

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON LAND USE

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December 7, 2009
Start: 10:51 am
Recess: 11:09 am

HELD AT: Council Chambers
City Hall

B E F O R E:

JOEL RIVERA
Acting Chairperson

COUNCIL MEMBERS:

Maria del Carmen Arroyo
Tony Avella
Charles Barron
Leroy G. Comrie, Jr.
Elizabeth Crowley
Inez E. Dickens
Simcha Felder
Daniel R. Garodnick
Sara M. Gonzalez
Vincent Ignizio
Robert Jackson

A P P E A R A N C E S

COUNCIL MEMBERS:

Jessica S. Lappin
John C. Liu
Rosie Mendez
Annabel Palma
Diana Reyna
Larry Seabrook
Helen Sears
Albert Vann

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2 CHAIRPERSON RIVERA: Good morning
3 ladies and gentlemen. My name is Joel Rivera,
4 I'll be the acting Chair of today's Land Use
5 hearing. Today we have four items to be voted on,
6 a couple to be modified. Before we get into
7 those, let me just introduce my colleagues who are
8 here with us. To my left we have Council Member
9 Annabel Palma, Council Member Charles Barron,
10 Council Member Diana Reyna, Council Member Tony
11 Avella. To my right we have Council Member Inez
12 Dickens, Council Member Sara Gonzalez, Council
13 Member Helen Sears, Council Member Al Vann. We
14 have to my back Council Members Larry Seabrook and
15 Leroy Comrie. To the front we have Council
16 Members Elizabeth Crowley, Council Member Jessica
17 Lappin, Council Member Maria Carmen Arroyo,
18 Council Member Dan Garodnick, Council Member
19 Vincent Ignizio and Council Member Robert Jackson.
20 And in the testimony box we have to the left
21 Council Member Simcha Felder and to the right
22 Council Member Rosie Mendez and Council Member Lou
23 Fidler sitting in the back. Did I miss anybody?
24 Did not miss anybody. Okay.

25 So we have four items on today's

1 agenda to be voted on. Land Use numbers 1227
2 through 1230 are related and Land Use number 12--
3 and the modifications, the proposed modifications
4 are UDAP C090416HAK, Land Use 1230. The Council
5 approves of the disposition of the property to a
6 developer to be selected by HPP with the following
7 modifications. The preference for the use of
8 properly located on block 2272, lots 1145 and 46
9 shall be open space. Urban renewal plan
10 C090415HUK controls on development 1229, proposed
11 uses map to indicate the permitted use of these
12 acquisition parcels following disposition by the
13 city to a redeveloper. Each use indicated in map
14 two will have the meaning set forth in this
15 election C2, a residential, residential and other
16 uses, including but not limited to, recreation,
17 open space, community facilities, commercial uses
18 and parking will be permitted in accordance to
19 rezoning resolution for the use in block 2272 lots
20 1145 and 46 shall be open space.
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22 At this point in time, we'll call
23 on Diana Reyna who wants to say a few words in
24 reference to a project within her area. Council
25 Member Reyna.

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2 COUNCIL MEMBER REYNA: Thank you,
3 Chair. I wanted to just express my strong
4 opposition to what is being proposed at the
5 Broadway Triangle here before you today. My
6 community has been plagued by gentrification at a
7 rate unseen in years past for any plan in
8 Williamsburg to not address displacement with more
9 affordable housing and denser structures is not a
10 plan at all. In nyc the average park space per
11 1,000 people is 3.5 acres of land. 3.5 acres, I
12 apologize. In Williamsburg the average park space
13 per 1,000 is 0.6 acres of land. For any plan to
14 not address the scarcity of park land in our
15 community is not a plan at all.

16 And at the expense of affordable
17 housing currently proposed in this rezoning,
18 they're going to be providing an eminent domain
19 and city owned land to be provided as open space,
20 to protect it as open space. So now not only are
21 we not providing sufficient affordable housing and
22 not addressing open space, we're actually going to
23 trade off affordable housing proposed in this plan
24 for open space. It is ridiculous.

25 This rezoning is allowing for the

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2 minimum in economic development and job creation.
3 Not only is it giving us the minimum, it is also
4 looking to displace hundreds of jobs within the
5 rezoning area. For any plan to not address job
6 creation and economic development is not a plan.
7 Where we have businesses with decades of families
8 providing jobs to our community and telling this
9 family business, you no longer are welcomed here
10 after they owned their property. Where would they
11 have an ability to move, to be relocated? The
12 city has no ability to relocate businesses when
13 they're rezoning all industrial space throughout
14 the City of New York.

15 What seems to be the case is my
16 community was excluded from the planning process
17 and issues that they need and wanted addressed
18 have been excluded. And all I have been asking
19 for is a plan. I will repeat myself. This is a
20 misrepresented plan and an insult to my community.
21 The plan lacks integrity. The process from
22 planning to voting was exclusive and involved just
23 two organizations who will benefit sole source
24 land and committed funding for affordable housing
25 of only 150 units of affordable housing on 19

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acres of land.

The plan is not representative of my community and our needs. It does not provide enough affordable housing, open space, community planning and business industrial development, jobs, prevailing wages. I am not playing politics but standing up for those in my community that have been silenced so that others can control people.

This is not good government and I ask my colleagues to consider turning a new leash and understanding how their vote will impact a decade of further gentrification. Thank you.

[Applause]

CHAIRPERSON RIVERA: Thank you very much. We've also been joined by Council Member elect Steve Levin who is in the audience with us as well and Council Member Domenic Recchia. Did anybody else join us? Okay. At this point, does anybody else have any questions on the projects before us today? Any other members? Seeing none, if the clerk can please call the vote.

COUNSEL: Council Member Rivera.

CHAIRPERSON RIVERA: I vote aye on

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all.

COUNSEL: Avella.

COUNCIL MEMBER AVELLA: Mr. Chair,
I'd like permission to explain my vote.

CHAIRPERSON RIVERA: Yes.

COUNCIL MEMBER AVELLA: I want it
on the record that I stand in support of Council
Member Reyna's comments and in support of what the
community has been trying to do. For years I've
said in this body that it's about time we pay
attention to what the community wants and not what
the big interests want. So I vote no.

[Applause]

COUNSEL: Council Member Barron.

COUNCIL MEMBER BARRON: First I'd
like to vote yes on the items on the recess
meeting of last week. I'd like to vote yes on
that. On this particular item, I want to join
Council Member Avella and Council Member Reyna in
saying that when communities are involved with
this kind of development that's going to impact
for years to come, we must demand respect,
fundamental respect. I don't think it's here. I
think we need to join Council Member Reyna and

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2 join her community and say, no to this item and
3 then let's go back to the drawing board and do it
4 the right way next time. I vote no.

5 [Applause]

6 COUNSEL: Comrie.

7 COUNCIL MEMBER COMRIE: Aye on all.

8 COUNSEL: Jackson.

9 COUNCIL MEMBER JACKSON: I pass.

10 COUNSEL: Seabrook.

11 COUNCIL MEMBER SEABROOK: Aye.

12 COUNSEL: Sears.

13 COUNCIL MEMBER SEARS: Aye.

14 COUNSEL: Vann.

15 COUNCIL MEMBER VANN: Explain my
16 vote.

17 CHAIRPERSON RIVERA: Yes.

18 COUNCIL MEMBER VANN: I agree with
19 some of the sentiment expressed by Council Member
20 Diana and others in reference to the nature of
21 this process. I failed, I believe, to fully and
22 completely involve surrounding areas like
23 Community Board 3 as well as community 6 so I have
24 a problem with that. I do have a guiding
25 principal that I tend to use as I operate in this

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2 Council in respecting the preferences of community
3 boards and the preferences of elected officials,
4 Council Members.

5 In this case, I respect the Council
6 Member who represents this area as well as the
7 community board who made decisions on this area.
8 So I have problems with the process but it does
9 not rise to the level that I would vote in
10 opposition to the item before us. I vote aye.

11 COUNSEL: Gonzalez.

12 COUNCIL MEMBER GONZALEZ: Aye.

13 COUNSEL: Palma.

14 [Off mic]

15 COUNSEL: Arroyo.

16 [Off mic]

17 COUNSEL: Dickens.

18 COUNCIL MEMBER DICKENS: Aye.

19 COUNSEL: Garodnick.

20 [Off mic]

21 COUNSEL: Lappin.

22 COUNCIL MEMBER LAPPIN: Aye.

23 COUNSEL: Mendez.

24 COUNCIL MEMBER MENDEZ: Permission
25 to explain my vote and permission to vote on all

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2 the items that were on the Land Use calendar
3 previously?

4 CHAIRPERSON RIVERA: So ordered.

5 COUNCIL MEMBER MENDEZ: I vote aye
6 on the previous Land Use calendar items and I vote
7 no on this particular matter. Process is
8 important and the process here is very troubling.
9 And I think we as a body have to come together and
10 try to address this. This city can not continue
11 to do things in the manner it has done,
12 particularly under this administration, under the
13 Bloomberg administration. And we need to deal
14 with issues of eminent domain. Once again, I vote
15 no on this matter.

16 [Applause]

17 COUNSEL: Crowley. Crowley.

18 COUNCIL MEMBER CROWLEY: I vote aye
19 on all.

20 COUNSEL: Ignizio.

21 COUNCIL MEMBER IGNIZIO: If I can
22 briefly be excused to explain my vote.

23 CHAIRPERSON RIVERA: Yes.

24 COUNCIL MEMBER IGNIZIO: The issues
25 that I have regarding this application is that

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2 which I think will haunt this Council, indeed this
3 nation, going forward. And that being the
4 erroneously approved kilo decision, which allowed
5 for government to come in and say you must get out
6 of your land because we have a better use for it.
7 The fundamental guiding principles and our
8 founding fathers sought fit to assure that that
9 would not happen, that government can not come in
10 and say you get off your land, we're putting
11 somebody else there. I fear for that which when
12 you give government that much power over a private
13 person's land that is paid 30, 40 and 50 years
14 for, where will the next abridgement of our
15 Constitutionally given authorities come from.

16 I applaud my members of this
17 Council on either side of this issue, because
18 there has been a very spirited debate here in this
19 chamber regarding this issue. Whether you fall on
20 the side of being in favor or against it, it was a
21 very spirited debate here and one that Council
22 Member elect and Council Members should be
23 applauded for.

24 That being said, I can not stand by
25 and support a project which has eminent domain in

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2 its wake. Eminent domain, I believe at some point
3 will be overturned because of egregious acts like
4 this one. And I believe that government is over
5 stepping its boundaries, over stepping its land.
6 When it becomes your home that they come to and
7 say, no, you get out, we're putting somebody else
8 in, that's when this country will stand up. I
9 proudly vote no on them and vote yes on all
10 others.

11 [Applause]

12 COUNSEL: Liu.

13 COUNCIL MEMBER LIU: I vote no.

14 [Applause]

15 COUNSEL: Felder.

16 COUNCIL MEMBER FELDER: Yes.

17 COUNSEL: Jackson.

18 COUNCIL MEMBER JACKSON: Mr. Chair,
19 may I be excused to explain my vote?

20 CHAIRPERSON RIVERA: Yes.

21 COUNCIL MEMBER JACKSON: Thank you.

22 I believe the deadline for this City Council to
23 act I believe is December 15th, if I'm not
24 mistaken. Here we are today, December 7th,
25 deciding on one aspect of this particular Land Use

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2 item. As someone that is not representative of
3 the area in question--December 8th. December 8th
4 is it? That's tomorrow. We have to act by
5 December 8th.

6 As someone that does not represent
7 the area, I don't know the details as well as many
8 people sitting in the Council. And I depend on
9 the staff of the City Council to educate us, I
10 depend on the hearings that have been held and my
11 communication with my colleagues and HPD and other
12 community based organizations in order to give me
13 insight into this particular matter.

14 I have listened to all parties and
15 I understand that, in speaking directly and
16 hearing from my colleague Diana Reyna,
17 continuously say that the process has been tainted
18 and that it was not inclusive of all parties in
19 our community. I also understand that the land in
20 question is in Community Board 1 in Brooklyn but
21 directly across the street is Community Board 3.

22 And in fact, some members of the
23 Black, Latino and Asian Caucus met with HPD and
24 listening to what they had to say on this
25 particular matter and also raised a point as far

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2 as community preference for the affordable housing
3 units. That because it's in an area where the
4 line is right there and across the street people
5 from Community Board 3 will not be in the
6 community preference for affordable housing,
7 that's not good. Those are the way things are so
8 we expressed to them that it would be good for
9 community preference, it included Community Board
10 3 and Community Board 1 because, in essence, there
11 is an invisible line right down the middle of the
12 street.

13 I also understand that from what I
14 heard that there is an issue of the Latino
15 community, the African American community and the
16 Jewish community and maybe it's not being
17 discussed here in the particular vote. But I
18 understand that that's an issue. Also an issue is
19 the fact that there are two organizations are
20 involved in this development. And quite frankly,
21 in listening to all of the information I don't
22 have enough information for myself to vote either
23 yes or to vote no.

24 But all things considered, in this
25 particular matter, I think that I will abstain.

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And that's my vote, I abstain.

COUNSEL: By a vote of 12 in the affirmative, 6 in the negative and 1 abstention, all items have been adopted. Recount for the vote from last week on previous items now stands at 20 in the affirmative, zero in the negative and no abstentions.

CHAIRPERSON RIVERA: Thank you very much. This meeting is adjourned. Please everyone, sign the committee report.

C E R T I F I C A T E

I, Amber Gibson, 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 Amber Gibson

Date _____