMBER SALAMANCA: Thank you Mr.  
5 Chair. Good morning, today I am pleased to support  
6 1125 Whitlock Avenue which will bring over 470 units  
7 to my community in the Bronx. Since first hearing  
8 about this project I've been excited notably because  
9 it will replace what currently is a blight block of  
10 rundown garages and other light industrial businesses  
11 and buildings. So, needless to say new development is  
12 welcome here. However, I have worked diligently with  
13 our team here at the council, HPD and the development  
14 team to make this project one that works for our  
15 community with our specific needs in mind. As a  
16 result, I was able to successfully negotiate with all  
17 involved and today I'm happy to say that this project  
18 is one that will be built for the people of the South  
19 Bronx. As always, I fought for a wide mix of  
20 affordability including nearly 150 units at 40  
21 percent AMI or less including large units. With new  
22 HPD term sheets requiring a ten percent set aside for  
23 the formally homeless we ensure that these units were  
24 of larger sizes to provide for formally homeless  
25 families particularly with children. I was very

1  
2 adamant and as a result we were in conversations  
3 until late last night on ensuring a great... and... on  
4 ensuring as great of a commitment as possible  
5 regarding local hiring and WMBE outreach and as a  
6 result we have set a goal of at least 30 percent for  
7 subcontractors and laborers to force the community  
8 involvement. We were also able to attain a commitment  
9 on permanent jobs ensuring good paying jobs with  
10 benefits once the building is completed. With  
11 Whitlock being a semi major thoroughfare in the area  
12 we ensured that the developer was committed to  
13 conduction a traffic study to help minimize traffic  
14 issues during construction and once the project is  
15 completed we have ensured that there will be adequate  
16 safety and surveillance, publicly accessible open  
17 space, a new community mural, lighting, and  
18 sanitation. Mr. Chair with the approval of this  
19 project I'm proud to say that since taking office I  
20 have helped to shape or approve nearly 4,000 units of  
21 affordable housing for our community in the South  
22 Bronx and I look forward to continuing that progress  
23 in months to come, thank you.

24 COUNCIL MEMBER GENTILE: Thank you

25 Council Member Salamanca. We will also be voting to

1  
2 approve LU 684, the Lower Manhattan Plaza  
3 Applicability Text Amendment. This application would,  
4 would change the applicability of the Plaza bonus  
5 rules in Section 91-24 of the zoning resolution. This  
6 change would allow development sites in C6-4  
7 districts within 50 feet of a designated retail  
8 street to take advantage of the public plaza bonus  
9 provisions. Council Member Chin supports the approval  
10 and she did submit a statement that I will read into  
11 the record. After careful consideration review I  
12 write today to give my support for Application Number  
13 170286 ZRM, a text amendment intended to clarify  
14 Section 91-24A to allow a plaza bonus in the  
15 appropriate locations in the special Lower Manhattan  
16 district. The application will facilitate a new plaza  
17 in my district bringing more than 5,000 square feet  
18 of publicly accessible space in an increasingly  
19 residential financial district. The community board  
20 approved the application with condition and in  
21 furtherance of these conditions the applicant has  
22 committed the following in writing to my office. One,  
23 a briefing, briefing the community board and my  
24 office on the plaza design prior to certification by  
25 the Chair of the City Planning Commission. Two, that

1  
2 the new building owners will regularly and  
3 permanently maintain the plaza and three that the  
4 plaza will incorporate additional programming beyond  
5 what is required by the zoning resolution. Provided  
6 that this does not disturb neighborhood residents.  
7 This includes the potential for interactive art and  
8 other family friendly features. The application was  
9 also approved by the borough President and the City  
10 Planning Commission, the applicant still must return  
11 to the community board on July 18<sup>th</sup> and schedule a  
12 briefing with my office. Giving these commitments, I  
13 recommend that my colleagues vote in support of this  
14 application and it's signed sincerely Margaret S.  
15 Chin, Council Member district one, New York City  
16 Council. We will also be voting to approve LU 689,  
17 this section, section 93-122 of the text amendment.  
18 This application would change the zoning regulations  
19 applying to a development and site in sub area three  
20 of the Special Hudson Yards District. The, the change  
21 would allow for a building containing residences to  
22 be developed prior to the minimum amount of  
23 commercial floor area being developed for a zoning  
24 lot of at least 55,000 square feet but less than  
25 69,000 square feet. A portion of the zoning lot would



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be reserved for the mandated commercial space and Council Member Corey Johnson whose... in whose district it is supports this approval. Lastly, we will be voting to approve LU 690, the Bedford Arms Tax exemption. This application would provide a tax exemption for the... for 1350 Bedford Development that was approved at our last meeting and Council Member Cumbo whose district it's in supports this approval. Do we have any questions from the members of this subcommittee on these applications? Seeing none I will now call for a vote on LU 682, 683, 684, 689, and 690. Council please call the role.

COMMITTEE CLERK HOLCOMB: Council Member Gentile?

COUNCIL MEMBER GENTILE: I vote aye on all.

COMMITTEE CLERK HOLCOMB: Council Member Garodnick?

COUNCIL MEMBER GARODNICK: Aye.

COMMITTEE CLERK HOLCOMB: Council Member Reynoso?

COUNCIL MEMBER REYNOSO: I vote aye.

COMMITTEE CLERK HOLCOMB: Council Member Torres?

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2 COUNCIL MEMBER TORRES: [off-mic] I vote  
3 aye.

4 COMMITTEE CLERK HOLCOMB: By a vote of  
5 four in the affirmative, zero negative and zero  
6 abstentions the land use items are approved and  
7 referred to the full Land Use Committee.

8 COUNCIL MEMBER GENTILE: Okay, thank you  
9 and now we'll continue with our hearing. Okay and  
10 this is on LU 700 through 703. Our next panel will be  
11 Mike Bradley from 32 BJ and Chris Widelo I believe  
12 from AARP. Okay. Okay, you may begin just introduce  
13 yourself before you speak.

14 RON WADE: Yes, good morning Council  
15 Member and members of the committee. My name is Ron  
16 Wade, I'm a resident of East Harlem and a local 32  
17 BJ. I'm here representing on behalf of 70,000  
18 building service workers represented by 32 BJ in New  
19 York City including over 1,200 members who live in  
20 East, East Harlem and over 700 members who work in  
21 the neighborhoods. 32 BJ members clean, maintain and  
22 provide concierge and security services in schools,  
23 offices, and residential buildings throughout the  
24 city including at projects like the proposed  
25 development at East 96<sup>th</sup> Street. We are here today

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because this is an important project that will bring much needed benefits to the community. Among those benefits are good jobs for local residents. The East 96<sup>th</sup> Street project would generate approximately 40 permanent building service jobs in the residential portion alone. These jobs will provide fair and sustainable wages and benefits to residents of East Harlem recruited throughout the local hiring program. Avalon Bay made a firm commitment that these will be good jobs that meet area standards. Thank you very much for your time. Thank you.

COUNCIL MEMBER GENTILE: Okay, let... let's just clarify here gentleman what is your, your name sir?

RON WADE: Ron Wade.

COUNCIL MEMBER GENTILE: Okay, are you on this project seven... [cross-talk]

RON WADE: Yes.

COUNCIL MEMBER GENTILE: You are, okay... [cross-talk]

RON WADE: Yeah.

COUNCIL MEMBER GENTILE: Right. Okay, that's the Baychester Project come back on that one, alright? Okay, we just want to clarify. Alright, any

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questions? Okay, question... you got any questions?  
Okay, thank you. Next panel. Okay, our next panel on,  
on LU 700 to 703 will be Caroline Harris from  
Carnegie Hill Neighbors, Diego Berberana, George  
James, Geoffrey Croft I believe and Lo van der Valk  
from Carnegie Hill Neighbors.

CAROLINE HARRIS: Good morning I'm...  
[cross-talk]

COUNCIL MEMBER GENTILE: Hold, hold on  
one minute, let's, let's get set up first. Okay,  
everybody in place? Okay, you may begin.

CAROLINE HARRIS: Thank you, good  
morning. I'm Caroline Harris, a partner at Goldman  
Harris, I represent Carnegie Hill Neighbors and we're  
opposing this application. I am a zoning attorney and  
so my focus is on the zoning issues here. We believe  
the subcommittee... this subcommittee of all  
subcommittees should not allow the proposed  
circumvention of the zoning resolution even for a  
project proposed by the Speaker with its literally  
and figuratively lofty goals. Whether or not the Marx  
Brothers Playground is in a zoning district or as a  
mapped park it's clear that it's under the  
jurisdiction at least in part of the Department of

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2 Parks. Pursuant to Section 1210 of the Zoning  
3 Resolution it is the boundary of a block, the  
4 boundary of a zoning lot but may not be part of a  
5 zoning lot hence it has no development rights or  
6 floor area. The ECF clearly has... must agree with that  
7 because if it weren't a public park ECF would not  
8 have to seek its alienation from the state  
9 legislature in order to imbue it with floor area that  
10 would then be conveyed to Avalon Bay yet state  
11 authorization for the disposition of the park, the  
12 alienation of the park is being sought. So, it's  
13 clearly a public park, its clearly not... does not have  
14 floor area now but it will be temporarily conveyed to  
15 ECF in order to suddenly magically give it floor  
16 area, this is audacious, its unheard of. When the  
17 park is then reconvened to the city without floor  
18 area it will again be the boundary of a zoning lot  
19 and Avalon Bay's building would become non-compliant.  
20 DOB should not be allowed to approve that subdivision  
21 under the zoning resolution so the whole legal  
22 construct for this project is deeply flawed  
23 fundamentally breaches the zoning resolution in at  
24 least two ways. These are terrible precedence for all  
25 public parks and all jointly operated playgrounds.

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2 Being a jointly operated playground means it's under  
3 the jurisdiction of the Parks Department. The key  
4 issue here is that the program though very important  
5 and I don't mean to minimize the importance of having  
6 new modern educational facilities, it's just too  
7 large. ECF should rethink the goals, at no time have  
8 the goals of this project been rethought. It had  
9 started as a project with one school instantly very  
10 soon became a project with three schools and since  
11 that time there has been no thought to reassessing  
12 the goals of three schools. Reducing the number of  
13 schools and the amount of floor area needed to, to  
14 support them would be a, a... an appropriate  
15 investigation that has not been done. This  
16 subcommittee should not approve the project without a  
17 serious reconsideration of the goals of the project  
18 and a more creative solution of meeting East Harlem's  
19 obviously important need to build new educational  
20 facilities and to serve the Burges Latino Cultural  
21 Center. Thank you.

22 DIEGO BERBERANA: Hello. Hello, okay...

23 [cross-talk]

24 CAROLINE HARRIS: You're on.  
25

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2 DIEGO BERBERANA: My name is Diego  
3 Berberana, I don't represent anyone but myself and my  
4 two kids. I live on 96<sup>th</sup> Street and 2<sup>nd</sup> Avenue. My  
5 first son was born in 2007, at that time the  
6 playground, Marx Brothers was demolished for the  
7 construction of 2<sup>nd</sup> Avenue subway. I was told and  
8 promised that once the construction of the subway was  
9 completed I'll have my playground back. I was hoping  
10 that... this was in 2012 when my kid was still like  
11 five, now he's ten and now we're not getting the  
12 playground we're getting these buildings. These  
13 buildings are going to take like six years to build.  
14 There's a soccer field that is now open but it's  
15 mainly used by older people which makes a kid..  
16 dangerous to be there because they're playing with,  
17 with a soccer ball. I've been asking and asking when  
18 is the park coming, when is the park coming as the  
19 subway was completed and it never happened until one  
20 day I seen google that Avalon Bay in, in the webpage  
21 says that they have this development and they're  
22 marketing at the Upper East Side. So, this made me  
23 look more into it and look into the zoning and see  
24 where the fraud is. Now the definition of fraud  
25 according to the dictionary is the act of deceiving

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2 and misrepresenting. City planning was presented with  
3 a manipulated zoning map that's current and the  
4 community board 11 was presented with a version of  
5 that also. This is not the current zoning map, it was  
6 a manipulated zoning map. You're being told  
7 everything that is good in the project but not  
8 everything that is bad. They are creating is a 20 FAR  
9 development. The park is going to be in the middle of  
10 two developments creating shadows all the time in the  
11 park. The only reason why the park is in the middle  
12 is to permit them light and ventilation for the  
13 buildings that are constructed. It's in reality a  
14 side yard or a rear yard. I have nothing more to say  
15 and I please will consider that you ask the  
16 questions, see the following things and stop this  
17 process and if they want to start it again they can  
18 start it again. Thank you.

19                   GEOFFREY CROFT: Good afternoon. My name  
20 is Geoffrey Croft and I'm the President of New York  
21 City Park Advocates. We ask that the city council  
22 deny the zoning changes being sought for this  
23 irresponsible project as currently proposed. The  
24 proposed legislation would allow the development of  
25 Marx Brothers Playground, a city owned park that



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2 occupies half of, of the block between 1<sup>st</sup> and 2<sup>nd</sup>  
3 Ave... Avenues and 96<sup>th</sup> and 97<sup>th</sup> Street. We strongly  
4 believe that the approval of this project raises  
5 significant legal and public policy issues. This  
6 action would temporarily assign the zoning rights for  
7 the public playground to ECF then transfer the newly  
8 generated development rights derived from the  
9 alienated park land to Avalon Bay, a private market  
10 rate and affordable developer for the construction of  
11 his massive 1.1 million square foot, 600... 760 foot  
12 above curb level tall building. After the alienation...  
13 but after the park land is alienated... after its  
14 developed the land between the buildings would then  
15 be legally returned for use as a public park. This  
16 would establish a terrible precedent. The alienation  
17 of a public park in order to generate development  
18 rights is a circumvention of the zoning resolutions  
19 regulations that preclude public parks from having  
20 development rights. The city has hundreds as what has  
21 been already represented here, the city has hundreds  
22 of jointly operated playgrounds, public play spaces  
23 the Parks Department shares with the Department of  
24 Education. this action would not only open up all  
25 existing JOP properties for non-park commercial

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2 purposes but the flood gates would also be opened for  
3 potential commercial development on all public  
4 parkland if this is approved. It is not a secret that  
5 the Educational Construction Fund would love to use  
6 parklands for these purposes. If passed there is  
7 nothing to prevent other city agencies from also  
8 attempting to develop our public parks for commercial  
9 purposes no matter how well intentioned the projects  
10 proport to be. Simply put alienating parkland in, in  
11 order to create zoning is a bad precedent and will  
12 have far reaching implications and misuse of the  
13 public trust doctrine. The alienation of the... this  
14 playground is not being done for park purposes. To  
15 the best of our knowledge the city has never before  
16 exercised its power to alienate an active public park  
17 for the direct benefit of a private market rate  
18 residential building or the indirect benefit of  
19 providing security for a bond issuance for  
20 construction of schools. If approved Avalon Bay will  
21 also be a reference for all future developers seeking  
22 a special permit for... or a zoning change. This will  
23 be able... this... they will be able to prove that the  
24 city not only accepts but encourages changing or  
25 creating a new zoning context with at least one

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2 building that is 700 feet, feet high. For more than  
3 60 years children of all ages have enjoyed the  
4 unfettered access to sunlight as a result of a corner  
5 location of this playground and adjacent open field.  
6 This proposed plan will destroy that. ECF is asking  
7 the city to permit the relocation of Marx Brothers  
8 Play, Playground 100 feet to the East on the same  
9 block to make room for the residential tower on 2<sup>nd</sup>  
10 Avenue. After this is completed if approved the, the  
11 community will get their park back in basically five  
12 years. The, the tower as the gentlemen has testified  
13 will block much of the sun from the playground of  
14 this heavily utilized park and field for most of the  
15 afternoon throughout the year degrading the park and  
16 the public's use. Alternative approaches must be  
17 considered. The desperate need for schools and  
18 affordable housing are two of the most pressing  
19 issues facing New York City. This issue is especially  
20 acute in East Harlem however one city block should  
21 not have to shoulder that enormous burden. as you are  
22 aware one school was originally proposed on the 96<sup>th</sup>  
23 Street side, this is now increased to three schools  
24 to accommodate 900 students in deference to City  
25 Council Speaker. This massive tower would be

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2 egregiously out of scale for the neighborhood and  
3 cause negative environmental impacts. As one city  
4 planning commissioner commented at the May hearing  
5 you can't even see the top of the building from the  
6 rendering that the city and the developer provided  
7 and that remains true today we have not seen from the  
8 floor perspective of, of that. Simply put this is  
9 midtown zoning in East Harlem and Yorkville. Thank  
10 you and, and just as... I want to go on the record and  
11 ECF repeated assertions that this is not parkland is  
12 legally extremely questionable.

13 LO VAN DER VALK: My name is Lo van der  
14 Valk, I'm President of Carnegie Hill Neighbors, a  
15 community organization that is... works for the  
16 betterment of our community, it's in the Upper East  
17 Side, it, it, it is close to the site but it does not  
18 touch the site. Our catchment area stops at 3<sup>rd</sup>  
19 Avenue and, and 90... 98<sup>th</sup> Street. We are... we are  
20 opposed to this project not because of its laudable  
21 goals which they are but because it, it violates not  
22 just zoning but it creates a very tall building and  
23 I, I have this handout that you have. The, the... it  
24 shows you the view from, from the five-borough bridge  
25 that this, this tower is the most visible structure

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2 in the Upper East Side from that vantage point. It's,  
3 its twice as tall as any of the neighboring buildings  
4 and it is the tallest building North... on the East  
5 side North of, of 60<sup>th</sup> Street and as, as you also  
6 look on the view on 96<sup>th</sup> Street it is... it is... it  
7 towers way above any other building on 96<sup>th</sup> Street.  
8 Most of those buildings are zoned R10, limited to ten  
9 feet and the one block that's not limited has a  
10 highest building being 400 feet, the Normandie Towers  
11 are not, not even 400 feet. So, this is... this  
12 building is only possible because, because this is a  
13 large project, you're going through ELURP where you  
14 are changing the zoning. The zoning for this block is  
15 limited in height to 210 feet, you are creating and  
16 giving permission to create a tower that is three  
17 times what would normally be permitted. I, I... we  
18 understand that this is a special project it deserves  
19 a taller building, we could under... we could live with  
20 something in the range of 450 but the, the height  
21 that you are seeking is, is too much. And while you  
22 have very many goals, very, very many laudable goals  
23 which includes affordable housing, it includes the  
24 two high schools, it includes the vocational school,  
25 and the restoration of the playground. At the same

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2 time, the project is being hemmed in because nothing,  
3 nothing can, can be moved because there's the claim  
4 that you can't put residential on top of the two high  
5 schools at 1<sup>st</sup> Avenue because if you do the, the  
6 foundation needs to be strengthened and the costs  
7 are, are, are exorbitant also the claim is you can't  
8 even fit the program without entering the play,  
9 playground by some 22 feet which is... which is  
10 prohibited. So, every place you move you try to make  
11 a change that could work it's impossible the way the  
12 project is defined. And I think that really leads to  
13 the fact that this project is over burdened with  
14 goals and, and probably if you eliminated one high  
15 school, I, I would hate to say that you could solve  
16 that problem, there may be other ways but I think  
17 that there should be a willingness to discuss this  
18 and to look at alternatives in a deeper way than has  
19 been done so far. That, that is the... that is the  
20 basic complaint that we have and, and I, I would hope  
21 that there would be a period of reconsideration  
22 because the train is moving very fast and it's worth...  
23 its worth... it's worth trying to solve the problem in  
24 a way that can be copied elsewhere but not in a way  
25 that stands out as a very sorry project in terms of

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2 zoning and the livable neighborhoods, remember this  
3 is a residential area while the building is a midtown  
4 tower. Thank you.

5 COUNCIL MEMBER TORRES: Thank you for  
6 your testimony. George James.

7 GEORGE JAMES: Hi, my name is George  
8 James, I'm a planner, I, I work often with Community  
9 Board 11 and Carnegie Hill Neighbors but here I am  
10 testifying on my own behalf. I think everyone agrees  
11 that new schools and affordable housing are great  
12 especially a new trade school, it's a fantastic,  
13 fantastic project. The problem and really the only  
14 problem with this and you've already heard many  
15 people say it is that parks are not zoned, they don't  
16 generate floor area. I'm not going to repeat that  
17 other than just saying that that is... that is the  
18 problem with this project. After the... after the park  
19 is given back to the city the result in development  
20 meaning the tower on 2<sup>nd</sup> Avenue is going to be 26  
21 FAR. Okay, what does that mean, 26, it's a number.  
22 The Empire State Building is 30 FAR, 432 Park Avenue,  
23 the building we all see on the skyline that has  
24 changed New York City's skyline is 14 FAR, this  
25 building will be 26 FAR after the park is given back

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2 to the city if we say that the parks don't generate  
3 floor area and parks have never generated floor area.  
4 They have never been used at development sites. This  
5 is... other than... other than when they're vacated and  
6 then given back, right, when they don't generate  
7 floor area and in this case, it's generating floor  
8 area to build this building, it could not be this  
9 large without parks generating floor area. Now you  
10 may say this is just 96<sup>th</sup> Street, its one project,  
11 you know we're going to make an exception but you  
12 know there is about 300 jointly operated playgrounds  
13 in New York City. So, the consequence of this  
14 decision of saying that jointly operated playgrounds  
15 aren't really parks, they generate floor area goes  
16 way beyond 96<sup>th</sup> Street and right now on Park Avenue  
17 Eugene McCabe play field, it's part of the Park  
18 Avenue rezoning, the community has asked repeatedly  
19 to carve it out, don't include the play field in the  
20 Park Avenue rezoning yet it's still there, R10. The  
21 city wants to rezone the play field R10 so that of  
22 course because it's a jointly operated playground and  
23 generates floor area, you know if you would have  
24 asked me a couple of years ago what I thought the  
25 next frontier of New York City residential housing



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2 was I would have said NYCHA projects, NYCHA estates  
3 because there's an enormous amount of unrealized  
4 floor area there. I would have never ever said that  
5 parkland was the next frontier for new, new  
6 development projects, I would have... it... because there  
7 were too many protections for it and so when this  
8 project came out I was kind of astounded by it and I  
9 was actually shocked but ultimately after realizing  
10 what's going on this is about how New York City is  
11 going to treat its parkland in the future. So, I urge  
12 you to vote no against this, thank you.

13 COUNCIL MEMBER TORRES: Thank you for  
14 your testimony. Do you have any question... okay, thank  
15 you. Are there any more members of the public who  
16 wish to testify, seeing none I will now close the  
17 public hearing on LU 700 through 703. Our next  
18 hearing will be for LU 694 through 699, the  
19 Baychester Square development. This is an application  
20 for a disposition of property, zoning, map amendment,  
21 a zoning text amendment, and three special permits  
22 for property located at the intersection of East Gun  
23 Hill Road and Edison Avenue. These approvals would  
24 facilitate the development of a large retail complex  
25 containing approximately 376,000 square feet in seven

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2 buildings and a 13 story 180-unit senior housing  
3 development. The zoning map amendment would establish  
4 a C4-3 district instead of the existing M1-1  
5 district. A disposition approval would permit the  
6 disposition of the property by DCAS to the developer,  
7 Gun Hill Square LLC. The text amendment would  
8 establish a mandatory inclusionary housing area on  
9 the property and permit physical culture  
10 establishments on the site. The three special permits  
11 would allow for the waiver of various zoning bulk  
12 signage and parking regulations. This application is  
13 located in Council Member King's district in the  
14 Bronx. I will now open the public hearing for LU 694  
15 through 699 and I will introduce the speakers. So,  
16 the next panel will consist of Lydia Downing from the  
17 Economic Development Corporation, Charles Gains from  
18 the New York City Economic Development Corporation,  
19 Robert Marino from New York City Transit, MTA,  
20 Charlie Samboy, the New York City Economic  
21 Development Corporation, Sara Tranter from Baychester  
22 Square. Thank you, you may proceed.

23 SARA TRANTER: Good morning Council  
24 Member Torres, Council Member King and the  
25 Subcommittee on Zoning and Franchises. My name is

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2 Sara Tranter, Senior Vice President at the New York  
3 City Economic Development Corporation. I'm joined by  
4 my colleagues and the Developer, MTA here today all  
5 of whom will be available to answer questions  
6 following our testimony. I'd like to start by  
7 thanking members of the subcommittee for providing us  
8 the opportunity to present the Baychester Square  
9 Redevelopment Project and appreciate your  
10 consideration for approval. At EDC, it is our mission  
11 to create shared prosperity across New York City's  
12 five boroughs by strengthening neighborhoods and  
13 growing good jobs. The proposed Baychester Square  
14 Project exemplifies this approach and achieves many  
15 of the core principles of our mission by providing  
16 necessary funds for the MTA's transit infrastructure  
17 investments in excess of 30 million dollars creating  
18 180 units of deeply affordable senior housing at or  
19 below 60 percent of AMI without city subsidy offering  
20 new retail options in a borough that has demonstrated  
21 strong consistent and growing demands and generating  
22 hundreds of new jobs in the Northeast Bronx with its  
23 participation in the city's Hire NYC program. In an  
24 effort to reduce operating cost associated with the  
25 MTA's real estate holding and generate critical funds

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2 for the MTA's capital needs EDC and the MTA jointly  
3 issued an open RFP for the acquisition and  
4 redevelopment of this 12.6-acre site which is  
5 currently vacant and underutilized. The RFP's  
6 development goals included maximizing revenue for the  
7 MTA Transit infrastructure investments, activating  
8 the site, and ensuring a financially and physically  
9 feasible project. As an aside I'd like to note that  
10 the Baychester Project follows the same model as the  
11 redevelopment of 707 East 211<sup>th</sup> Street, a former MTA  
12 Substation which is in the council district. EDC and  
13 the MTA collaborated on the disposition of East 211<sup>th</sup>  
14 Street and the site was subsequently remediated and  
15 rehabilitated to facilitate the expansion of a local  
16 small business and to create opportunities for local  
17 employment as well as to offer new retail, community  
18 facility and housing options in the neighborhood. The  
19 East 211<sup>th</sup> Street Project generated nearly half a  
20 million dollars in revenue to the MTA in support of  
21 their capital needs while simultaneously removing  
22 blight and having a positive impact on the  
23 surrounding community. Back to this application, in  
24 response to the RFP, EDC and MTA evaluated nearly one  
25 dozen proposals and following a competitive RFP

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2 process based on criteria outlined in the RFP, EDC  
3 and MTA ultimately executed a contract with Gun Hill  
4 Square LLC., a joint venture between Grid Properties  
5 and Gotham Organizations. Not only did their team  
6 meet all of the aforementioned goals but they also  
7 have tremendous experience developing a number of  
8 critically acclaimed retail projects including Harlem  
9 USA and DCUSA and have demonstrated a track record of  
10 working with the steadfast support of local residents  
11 and business leaders. Elected officials in the public  
12 sector they've exceeded construction and permanent  
13 local hiring goals and for this project have  
14 partnered with McQuesten, the WBE certified senior  
15 housing developer with many successful completed  
16 projects in the Bronx. Drew Greenwald, Principal of  
17 Grid Properties will provide an in-depth review of  
18 the proposed project but in short it will transform  
19 and reactivate the vacant site into a pedestrian  
20 oriented open air, urban shopping complex by  
21 introducing new retail options and bringing tax  
22 dollars back into the city creating 180 units of new  
23 senior affordable housing, offering access to a new  
24 business resource lab, providing free parking and  
25 creating 2.5 acres of publicly accessible outdoor

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2 open space. The 180 units of senior housing proposed  
3 for this site will be deeply affordable with 25  
4 percent of the units affordable to senior households  
5 earning 60 percent of AMI, 25 percent at 50 percent  
6 of AMI and 50 percent at units of 40 percent of AMI.  
7 Additionally, the rezoning of this site will trigger  
8 mandatory inclusionary housing calling for 30 percent  
9 of these units to be permanently affordable. As we  
10 all know the city of New York is in a housing  
11 affordability crisis and more specifically households  
12 on fixed incomes feel this burden the greatest.  
13 Recognizing this need, the administration allocated  
14 1.9 billion dollars this past budget cycle towards  
15 creating 5,000 additional units specifically for  
16 seniors in the coming years. It is our hope that this  
17 project helps to advance a matter of public policy of  
18 great importance to us. I would also like to call to  
19 attention the Bronx Community Board 12 and its  
20 adjoining districts 10 and 11 all have senior  
21 populations above the borough average of 11.4 to 12.2  
22 percent in CB12, 18.3 percent in CB10 and 13.3  
23 percent in CB11. In a report published by Live On New  
24 York in 2016 titled Through the Roof Waiting List for  
25 Senior Housing they found that 110,000 senior

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2 households citywide are on a waiting list on average  
3 seven years long with council district 12 having the  
4 second largest waiting list in the borough with 2,170  
5 awaiting an apartment. According to their metrics  
6 given a low response rate to their survey they  
7 believe that the wait list is actually more likely  
8 double at 4,300 seniors. This informative report and  
9 a growing senior population in this area only  
10 accentuates how much more important it is for us to  
11 deliver deeply affordable senior housing on this site  
12 at this moment in time. Finally, in addition to  
13 redeveloping a property that has been vacant for a  
14 better part of the century we cannot stress enough  
15 the fact that this project also provides much needed  
16 funds to the MTA with every dollar of the 30.5-  
17 million-dollar purchase price allocated towards MTA's  
18 capital plan. We are all very aware of the needs of  
19 the subway and transit system in New York City and we  
20 are excited that this project not only provides a  
21 great benefit to the community but also helps the MTA  
22 in its efforts to maintain our transit system. In  
23 conclusion, we ask the Subcommittee on Zoning and  
24 Franchises to approve this application to help  
25 support our shared goals of strengthening

1  
2 neighborhoods, growing jobs, and providing affordable  
3 senior housing all of which will contribute to the  
4 Northeast Bronx's continued vitality and vibrancy.  
5 Thank you for your time and consideration, we look  
6 forward to answering any questions you may have  
7 following the testimony. I will now turn it over to  
8 Robert Marino from the MTA to discuss their role in  
9 this project.

10 ROBERT MARINO: Good, good morning  
11 Council Members. I am Robert Marino, I'm acting Vice  
12 President of Government and Community Relations at  
13 MTA New York City Transit and I have a letter I'd  
14 like to read into the record from our acting  
15 president, Darryl Irick in support of the project.  
16 The letter is to the committee... Subcommittee Chair  
17 Donovan Richards which I will leave after we speak. I  
18 write in favor of the Baychester Square Uniform Land  
19 Review Procedure, ULURP Number CZ10218VMX submitted  
20 by the Department of Citywide Services, Citywide  
21 Administrative Services pursuant to Sections 197C of  
22 the New York City Charter for the disposition of one  
23 city owned property located on block 4804, part of  
24 lot 100 borough of the Bronx community board 12  
25 council district 12. The proposed Baychester Square



1  
2 Project with approximately 350 square feet of  
3 rentable commercial space, 180 units of affordable  
4 senior housing and a 40,000-square foot fitness  
5 center, 2.4 acres of open walkable space, a 4,000-  
6 square foot business resource center with a media lab  
7 and approximately 1,160 parking spaces is the... is  
8 before the Subcommittee on Zoning and Franchises  
9 today. The project site is owned by the city of New  
10 York and leased to New York City Transit under a  
11 masked lease, it was a former golf driving range  
12 adjacent to New York City Transit's Gun Hill bus  
13 depot facility in the Bronx that closed its doors for  
14 business at the height of the 2010 financial  
15 recession. The project is a result of a long-term  
16 collaboration between the city and the Metropolitan  
17 Transportation Authority and the culmination of the...  
18 of efforts by the public sector to invest in the all-  
19 important transportation infrastructure system. As  
20 you... as you know well the MTA provides essential mass  
21 transit services to the city and New York  
22 metropolitan region; MTA operates, maintains, and  
23 invests in the transportation system without which  
24 the city and the region cannot function and compete  
25 economically and effectively with other major cities

1  
2 around the globe. However, coming up with the  
3 necessary funding for the MTA's capital investments  
4 and improvements has always been an ongoing  
5 challenge. Seven years ago, in 2010 having  
6 repeatedly, repeatedly encouraged by elected  
7 officials who ask that the MTA seeks to maximum the  
8 value of its surplus properties, MTA began a  
9 collaboration with the city through the New York City  
10 Department of Citywide Administrative Services and  
11 the New York City Environmental Development... I'm  
12 sorry, Economic Development Corporation and the New  
13 York City Department of City Planning to evaluate  
14 MTA's entire portfolio of real estate assets owned by  
15 the city but operated by the MTA to mask the leased  
16 properties to determine which properties would be  
17 available to help fund the MTA's capital investment  
18 program. After an extensive search only seven  
19 properties were identified as, as surplus and made  
20 available for sale through New York City EDC. Out of  
21 the seven properties only two were expected to be of  
22 high value, Baychester Square is one such high value  
23 property given its 12-acre size, it's location on  
24 East Gun Hill Road close to the I-95 and Hutchinson  
25 River Parkway and its proximity to the Bay Plaza

1 Shopping Center on the other side of the interstate.  
2 Five years ago, in March of 2012, New York EDC  
3 released an RFP soliciting for submission of  
4 proposals for the Baychester Square site. The RFP  
5 generated a, a robust response and balance between  
6 MTA goals and city goals as follows. The MTA's goals  
7 of disposition in order to reduce costs associated  
8 with and derive maximum financial value from the  
9 property with the sale proceeds to be contributed by  
10 the city to the MTA's capital program and the city's  
11 goals were to restore the property to the city's tax  
12 rolls, reactivate underutilized property by fostering  
13 redevelopment, generate construction and permanent  
14 jobs and otherwise further the city's economic  
15 development objectives. MTA work closely with New  
16 York City EDC to ensure that the RFP process complied  
17 with and adhered to the requirements of the city's  
18 disposition rules and land use regulations and the  
19 selection criteria of the RFP. Gun Hill Square LLC,  
20 the sponsor of Baychester Square Project was selected  
21 because it proposed... it, it's proposal furthered the  
22 goals and objectives and met the criteria as set  
23 forth in the New York City EDC RFP which will  
24 contribute positively to the city, the MTA and to the  
25

1  
2 Baychester community of the Bronx. The Baychester  
3 Square site will return the underutilized property  
4 back to the city's tax rolls and result in  
5 productivity... productive economic use with a private  
6 investment of over 300 million dollars. The project  
7 will force the redevelopment and revitalize an  
8 important section of the Bronx, generate  
9 approximately 830 construction jobs and approximately  
10 1,200 permanent jobs and otherwise further the city's  
11 economic development objectives and goals. The local  
12 community will have 180 units of new affordable  
13 senior housing, creation of permanent jobs, business  
14 assistance and job training, job placement programs  
15 from the business resource center and media lab and  
16 the MTA will benefit financially from the sale of the  
17 property, 30, 30.5 million dollars to continue its  
18 vitally important transportation investments for the  
19 future of all New Yorkers. An example of the use of  
20 funds is the transit system... is the transit  
21 improvements the MTA is currently undertaking such as  
22 the 226.2-million-dollar signal upgrade at the Dyer  
23 Avenue, 5 Line Station in 2015, 2019 Capital Program  
24 in the Bronx among countless other critically  
25 essential, essential improvements throughout the

1  
2 transit system in the city. After seven long years  
3 germination, the project... currently the project is at  
4 the city council review stop of ULURP, it for  
5 whatever reason... if for whatever reason the project  
6 cannot be rezoned for the intended mix use from its  
7 current manufacturing zone the MTA will have no  
8 choice but to revert, revert the project site back to  
9 New York City transit usage in keeping with the  
10 original reason for the acquisition of the project  
11 site by the city on the MTA's behalf in the late  
12 1980's. Therefore, the MTA encourages the city  
13 council to approve the Baychester Square application  
14 since it was at the urging of elected officials long  
15 ago that the MTA started on the path of disposition  
16 of underutilized or surplus masked leased properties  
17 to assist in the funding of its capital plan. Thank  
18 you.

19 DREW GREENWALD: Good morning members of  
20 the council and the general public. I'm Drew  
21 Greenwald, one of the principals of Grid Properties.  
22 Grid Properties and the Gotham Organization as Sara  
23 mentioned are the primary developers behind the  
24 overall project in the McQuesten companies are the  
25 experts doing the, the senior affordable housing. I

1  
2 want to talk a little bit about our background so  
3 people can, can get comfort with the things that we  
4 say... that we do the things that we say. On the screen  
5 is a project called Harlem USA with a planning for  
6 which began in 1992, the building was finished in  
7 2000 so it's been up 17 years. We still own the  
8 project, we actually moved our offices, our corporate  
9 offices into the project 15 years ago, we've been  
10 very committed to the community from the beginning,  
11 we worked very closely, it was an eight year process  
12 till construction was completed and you can imagine  
13 that we had many hearings, people had many different  
14 ideas that got incorporated into the project, there  
15 were ideas that didn't but in the end of the day  
16 everybody is happy with what was done there and we  
17 invite, you know you to visit the project, to talk to  
18 community organizations that were involved in the  
19 project, it was a great collaboration, we repeated a  
20 similar type of thing in Washington DC in a project  
21 called DC, USA and basically we tried to do something  
22 that we think is both economically viable for the  
23 developer but delivers on the various goals that the  
24 community has and so in the case of Harlem USA we  
25 worked very closely with several community

1  
2 organizations primarily Harlem Commonwealth Council  
3 and... to, to... they identified for example... they work  
4 closely to identify the types of retailers that the  
5 community desired, they worked very closely for  
6 programs of, of job training and job readiness,  
7 worked closely with retailers to identify potential  
8 employees for the project. There were so many things  
9 that were done collaboratively throughout the process  
10 and that... it continues, you know what you... what you  
11 think is the way you want to do it in the beginning  
12 changes as you go through the process and as you own  
13 the building there are additional things that, you  
14 know tendencies change and others come in but  
15 throughout the whole thing we, we and the community  
16 organizations that have worked with us have  
17 encouraged retailers to be very active in the  
18 community whether they're supporting things like the,  
19 the Harlem Little League or other causes or arts  
20 organizations, you know whether events have been done  
21 that, that work with community organizations, we set  
22 aside space in the project 5,000... I'm sorry, about  
23 8,000 square feet for five years that was something  
24 called the Hip Hop Culture Center which Curtis  
25 Sherrod who is here can, can speak about it, we've

1  
2 enlisted him to get involved in one aspect of this  
3 project called the, the Business Resource Lab which  
4 I'll get into in a minute. The idea there was that  
5 almost 100,000 school aged children were put through  
6 this Hip Hop Culture Center with various programs  
7 that had kind of music as its backdrop to, you know  
8 provide them with various exposure and skills and  
9 things like that. We, we and the Harlem Commonwealth  
10 Council said we want to have... it's very important to  
11 have a book store on 125<sup>th</sup> Street and none of the,  
12 you know national retailers wanted to come. So, we  
13 went and scouted around the country to see if there  
14 were minority owned bookstores that would want to  
15 come to Harlem USA, we found a store in Denver,  
16 Colorado of all places and convinced the proprietor  
17 to, to open at the... at the project and gave them  
18 basically what amounted to zero rent for ten years to  
19 have this store. So, the... you know it's really a  
20 collaboration and we really encourage you whether its  
21 Harlem or DC to, to, to research and find out that,  
22 you know we have been a very good and, and lasting  
23 community partner and its very important in a project  
24 like this because there has to be this trust that  
25 develops between the community and the development



1  
2 team that they're going to do what they say and one  
3 of the reasons we brought in the McQuesten Group to  
4 do the, the companies to do the, the senior housing  
5 is their record of success in the Bronx and Charlene  
6 will speak to that in a little bit, I'll ask her to  
7 come up, talk about her, her being on the opposite  
8 side of McQuesten as a community resident and then  
9 ultimately coming... going to work for McQuesten  
10 because she really liked what the company stood for.  
11 Talk a little bit about the site, almost everyone  
12 here I assume knows the site, recognize a lot of the  
13 faces. It used to be the old Golf Driving Range if  
14 you... if you drove up or down I-95 across from Coop  
15 City you would... you would see the driving range.  
16 Here, here is the site using the cursor, across from  
17 the site the Bay Plaza Mall and Shopping Center, Home  
18 Depot, the Aldi Shopping Center right over here next  
19 to Home Depot. What's, what's interesting  
20 characteristically of this site is that it's  
21 basically surrounded by roads and other retail, that  
22 really is a great destination for retail because of  
23 the... of the road network and its why there's a lot of  
24 retail there now, the retail there is very successful  
25 and it also... the, the, the site that's here is kind

1  
2 of the tooth that's missing when you look at sites  
3 like this around the country with this kind of  
4 density you see more retail than is currently at this  
5 particular destination. Other, other interesting  
6 features about the site, the site has... was mostly  
7 fill and is actually... you've got to go down to most  
8 parts of the site 150 to 170 feet to find suitable  
9 bearing material to put a building on. So, what that  
10 means is its very hard to do anything more than about  
11 a two-story building but what is very interesting  
12 that we found out in the process of looking at how we  
13 could put affordable housing into the mix when, when  
14 the idea first, you know came out of community  
15 discussions, a corner of the site that is right over  
16 here actually has rock at 25 feet below the surface  
17 so that location is extremely conducive to a building  
18 of more than say the two stories. The other problem  
19 on this site is that the water is very high and early  
20 ideas of trying to somehow place parking below grade  
21 didn't work because the water table is too high. Now  
22 I'll talk a little bit about the, the planning  
23 process. From the very beginning... when we first  
24 looked at this RFP we, we had been looking at retail  
25 opportunities in this part of the Bronx because all

1  
2 studies had shown that almost two billion dollars of  
3 retail sales is lost to lower Westchester which means  
4 that residents, you know choose to spend the dollars  
5 elsewhere because in some cases the opportunities are  
6 not as complete as they want in their... in their local  
7 area. And so the... while you have a complete offering  
8 or... of stores in the mall, of a, a big box and Home  
9 Depo what's missing and what people leave and go to  
10 Westchester for is what they call a lifestyle, center  
11 lifestyle environment where people get out of their  
12 cars and they walk around, they, they, they dine,  
13 they do a lot of things beyond just jumping in and  
14 out of their car and buying something and so those  
15 projects like Ridge Hill attract people from the  
16 Northeast Bronx because such an opportunity doesn't  
17 exist. Now if we... I go back to what I said before if  
18 you look at other projects around the country you  
19 tend to have a regional mall, you intend to have  
20 lifestyle across from it, you have your big box, this  
21 is sort of got that tooth that's missing and our idea  
22 here when we realized what the... that there was unmet  
23 demand we responded to the RFP and looked to create  
24 really a sense of place around which, you know you,  
25 you have this sort of mini urban village. Here's the

1  
2 site plan which as you can see our idea was a bunch  
3 of, of, of mini blocks around outdoor open space with  
4 the parking ring around the outside placing the  
5 senior housing as I mentioned along Gun Hill where  
6 the subsurface conditions are ideal for it, placing  
7 some other retail here to draw people in and what's  
8 interesting to note here is that the... on this site  
9 the housing represents a third of the floor area of  
10 the site, the retail represents two thirds, when you  
11 look at the plan it looks like there's more retail  
12 because the retail is only two levels and the... and  
13 the housing is 14 levels. So, in this plan you have  
14 one third, you have two thirds. What's also  
15 interesting is the amount of open space that's  
16 walkable and landscaped and that doesn't include any  
17 of this open space that's parking, the actual amount  
18 of usable open space by people is 2.4 acres, okay,  
19 that represents about half of the amount of area  
20 that's actually covered by building. So, it's a... it's  
21 an interesting, you know ratio which is a lot greater  
22 than, than, you know most, most, most... you see in  
23 most projects. I also want to point out here that  
24 because you... the project's set up in a way that when  
25 you come off of I-95 you can go right in the project,

1  
2 you can come off of 95 this way and go in so we took  
3 advantage of the... of the road networks to not create  
4 circulating traffic within the neighborhood and  
5 within the project. The parking is set up in such a  
6 way that wherever you park it's an easy walk to the  
7 rest of the project because we want to encourage you  
8 to go in and out of all these public spaces, there's  
9 a... you know fountains at either end here. To give you  
10 an idea of scale this space is 100 by 100, its 10,000  
11 square feet that's bigger than this room so... it...  
12 there's a lot of, of different public spaces within  
13 the... within the project and of course, you know  
14 lining here will be, you know outdoor cafés and  
15 things like that as, as people, you know make their  
16 way through the project. The project itself benefits  
17 from having two signalized intersections that exist  
18 to get in, it has a... another entry from Edson, it has  
19 four ways out, it has ample culling within the  
20 project, it has a very efficient ring road that  
21 distributes you throughout the project. Again, the  
22 idea is to bring pedestrian focus shopping together  
23 with healthy dining, fitness and education and health  
24 care uses, I'm going to get into this a little later  
25 but this process started and it was only retail and

1  
2 then we had our first meetings with community  
3 representatives and senior housing and then the  
4 senior housing grew and then we had meetings with,  
5 you know Council Member King, with borough president,  
6 with others and different ideas started to work their  
7 way into the project. So, if you see here in this  
8 rendering this level for example above the retail  
9 this is where you would have educational, fitness, or  
10 you know health care type uses above the retail to  
11 meet some of the needs that had been articulated in  
12 the back and forth that we've had in, in meetings and  
13 discussions with the community. Of course, the big,  
14 big piece of the project one third as I mentioned is  
15 the senior affordable apartments. This is a view of  
16 the entry park in front along the corner of Gun Hill  
17 and the entry to the project. The projects actually  
18 framed by the entry of the house... the housing and,  
19 and some small retail on the other side. The, the  
20 thing that was very important to us is that McQuesten  
21 and that's one of the reasons we went with them is  
22 we, we work with really strong architects because our  
23 projects quality matters, we won awards for almost  
24 all the projects and we wanted the same from the  
25 affordable housing and Gluck Plus which... if anyone's

1  
2 familiar with the new tennis center and educational  
3 facility in Katonah that's designed by Gluck Plus,  
4 McQuesten's using them for this project and as you  
5 can see this doesn't look like your typical every  
6 floor's the same senior housing project, they are  
7 very much into their affordable housing looking like  
8 market rate type of projects. Very... this is that... the  
9 corner here where I'm... where the rendering shows you  
10 this... how much outdoor space there is associated with  
11 the senior housing, there's an entire back area of  
12 outdoor open space and in additionally there is a  
13 bunch of communal spaces on the grade levels for all  
14 the senior residents, there's easy access to parking  
15 for the senior residents at the bottom of... an indoor  
16 facility is part of the project. The other thing is  
17 they can walk... you know on these sidewalks, really  
18 don't... not crossing an intersection to get from the  
19 project to walk around and enjoy the project so for  
20 senior residents the ability to have the project and  
21 its open space immediately adjacent to them is we  
22 think a great amenity. The other types of amenities  
23 that, that McQuesten has put in for example there's...  
24 at the stepped roof areas that you saw in the other  
25 pictures there's outdoor terrace areas that have

1  
2 laundry rooms that are on the outdoor terraces so  
3 this is a... you know very high quality approach and  
4 what's really important is 100 percent of the units  
5 are affordable, MIH is being applicable here because  
6 of the rezoning which means that 30 percent are, are  
7 affordable for ever but, but 100 percent are  
8 affordable and as you can see its pretty deep  
9 affordability at 50 percent of 40 percent of AMI and  
10 etcetera, etcetera. Just another view of the.. of the  
11 retail and of our... of the design approach to the  
12 project is the transparency of all facades that  
13 wherever you are in the project you're looking at...  
14 you're looking at storefronts. The project will have  
15 free indoor and outdoor parking and free bicycle  
16 parking. This is a view of the senior housing next to  
17 the indoor parking facility and one of the retail  
18 building along Gun Hill. Very important goal that was  
19 stated in the beginning of the project was, you know  
20 environmental sustainability, it was a goal stated by  
21 community residents who were concerned about the  
22 health issues in the Bronx also by EDC and so, you  
23 know we'll be going for LEED Silver Certification,  
24 what this is, is actually a green wall with water and  
25 other features that is between the garage and the



1  
2 outdoor senior space that I... that I had shown you on  
3 the site plan. Just another view along Gun Hill Road,  
4 the facing Gun Hill of the retail, the quality of the  
5 architecture very important, something we learned in  
6 Harlem is that to make the project desirable to as  
7 many retail tenants as possible the quality of the  
8 building has to be as good as anything else there is  
9 anywhere else in the city and as mentioned before  
10 it's been approved by the community board, the  
11 borough president and City Planning Commission. Also  
12 the project is supported by the retail mall  
13 immediately across from our project and I bring that  
14 up not to just tout the, the support but they own  
15 about 1,000 malls or something like that around the  
16 country and they subscribed to the same notion we do  
17 which we've seen in Harlem and in Washington and  
18 that's that when you have a critical mass of retail  
19 and you add to it the area only becomes more  
20 desirable that it is actually better for all the  
21 merchants, it's better for the mall and the landlords  
22 and that's not something that necessarily that  
23 thought that comes naturally to everybody but I do  
24 want to bring it up here because I think that  
25 existing merchants will do much better once you fill

1  
2 out the type of choices that the resident has. And  
3 as, as Robert said and Sara said these are some of  
4 the benefits that are coming economic benefits that  
5 come from the project. The other thing is those  
6 retail dollars that are leaving, the city is  
7 capturing those dollars back which basically instead  
8 of the jobs and the sales tax going elsewhere there,  
9 they're coming back locally. A feature that I started  
10 to talk about was the... was the business resource lab  
11 when the Councilman King asked us is there  
12 possibility of there being kind of a higher paying  
13 executive jobs here, you know office park or anything  
14 like that and we looked at the high vacancy rate of  
15 office space for example at the Bay Plaza Mall, we  
16 looked at the fact there's no mass transit here, we  
17 looked at the size of the site, we said that's really  
18 not necessarily feasible but we understand the need  
19 to kind of add to the earning power of local  
20 residents so that a business resource center and I'd  
21 like to... if I can, can I call up Curtis to briefly  
22 talk about it?

23 COUNCIL MEMBER GREENFIELD: Sure.

24 DREW GREENWALD: This is Curtis Sherrod  
25 who I mentioned before had headed the Hip Hop Culture

1  
2 Center in our project at Harlem USA and he would be  
3 involved in the creation of this business resource  
4 lab so.. for you Curtis for two minutes.

5 CURTIS SHERROD: One, two got to see if  
6 the mic's on, mic check. Alright, good afternoon,  
7 how's everyone doing today? So, the business resource  
8 lab will actually be a resource to the community. As  
9 far as people who work... [cross-talk]

10 COUNCIL MEMBER GREENFIELD: Sir I  
11 apologize, do you mind just identifying yourself and  
12 your association with the... [cross-talk]

13 CURTIS SHERROD: Sure. My name is Curtis  
14 Sherrod..

15 COUNCIL MEMBER GREENFIELD: Okay..

16 CURTIS SHERROD: I am working with Grid  
17 Properties..

18 COUNCIL MEMBER GREENFIELD: Okay..

19 CURTIS SHERROD: My role will be to take  
20 care of the.. be the Executive Director of the  
21 Business Resource Lab.

22 COUNCIL MEMBER GREENFIELD: Okay and  
23 what's your current position Curtis?

24 CURTIS SHERROD: Currently I am President  
25 and CEO of All Things Traffic, we are an employment

1  
2 agency, we've been staffing and training and  
3 consulting for the past... since 2000. My roles have  
4 been at companies such as Feiser where I've placed  
5 over 300 people and have been the person who ran  
6 their marketing, their editorial, as well as their  
7 copy and proofreading departments for 12 years. I've  
8 placed over... I placed thousands of people and I  
9 trained people in order to get employment. Previously  
10 I worked at the Hip Hop Culture Center and I still do  
11 where we use hip hop to bring young people in and  
12 once we get them we teach economic literacy,  
13 political awareness, diet and nutrition, you can give  
14 us any subject matter and we will regurgitate it in a  
15 hip hop centric way to reinforce... [cross-talk]

16 COUNCIL MEMBER GREENFIELD: Got it...  
17 [cross-talk]

18 CURTIS SHERROD: ...what's being taught in  
19 the classroom.

20 COUNCIL MEMBER GREENFIELD: Thank you  
21 Curtis I just wanted to reflect for the record who  
22 you were that's all, thank... [cross-talk]

23 CURTIS SHERROD: Okay... [cross-talk]

24 COUNCIL MEMBER GREENFIELD: ...you... [cross-  
25 talk]

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CURTIS SHERROD: ...cool well... [cross-talk]

COUNCIL MEMBER GREENFIELD: Yes.

CURTIS SHERROD: Any questions you have for me I'm quite happy to, to answer for you. And so, at the Business Resource Center we're looking to be as I mentioned earlier a resource to the community. We want to be able if you are an employee in one of the stores and you want to upgrade yourself, you want to learn a new skill set, if you have hopes of being an entrepreneur we want to give you all the tools and resources that you need to take that route. We want to put in there a lot of activities that will be stimulating whereas right now there is a digital divide. For example, there's not a job you can get unless you are computer savvy and digital qualified. Even if you're a senior, if you want to get an Access-A-Ride it's so much easier to go online, everything they steer you is online but how do you maybe get training to learn how to do some of these things. We will have a radio facility there whereas if people want a community who will teach you how to be an on-air personality, we will teach you how to be an engineer and how to use the equipment and then you can do broadcasting from there, we will have a green

1  
2 screen studio so we will be broadcasting TV shows  
3 from there. We will take advantage of all the things  
4 that used to be cost prohibitive but because of  
5 technology has made affordable and has made easier to  
6 accomplish. We will have a 3-D printing press there  
7 so that we can teach young people how to take  
8 advantage of some of the things that they may not  
9 have access to now. So, we want to be a hub right  
10 there at Baychester Square whereas if you're a senior  
11 you can come there, if you can't get your grandson to  
12 help you get your TV set hooked up or get your laptop  
13 hooked up you can come to the center, we'll have  
14 someone take care of that for you. if you need  
15 someone to hook up your resume or teach you how to  
16 take a project from conception to end point in a  
17 timely and cost-effective manner we will do that for  
18 you and so I'm excited about the project because I've  
19 been doing work similar to this for years, I've been  
20 working with Grid Properties for a decade now and I  
21 look forward to putting our stamp at Baychester  
22 Square in the Bronx. Thank you.

23 COUNCIL MEMBER GREENFIELD: Thank you  
24 Curtis.

1  
2 DREW GREENWALD: I'm going to try to  
3 finish this up pretty quickly now. Zoning actions... I  
4 want to just point out that the site is an M zone  
5 right now, it's being rezoned to, you know to a C43  
6 zone but there, there's going to be a restrictive  
7 deck or there is that basically is limiting the FAR  
8 to what there is now. The reason for this change in  
9 the zoning is not... was not to give the developer  
10 extra floor area to build some big building as, as  
11 you heard in the previous hearing, the purpose was to  
12 allow the senior affordable housing because  
13 residential is not permitted in the M zone and to  
14 allow more flexibility in the retail mix because  
15 every retail use group is not permitted in an M zone  
16 so that was the real purpose of that as part of the  
17 zoning process a very, very detailed environmental  
18 impact statement, traffic studies were done to, to  
19 basically identify the mitigation member... met...  
20 measures that will have to be implemented during the  
21 process and I also should point out that once the  
22 project is up DOT and our, our traffic consultants  
23 study what the impact actually is to make any  
24 adjustments if needed because as people have probably  
25 heard before the DOT criteria are, you know very

1  
2 conservative and it may turn out to be that certain  
3 mitigation measures aren't needed at all, it's  
4 usually doubtful that more things are needed because  
5 of the conservative nature of the analysis. I want to  
6 just conclude by, by going back and reiterating in,  
7 in... the number of things that have been added to this  
8 project since the beginning because I think it's  
9 important for people to understand that. It started  
10 out there was no housing now it's a third of the  
11 total area of the project. The open space has greatly  
12 increased to this... to the 2.4 acres. Baychester  
13 Square there had been some concerns mentioned over  
14 time by different people, it's not going to be an  
15 outlet center it is deed restricted by the contract  
16 with EDC so that is something that there had been a  
17 concern about. The number of retail tenants has  
18 actually been reduced over time in discussions with  
19 Council Member King and others. Forty thousand square  
20 feet of space as I mentioned before is going to  
21 actually be devoted to medical, educational, or  
22 fitness uses and there will be some mechanism in the  
23 contract that, you know requires a certain period of  
24 time and effort and whatever it is to, to, to fulfill  
25 that. There will be smaller spaces for things like



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2 urgent care and specialty fitness uses. There will  
3 be... we... what we call a taste of the Bronx where local  
4 food merchants are, you know put together in a food  
5 hall that sort of has authentic Bronx food as opposed  
6 to kind of a whole bunch of national, you know food  
7 tenants. So, you know these are all things that have  
8 happened as a result of, of interaction with the  
9 community and with elected officials and these are  
10 things that we hope will continue to happen, people  
11 have been responding to the project's website and  
12 listing all these retailers that they want to see  
13 here that aren't here, people have been, you know  
14 putting down their names for information on the... you  
15 know the senior affordable housing, we'll be working  
16 with the community board on all of those types of  
17 things, they'll be involved with the housing lottery  
18 with McQuesten, they'll be involved in identifying  
19 perspective applicants for, for job opportunities,  
20 you know in, in, in Harlem. We exceeded all of the  
21 MBE, MWBE, local hiring, I think 90 percent of the  
22 employees now are local in the permanent basis so for  
23 the construction period we'll be... we'll be doing the  
24 same thing with the community. It's a process that  
25 is... you know while it started five years ago it's not

1  
2 even half way there and this process will go on and,  
3 you know we hope that you'll all be comfortable, you  
4 know working with our team and we encourage you to  
5 talk to people that have worked with us before  
6 because they'll tell you that we always, you know  
7 live up to what we say. Thank you and I've got a  
8 whole team for questions if you have them.

9 COUNCIL MEMBER GREENFIELD: Thank you, is  
10 Charlie again testifying from EDC?

11 CHARLIE SAMBOY: I'm available... I'm  
12 available for questions but I'm not providing any  
13 testimony.

14 COUNCIL MEMBER GREENFIELD: Okay, thank  
15 you very much. So, does that end the panel's  
16 testimony?

17 CHARLIE SAMBOY: Yes.

18 COUNCIL MEMBER GREENFIELD: Okay, great.  
19 Why don't I... why don't I start off... I see a  
20 representative here from the MTA, yes can you  
21 identify yourself for the record, is it Robert?

22 ROBERT MARINO: Yes Councilman. How are  
23 you?

24 COUNCIL MEMBER GREENFIELD: Could you  
25 just identify yourself for the record... [cross-talk]

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ROBERT MARINO: Sure, it's Robert Marino, Acting Vice President of Government Community Relations at New York City Transit.

COUNCIL MEMBER GREENFIELD: Thank you Bob. Let me ask you this question, so there's been some speculation about alternative uses for this property, has that been contemplated at all in terms of what kind of alternative uses... if for example if this wasn't successful what alternative uses you might be looking at for this particular parcel?

ROBERT MARINO: I actually just read a letter into the record and in that letter, I can tell you what it says. Let me... just one... [cross-talk]

COUNCIL MEMBER GREENFIELD: Give me the short version.

ROBERT MARINO: Sure... [cross-talk]

COUNCIL MEMBER GREENFIELD: Bob, thank you... [cross-talk]

ROBERT MARINO: ...usually what we do is when we have a, a, an extra piece of parcel or a vacant land we will look at our other agencies to see if there's a use for it, we will look internally to see if there's a use for that... for that land before,

1  
2 before we would go forward with any other type of  
3 public project.

4 COUNCIL MEMBER GREENFIELD: Okay, so you  
5 don't have any current possible... [cross-talk]

6 ROBERT MARINO: No but we would look for  
7 another... what I just said was we would, you know we,  
8 we would look at all our... survey our agencies and  
9 look for another transit use.

10 COUNCIL MEMBER GREENFIELD: Got it, okay,  
11 very good, thank you.

12 ROBERT MARINO: Thank you Councilman.

13 COUNCIL MEMBER GREENFIELD: So, once  
14 again just to be clear there's no other current  
15 alternatives on the table for this particular parcel,  
16 you would look for other possibilities but you don't  
17 have them right now?

18 ROBERT MARINO: [off-mic] We would look  
19 for other possibilities... If for some reason this  
20 ULURP didn't go through we, we would go and look... we  
21 would look at other possibilities.

22 COUNCIL MEMBER GREENFIELD: Got it, fair  
23 enough. Okay, I have a question for the developer,  
24 you mentioned that there was going to be Mandatory  
25 Inclusionary Housing on this site, is that correct?

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DREW GREENWALD: Yes.

COUNCIL MEMBER GREENFIELD: Okay but most, most of the site is in fact commercial, is that correct?

DREW GREENWALD: In the rezoning, yes.

COUNCIL MEMBER GREENFIELD: Okay, so therefore... once again I just want the folks who are either in the audience or who are at home to understand so essentially the Mandatory Inclusionary Housing wouldn't apply to the commercial piece it would just apply to the residential piece, is that correct?

DREW GREENWALD: Correct.

COUNCIL MEMBER GREENFIELD: Okay, so in total how many... how many residential units are, are you going to be building, having as affordable?

DREW GREENWALD: There's 180 units and its 100 percent affordable.

COUNCIL MEMBER GREENFIELD: Okay and how much square feet does that take up in total of the project?

DREW GREENWALD: Its one third of the total FAR, the project is taking up by the housing

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2 and two thirds by the retail and the total is about  
3 540,000 somewhere around there... [cross-talk]

4 COUNCIL MEMBER GREENFIELD: Okay, so it's  
5 around... [cross-talk]

6 DREW GREENWALD: ...as they are... [cross-  
7 talk]

8 COUNCIL MEMBER GREENFIELD: ...one third  
9 housing, two thirds retail, the rest is open space  
10 just to be clear, is that essentially... [cross-talk]

11 DREW GREENWALD: The open space and your  
12 parking.

13 COUNCIL MEMBER GREENFIELD: Open space  
14 and parking... [cross-talk]

15 DREW GREENWALD: ...which the parking,  
16 outdoor parking... we don't count the outdoor parking  
17 as open space as, as we describe it even though  
18 somebody would say it's open space, from a zoning  
19 perspective parking is open space but when I talk  
20 about 2.4 acres it's only the walkable usable open  
21 space in our presentation.

22 COUNCIL MEMBER GREENFIELD: No, once  
23 again I... it's not a criticism I'm just trying to...  
24 [cross-talk]

25 DREW GREENWALD: Yeah... [cross-talk]

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COUNCIL MEMBER GREENFIELD: ...once again this is very complicated for folks who have either taken out from their day and there's a lot of people who came here today and I want to thank them all for coming out and we appreciate that for the folks that are here, thank you, yes, yes... we ask if you don't mind we know you're very enthusiastic but here in the council we wave just for decorum purpose, if you're excided you can just wave, thank you very much. So, just for the purposes of the people that came out I just want them to understand the proposal, that's it, it's not a criticism... [cross-talk]

DREW GREENWALD: Yep, I understand...

[cross-talk]

COUNCIL MEMBER GREENFIELD: ...it's just an understanding so essentially of the space that you're actually building, right which is the... what we'll call the buildable space in terms of the structural space as opposed... [cross-talk]

DREW GREENWALD: Uh-huh... [cross-talk]

COUNCIL MEMBER GREENFIELD: ...to the open space and to the parking one third of that is going to be affordable housing and two thirds of that is going to be essentially... [cross-talk]

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DREW GREENWALD: Commercial, commercial...  
[cross-talk]

COUNCIL MEMBER GREENFIELD: ...retail...  
commercial retail space?

DREW GREENWALD: Yes.

COUNCIL MEMBER GREENFIELD: Okay, do you  
know what kind of tenants that you're planning on  
having in there, do you have any tenants already  
signed up or anything in contemplation of what kind  
of folks you expect to be utilizing this space, are  
we talking like big box or smaller stores like what  
sort of... [cross-talk]

DREW GREENWALD: No, I think we, we see  
a... an eclectic mix of stores from smaller to medium  
sized stores, we... [cross-talk]

COUNCIL MEMBER GREENFIELD: Is there  
anything in particular, do you have sort of like a  
sense of well we have a... we'll have an anchor store  
over here or we're expecting a big box or a smaller  
store, I'm just trying to get once again... [cross-  
talk]

DREW GREENWALD: No and, and I said  
we're... [cross-talk]



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COUNCIL MEMBER GREENFIELD: ...the purpose...  
I just want to be clear, the purpose for these questions is really just to inform the public and the public whose here and the viewing public at home just to get a better sense of what the project is actually going to look like so what do you think the project's going to look like in terms of the kind of stores, who many stores do you anticipate having, what kind of stores do yo think you're going to have, are they going to be larger stores, smaller stores just give us a little bit of a sense of what it is that you're looking to do over here.

DREW GREENWALD: Okay, the, the retail and I had the site plan up there before, it has basically, you know eight different elements that contain retail and the ground level is mostly much smaller stores, local national but small stores, combinations of restaurants and boutiques and things like that. On the second floor will be slightly larger stores because we have floor place up to 30,000 feet on the second floor so you could have a tenant that occupies, you know 30,000, you could have a tenant that occupies... two tenants that occupy 15,000 square feet, we think it will be an eclectic

1  
2 mix of all of the types of tenants that are not  
3 currently in the marketplace. If you were to make a  
4 list of the tenants not in the marketplace you'd get  
5 into the hundreds so... there's a broad range of  
6 tenants out there to serve the needs across a whole  
7 bunch of categories for residents of the community.

8 COUNCIL MEMBER GREENFIELD: And how many  
9 stores in total do you think there will be?

10 DREW GREENWALD: Probably somewhere  
11 between 40 and 50 stores is my guess.

12 COUNCIL MEMBER GREENFIELD: Forty and 50  
13 stores?

14 DREW GREENWALD: Yeah... [cross-talk]

15 COUNCIL MEMBER GREENFIELD: Okay... [cross-  
16 talk]

17 DREW GREENWALD: ...which would mean that...  
18 [cross-talk]

19 COUNCIL MEMBER GREENFIELD: ...so like a  
20 mix, can you tell me like 20 percent's going to be  
21 food or, or you know... [cross-talk]

22 DREW GREENWALD: I would think that we're  
23 going to have food about in... somewhere in the 30,000  
24 range, somewhere between 10 and 12 maybe 15 percent  
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of the tenancies will be what, what I would call healthy dining.

COUNCIL MEMBER GREENFIELD: Okay, I don't... by the way I think we can... every, everybody has a different definition of healthy dieting.

DREW GREENWALD: Well I'll tell you the definition is not a lot of fast food. I think that there a lot of concepts out there today and we've got them in other projects where there's a consciousness for, you know natural, organic, healthy, fresh, whatever you... however you want to call it, it's not the... [cross-talk]

COUNCIL MEMBER GREENFIELD: So, you won't have any fast food... [cross-talk]

DREW GREENWALD: Not your mother's... [cross-talk]

COUNCIL MEMBER GREENFIELD: So, you won't have any... [cross-talk]

DREW GREENWALD: ...McDonalds... [cross-talk]

COUNCIL MEMBER GREENFIELD: ...fast food stores; you won't have any Burger Kings, McDonalds, anything like that?

DREW GREENWALD: Unlikely and anything that you would call fast food wouldn't be your

1  
2 McDonalds, Burger King type of store. So, for example  
3 there are now tenants who are 100 percent organic  
4 that make salads that you would probably... maybe call  
5 fast food because you don't sit down but you take  
6 them out so, you know the, the categories and  
7 descriptions have been shifting a lot in retail.

8 COUNCIL MEMBER GREENFIELD: Okay, thank  
9 you very much. I think we're done with your panel  
10 and... [cross-talk]

11 DREW GREENWALD: Thank you... [cross-talk]

12 COUNCIL MEMBER GREENFIELD: ...we're going  
13 to ask the next panel if you don't mind we'll have  
14 some of you stick around just to listen to the  
15 questions and the comments I think that would be  
16 helpful as well, thank you very much.

17 CHAIRPERSON RICHARDS: Alright, good  
18 afternoon. We're going to start with the next panel  
19 Richard Bass, Bay Plaza Mall; Gerard Soffian, Bay  
20 Plaza Mall and Shopping Center; Robert Claeson, Bay  
21 Plaza Shopping Center. And each one of you will have  
22 two minutes, there will be two minutes on the clock  
23 for each person testifying. I want to thank my  
24 esteemed colleagues for holding the fort down  
25 fortunately the Mayor... fortunately the Mayor was in

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the district this morning so I was a little delayed in getting here. Alright, once you are ready you would just state your name for the record and then you may begin and I am... I'm just reminding you there are two minutes, we are putting two minutes on the clock.

RICHARD BASS: Good morning or... [cross-talk]

CHAIRPERSON RICHARDS: Alright, you may begin.

RICHARD BASS: Good afternoon as the case may be. I'm Richard Bass, Senior Planning and Development Consultant with Akerman LLP. I represent, represent the ownership of Bay Plaza Mall and Shopping Center. I'm speaking on their behalf in opposition to the land use item before you. These actions will facilitate the project known as Baychester Square at the MTA site at 1769-1771 East Gun Hill Road. This site is located three... just 300 feet from Bay Plaza directly across I-95. In 40 years of practice I have rarely opposed of... I proposed development but we are concerned that Baychester Square will harm Bay Plaza which has struggled, survived, and grown over the last three decades. The

1  
2 owners of Bay Plaza substantially invested in the  
3 Northeast Bronx at a time when no one else would  
4 starting with the construction of the Bay Plaza  
5 Shopping Center in 1988. Just three years ago in 2014  
6 they completed construction of the mall at Bay Plaza,  
7 the first ground up, indoor mall built in New York  
8 City in over 40 years. The mall attracted tenants  
9 that have never before located in the Bronx; H and M,  
10 Michael Kors to name just a few and added 2,000 more  
11 jobs and nearly 800,000 square feet of retail to the  
12 area. Currently Bay Plaza's source of over 5,000 jobs  
13 generates over 63 million annual real estate and  
14 sales tax and provides a valuable community resource.  
15 Despite its hard-earned success Bay Plaza is still 12  
16 percent vacant, approximately 200,000 square feet  
17 which is approximately half the size of the proposed  
18 retail development on the East side... on the West side  
19 of 95. As you probably know brick and mortar retail  
20 stores are struggling nationwide and this has been  
21 widely reported in newspapers and business  
22 publications. It is clear that the Baychester Square  
23 project can only succeed at the expense of Bay Plaza  
24 particularly if it is marketed as or it contains  
25 outlets. Given this we would have... we would have...

1  
2 oppose any retail use at the MTA's site but we... can I  
3 indulge you for one more minute I just... [cross-talk]

4 CHAIRPERSON RICHARDS: Sure... [cross-talk]

5 RICHARD BASS: ...have very specific  
6 suggestions. We're not looking to restrict  
7 competition but we would like the committee to focus  
8 on the following; record that language be inserted in  
9 EDC's contract with the developer that mandates  
10 restrictive declaration against the site containing  
11 the following restriction to be included on any C of  
12 O that no outlet store shall be permitted, that no  
13 retail uses at the site shall be marketed or  
14 advertised as outlets and that all leases including  
15 such prohibitions, require that proposed signage on  
16 the site comply with existing height and size  
17 regulations and prohibits the use of word outlet in  
18 all signage and require that the permitted floor area  
19 at the site be restricted to one FAR the same as our,  
20 our mall. We understand that one of the goals of the  
21 proposed project is to generate needed revenue for  
22 the MTA which is a valid policy consideration, it is  
23 however bad public policy to allow development at an  
24 unfair advantage that will harm existing businesses,  
25

1  
2 eliminate existing jobs and result in lower sales in  
3 real estate tax revenues. Thank you.

4 CHAIRPERSON RICHARDS: Thank you. There  
5 you go. Sir you may begin.

6 GERARD SOFFIAN: Yes, good afternoon...  
7 [cross-talk]

8 CHAIRPERSON RICHARDS: It should be lit  
9 up red.

10 GERARD SOFFIAN: Okay, got it. Good  
11 afternoon...

12 CHAIRPERSON RICHARDS: Good afternoon...

13 GERARD SOFFIAN: ..Chairperson Richards.  
14 My name is Gerard Soffian, I'm a Licensed  
15 Professional Engineer in the state of New York and,  
16 and also an Adjunct Professor at NYU Tandon School of  
17 Engineering. I've been engaged by the ownership of  
18 the Bay Plaza Mall and Shopping Center to serve as an  
19 independent reviewer of the information contained in  
20 the EIS for Baychester Square, I'm here today to  
21 offer comments that I believe warrant careful  
22 consideration before the subcommittee. Based on my  
23 review of data provided to me by the plaza shopping  
24 center and Sam Schwartz Engineering it is evident to  
25 me that the critical impacts to the project have been



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2 substantially underestimated. The effect of this  
3 shortcoming would be the likely adverse consequences  
4 on existing retail facilities in the project study  
5 area correctly defining the primary trade area for  
6 the project is a critical step in determining from  
7 where sales originate and the potential retail  
8 purchasing power of the area. The size of the trade  
9 area assumed in the EIS is based on identifying the  
10 location of those shoppers who could drive up to ten  
11 to 12 minutes to reach the project site.

12 Unfortunately, the EIS assume that greater travel  
13 distances could be achieved within the 10 to 12-  
14 minute period under current conditions of traffic  
15 congestion. A more reasonable primary trade area  
16 would be smaller and thus likely excluding Mount  
17 Vernon, Pelham and New Rochelle and Westchester and  
18 other outlying areas assumed in the EIS. A smaller  
19 primary trade area would affect the overall capture  
20 rate used to determine whether the primary trade area  
21 is currently saturated with retail uses and with more  
22 accurately disclosed to the extent to which any new  
23 retail facilities would challenge existing facilities  
24 and for customers. The business climate in the  
25 primary trade area for existing retail is more dire

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2 than portrayed in the EIS vacancy rate at the... at the  
3 Bay Plaza complex is actually ten percent compared to  
4 the four percent used in the EIS and I just want to  
5 mention, reiterate one of the problems if I may that  
6 the, the competition of retail sales at, at  
7 traditional brick and mortar stores from the intense  
8 pressure exerted by fast growing ecommerce, online  
9 shopping has grown substantially but unfortunately  
10 the secret technical manual does not exclusively  
11 require consideration of this emerging disruptive  
12 force in retailing. The large primary trade area  
13 considered in the EIS might have overdistributed  
14 vehicle trips, a geographically smaller area would  
15 concentrate project generated traffic which might  
16 result in increased traffic congestion at some  
17 locations beyond that identified in the EIS thank  
18 you.

19 CHAIRPERSON RICHARDS: Thank you.

20 BOB CLAESON: Good afternoon ladies and  
21 gentleman, my name is Bob Claeson and I'm a Real  
22 Estate Partner at Akerman. I, I have spent most of  
23 the last 40 years doing retail oriented projects, I  
24 represented tenants like Toys R Us and Seamans  
25 Furniture and those in all of the deals they did for

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2 years. I do... now do a much more substantial... [cross-  
3 talk]

4 CHAIRPERSON RICHARDS: Pull your mic just  
5 a little closer.

6 BOB CLAESON: Sure...

7 CHAIRPERSON RICHARDS: ...to you, thank  
8 you.

9 BOB CLAESON: I now spend much more of my  
10 time over the years doing outlet malls and the  
11 developer side of things, I've probably done four or  
12 five million dollars... four or five million square  
13 feet of, of, of retail on the developer side of which  
14 almost a couple of million had been outlet. My  
15 primary concern here and I think the, the... that...  
16 whereas Bay Plaza is doing a good job in surviving,  
17 it is still highly vulnerable and the type of  
18 traditional retail that is in Bay Plaza is unusual,  
19 you've got everything in there from traditional  
20 department stores to power centers to the more day to  
21 day shopper and the most vulnerable to something like  
22 an outlet mall are the traditional department stores.  
23 The traditional department stores are the anchors of  
24 that center and so if you damage those... the sales of  
25 those traditional department store you run the risk

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2 of their closing and the thing that hits most of the  
3 department stores the heaviest are outlet mall type  
4 of stores. There's no such thing as particularly an  
5 outlet mall center, they were outlet mall types of  
6 tenants that are all over the place, some of them  
7 call themselves outlets, some of them are  
8 manufacturers outlets, some of them are where the  
9 manufacturer does it, some of them are just selling  
10 things off price. The real trick is how you market  
11 it, if, if the center is marketed or it has the name  
12 in it such as Baychester Stores and Outlets you will  
13 immediately draw off the tenant, the, the customer  
14 from the traditional center into the outlet mall as  
15 it expects to get a better deal, the result is that  
16 you hurt the sales mostly of the traditional  
17 department stores and those are the ones that are at  
18 the risk, if they close they take the center with it.  
19 this center has 5,000 jobs, it's a stable center, you  
20 introduce a different type of a market, you can't say  
21 I'll not make it more than a third outlet, I can't  
22 make it more than 40 percent, it's how you market it,  
23 if you put it in the signage, if you advertise it  
24 that way, if you call it an outlet mall it will have  
25

1  
2 the impact that you don't want on the... on the region...  
3 on this center.

4 CHAIRPERSON RICHARDS: Thank you for your  
5 testimony and then can you just speak so you gave a  
6 few recommendations where those recommendations  
7 submitted to EDC or the city or...

8 RICHARD BASS: They've been shared with  
9 EDC, they were shared with the, the committee,  
10 currently we understand the applicant has made a  
11 proposal to restrict to 40 percent of the outlet, 40  
12 percent of the retail to outlets the same type of  
13 language could restrict it to zero outlets.

14 CHAIRPERSON RICHARDS: And you would  
15 prefer zero?

16 RICHARD BASS: We would prefer zero, you  
17 know the old, oldest expression if it, you know looks  
18 like a duck, quacks like a duck, it's a duck so if  
19 its viewed as an outlet mall it will harm the  
20 activity that's been going on for 30 years across the  
21 street.

22 CHAIRPERSON RICHARDS: Right and can you...  
23 what would be your... attribute the vacancy rates to in  
24 your... in your mall to just the market right now or...  
25 so, just go through that a little bit?

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RICHARD BASS: I, I can actually differ to the, the ownership if they want to speak to the, the vacancy rate but as you know retailers are struggling right now with competition with online so the brick and mortar stores are having difficulty so right now there's approximately 200,000 square feet vacant across the street... [cross-talk]

CHAIRPERSON RICHARDS: Now is that... is that retail space or office space?

RICHARD BASS: 50,000 is office, 150 is, is retail.

CHAIRPERSON RICHARDS: Okay and you would attribute the vacancy... the vacancies to the market?

RICHARD BASS: To the marketplace and also just building up this area. Again, this mall has grown organically... [cross-talk]

CHAIRPERSON RICHARDS: Uh-huh... [cross-talk]

RICHARD BASS: ...over the last 30 years, the RFP was actually issued two years before the, the interior mall was opened. I, I don't know if EDC was aware of that or took into account that but again there's only, you know so much you can slice the

1  
2 retail pie, we're concerned about, you know having an  
3 outlet competition.

4 CHAIRPERSON RICHARDS: Okay, thank you  
5 all for your testimony.

6 RICHARD BASS: Thank you.

7 BOB CLAESON: Thank you.

8 CHAIRPERSON RICHARDS: I'm going to go to  
9 Council Member King for a statement on this item as  
10 well and then following him... I'll, I'll call this  
11 panel up before he begins. Marian McCormick, Speaker  
12 for A Better Bronx; Mildred Gore, Speak Up for A  
13 Better Bronx; Leon Hall... Leon, Leone Hall, Speaker  
14 for A Better Bronx; Anita Marie Middleton, A Better  
15 Bronx; and Jose Colon, Speaker for A Better Bronx, if  
16 you can all come to the front if you're still here.  
17 If your name is called... was called you'll come up to  
18 the panel, so I'm going to say it again; Marian  
19 McCormick, Mildred Gove or Gov, Leone Hall, Anita  
20 Marie Middleton, and Jose Collin, is that everyone?  
21 Okay.

22 COUNCIL MEMBER KING: Well good afternoon  
23 Mr. Chair, family, community, 12<sup>th</sup> district  
24 residents, Bronx Community. First, I want to say  
25 thank you to everyone who came out today to share

1  
2 their concerns so we can hear your voices here at the  
3 council on behalf of what is being proposed on the  
4 MTA site on East Gun Hill Road. I would like to also  
5 add to the record that for the last five years I've  
6 heard your conversations with me whether it was  
7 walking down Gun Hill Road or going in the mall  
8 across the street from the site or in a grocery  
9 stores or just some of the community meetings that we  
10 had in regard to how do we improve the 12<sup>th</sup> district.  
11 And one of the ways we want to improve 12<sup>th</sup> districts  
12 at this site is making sure whatever was developed on  
13 or site was a compliment to what exists already in  
14 the neighborhood, I heard your concerns, I heard your  
15 voices and yes, you know this site has been vacant  
16 for over a decade now because the last developer  
17 didn't listen to the neighborhood and build a golf  
18 course that no one plays on. Well that's not going to  
19 be the goal on this development, we want to make sure  
20 that our voices are heard, we want to make sure  
21 whatever we get to develop there makes sense for us  
22 because why, we are the neighborhood who will be  
23 living there each and every day, we are the  
24 neighborhood who will have to deal with... there's... if,  
25 if there's excessive traffic or just the business of



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2 when you start building on 12 acres. So, I say all of  
3 that because I wanted to be real clear on the record  
4 for the past five years I've engaged in conversations  
5 with the MTA, the developer, EDC, the Mayor's Office  
6 to share your voices and let your voices be heard. As  
7 the same resident, I understand the plight that we  
8 are experiencing on the decisions that we have to  
9 make. So, I want to be real clear that my goal, our  
10 goal is to develop something that makes sense on this  
11 site. The proposed retail market, outlet whatever you  
12 want to call it that's being proposed I've said it  
13 time and time again I've been very consistent on how  
14 I would like for the final project to look like. At  
15 this date and day, I, I find it difficult to support  
16 an outlet mall knowing that we have the only indoor  
17 mall in the borough of the Bronx just about 100 yards  
18 away. So, we just want to talk about what we need,  
19 there's been conversations about senior housing,  
20 McQuesten I want to thank them for stepping up to the  
21 table to build senior housing on this site and if  
22 we're able to be consistent and change up the project  
23 that's one thing and we can't we're still counting on  
24 you wherever this goes that you'll still be able to  
25 step forward and build senior housing on it. I've

1  
2 heard the MTA's cry about getting funding for this  
3 site well whatever we got to do we'll do whatever we  
4 got to do to get funding for you MTA but not at the  
5 expense of this neighborhood. So, I'm asking us all  
6 to make sure that we sit down at the table as  
7 responsible adults and do what's in the best interest  
8 and not put price over people, that's the goal of  
9 this project and that's where I stand and I want to  
10 thank all of you who are in orange shirts looking  
11 good in your orange shirts and, and all of you who  
12 have come down let them know that we're united as one  
13 community and whatever we build on this site is going  
14 to have to make sense for our neighborhood as well as  
15 helping out the MTA, thank you.

16 CHAIRPERSON RICHARDS: Thank you Council  
17 Member King. Alright, we'll go to our first panel,  
18 you're going to have two minutes each and I'll begin  
19 to my right and you may begin.

20 ANITA YVONNE MIDDLETON: First I'd like  
21 to say good afternoon to everyone. I'm very happy  
22 that you're allowing us to speak up for A Better  
23 Bronx. I must say... [cross-talk]

24 CHAIRPERSON RICHARDS: This is your...  
25 [cross-talk]

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ANITA YVONNE MIDDLETON: I must say...

[cross-talk]

CHAIRPERSON RICHARDS: This is your... let me correct you, this is your house so you have a right to speak, this is what... [cross-talk]

ANITA YVONNE MIDDLETON: Thank you...

[cross-talk]

CHAIRPERSON RICHARDS: ...the process calls for so this is the people's house as we call it so...

ANITA YVONNE MIDDLETON: Thank you.

CHAIRPERSON RICHARDS: You're more than welcome.

ANITA YVONNE MIDDLETON: I have been living in the Northeast section of the Bronx since I was five years old and I know that's now dating myself. I remember when the streets weren't even paved, I remember when they were just dirt roads so please understand me when I say to you I am all for positive development of the area, it's a beautiful area. However, the area is already saturated with commerce, we don't need another outlet mall, store it's just everywhere. The people who live in the area are working people and many of them are not here but that's why we have over the 70,000 signatures because

1  
2 people are concerned they want the integrity of this  
3 neighborhood to stay intact, it's a beautiful area  
4 and all I'm saying is that it concerns me when  
5 outside developers come in telling us what we need or  
6 what we should have between the traffic and.. the  
7 traffic is already horrendous when, when it comes to  
8 the holidays. So, now you're asking for, you know  
9 more traffic, more noise to this area that's already..  
10 I feel is already being burdened with enough. I, I  
11 just want to make my comments brief, I'll give you an  
12 example. This area is being built directly across  
13 from Michelangelo Junior High School which was my  
14 high school and I'm very proud of that. These kids  
15 don't need this type of a distraction, I remember  
16 there was a luncheonette across the street and we  
17 used to mob in there, god help us when this mall  
18 comes. So, I'm just saying the neighborhood doesn't  
19 need this between the traffic, the noise it's going  
20 to be unsafe, you've got kids running across the  
21 street, its, it's just not needed and the.. when they  
22 say affordable housing that concerns me because I'm a  
23 working-class person so affordable housing to me is  
24 30 to 70,000, who's affordable housing is this being  
25 based on, that concerns me and yet I've never met a

1  
2 senior that wants to live beside a noisy mall, that's  
3 all I have to say. Thank you.

4 CHAIRPERSON RICHARDS: Thank you.  
5 alright, go to the next panelist.

6 JOSE COLON: Good afternoon, my name is  
7 Jose Colon. I want everybody to take a nice look at  
8 that eagle up there and look at the ceiling, do you  
9 know what it says up there, a government of the  
10 people by the people and for the people, the people  
11 are here today to speak out against the project. I  
12 totally agree with the gentleman from Bay Plaza that  
13 were here, you got to go around that area and shop to  
14 understand what is happening. Also, there was no  
15 mention of the other malls around that area in  
16 section four, section five just go around that area,  
17 more malls will create more problems and more  
18 pollution, you know ladies and gentlemen I got to  
19 sleep with a mask at night, you know I also have two  
20 pumps, I got to take some pills before I go... at night  
21 for asthma so enough is enough for traffic and also,  
22 I do go to my church in that area and sometimes on  
23 Sunday is traffic, traffic. So, I give my... rest of my  
24 time to this young lady next to me, thank you.

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MILDRED GORE: Thank you. Good afternoon, my name is Mildred Gore. Myself and my family have been living in the Northeast Bronx since the early 70's, I've seen the changes, I've seen the traffic and the, the cars it really is too much. We don't need a mall, we don't need an additional mall. We have malls, we can travel to malls. What we need is affordable housing and we need schools and that's really all I have to say about it. a mall is not something we need at all, at all.

CHAIRPERSON RICHARDS: Thank you for your testimony.

MARIAN MCCORMICK: Hi, I'm Marian McCormick from the Wakefield section of the Bronx. I am so tired of the malls. This mall is unnecessary, we don't need another mall. My understanding I think we have about five malls in the total Bronx alone, I mean give us a break, we need housing that's what we need, housing that's all I have to say.

CHAIRPERSON RICHARDS: Thank you.

LEONE HALL: My name is Leon Hall, I live in section five... [cross-talk]

CHAIRPERSON RICHARDS: Yeah, if you'll just press your mic, make sure its... [cross-talk]

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LEONE HALL: Okay...

CHAIRPERSON RICHARDS: Thank you.

LEONE HALL: Thank you. My name is Leone Hall, I live in section five. I am very happy about the plaza and to bring something else in there in... on Gun Hill Road would be a disaster because when you think of the children in the high school over there it's a problem for them and it's a bad problem for me because when, when the... on Friday evening I cannot get home and if they go and put something over by... on Gun Hill Road that's the way I try to get home so if they put something on Gun Hill Road I cannot get home so I am not happy and I'm not pleased and I don't think we should have another mall, housing is good or schools for the children is much, much better. Thank you.

CHAIRPERSON RICHARDS: Thank you, thank you all for your testimony. Thank you all for your testimony.

ANITA YVONNE MIDDLETON: Thank you...

MILDRED GORE: Thank you...

LEONE HALL: Thank you...

CHAIRPERSON RICHARDS: And we'll call the next panel which is Susan Lawhorn, Lawhorn, Speak Up

1  
2 for a Better Bronx; Kathy Murray; Roxanne Delgado;  
3 Chris Widelo, AARP and Sean Lashley, Speaker for A  
4 Better Bronx. Alright, I'm going to maybe fill this  
5 panel to a few more people if everyone doesn't come  
6 up. Susan Lawhorn, Kathy Murray... okay, they're  
7 coming, okay I see them... Roxanne Delgado, Chris is up  
8 there and Sean Lashley. Alright, sir you may begin,  
9 you can begin. Just make sure your mic is lit up,  
10 press it one more time, press the button.

11 SEAN LASHLEY: Hello...

12 CHAIRPERSON RICHARDS: There you go...

13 SEAN LASHLEY: Beautiful...

14 CHAIRPERSON RICHARDS: And if you'll  
15 state your name and who you're representing for the  
16 record each person who speaks, thank you.

17 SEAN LASHLEY: Good afternoon guys, how  
18 are you? My name is Sean Lashley, I'm speaking on  
19 behalf of Speak Up for a Better Bronx. We have been  
20 to every hearing where this matter has been brought  
21 to the public and the question we really need to ask  
22 ourselves is at what cost is the project being  
23 proposed at. I've listened to the presentation of the  
24 gentleman over their Grid presenter no problem  
25 however the cost as which... the cost as which you



1  
2 learn to present the project is definitely too high.  
3 We're looking at health care, we're looking at  
4 traffic problems, we're looking at asthma problems,  
5 these are not problems we're willing to continue  
6 with. So, based on all the current problems that's  
7 facing this project flat out decline let's find  
8 something that's going to benefit the currency much  
9 more and basically add value to a way of life and the  
10 people of the Bronx, okay. Everyone else around here  
11 will say a mouthful regarding the project, I'll give  
12 them a chance to say so. My thing is no more retail,  
13 no more traffic, much better air quality, that's it.  
14 thank you.

15 KATHY MURREY: Good afternoon, my name's  
16 Kathy Murray and what I have to say is very brief. If  
17 you see the elderly with cans they, they, they..  
18 picking up the cans and things in order to survive  
19 because they go to the.. to have them redeemed so that  
20 they'll have some money in order to survive. They do  
21 not have to go to a mall... okay, they can't even  
22 afford a mall, they need something to eat so they  
23 take up the cans and things, they're not... they don't  
24 need another mall. Thank you.

25

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2 CHAIRPERSON RICHARDS: Thank you for your  
3 testimony.

4 SUSAN LAWHORN: Okay, my name is Susan  
5 Lawhorn and I'm just here to agree with everything  
6 concerning the mall business, we do not need another  
7 mall. It's true that the traffic is... will be out of...  
8 out... just, just out of limit because with the asthma  
9 arising, we had the highest asthma in the Bronx as it  
10 is so it was told, one of the highest. And so, with  
11 the traffic and all this would make it even worse  
12 with the fumes of the cars and everything like that  
13 there. So, what we do need is housing and schools  
14 which everyone say which we agree on but the traffic,  
15 no, no malls. That's all I have to say, thank you.  
16 Okay, that's...

17 ROXANNE DELGADO: Hello, my name's  
18 Roxanne Delgado, I reside in Community Board 11  
19 district and I ask the city council to disapprove the  
20 project because of insufficient public review and  
21 input. Neither Community Board 10 nor 11 held, held  
22 any public meetings or had any input in the uniform  
23 land use review procedure and both Community Boards  
24 borders the site of this project. This application  
25 for a new mall near the I-95 which is the top ten

1  
2 congested road way in the United States impacts  
3 beyond the interstate, it will turn our residential  
4 streets into speedways for shortcuts around its  
5 already congested highway. The Bay Plaza already  
6 brought in a lot of noise and air pollution and lots  
7 of traffic in our local streets. please disapprove  
8 this application because of insufficient public  
9 review and input. Both community Board 10 and 11 that  
10 borders the site of this proposed project should be  
11 part of the discussion and part of the process. Thank  
12 you so much.

13 CHAIRPERSON RICHARDS: Thank you.

14 CHRIS WIDELO: Good afternoon Chairman  
15 Richards, Councilman King and thank you for the  
16 opportunity to testify today. My name is Chris Widelo  
17 and I'm AARP's Associate State Director for New York  
18 City. I decided that AARP should testify today to  
19 once again stress the urgent need for affordable  
20 housing in the Bronx and across the city. In  
21 particular I wanted to highlight the need for  
22 affordable senior housing. Many older New Yorkers are  
23 having trouble paying their rent as incomes are  
24 outpaced by the rising cost of housing across the  
25 city. Back in 2004 we surveyed New York City voters

1  
2 ages 50 and older and it shows that affordable  
3 housing is a major concern for 54 percent of  
4 respondents far surpassing other community concerns  
5 like traffic, crime, personal safety, public... or  
6 public transportation. In communities of color this  
7 number was even higher, 59 percent of black voters  
8 and 67 percent of Hispanic voters identified housing  
9 as a major concern. Last year we commissioned another  
10 survey of New York City voters this time expanding  
11 the pool to include the Gen X and boom... and boomers,  
12 why is Gen X important, well the first Gen, Gen X as  
13 my generation did turn 50 two years ago. Again,  
14 affordability over housing was cited as a top concern  
15 with 62 percent of boomers and Gen X respondents  
16 expressing anxiety over their ability to afford  
17 housing in the future. This continues to be a concern  
18 for communities of color when you've combined the  
19 boomers and Gen-Xers with over 70 percent citing  
20 worry that their ability to pay their rent or  
21 mortgage in the coming years. These concerns have  
22 potentially devastating effects for New York City's  
23 population and economic growth as 61 percent of Gen X  
24 and boomers said that they are considering leaving  
25 New York State to retire somewhere else because the

1  
2 lack... because they lack access to affordable housing.  
3 Our 2014 survey also of, of 50... of 50 plus New York  
4 City voters showed that 90 percent of respondents  
5 that... it was important for them to be able to stay in  
6 their homes and their communities as they age. In  
7 that same survey 73 percent of respondents noted that  
8 it should be a top priority for public officials to  
9 create age friendly communities at the center of  
10 those age friendly communities is affordable senior  
11 housing that has appropriate services that allow  
12 people to age successfully. So, I just want to leave  
13 you with a stat keep in mind that in December of 2014  
14 the last of the baby boomers turned 50, representing  
15 a massive demographic shift. One... 31 percent or about  
16 2.6 million of all New York City residents are aged  
17 50 and older; 13 percent are 65 and older and 65  
18 percent of the population is expected to increase to  
19 16 percent. The 65 plus percentage of the population  
20 is expected to increase to 16 percent by 2030.  
21 Across, across the country everyday 10,000 people  
22 turn 65 years old. this is have... this has been  
23 happening for ten years and will continue to happen  
24 for the next ten years. Simply put New York City is  
25 aging quickly, we need to do more to make sure that

1  
2 the Bronx and the rest of the New York City have an  
3 affordable, appropriate senior housing that is part  
4 of an age friendly community where older New York  
5 City residents can age successfully in place. Thank  
6 you very much for the opportunity.

7 CHAIRPERSON RICHARDS: Thank you Chris,  
8 thank you all for your testimony. Alright, we'll call  
9 the next panel. Alright, Melissa or Meliza Lashley,  
10 Speaker for a Better Bronx, Tashmire Gathers, on  
11 behalf of Barbara Ashlenes... Ask, Askins, on behalf of  
12 Barbara Askins, Talia Lopez, Reverend Carol Hamilton,  
13 and Pamela Hamilton-Johnson. So, I'll say that again.  
14 Reverend Carol Hamilton, Pamela Hamilton-Johnson,  
15 Talia Lopez, Tashmire Gathers on behalf of Barbara  
16 Askins and Meliza Lashley or Meliza, Meliza. Alright,  
17 if you'll just state your name for the record and who  
18 you're representing and then you may begin your  
19 testimony.

20 TASHMIRE GATHERS: Hi, good morning. My  
21 name is Tashmire Gathers and I'm testifying on behalf  
22 of Barbara Askins the President of the 125<sup>th</sup> Street  
23 Business Improvement District. Drew Greenwald, the  
24 Principal reached out to the bid immediately after  
25 the Harlem USA Project was completed and his quest to

1  
2 understand the role of the community groups and the  
3 road that they played in community building. After  
4 that initial meeting, he immediately became active on  
5 the Board of Directors. His company has been  
6 immensely supportive through leadership, visioning,  
7 providing additional resources above the bid taxes  
8 and more importantly patient and understanding that  
9 community building is a long-time commitment. Over  
10 the years and along with Scott Auster they have  
11 served in leadership roles as officers, head of  
12 streetscape and real estate development committees  
13 and is driving the force of the bigger picture for  
14 the items of the bid. It was great properties that  
15 was the forefront of pushing the bid to not settle  
16 for any street light fixtures but to work closely  
17 with the city and to make sure that we got all that  
18 was needed for 125<sup>th</sup> Street. It took 17 years but the  
19 result was 125<sup>th</sup> Street receiving the first LED  
20 lights in a commercial district in New York City. It  
21 was Grid Properties that recognized that housing was  
22 in need with rezoning of 125<sup>th</sup> Street but an equal  
23 and more important role was for culture to have a  
24 permanent position in shaping the future. He also  
25 understood that the city had to meet the developer's

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half way so that a real offer was available to create opportunities for those in the arts and the business improvement district. Through numerous meetings with the biz consultant, property owners, community groups, and the City Planning Department the birth was given to the first cultural bones for economic development in New York City. It was Grid Properties that realized that an oversight had occurred with the 2007 rezoning. Thank you.

CHAIRPERSON RICHARDS: Thank you, I'll

allow you to wrap up just really quick... [cross-talk]

TASHMIRE GATHERS: I just have one last

paragraph to... [cross-talk]

CHAIRPERSON RICHARDS: Okay... [cross-talk]

TASHMIRE GATHERS: ...read... [cross-talk]

CHAIRPERSON RICHARDS: ...sure... [cross-

talk]

TASHMIRE GATHERS: ...those were just a few

examples of the results that were achieved with working with a partner such as Grid Properties though the commitment was a... was great in community involvement, the willingness to get it right in... get it right into the mix of things and their great



1  
2 knowledge of urban planning I see the Baychester  
3 Square Project a plus, thank you.

4 CHAIRPERSON RICHARDS: Thank you for your  
5 testimony. You may begin ma'am.

6 PAMELA HAMILTON-JOHNSON: Good afternoon...  
7 [cross-talk]

8 CHAIRPERSON RICHARDS: You'll hit your  
9 mic, not hit it but press it, okay.

10 PAMALA HAMILTON-JOHNSON: Can you hear me  
11 now? Good afternoon everyone, my name is Pamela  
12 Hamilton-Johnson, I am in opposition of the  
13 Baychester Square Mall. When I looked at the  
14 perspective from the website it said that 280,000  
15 cars go through I-95 every day, 190,000 cars go  
16 through the Hutchison River Parkway. So, when we talk  
17 about congestion there's going to be a lot of  
18 congestion and, and also the trucks that are going to  
19 make deliveries, the people that are there and I just  
20 don't understand how you could have any more malls,  
21 we are super saturated with malls. What we really  
22 need are more schools. In district 11 I'm a former  
23 School Board President and we have kids that are  
24 still in the trailers that have rodents, that have  
25 mice, that have roaches in it, that would be a

1  
2 wonderful, wonderful place to, to alleviate  
3 overcrowding in our schools. I would love to see  
4 another facility for that but when we talk about the  
5 grand scheme of Coop City and we talk about the, the  
6 location and the proximity of the mall you forget  
7 that they also propose to have a MTA train station  
8 behind section five, now a waterfront, now a new  
9 mall, we just can't take it anymore. There... we will  
10 not be able to get to our place of business, our  
11 place of employment in Coop City, we have to take a  
12 look at it not just the mall but the grand scheme of  
13 everything that's coming into that district. Yes, we  
14 knew... we need senior housing however we need low  
15 income housing as well for the... for the residents in  
16 our community. It falls on everyone that's there to  
17 be able to have a place to live. When it comes to  
18 shopping I've heard our seniors say I shop online, I  
19 don't need to go to a mall, I can order it and have  
20 it delivered to my house. So, that's another reason  
21 why we don't have it, they mention that two million  
22 dollars comes from Ridgewood. Ridgewood... Ridge Hill,  
23 Ridge Hill is now losing their, their merchants, they  
24 lost the companies that they've had so if, if you're  
25 trying to build a mall let's just take a look at the

1  
2 national average and across the nation malls are  
3 failing everywhere and if they're looking to Ridge  
4 Hill to get their customers you need to look again  
5 because Ridge Hill is losing their merchants.

6 CHAIRPERSON RICHARDS: Thank you.

7 MELIZA LASHLEY: Hello, good afternoon  
8 everyone. First of all, I want to thank everyone here  
9 for showing up today. I also want to thank our  
10 Council Member Andy King for listening to our  
11 concerns and also being openminded to our comments,  
12 thank you very much we appreciate your support. My  
13 name is Meliza Lashley, I am the Executive Director  
14 of Speak Up for a Better Bronx. We are a nonprofit  
15 organization that was formed by local citizens and  
16 businesses to raise awareness on the issues of  
17 traffic and air quality in the Northeast Bronx. We  
18 have over 70,000 people that have signed a petition  
19 opposing this proposed development. Too often  
20 developments like this one go up through our  
21 community with little or no input from the community  
22 because no one knows about it. we're here to say that  
23 that's not the case. Five years ago, when this RFP  
24 was put out the community should have been aware and  
25 informed. To the MTA representative here we are your

1  
2 consumers, we are your customers. To the EDC, we are  
3 your tax payers, where was the community engagement  
4 then, why did we not have a seat at the table five  
5 years ago? These developers want to bring additional  
6 traffic from outside the community into our seriously  
7 congested local roads operating in a... in a community  
8 that's already overburdened with pollution and where  
9 residents suffer elevated asthma and respiratory  
10 problems, I myself has asthma. We don't need that;  
11 the Bronx has one of the highest asthma rations in  
12 the... in the nation. How about a plan that would  
13 benefit the community like recreational centers, a  
14 park, a school, affordable housing for everyone not  
15 just 180 units? We don't need another large retail  
16 project, we need a purposeful development that will  
17 benefit the community not something that will disrupt  
18 the thousands of residents who already fight their  
19 way through congested streets, intersections and  
20 highways each day. Also, when you bring in more  
21 vehicles the air pollution goes up exponentially,  
22 traffic congestion also adds... adding of cars and  
23 trucks. Five months ago, I was nine months pregnant  
24 with my ten-pound old son, I was... I couldn't walk, I  
25 had... my ankles were swollen, my legs were swollen but

1  
2 I was waddling my way through the community and I was  
3 still advocating and raising awareness in community  
4 board meetings, in recreational centers and our  
5 schools. Yesterday, sadly my grandmother passed away,  
6 she's a lifelong resident of the Bronx and she had  
7 respiratory problems, I am here today because I'm  
8 passionate about this... sorry... I'm sorry.

9 CHAIRPERSON RICHARDS: It's okay...

10 MELIZA LASHLEY: I'm here today because  
11 I'm passionate about this, this effort. Joining to  
12 me... joining today with me are seniors, parents, young  
13 families, residents, and church members and members  
14 from the community... from the community board 12, 11,  
15 10. The oldest person that is with us today is Miss  
16 Turner, she's 101 years old, hello Miss Turner... she's  
17 a lifelong resident of the Bronx...

18 CHAIRPERSON RICHARDS: You could clap...  
19 you could clap for that, that's the only time... 101,  
20 wow. Alright momma Turner. Alright...

21 MELIZA LASHLEY: Our youngest member is  
22 Alia, she's two years old... [cross-talk]

23 CHAIRPERSON RICHARDS: She doesn't look a  
24 day over 25 to me, I don't know... I don't know what  
25 that was about, alright.

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MELIZA LASHLEY: Thank you so much. Our youngest member is Alia she's two years old. I'm urging you and I'm pleading please, please do something about this pressing matter where it's... where we can still impact this decision. We are asking our elected officials to do the right thing by the community and now what... not with the pockets for the MTA, thank you.

CHAIRPERSON RICHARDS: Thank you, thank you.

[applause]

TALIA LOPEZ: Good afternoon members of the council and everyone who made it here today to speak opposing what is affecting the neighborhood in the Bronx. I'm a resident of the Bronx for over 30 years and as I'm a home owner in the Pelham area, Gun Hill area. I'm opposing this because we are raising our concerns for the quality of life of our neighborhood. The decision that you will make here today will have tremendous impact on the community. Mostly we're advocating for the seniors who made it out today on representing their community because as you see them they're walking on canes, they have walkers. My grandmother's turning 90 years old July

1  
2 25<sup>th</sup>, her legs fail her so she has to use a walker.  
3 She doesn't want any more noise in the neighborhood  
4 and she has to take public transportation, mostly  
5 buses or Access-A-Ride to make it to her appointments  
6 so this is imperative and very important to help the  
7 community especially for our elders. Yes, we do need  
8 public housing and affordable housing for the elders  
9 but we do not need to decrease the value of the  
10 neighborhood. The people of the Bronx do not need  
11 worsen conditions, they need improvements and the  
12 improvement is in the quality of life and the quality  
13 of life for mostly minorities to live in the  
14 neighborhood. We are here today to ask you to please  
15 listen to everyone crying here today and advocating  
16 to oppose this. Thank you.

17 CHAIRPERSON RICHARDS: What was your  
18 name, I'm sorry for the record?

19 TALIA LOPEZ: Talia Lopez.

20 CHAIRPERSON RICHARDS: Talia Lopez, okay  
21 got it, thank you... thank you.

22 REVEREND CAROL HAMILTON: Good afternoon  
23 everyone. My name is Reverend Carol Hamilton, I'm a  
24 member of the Bronx for over 30 years and just to get  
25 to the fact... let me cut through the facts and just

1  
2 give you some facts that we're working with. The  
3 developer said they're working steadfastly with the  
4 community but I would like to ask them the 70,000  
5 signatures that we have why don't they match it...  
6 match the 70,000 signatures that oppose their project  
7 that's working with the community. The developer said  
8 that there's 2.5 billion dollars that's leaving the  
9 Bronx, that data that they supplied to us it's a  
10 shameful data because that data was data that was  
11 used prior to Bay Plaza and the Yankee Stadium Mall  
12 being built so those two malls would stem... have  
13 already stemmed the flow of money that's been leaving  
14 the community. Presently we have the Yankee Stadium  
15 Malls, we have the Whitestone Mall, we have the  
16 Bruckner Plaza Mall which is over 213,000 square feet  
17 of retail space, we have Parkchester Mall, we have  
18 the, the, the Gun Hill Road shopping district, we  
19 have the Fordham Road Shopping district, shopping is  
20 not our problem, we have 70,000 signatures of people  
21 in the neighborhood that are saying we don't want  
22 this. I want to share something with you, Baychester  
23 is, is... Baychester they're planning to build 350,000  
24 square feet of retail space which we don't... right  
25 across from Bay Plaza, Bay Plaza Mall has



1  
2 approximately 1.8 million square feet of retail space  
3 with approximately... a little over 200,000 square feet  
4 that's still vacant, Ridgewood Mall is closing,  
5 they're having their, their, their clients leaving  
6 them, in our neighborhood we have schools that... Harry  
7 Truman school where our students are being housed in  
8 trailers full of rodents not enough school spacing  
9 for our children. Ladies and gentlemen the MTA has  
10 the money, we have the Yankee Stadium Mall which is  
11 913,000 square feet worth of retail space and it's  
12 not all occupied, they have vacancy as well. Ladies  
13 and gentlemen the reality of the fact is this, you  
14 want to challenge this, you collect 70,000 signatures  
15 and match this and challenge this. We are saying  
16 enough is enough, if the data was correct you  
17 wouldn't have to sleep... you wouldn't have to do it  
18 behind doors and come in and say okay we want this,  
19 we want this, challenge the people, the 70,000  
20 signatures that we have now we are saying we don't  
21 want this, enough is enough. I hear my fellow  
22 colleagues said that the Bronx has highest asthma  
23 rate, let me correct you, the Bronx has the highest  
24 asthma rate in the entire United States, you're  
25 talking about bringing in more traffic, retail brings

1  
2 more traffic than anything else, you're talking about  
3 the trucks that are going to be delivering the goods  
4 to the mall, you're going... talking about other cars  
5 coming in from other states or other places to shop  
6 over here, the carbon emission is going to... what are  
7 you trying to do suffocate us, we ask you... I look in  
8 this rotunda and I saw the sign that Lincoln said a  
9 government of the people, by the people, for the  
10 people, 70,000 signatures have spoken, we don't want  
11 another mall. That's all I have to say, thank you.

12 CHAIRPERSON RICHARDS: Thank you... [cross-  
13 talk]

14 REVEREND CAROL HAMILTON: We want  
15 affordable... we want school... give me two schools on  
16 the property... [cross-talk]

17 CHAIRPERSON RICHARDS: Thank you... [cross-  
18 talk]

19 REVEREND CAROL HAMILTON: ...give me  
20 affordable housing, give me some recreation centers  
21 and training centers for our youth who are leaving  
22 college and need some training, you know come on be  
23 reasonable, don't try to shove this down our throat,  
24 we are going to push back and we're not stopping  
25 here, Councilman we're asking you please adhere to

1  
2 the 70,000 signatures that we have that's the people  
3 that are speaking. Thank you.

4 CHAIRPERSON RICHARDS: Thank you Pastor  
5 and I'll go to Council Member King, I think he had  
6 some remarks he wanted to put on the record.

7 COUNCIL MEMBER KING: [off-mic dialogue]

8 CHAIRPERSON RICHARDS: Okay, we'll wait  
9 till the end. Okay, I'm going to go to the next  
10 panel; Anita Yvonne Middleton, John Doyle, William  
11 Chin, Barbara Gibson, Doctor Dena Robins, Hillary  
12 Bloomfield. so, I'm going to go back again; Hillary  
13 Bloomfield, Community Board 12; Doctor Dena Robins,  
14 Community Board 12 Environmental Committee; Barbara  
15 Gibson, Board 12; William Chin; John Doyle and Anita  
16 Yvonne Middleton. alright, you may begin.

17 ANITA YVONNE MIDDLETON: Is this thing  
18 on, okay. Good afternoon Council Members. Hello  
19 everyone. Let's look at the intentions, the  
20 development... [cross-talk]

21 CHAIRPERSON RICHARDS: State your name  
22 for the record before you begin... [cross-talk]

23 ANITA YVONNE MIDDLETON: Of course...  
24 [cross-talk]

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CHAIRPERSON RICHARDS: And I'll ask everybody for the record you have to state your name.

ANITA YVONNE MIDDLETON: Of course...  
[cross-talk]

CHAIRPERSON RICHARDS: And if you're representing an organization as well.

ANITA YVONNE MIDDLETON: My name is Anita Yvonne Middleton and I'm here for Speak Up for a Better Bronx. So, the developers came, they spoke to us, it was lovely, but let's look at the intentions here. What they're doing is commercial, at the end of the day whatever they try to sell us, whatever they try to tell us that we need or what they're trying to add on to they want us to shop so let's not forget the intentions above all things. Now let me start with this, my home is my temple and I want to go home and be at peace, nothing but peace and tranquility. So, when I hear a project that will cause more traffic I am greatly disturbed. These developers say that they have spoken to the community but let's face it they were very selective in who they spoke to. Let's try to admit... but, but let's try to give them the benefit of the doubt, so when we asked questions on the process of what do they consider affordable,

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2 what their selection process is they give no concrete  
3 answers. So, speaking to members, selective members  
4 is not really talking to the community that's just  
5 playing schematics but let's also remember this,  
6 they're speaking loose ideas with no real  
7 consideration of the locals who live and deal with  
8 the consequences every day with their retail and  
9 lastly not... not lastly but second to last, variable I  
10 like to call variable X, the unknown, they can make  
11 all these plans about where the traffic's going to  
12 flow, where it's going to be and how it might end up  
13 but they don't know how it's going to turn out. The  
14 best plan of mice and men often fall astray, thank  
15 you.

16 CHAIRPERSON RICHARDS: Thank you.

17 HILLARY BLOOMFIELD: Good afternoon, my  
18 name is Hillary Bloomfield, Community Board 12  
19 Treasurer.

20 CHAIRPERSON RICHARDS: Speak a little  
21 more into your mic, don't be shy.

22 HILLARY BLOOMFIELD: My name is... good  
23 afternoon, my name is Hillary Bloomfield, Community  
24 Board 12, I'm a member of Community Board 12 and the  
25 Treasurer of Community Board 12. This project was

1  
2 brought to community board 12, there was some  
3 confusion at community board 12 how this project  
4 should have been addressed and it wasn't really  
5 addressed to the whole community in the beginning.  
6 There were some hidden agendas however my personal  
7 opinion, I'm against this project, I live in the  
8 community, my children attend school in the community  
9 and my people that represent the community is against  
10 it. it has too many different quirks, there's not a  
11 full disclosure of everything and we need disclosure,  
12 we need transparency, we, we need a quality of life  
13 there. It's not going to be a quality for us and I am  
14 a senior now so I know what I want, I've been through  
15 trenches and I'm not going to allow them to build  
16 whatever they feel like building without talking to  
17 us in the right way. You cannot force things down our  
18 throats and think that's it's okay, you don't live in  
19 the area and if you did live in it you would  
20 understand how we feel, education is very important,  
21 why did my son have to go to another school in  
22 another area down in Lower Manhattan because the  
23 schools were overcrowded up here. Another thing we  
24 need some office space up here, why do I have to slog  
25 all the way sometimes to Brooklyn to work or to Lower

1  
2 Manhattan when we can have offices up here, city  
3 offices. Another thing that we need up here is a  
4 facility for communities where we all can sit down  
5 together and have some type of... I would say for the  
6 young people, we need something for them, training  
7 that's one of the things. I'm done.

8 CHAIRPERSON RICHARDS: Thank you.

9 JOHN VOGEL: That was good. Thank you  
10 Chairman Richards and thank you Councilman King. My  
11 name's John Doyle and I live slightly outside the  
12 affected area and just to kind of sum up my comments  
13 in a nutshell, I think we need another shopping mall  
14 in the Bronx like we need another hole in the head  
15 and I think this is absolutely ridiculous and just..  
16 I've, I've written to Councilman King in the past and  
17 I'm just going to abbreviate some of my comments  
18 here. Primarily I'm concerned with the additional  
19 traffic on I.. interstate 95 which is going to impact  
20 community board 10 where I live as well as community  
21 board 11. There are seven entries and exit points  
22 within a thousand feet, this would add a lot of  
23 traffic to one of those entry points and again we've  
24 already identified that this, this interstate is one  
25 of the worst bottlenecks in the country, why are we

1  
2 trying to drive more traffic there. This makes  
3 absolutely no sense. Beyond the interstate I'm  
4 worried about the, the impact this will have on both  
5 Pelham Gardens and the Allerton communities which are  
6 quite residential streets. To say they are quite  
7 streets frankly is an understatement, I mean they  
8 look... they are very beautiful streets, it is amazing  
9 how quite they are and let me tell you something as  
10 somebody who used to travel on I-95 and I know  
11 Councilman King you do as well, people are going to  
12 be taking those side streets to avoid I-95 that's  
13 just a fact of life, everyone in this room knows it  
14 and the fact that the proposal has not allocated or  
15 even addressed that problem makes it so it's an  
16 unbelievable traffic plan. I was even looking at this  
17 that the lack of adequate public transportation to  
18 this area is another problem and I was pretty much  
19 taken by the fact that one of the developer's, hired  
20 hands here said that the reason they weren't going to  
21 pursue the business aspects that the Councilman  
22 proposed was because there wasn't adequate bus, bus  
23 traffic, how does he think people are going arrive at  
24 this shopping mall on flying pigs, of course they're  
25 not, they're going to come in their cars, it's going



1  
2 to add to traffic in the area, it's an absolute  
3 travesty that this is being allowed to continue to  
4 this level. I would say finally, is there even really  
5 a need for this, again people have talked about this,  
6 Bay Plaza still has a lot of vacancies that are open  
7 and I'm not letting them off the hook because they  
8 didn't adequately plan for traffic when they were  
9 expanding either and I'm not on their payroll either  
10 but there were issues with Bay Plaza when they were  
11 opening, it has not been addressed in this proposal,  
12 Throggs Neck Shopping Mall which is close to where I  
13 am still has a lot of vacancies and they haven't even  
14 tried to start the Whitestone Complex, thank god  
15 because they realize the market is not there. They  
16 need to put this proposal, bring it back to the  
17 drawing board, it is unacceptable to many people who  
18 live in the greater Bronx area, thank you.

19 CHAIRPERSON RICHARDS: Thank you.

20 BILL CHIN: Hello, my name is Bill Chin,  
21 I'm a Bronx, Bronx resident, I'm against this project  
22 and the zoning changes that are being asked for.  
23 First, I believe that the zoning that is being  
24 requested for requires that the property border on  
25 two streets. One of the street... and, and this project

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2 barely meets at one of the streets, it is the service  
3 road for I-95 and there's only one access point to  
4 this street from Bartow Avenue and I-95 which is  
5 already is a bottleneck and a congestion point. That  
6 street is a one-way street, one lane street that  
7 empties out onto Gun Hill Road at the, the end of  
8 the... of this, this proposed project. So, the only way  
9 out of this project is via Gun Hill Road and that  
10 includes all the delivery trucks. All the traffic  
11 problems that have been talked about have been in the  
12 Westerly direction on Gun Hill Road, my concerns of  
13 traffic are on the Easterly... on Gun Hill Road that  
14 leads to I-95 South which we know is a bottleneck all  
15 the time, Hutchinson River Parkway South which can be  
16 a bottleneck but my main concern is that the other  
17 street is Stillwell Avenue, Stillwell Avenue leads to  
18 a residential neighborhood that is... that is primarily  
19 homes, three adult facilities, a middle school, there  
20 are a lot of people that are walk, walk in the area  
21 including the elderly and children and... excuse me and  
22 it's a 20 mile an hour zone but there are no traffic  
23 signals so people speed through the area. I live in  
24 the area, its... there's like a four-block long area  
25 that people just speed through before the first stop

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2 sign or any traffic control area. One proposal that I  
3 would have is that at the intersection of Stillwell  
4 Avenue and Aster Avenue, right now it's a one way  
5 leading from Stillwell or from Stillwell to Aster,  
6 make that a do not enter zone so that still... lets  
7 traffic go up Stillwell Avenue and go out to Pelham  
8 Parkway. There's been talk about the, the... about  
9 senior housing, the price of retails... the price to  
10 pay for the... for the senior housing is too high if,  
11 if the price is that... to, to allow all of this retail  
12 space in there. If the plan is economically feasible  
13 with the amount of senior housing that is being  
14 proposed which I believe is less than one third then  
15 why not make the entire project senior housing,  
16 that's what's really needed here not, not retail  
17 space. If I can make just one more... one last point  
18 here council, this land is different because right  
19 now it's currently owned by the city of New York, the  
20 city can decide who it wants to sell it to, when it  
21 wants to sell it to and for what purpose it should be  
22 made for. That should all be made with the, the  
23 intention of the good of the people behind it. that  
24 should be made even if it means letting the land  
25 remain undeveloped until the time for the right

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2 development can be made. The last point that I would  
3 like to make your, your honor is, is that the city  
4 instead of selling this land to the developers should  
5 consider leasing the land to the developers and that  
6 way that, that they can retain control over the  
7 developer's behavior so that, that... they should  
8 renege on any of these proposals that they're making  
9 that the city can still take the land back and make  
10 sure that the next developer does follow through what  
11 they say they're going to do. Thank you.

12 CHAIRPERSON RICHARDS: Thank you.

13 DENA ROBINS: Good afternoon Honorable  
14 Andy King, to the elected officials. My name is  
15 Doctor Dena Robins and I'm a lifelong resident of the  
16 Bronx. Just for a point of information my Master's  
17 Degree is in environmental health science and I'm  
18 going to talk about the science part of it first. Now  
19 when you build something of course you have to do  
20 your environmental impact statement, you know to say  
21 what are going to be the effects of everything that's  
22 going to happen at this particular site so, what's  
23 going to happen; air pollution is going to get higher  
24 because of the cars, sanitation, the solid waste  
25 management, when people go to the malls when you get

1  
2 your food all of those things have to be taken care  
3 of, you know the noise in the area is going to  
4 increase. The population density will increase. I  
5 think that... the moment I heard about this I was  
6 totally against it, I didn't have to hear from  
7 anybody, I said this is ridiculous because as someone  
8 mentioned earlier you... I believe it was you, I'm  
9 sorry I don't know your name but I'm still upset  
10 about the traffic that I encounter at going to the  
11 Baychester Mall which I do love and I do support it  
12 but it's a problem, it's a problem. Another thing we  
13 need to know in the valley and at that end of the  
14 Bronx there's a problem with feces and urine backing  
15 up into people's yards there, you know its highly  
16 unsanitary so if you're thinking of putting another  
17 facility there you have to think about if you're  
18 going to put housing there where is the stuff going  
19 to go, I'm just being real, it's going to go into the  
20 river causing water pollution and it's just a  
21 problem. So, whatever we put there we have to limit  
22 and we have to study how we're going to use the  
23 resources that we have there and how we're going to  
24 preserve this environment for future generations. I  
25 say no and lastly, I go to Planet Fitness, I can't

1  
2 even get out of the parking lot this... the traffic  
3 going... we don't need a mall. Thank you.

4 CHAIRPERSON RICHARDS: Thank you.

5 BARBARA GIBSON: Good afternoon, my name  
6 is Barbara Gibson, it's a pleasure to be here with  
7 Councilman Andy King and all of our community  
8 neighbors and friends. I'm going to come to the point  
9 and the point is that point is not the point for us  
10 however we wish for the MTA to look or be open to an  
11 educational housing complex on that... on that site.  
12 Board 10, Board 11, Board 12 we know what's best for  
13 our community, we say no to this project. Someone is  
14 not thinking but we are, we, we know no changes or  
15 giving us this or giving us that is the answer to our  
16 problem, no to this Baychester Square facility,  
17 that's why we're here today and that's the results we  
18 want from them. MTA we've been without it up to this  
19 point, we'll wait till you come back with an  
20 educational housing complex for us. Thank you all,  
21 that's the bottom line tenants, friends, associates  
22 that's the bottom line.

23 CHAIRPERSON RICHARDS: Thank you all for  
24 your testimony. I'm going to go to Council Member  
25

1  
2 King for a, a closing statement on this application  
3 and then I will close out this hearing portion.

4 COUNCIL MEMBER KING: Just real briefly  
5 again I want to thank everybody who came out today  
6 and I tell you this we in the council have a  
7 responsibility to listen to our constituents, we have  
8 a responsibility to come up with suggestions and  
9 solutions to whatever issues we have not just in our  
10 districts but for the whole city of New York working  
11 with agencies and working with developers to make  
12 sure that we develop New York City responsibly. So,  
13 with that all being said to Grid Properties I thank  
14 you for the conversation, EDC as well as, as well as  
15 MTA of trying to figure out what we need to do. The  
16 conversation must and has to continue but as we stand  
17 right now I can only stand with my neighbors, my  
18 friends and the community and district 12 and beyond  
19 and community board 11, 10 you are a part of this  
20 conversation as well because this project would have  
21 a... an impact on all our neighbors in their backyards  
22 because this project is set in a neighborhood. So,  
23 with that being said we're going to continue to have  
24 a conversation but other than that we've heard you  
25 loud and clear and we understand no means no and we

1  
2 will do all that we can to continue to make sure our  
3 community is protected and we build it responsibly.  
4 Thank you again everyone.

5 CHAIRPERSON RICHARDS: Alright, are there  
6 any other members of the public who wish to testify  
7 on this issue? Alright, seeing none I will now close  
8 the public hearing on Land Use Items Number 694  
9 through 699. We're going to layover both of these  
10 applications for future consideration and I just  
11 wanted to make sure I put out there ECF and  
12 Baychester are both being laid over for now. Alright,  
13 with that being said I should call the role.. council  
14 to call the role so I can vote.

15 COMMITTEE CLERK: This is a continuation  
16 of the vote on Land Use Item 682, 683, 684, 689, and  
17 690, Chair Richards?

18 CHAIRPERSON RICHARDS: I vote aye and I  
19 want to thank the..

20 COMMITTEE CLERK: The Land Use Items are  
21 approved by a vote of five in the affirmative, zero  
22 negatives, zero abstentions and referred to the full  
23 Land Use Committee.

24 CHAIRPERSON RICHARDS: Thank you Julie, I  
25 want to thank all the Land Use staff for their work



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today. I want to thank Council Member King whose really been showing some real leadership with this application and we look forward to hearing from.. continuing to hear from the community and we want you to know that we heard and appreciated every.. each and every one of the you for coming out today and voicing your opinion here it says a lot and we thank you for coming out today. With that being said this meeting is now adjourned.

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date

July 30, 2017