

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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July 21, 2009
Start: 12:39 pm
Recess: 01:02 pm

HELD AT: Council Chambers
City Hall

B E F O R E:
TONY AVELLA
Chairperson

COUNCIL MEMBERS:
Tony Avella
Simcha Felder
Eric N. Gioia
Robert Jackson
Melinda R. Katz
Helen Sears
Domenic M. Recchia, Jr.

CHAIRPERSON AVELLA: Good

afternoon, everyone, and it is the afternoon. I'd like to call this meeting of the Subcommittee on Zoning and Franchises to order. First, let me mention the committee members. Joining me are Council Members Melinda Katz, Robert Jackson, Helen Sears Simcha Felder and Eric Gioia. We're also joined by members of the Land Use Committee which will meet immediate thereafter. Before I get into the business of the morning, I would just like to recognize Jason Davis and the CUNY Language Immersion program from the Bronx Community College of CUNY. Stand up. This is an ESL program and many of the participants are from the Dominican Republic and Mexico. Welcome. You get a firsthand about how government works this morning. Hurry up and wait. I do apologize to everybody that's been here since 10:30. This is obviously a very important issue and project for the City of New York and there has been a lot of discussion going on back and forth. Council Member Katz, who is chair of the Land Use Committee, and I have had a discussion and what we'd like to do, Council Members, is whatever

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2 discussion there is to have on the motion we would
3 have at the subcommittee so that we don't have two
4 rounds of discussion, considering that we've
5 already been waiting for this committee meetings
6 for several hours. I'm not going to make an
7 opening statement. I will make my comments a
8 little bit later. I'd like to call on Council
9 Member Domenic Recchia for an opening statement.

10 COUNCIL MEMBER RECCHIA: Thank you,
11 Council Member Tony Avella. I want to thank you
12 and Melinda Katz for all that you have done for
13 not only myself but for the constituents and to
14 all my colleagues, thank you for coming yesterday
15 and for coming back today. I know some of you had
16 to come back from your summer vacations, so I want
17 to thank you. I want to thank the Administration
18 for working with me and for working from the best
19 interests of not only my community but for the
20 people of New York City. I'd like to make some
21 remarks about this project before I ask for your
22 support for this redevelopment of Coney Island.
23 First, I'd like to talk about the current Coney
24 Island. It's a Coney Island with only limited
25 rides and amusement, where the local community

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2 struggles with a variety of problems, including a
3 lack of good government opportunities, a lack of
4 necessary infrastructure and poor educational
5 facilities. This project is an opportunity to
6 gain needed amenities for the over 50,000 people
7 who call Coney Island home, as well as improve the
8 amusement and entertainment areas for the millions
9 who visit Coney Island every year. I started this
10 project seven years ago because I could see that
11 Coney Island was in trouble. I spoke with all of
12 the operators and put together a plan which
13 resulted in the formation of the Coney Island
14 Development Corporation and the redevelopment plan
15 which then was put forward. I wanted to make sure
16 that those who had stayed in the community and
17 helped it to prosper were respected in any plan
18 that went forward. I'm happy to report that the
19 Wonder Wheel and its owners are supportive of the
20 project and look forward to being a part of the
21 revitalization of Coney Island. The owners of
22 Gargiulo's have also had input into the
23 redevelopment and are pleased about their
24 continued future in Coney Island. I've had many
25 discussions with all of the stakeholders in Coney

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2 Island and listened to all opinions, including at
3 hours of public hearings hosted both here in the
4 Council Chambers and in Coney Island. I would
5 like to have been able to expand the area
6 available for open amusements and I have been
7 actively discussing this with the Administration.
8 Those discussions have been fruitful and are
9 ongoing. I hope that by the time the Council
10 votes on this I will have great news for everyone,
11 but I am confident that this project as it
12 currently stands is good for the city, good for
13 Brooklyn and great for Coney Island. Similarly, I
14 know that there are those who would like to see
15 lower buildings on the south side of Surf Avenue.
16 We just couldn't make this work and I will be
17 moving forward with the project that you see
18 today. I recommend to my colleagues to approve
19 these applications as modified with respect to
20 Wonder Wheel, Wonder Wheel Way and to see them go
21 forward to City Planning. The tradeoff has been
22 worth it. We're getting a first class amusement
23 park, the long awaited new gym for P.S. 188,
24 infrastructure to improve the bad drainage and
25 sewer problems that have plagued the peninsula, a

1 new skating rink in Coney Island that will
2 continue to serve not only the community but the
3 hockey league and local residents, affordable
4 housing opportunities including exciting home
5 ownership opportunities with fund to assist the
6 constituents of Coney Island with down payments
7 and funds for the renovation of the Boardwalk and
8 Drier-Offerman Park. The Administration has made
9 commitments to encourage local hiring, to provide
10 training for local residents in the food services,
11 hospitality and other areas and working to see
12 that the high rate of unemployment in Coney Island
13 comes down and the Administration is committed to
14 working with me to address this issue. With all
15 of these new visitors coming to Coney Island, it
16 is important that we have a first class trauma and
17 emergency room in Coney Island Hospital to handle
18 these emergencies. I can now tell you that the
19 Administration is committing to upgrading the
20 modernization of Coney Island Hospital and to
21 handle the capacities of the current and future
22 residents and visitors. It's impossible to make
23 everyone 100% happy. This accomplishes the goal
24 of making everyone happy enough that we can move
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1 forward to a revitalized Coney Island. I
2 recommend to my colleagues that they approve these
3 applications as modified with respect to Wonder
4 Wheel, Wonder Wheel Way and send them to City
5 Planning. By doing so, we will take the first
6 step to restoring the glamour, the glory and the
7 greatness of the World's Greatest Playground Coney
8 Island. Please vote aye.

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10 CHAIRPERSON AVELLA: Thank you,
11 Council Member. Now I'd like to call upon Council
12 Member Melinda Katz to make the actual motion.

13 COUNCIL MEMBER KATZ: Good
14 afternoon my colleagues, good afternoon everyone
15 that was extremely patient in seeing this through
16 today. Before I make the actual motion, let me
17 just say that as chair of the Land Use Committee
18 and I'm sure that the chair of the subcommittee,
19 Tony Avella, would agree that this has been,
20 whether you vote yes or no, one of the largest
21 collaborations that we have had over the last
22 seven years. I want to congratulate Council
23 Member Recchia for all the work that he did in his
24 community. This was not an easy project to pull
25 together. And at the end of the day, although

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2 everyone is not 100% happy, I believe that there
3 is a sufficient way for almost everyone to have
4 something that we need for Coney Island to go
5 forward. This is a project that is needed. This
6 is a project the community has been waiting for.
7 It is a project the Administration has been
8 working on as well as us for years. At the end of
9 the day, we will create jobs, we will create
10 affordable housing, and we will create an
11 amusement area that New York City can continue to
12 be proud of for the next few generations. So I'm
13 proud to be a part of it. My motion here is to
14 pass the rezoning proposal with one modification.
15 But as it I, this rezoning proposal will result in
16 the creation of a new 27-acre amusement district,
17 open and enclosed uses, over 6,000 permanent jobs
18 and over 25,000 construction jobs, the creation of
19 MWBE and Workforce Development programs, over
20 4,500 new housing units, 30% at least will be
21 affordable and new home ownership programs, the
22 creation of 500,000 square feet of new retail and
23 services to serve Coney Island, the creation of at
24 least 900 new hotel rooms, \$14 billion of new
25 economic activity in Coney Island over the next 30

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2 years and the plan is committed to a significant
3 infrastructure in terms of new parkland sewer and
4 drainage systems for the area. Those of you from
5 Coney Island know you sorely need that. I make a
6 motion that this be approved with one
7 modification. The modification is to remove the
8 Wonder Wheel site from the mapping action and make
9 the related amendments to the zoning text for
10 that. I have an official document, Mr. Chair, on
11 the modifications to be handed in.

12 CHAIRPERSON AVELLA: Thank you. At
13 this point, I'd like to make a friendly amendment
14 to the motion. After I make the motion, we will
15 vote on the amendment and then we will vote on the
16 full proposal. The amendment that I'm making is
17 in two parts. First, before I mention the
18 amendment, let me just say that I also concur with
19 Council Member Katz's analysis of how much that
20 Council Member Recchia has done in this process.
21 It is clear that he has really gone beyond what is
22 expected of a normal Council Member to work out a
23 lot of the details and make sure that this project
24 is better than it was proposed by the
25 Administration. There are a lot of great things

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2 in it. The amendments that I'm going to submit
3 for a vote have to do really with the high rises
4 south of Surf Avenue and the expansion of the
5 amusement area. They do not affect the great
6 benefits that Council Member Recchia has worked
7 out. The first part of the amendment is eliminate
8 the high rise towers proposed for the south side
9 of Surf Avenue east of KeySpan Park, amend the
10 zoning to keep the south side of Surf Avenue low
11 rise, below 25 feet. The second part is to expand
12 the proposed amusement area so that it extends
13 from the Boardwalk to the Bowery and Coney East.
14 With that, I will ask counsel to call the vote on
15 the amendment.

16 COUNCIL MEMBER KATZ: I think that
17 was a motion for a friendly amendment. As the
18 Council Member who made the motion, I will say no
19 to the friendly amendment and ask my colleagues to
20 please vote no on this amendment. After
21 discussion with Council Member Recchia, I ask for
22 a no vote on the amendments for these reasons.
23 Number one, I would love to be able to expand the
24 area available for open amusements and we've been
25 in active discussions with the Administration on

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2 that. These discussions have been fruitful. They
3 are ongoing and I hope that by the time the
4 Council votes on this we might have great news for
5 everyone. But as it stands, I ask for a no vote
6 on the requirement that in this application it's
7 expanded. Similarly, I know that there are those
8 that would like to see a lower building size on
9 Surf Avenue. This has been discussed. We have
10 negotiated this out. We have had discussions with
11 the Administration. But at the end of the day,
12 the hotels are there really to offset the fact
13 that the amusement park is not a year-round income
14 producing area for this area of Coney Island. So
15 we think that it is better that it goes forward as
16 it stands. So I recommend to my colleagues the no
17 vote on the amendment. I guess you'd have to call
18 for a vote.

19 CHAIRPERSON AVELLA: Unless anybody
20 else wants to have a discussion on the amendment.
21 Council Member Jackson has a comment.

22 COUNCIL MEMBER JACKSON: Thank you,
23 Mr. Chair. On the amendment, while I can
24 appreciate the amendment, knowing that the
25 discussions on this particular matter have been

1 ongoing for such a long time that I find the
2 amendment at this point in time a little bit too
3 late in the process in respects to the vote that's
4 taking place now. I had the opportunity, as you
5 know, while waiting to listen to some of the
6 people saying to expand the amusement area and to
7 reduce the towers. But I say that in the whole
8 context of all things considered, as you know
9 Tony, Domenic has been involved in this for years.
10 I've asked the people where it says "don't shrink
11 Coney Island but fix it" whether or not they have
12 had discussions with all of the parties involved
13 in order to put forward their vision of Coney
14 Island and obviously they have to a certain extent
15 that people were listening. I say that at this
16 point in time, all things considered, if it
17 doesn't meet Domenic's approval, then I have to
18 say that I will be voting no on the amendment.
19 Thank you.

21 CHAIRPERSON AVELLA: Anybody else?
22 Before I ask for the vote on this, the only that I
23 would respond to your comments, Council Member
24 Jackson, is that these issues have been brought up
25 and they're still outstanding. So it's not like

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2 they're being brought up at the last minute. That
3 would be my only comment. I'll ask counsel to
4 call the vote on the amendment.

5 CHRISTIAN HYLTON: Chair Avella?

6 CHAIRPERSON AVELLA: You've got to
7 introduce yourself.

8 CHRISTIAN HYLTON: Christian
9 Hylton, counsel to the committee.

10 CHAIRPERSON AVELLA: Explain the
11 vote.

12 CHRISTIAN HYLTON: For the
13 amendment to the Coney Island plan as proposed by
14 Council Member Avella, an affirmative vote is a
15 vote for the amendment, a no vote is a vote
16 opposing and defeating the amendment. Chair
17 Avella?

18 CHAIRPERSON AVELLA: Yes.

19 CHRISTIAN HYLTON: Council Member
20 Felder?

21 COUNCIL MEMBER FELDER: No.

22 CHRISTIAN HYLTON: Council Member
23 Gioia?

24 COUNCIL MEMBER GIOIA: No.

25 CHRISTIAN HYLTON: Council Member

Jackson?

COUNCIL MEMBER JACKSON: May I be excused to explain my vote? Thank you. One thing is to discuss and another thing is with respects to this. I would agree that the more attractions and the more of an amusement area will bring about more people coming to Coney Island. So Melinda, you said in your motion that you hope that the issue may be resolved before we meet on July 29th. I'm saying, as a member of this committee and as a member of the City Council that I hope that additional agreements are reached before the vote on the 29th in order to look into the matters that have been addressed by our colleague Tony Avella with respects to the amendments that he put forward. But with that, I vote no on the amendment.

CHRISTIAN HYLTON: Council Member Katz?

COUNCIL MEMBER KATZ: No.

CHRISTIAN HYLTON: Council Member Sears?

COUNCIL MEMBER SEARS: No.

CHRISTIAN HYLTON: By a vote of one

2 in the affirmative, five in the negative and no
3 abstentions, the amendment is defeated.

4 CHAIRPERSON AVELLA: We will now
5 move to a vote and discussion on the motion.
6 Anyone wish to discuss the motion, otherwise I
7 will call for the vote? Remember, for our
8 colleagues, in addition to my committee but also
9 the Land Use Committee both chairs, myself and
10 Council Member Katz, have asked that discussion
11 occur at the subcommittee since we do have quorum
12 for the Land Use Committee. So if you do have
13 comments, we would appreciate you making it during
14 the subcommittee. Council Member Sears has a
15 comment.

16 COUNCIL MEMBER KATZ: May I, Mr.
17 Chair? Just to clarify, as chair of the Land Use
18 Committee, it's not a necessity. We're just
19 saying that since everyone is here and we want to
20 have an open discussion, now may be the better
21 opportunity, not a necessity but better.

22 COUNCIL MEMBER SEARS: I will be
23 very, very brief. First, I really wish to express
24 my thanks to the Speaker and to Council Member
25 Recchia and his staff because they've worked very

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2 hard at this. I may see this in a little
3 different light because I don't believe that any
4 of us should retreat from a positive work
5 environment for our New York working men and
6 women. So I see this in a different light. I
7 don't see this about being a building height and I
8 don't see it about how expensive a city is. Those
9 are all things that are philosophical and they can
10 be worked out. But people around the world are
11 crying out for fair labor practices. There isn't
12 a country in this world where the doors haven't
13 opened up and reality has set in. So to me this
14 is about our labor force to have a fair spot in
15 the social order of the life in this city. And I
16 say that because it is kind of infamous that we
17 have had to do what we have had to do and labor
18 being a very sticking point to do that. Who
19 better but government to set an example of what we
20 do for our labor force? That doesn't mean that we
21 diminish the importance of the private sector. It
22 doesn't mean that we diminish the importance of a
23 profit. But we have a moral obligation and I say
24 this because before we vote, I'm really going to
25 ask the Administration to continue their

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2 conversations with labor. There are some things
3 that are open-ended and I think they should be
4 resolved. I will vote yes for this, but I have to
5 say that put it in perspective because it's more
6 than what I've talked about. This has become a
7 global issue and New York City should be a leader
8 in global issues. Thank you, Mr. Chair.

9 CHAIRPERSON AVELLA: I don't see
10 anyone else. I will ask counsel to call a vote on
11 the motion.

12 CHRISTIAN HYLTON: This is the
13 motion on the recommendation to approve with
14 modifications offered by Council Member Katz.
15 Chair Avella?

16 CHAIRPERSON AVELLA: Once again, I
17 want to compliment Council Member Recchia. I
18 think there are a lot of good things in this plan.
19 But I do believe that unless you hold the
20 Administration's feet to the fire you don't get
21 what you need for the community and the city as a
22 whole. Coney Island is a worldwide entity. It's
23 also a neighborhood and I think we can do better
24 on this proposal. If I have to be the one to hold
25 the Administration's feet to the fire, so be it.

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I vote no.

CHRISTIAN HYLTON: Council Member

Felder?

COUNCIL MEMBER FELDER: [no

response]

CHRISTIAN HYLTON: Council Member

Gioia?

COUNCIL MEMBER GIOIA: I vote yes.

CHRISTIAN HYLTON: Council Member

Jackson?

COUNCIL MEMBER JACKSON: May I be

excused to explain my vote please?

CHAIRPERSON AVELLA: Yes.

COUNCIL MEMBER JACKSON: Thank you.

First, I'd like to congratulate Domenic Recchia for the tremendous job that he's done in representing the area of Coney Island. I know that there are a lot of issues involved and a lot of parties involved. I just think that I am happy today that a majority of these issues have been resolved. Obviously there are still some issues outstanding, but I am hoping and praying that by the time we formally vote on this on July 29th that those outstanding issues will be resolved. I

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2 would like to congratulate Domenic Recchia and his
3 staff for a job that in my opinion they did a
4 fantastic job representing the people of Coney
5 Island with respect to affordable housing, health
6 care, jobs and other matters that are part of this
7 discussion that we've had here today. With that,
8 I vote yes on the item.

9 CHRISTIAN HYLTON: Council Member
10 Katz?

11 COUNCIL MEMBER KATZ: To follow my
12 own rules, I would just like to comment here. I
13 want to thank, first of all, the Land Use staff,
14 Gail, Alonzo, and Christian; they are an amazing
15 group of people. It's one of the only reasons
16 that we are here at the end of the day and so many
17 of the projects that we deal with. I also want to
18 acknowledge and thank the Speaker's staff, Chuck
19 and Ramone, who work so hard to make sure that all
20 are in agreement at the end of the day. This is
21 an exciting project. Councilman Recchia I know
22 still has a lot of work to do in the community
23 regarding the project and we look forward to
24 working with him as the time goes on as well. I
25 vote aye and I thank everyone who has been part of

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the process.

CHRISTIAN HYLTON: Council Member

Sears?

COUNCIL MEMBER SEARS: Aye.

CHRISTIAN HYLTON: By a vote of

five in the affirmative, one in the negative and

no abstentions, LU 1136, 1137, 1138, 1139, 1140,

1141 and 1142 are approved with modifications and

referred to the City Planning Commission.

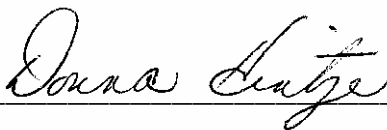
CHAIRPERSON AVELLA: Thank you,

everyone. This closes the meeting of the

Subcommittee on Zoning and Franchises.

C E R T I F I C A T E

I, Donna Hintze certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature 

Date August 18, 2009