

SUBCOMMITTEE ON ZONING AND FRANCHISES

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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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May 30, 2018  
Start: 9:47 a.m.  
End: 2:23 p.m.

HELD AT: 250 Broadway - Committee Rm, 16<sup>th</sup>  
Floor

B E F O R E: COUNCIL MEMBER MOYA

COUNCIL MEMBERS:  
Francisco P. Moya  
Costa G. Constantinides  
Barry S. Grodenchik  
Rory I. Lancman  
Stephen T. Levin  
Antonio Reynoso  
Donovan J. Richards  
Carlina Rivera  
Ritchie J. Torres

APPEARANCES: Robert Callahan  
Declan Rainsford  
Rory Dolan  
Rory Quinn  
Robert Ryan  
Judy Fomaledy  
Kristen Carazolas  
Michael Mullanphy  
Brett Pasher  
David King

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APPEARANCES: (CONTINUED)

- Rosemary Ibonny
- Ron Ibonny
- Peter Angle
- David Rosenstein
- Ethan Goodman
- Chris Barnes
- David Cohen
- Melanie Myers
- Paul Boardman
- Billy Richland
- Richard Label
- Huntley Gill
- Eric Polacnic
- Chris Karado
- Brandon Charnas
- Jeremiah Cox
- Peter Beck
- Lacie Taber
- Michael Rooney
- Roderick Chase
- Bernard Penn
- Victor Logan
- Sebastian Dratulian
- Bennet Grimen
- David Eisenbach
- Eva Miller
- Sonya Williams
- Clyde Simper
- Joseph Napoli
- Sandy Reburn
- Julie Leak
- Ray Rogers
- Steven Williams
- Dr. Milton Haynes
- Margaret Barb
- Lucy Kotene
- Naomie Dickerson
- Ester Blunt
- Enid Braun
- Shawn Anderson
- Samuel Blackwell
- Pearlene Higgins
- Peter Osemabull
- Isabella Norwood
- Debra Water
- Caroline Hubbard Comanonweary

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APPEARANCES: (CONTININUED)

- Ernest Augustus
- Shelly Hagen
- Allen Parker
- Jene Lasema
- Gloria Cox
- Lisetta Duncan Moore
- Jeff Samerson
- Louise Vas Espinal
- Ellen Moseley
- John Archer
- Evonne Ashby
- Lucille Alene
- Olive Archer

SUBCOMMITTEE ON ZONING AND FRANCHISES

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2 COUNCIL MEMBER MOYA: Good morning and welcome  
3 to the meeting of the Subcommittee on Zoning and  
4 Franchises. I'm Council Member Moya and today I'm  
5 joined by Council Member Carlina Rivera. Today, we  
6 have many hearings and we will also be voting on some  
7 applications. If you are here to testify on any item  
8 on the calendar for which the hearing was not already  
9 closed, please feel out a white speaker slip with the  
10 sergeant at arms and indicate the LU number of the  
11 item you wish to testify on, on that slip and whether  
12 you are in favor or in opposition. Today, we will  
13 start with a hearing on LU 82, the Proposed Revocable  
14 Consent for Five Miles Stone to operate an unenclosed  
15 Sidewalk café at 1640 second avenue in Manhattan, in  
16 Council Member Kallos's district and I now open the  
17 public hearing on LU 82. Now we will be calling up  
18 the first panel. It is Mr. Robert Ryan, Declan  
19 Rainsford[SP?], Rory Dolan[SP?], Robert Callahan and  
20 Rory Quinn. If you all could please come up. I am  
21 going to now ask the Council to swear in the  
22 applicants.

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COUNCIL: When you begin, please state your names and I'll swear you in now. Do you each swear or affirm to tell the truth, the whole truth and nothing but the truth in your testimony before the Subcommittee and in response to all Council Member questions?

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PANEL: All members saying, I do.

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COUNCIL MEMBER MOYA: You may begin.

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ROBERT CALLAHAN: Thank You. My name is Robert Callahan I'm a Licensing Expeditor. I'm just going to read a brief statement before the owner's address to Council. We withdrew our Sidewalk Café last year because we were turned down by the community board and Council Member Kallos. The Sidewalk Café then was on east 85<sup>th</sup> street. We applied again this year, but we moved the Sidewalk Café onto second avenue, so it would not affect the neighbors on east 85<sup>th</sup> street. The café consists of 15 tables and 32 seats. We would be using 7 feet 1 inch of an 18-foot sidewalk which would leave 10 feet 11 inches for pedestrians. We agreed to stipulate with the community board last year to close the balcony at 9:00 p.m. on east 85<sup>th</sup> street. Close all windows and doors at 9:00 p.m. and to mark the sidewalks of the café stays where it

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2 should. Although the community board turned us down  
3 last year, we still closed the balcony, windows, and  
4 doors at this time to show good faith. We agreed to  
5 all the stipulations at this year's community board  
6 hearing. We also abide by the New York City bicycle  
7 guidelines not to use electric bikes, keep the front  
8 of the establishment clean, not participate in bar  
9 crawls and to have security present from Thursday to  
10 Saturday to limit potential noise from patrons that  
11 might congregate outside and to ensure there is no  
12 smoking in front of the establishment. We also  
13 agreed to take all Sidewalk Café furniture in at  
14 night, so it is not blocking the sidewalk. We have  
15 also given our cellphone numbers to the community  
16 board, so we are easy to contact if a situation  
17 arises. Finally, we posted requests in our neighbors  
18 building to try to meet with them but received no  
19 response on several occasions. At this time, the  
20 owners would like to address the Council.

21 DECLAN RAINSFORD: Good Morning Council Members.  
22 My name is Declan Rainsford, I am one of the owners  
23 and the license holder. You know what we want to get  
24 across to you is that yes, a decision has been made  
25 on your part, but this has been very negative. We

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2 have been viewed on very negatively over the last few  
3 years. You know, we've corrected a few issues that  
4 neighbors have - the one or the two neighbors in the  
5 building, we think it's the building behind us  
6 they've had. We've reached out to them. We've given  
7 them our phone numbers. They don't really reach out  
8 to us and address directly. Instead, they go a  
9 different route and they you know, make our  
10 applications for licenses difficult, so we've always  
11 been very available. There has been a café on that  
12 street for many years in the past. When we took over  
13 the premises, we continued with the café, but now  
14 there has been a stop on this which we feel has been  
15 unfair to be honest at this stage. We've met with  
16 neighbors, we've done what we can and now we still  
17 haven't moved on because of the neighbors really.  
18 Okay, I will pass you on to Rory Dolan, thanks.

19 RORY DOLAN: Hi, I'm Rory Dolan. I am one of the  
20 owners here in Five Mile Stone. We moved into this  
21 neighborhood four years ago and the neighborhood was  
22 really derelict and looked like a crime zone. We  
23 bought with it with the Sidewalk Café. We put a lot  
24 of money into the business to build it up where it is  
25 right now. We were told in the beginning we would

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not make it [inaudible 7:13] and we've been there for the last four years. We do feel that there are certain people in the neighborhood that is going after us and we tried our best to reach out to as many as the neighborhood to try and have them come and see us, no one did come in to see us. We have been treating the good neighbors for the four years. Thank you.

RORY QUINN: I I'm Rory Quinn, I live in the neighborhood. I am one of the owners of Five Mile Stone also. I have worked at Five Mile Stone for the past four years. I have worked there five to six days a week. I work normally nights. I always make sure that that windows are closed at nine on both floors. I'm always out on the sidewalk, trying to keep the noise down. I also have reached out to different neighbors, given them all my phone number and you know, we really have worked hard. We have done everything we can to work with them. We have not really torn into a brunch yet. A lot of families come. If you come there on a Saturday or Sunday, a lot of strollers. As a guy says, you know there was different businesses there before and nobody ever made it. I remember our first year in business, I



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2 heard from people, oh, you guys aren't going to last  
3 here. Nobody has ever lasted here. You aren't going  
4 to make it. We have really worked hard with the  
5 neighbors to make Five Mile Stone a good place and I  
6 think we have been given a bit of bad deal. You  
7 know, we are making a big effort and we are trying to  
8 do the right thing and it is just very disappointing  
9 that you know, the community board has torn us down.  
10 I've been going to the community board meetings every  
11 month. I haven't heard any complaints this last year  
12 and half about us. I even went down to the local  
13 precinct to find out about complaints, no complaints  
14 there either. We even spent money to put extra  
15 covers on the doors this year in the winter and you  
16 know we're doing everything we can to help the  
17 neighbors and to do the right thing. Thank you.

18         ROBERT RYAN: Hello Council, my name is Robert  
19 Ryan and I'm an owner of Five Mile Stone. I started  
20 working at Five Mile Stone two years ago. I'm not  
21 going to lie, yes there was problems in the past, but  
22 we have come like the last year in a half, we've been  
23 fixing those issues. We've been closing the balcony  
24 at 9:00 p.m. Like unfortunately to say like those  
25 other like businesses in the area, they are staying

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2 open to like 12:00, one o'clock in the morning and I  
3 feel like we're just getting [inaudible 10:29]. When  
4 I started working there, like I've turned brunches  
5 into one of the most family-oriented places in the  
6 upper east side. If you come there Saturday and  
7 Sunday like every second table, there is like  
8 strollers. Like and we even have like people here  
9 today like their families in that area. I just think  
10 the side of three people here is being taken as  
11 opposed to like - I handed in a petition last month  
12 to the community board of like over 200 people.  
13 There is just like a lot of neighbors. With  
14 different like all types of people come into the  
15 restaurant, like old, or younger, family. Like if  
16 you just give us like a chance whether we follow the  
17 rules and I just want to say, if you can give us like  
18 another chance then we can prove to you that we can  
19 follow all the rules. Like moving forward, like I  
20 just know myself like I'm there every single weekend.  
21 If you could just come yourselves, you will see  
22 that's very family oriented.

23 COUNCIL MEMBER MOYA: Is everyone done? We have  
24 Council Member Carlina Rivera who has a question.

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2 COUNCIL MEMBER RIVERA: So, when you spoke to  
3 Council Member Kallos, you have spoken to him  
4 correct?

5 ROBERT RYAN: Not him directly in his office. We  
6 tried over the course of a year to – we tried over  
7 the course of a year to meet with him directly and we  
8 proved to him very hard in the end that we did sit  
9 down, we had an appointment with Paul Restrict, in  
10 his office and we you know, brought an attorney with  
11 us so that Paul and Ben Kallos offices would see that  
12 we were genuine. That we wanted to work with him,  
13 his office, and of course with the neighbors. So,  
14 yes, we have reached out and he knows we've reached  
15 out.

16 COUNCIL MEMBER RIVERA: Right because from what I  
17 understand he is not in support of this application  
18 and I'm – so I'm wondering what are some of I guess  
19 challenges that he has identified or some of the  
20 concerns he's had?

21 ROBERT RYAN: I don't think he has even been  
22 direct about the specifics on that. I think he is  
23 very much – there are a couple of people who are very  
24 close to us, very close proximity and they seem to be  
25 very much been able to reach to him and feed him with

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a lot of, to be honest, inaccurate information.

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We're not a noisy boisterous premise. You know, when

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we close our doors there, we stand out on the street

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and you can see the various bars in the area that are

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noisier and even a neighbor from a building across

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the street south on 85<sup>th</sup> street, he even said to us,

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I can't believe you're getting your license pulled

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from your Sidewalk Café. You're not the noisy one,

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they were his words. So, you know when people tell

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us these things and we hear a lot of positive things

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like there are people who live in the area, Trudy who

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is here who has a business on the same block.

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Another gentleman here at the end has a business at

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the other end of the block. You know, these are our

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livelihoods. These are our businesses. We

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understand that we have a license. We respect our

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license whether it's a liquor license, a café license

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we always do the right thing. We have a lot of

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staff, it's our livelihoods, it's the staff's

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livelihoods and we put that in high priority. We're

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not going to risk a license. We're not going to risk

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getting violations you know, because that is

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detriment to the business.

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COUNCIL MEMBER RIVERA: Okay, thank you.

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2 COUNCIL MEMBER MOYA: We've also been joined by  
3 Council Member Rory Lancman, Barry Grodenchik, and  
4 Keith Powers. Just quickly, has there been any  
5 violations issued in the last year to your  
6 establishment?

7 ROBERT RYAN: No nothing at all.

8 COUNCIL MEMBER MOYA: Any 311 complaints based on  
9 noise?

10 ROBERT RYAN: No, we inquired about that and we  
11 haven't had any, no.

12 COUNCIL MEMBER MOYA: Okay, thank you very much  
13 for your time and thank you for your testimony.

14 ROBERT RYAN: Okay, thank you.

15 COUNCIL MEMBER MOYA: Okay, the next group is  
16 Judith Fomaledi[SP?]. Is there a Judith in the room?  
17 Kristen Carazolas, Brett Pasher[SP?], David King?

18 DAVID KING: I'm here.

19 COUNCIL MEMBER MOYA: Come on up and Michael  
20 Mullanphy. If you could just identify yourselves and  
21 just you have two minutes each. Start with you.

22 JUDY FOMALEDY: My name is Judy Fomaledi. I live  
23 and work on 85<sup>th</sup> street. I've been there for 14  
24 years. I have a little girl's dress up tea party  
25 business and I frequent Five Miles Stone quite often.

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2 I also send all my customers there. They bring their  
3 children, they bring their grandmothers, everyone is  
4 welcome there. It's a community restaurant, bar,  
5 more a restaurant than bar. Its welcoming to all  
6 ages and any given Saturday or Sunday morning, if you  
7 walk in there, there are baby strollers. I brought  
8 my 80-year-old sister there. I brought my sons  
9 there. I have brought my six grandchildren. There  
10 is nothing that is more wonderful than having a  
11 restaurant like this where everyone is welcome. When  
12 I moved to 85<sup>th</sup> street, I had to make a choice. Do I  
13 move to a quieter neighborhood or do I move to one  
14 that's alive, that's ethnically diverse and that's  
15 the neighborhood that this is. It's a wonderful area  
16 to live in and for 14 years I have seen restaurants  
17 turn over on that corner. This is the only  
18 restaurant that has made it there. I think I'm a  
19 little prejudice, I think the ownership being Irish,  
20 it's a hospitable environment and I think it deserves  
21 a chance and I think by taking the seating outside  
22 away, it probably diminishes the revenue that they  
23 will need to bring in in order to survive. Every  
24 restaurant around there has outdoor seating. Thank  
25 you.

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COUNCIL MEMBER MOYA: Thank you for your testimony.

KRISTEN CARAZOLAS: Hello, my name is Kristen Carazolas[SP?] and as mentioned Five Mile is such an amazing family-oriented restaurant. Everyone is very welcome there. Its very well run and we enjoy spending time there with our family and friends and as far as outside seating, there is restaurants across the street. There are restaurants two doors down that have open seating and I think Five Mile should also have that opportunity.

COUNCIL MEMBER MOYA: Thank you.

MICHAEL MULLANPHY: Hello, my name is Mike Mullanphy and I'm a member of community board, but I am not here representing them and I'm also the Co-Chair of the Small Business Committee and to reiterate what has already been said. There has been a number of businesses that has come and gone in that place over the last 18 years. I have been on the block for 18 years. I also own Ryan's Daughter which is closer to 1<sup>st</sup> avenue. I've seen countless places come and go and right I know myself that they have done their best to allay the concerns of the community. They have jumped through hoops to take on

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2 board what the community boarders have to say to them  
3 and they're shutting the windows and doors at 9:00 at  
4 night and they do provide a wonderful place for the  
5 community I might add. Its not like their bringing  
6 people in from other neighborhoods or from other  
7 states for all sorts of crazy parties that goes on in  
8 other places. They're actually there for the  
9 community. The vast majority of their customers  
10 there probably come from a ten block radius and so I  
11 agree with the statement made earlier, that I think  
12 there is a little bit of - there is something going  
13 on where they're being penciled out or they're being  
14 scrutinized unfairly and they got rid of their  
15 Sidewalk Café last year and I ask that you support in  
16 every way any opportunity to give them a chance to  
17 have this Sidewalk Café on second avenue. I will  
18 also add that they also employ a ton of people, quite  
19 a few of them also live in the community and we have  
20 all sorts of things coming down the pipeline such as  
21 the fifteen dollars an hour wage increase, which is  
22 going to hurt bars and restaurants across our city  
23 and if anybody has walked up second avenue in the  
24 last year, you'll see that there's more and more  
25 small businesses, especially bars and restaurants



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2 that are shutting down and leaving, so I think it's  
3 incumbent around the community and around the City  
4 Council to support small business in the best way  
5 they can and this would be a good start. Thank you.

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BRETT PASHER: Hello, my name is Brett Pasher.

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I've lived in the neighborhood just like most of the

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other people talking here for the last 15 to 20

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years. I've seen in that particular space as we've

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heard before that there has been a lot of turn over

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and no place has been successful, so just imagine

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this, at some point these gentlemen made a decision

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that they were going to pay the key money in order to

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acquire the space. They spent hundreds and thousands

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of dollars that they put away in order to make this a

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family, beautiful place for the neighborhood. They

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invested in it. They've been part of the community.

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Rory lives right across the street from me. We've

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become friends simply because of the hospitality they

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offered to me and to other guests that have walked

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into the establishment. They've done everything in

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their power as people have stated here in order to

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make sure that they've been keeping their doors

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closed at night, responding to whatever local guests

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have, whatever complaints, they've done really

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2 anything that I could possibly imagine business  
3 owners doing and all their looking to do is anybody  
4 that walks down second avenue during the summer will  
5 see that there are evenings or even afternoons where  
6 the restaurant will be empty because everybody is  
7 sitting outside. That's what people look to do  
8 during this time of year and to deprive this  
9 establishment of that same opportunity that everybody  
10 else in the area within - there's probably 20 to 30  
11 restaurants within a five-block radius that have that  
12 opportunity. Just selectively decide that this one  
13 should and this one shouldn't without having any  
14 reasonable - I get for why you would deprive them of  
15 it makes no sense to me, so I hope that everybody  
16 here is listening and understands that they have the  
17 support of the people like me in the community.

18 Thank you.

19 DAVID KING: Now that everyone has stolen my  
20 thunder. David King, I've been in the community for  
21 20 years specifically on 85<sup>th</sup> street and I will  
22 absolutely support what everyone has talked about up  
23 here. I have been a tax paying community member for  
24 18 to 20 years and again, I've witness several  
25 restaurants in the same space who have not made it.

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2 Some have been I would say not as nice as Five Mile.  
3 They have only been there for a year, a year and a  
4 half. They haven't utilized the space correctly.  
5 Some of those restaurants were dirty and quite  
6 frankly not up to par with what we have at Five Mile.  
7 Brett mentioned the area around Five Mile and I did a  
8 little research yesterday and I do have those  
9 numbers. There are at actually a ten-mile radius or  
10 a ten-block radius. Five blocks north and five  
11 blocks south and there are 24 restaurants/bars that  
12 have outdoor space and for Five Mile not to be able  
13 to have an outdoor space, I think is unfair to them  
14 and I think its probably a matter of one or two  
15 people who have a voice within whatever authority  
16 they have a voice and they're actually detracting  
17 from Five Mile being a part of the 24 restaurants  
18 within a five block radius north and south and I  
19 think that's absolutely a shame. I also think there  
20 is some responsibility when you move into the city.  
21 If you live above a bar or a restaurant, you probably  
22 are going to hear you know folks that are having a  
23 good time. Your going to come across some things  
24 that you may not want to see, such as vagrancy and  
25 people smoking and things of that nature but that

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comes with the territory. I'm holding on to the button here. I feel there are other bars that are absolutely providing more noise versus the 9:00 p.m. shut off that Five Mile has. They shut their windows down at 9:00 p.m. and there are other bars directly across the street and on the corner that keep their bars and windows and doors open. I think its unfair.

COUNCIL MEMBER MOYA: Thank you. Thank you for your testimony. We truly appreciate it and we will take it under consideration. Thank you so much for your testimony and now we're going to pause this hearing to take a vote. We will now move to vote on items we heard at prior hearings. I will now describe those items. We will vote to approve LU 70 an application for the Revocable Consent to Operate an Undisclosed Sidewalk Café at Café Taboo and Council Member Rodriguez's district in Manhattan and LU 84 is 45 Broad Street a special permit for a subway improvement in Council Member Chin's[SP?] district in Manhattan and we will be modifying the 45 Broad Street application for a zoning special permit which would yield a 3.0 FAR of bonus floor area to be used in an 80 story mixed use building on property located in the special lower Manhattan district in

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2 Council Member Chin's district in connection with  
3 major improvements to the subway system including the  
4 provisions of two new elevators. A modification will  
5 memorialize small changes in the subway improvements  
6 proposed such as signage at the street level  
7 indicating that the south bound elevator is for  
8 egress only from the south bound platform and to  
9 specify the location on the bonus floor area to  
10 ensure that this bonus floor area is not occupied  
11 until certain subway improvements are complete. We  
12 will also make clear that a core and shell TCO will  
13 not permit any type of occupancy and make technical  
14 changes making it easier to understand which subway  
15 improvements are required. I'm going to now read  
16 Council Member Chin's statement. Okay, this is  
17 Council Member Chin's testimony. Its, good morning.  
18 My name is Council Member Chin and I represent  
19 Council District 1 in lower Manhattan which includes  
20 the location where this application is located. I  
21 would like to thank Chair Moya and my Council  
22 colleagues, the Council Land Use staff, Roger Man,  
23 Julie Luban[SP?], and Elizabeth Lee for helping guide  
24 this important conversation for ensuring that the  
25 voices of residents, workers, and people with

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2 disabilities were heard as part of this process. I  
3 am pleased and look forward to welcoming the transit  
4 improvement which will make the Broad Street J/Z  
5 station fully accessible. It is a sad reality that  
6 most subway stations in our city are completely off  
7 limits to thousands of disabled New Yorkers and  
8 visitors. At a hearing earlier this month, we heard  
9 the heartbreaking story of one New Yorker whose only  
10 recourse was being trapped on a subway platform, was  
11 to wait for hours so that emergency personal could  
12 get her out. It is my hope that such scenes will one  
13 day be a thing of the past because it is clear that  
14 until we make every station fully accessible, we will  
15 continue to fail in our moral duty as well as our  
16 obligation under federal law. This application  
17 clears the way for important upgrades to the Broad  
18 Street J/Z station with the installation of two  
19 elevators that would make it one of only six  
20 accessible entry points along the subway lines that  
21 stretches from my district in lower Manhattan to  
22 Jamaica, Queens. As a result of this process we also  
23 have a commitment for fair wages and fair benefits  
24 for building service workers and their family. We  
25 have also secured a promise to abide by the shortened

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1  
2 period of after work hours a small but important  
3 victory for residents of nearby buildings who have  
4 endured sound of heavy construction in the early  
5 mornings, the evenings, and on Saturdays. While I  
6 appreciate the applicant's effort thus far to address  
7 these important concerns, it is clear that we have a  
8 long way to go. First and for most, I want to put on  
9 record as I've done numerous times before that the  
10 financial district despite its name is now a  
11 predominately residential neighborhood. This is a  
12 place where young couples are choosing to raise their  
13 families and where seniors grow old in the  
14 neighborhood surrounded by activity and vitality.  
15 The assurances of after hour variances at such a rate  
16 where there are at least three active AHV's in one  
17 single block would not be allowed. I repeat my calls  
18 for the Department of Buildings to head our call for  
19 relief and place the bar appropriately high for the  
20 assurance of such permits that cause so much misery  
21 for so many people. Despite this ongoing  
22 conversation about AHV's and because of the  
23 applicant's commitment to good jobs with benefits and  
24 the vital transit accessibility improvements, I ask  
25 my colleagues to vote in favor for this application.

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1  
2 Thank you. And we will be voting to approve LU 85  
3 the Hudson Boulevard and Park Text amendment which  
4 affects property in special Hudson Yards district and  
5 Speaker Johnson's district in Manhattan. In 2005,  
6 one of the major goals of the special district was to  
7 create a new 20-acre open space network. The primary  
8 open space in this network is the Hudson Boulevard  
9 and Park a linear north and south park running from  
10 west 33<sup>rd</sup> to west 39<sup>th</sup> street mid-block between 10<sup>th</sup>  
11 and 11<sup>th</sup> Avenues while phase one was acquired and  
12 built out by the city and open to the public in 2015.  
13 Phase two, which runs from west 36<sup>th</sup> to west 39<sup>th</sup>  
14 street, blocks 4 through 6 still remain in private  
15 ownership. This Text Amendment proposed by the  
16 Department of City Planning would make technical  
17 changes to the zoning techs to facilitate the private  
18 development of phase two of the Hudson Boulevard Park  
19 for use by the public. We will be voting to approve  
20 LU's 86 and 88. The Willow Avenue rezoning for  
21 property in Council Member Salamanca's district in  
22 the Bronx. Approval of these applications for a  
23 zoning map change to permit residential use. A  
24 zoning text amendment to designate the area as a  
25 mandatory and inclusionary housing area subject to



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MIH option one and an Article 11 tax exemption will permit the redevelopment of the applicants site into an eight-story mixed use building with 134 residential units 100%, which will be affordable. And now I call for a vote. Also, we've been joined by Council Member Reynoso, Torres, and Levin. Council, please call the vote.

COUNCIL: Vote to approve with the modifications that have been described LU 84, the 45 Broad Street application and to approve all of the following application LU 70, the Café Taboo Sidewalk Café, LU 83, LU 85, and Lu's 86 through 88. All of which have the support of the local Council Members. Moya?

COUNCIL MEMBER MOYA: I and all.

COUNCIL: Lancman?

COUNCIL MEMBER LANCMAN: I.

COUNCIL: Levin?

COUNCIL MEMBER LEVIN: I.

COUNCIL: Reynoso?

COUNCIL MEMBER REYNOSO: I.

COUNCIL: Rivera?

COUNCIL MEMBER RIVERA: I and all.

COUNCIL: Torres?

COUNCIL MEMBER TORRES: I and all.

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COUNCIL: Grodenchik?

COUNCIL MEMBER GRODENCHIK: I.

COUNCIL: The Land Use items are approved by a vote of seven in the affirmative, zero in the negative and zero abstentions and referred to the full Land Use Committee.

COUNCIL MEMBER MOYA: Okay, now we will resume the hearing on LU 82. I will be calling Peter Angle, Rosemary Ibonny[SP?] and Ron – Ron, you got to help me with this one. Well before we start we just have to – Council needs to make a correction on the vote.

COUNCIL: I just want to correct that LU 83 was not voted on. The vote was on LU 70, 85 and 86 through 88. Thank you.

COUNCIL MEMBER MOYA: Thank you. Okay, we're going to get started, thank you. Just state your name for the record.

ROSEMARY IBONNY: Good morning. My name is Rosemary Ibonny. My husband and I live on 85<sup>th</sup> Street. We sold our home in Northern Westchester and retired to enjoy the city life. Five Mile Stone was the first restaurant that we went to when we moved here, and we have continued to go there. We bring people from out of town there. It is our go to

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2 restaurant. There are a lot of issues on the upper  
3 east side. Five Mile Stone is not one of them. I  
4 live close to a fire house. There are homeless  
5 people that will come up to you at all hours. Those  
6 are a lot of issues. There are unclean streets, if  
7 you walk in front of Five Mile Stone no matter what  
8 time you walk there, those streets are clean. I  
9 bring my older relatives there. I bring my young  
10 children there, grandchildren, and we have never had  
11 a problem. We have always been welcome. I'm really  
12 confused why this outdoor license would be revoked  
13 from them. I'm really confused. I have never had an  
14 issue there and I have had issues at many other  
15 restaurants in the city and as a matter of fact, as I  
16 understand it Andrew Como rented out their top floor  
17 for a party, so I mean, take it from there. I don't  
18 know. It's a great place. Their friendly, their  
19 clean and you know what, business is hard to keep in  
20 the city, very difficult. We see them going out all  
21 the time. The last thing that I would want is Five  
22 Mile Stone to go out of business because they're not  
23 allowed to have outdoor seating, and everyone knows  
24 when your stuck in an apartment all winter, all you  
25 want to do is go sit outside and enjoy the nice

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weather and I just find it incomprehensible that the Council would consider this. Thank you very much.

COUNCIL MEMBER MOYA: Thank you.

RON IBONNY: Hi, my name is Ron Ibonny. We recently moved, as my wife said, to the upper east side and obviously prior to moving there, we surveyed the area, the city what it would be like and as she said, we have a fire house on one side, we're in between two subway lines which creates a lot of people, a lot of noise. The construction for the infrastructure on 86<sup>th</sup> street has been going on for several years and in addition, you move into an area knowing you have all these other situations and you should be aware of it, so when I had gone there one day for brunch and it was nice and I asked one of the staff why we don't have seats outside, they said they were not allowed to and I said why? And they said some of the neighbors complained, so I said well, you can't move on top of a bar or a restaurant and then complain about the noise. That's like moving next to an airport and saying, planes make noise. So, I don't understand that. I mean a choice few people who don't want something should not take the majority

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1  
2 of the neighborhood and what we like. Thank you very  
3 much.

4 COUNCIL MEMBER MOYA: Thank you.

5 PETER ANGLE: Good morning, I'm Peter Angle. I  
6 live in the neighborhood as well for many years. My  
7 wife and I bring our two children to Five Mile all  
8 the time. This is a great family restaurant. It is  
9 run well. The staff is like family to us. You know,  
10 I even took off today just to come down here because  
11 I feel so strongly about it. I think it's a shame  
12 that there is no outdoor seating. There used to be  
13 and there was never a problem. You know, even my  
14 older son asked, why can't we sit outside? And I'm  
15 like well you know. Its bigger than that but its  
16 such a great establishment and it's just a shame that  
17 you know that there's no outdoor seating allowed. I  
18 really hope that gets reversed because its just a  
19 wonderful place and thank you for the time.

20 COUNCIL MEMBER MOYA: Thank you all for your  
21 testimony, thank you. Now we have David Rosenstein.  
22 Thank you. Please state your name.

23 DAVID ROSENSTEIN: My name is Dave Rosenstein.  
24 I'm a member of Community Board 8. I'm a resident of  
25 Yorkville for over 50 years. The vote that we had as

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1  
2 a community board on this item was so incredibly  
3 lopsided that clearly, we were voting on a different  
4 restaurant than the folks who like the place. It  
5 sounds like a lovely place, but they should move this  
6 lovely place to 85<sup>th</sup> street and 2<sup>nd</sup> avenue where the  
7 Five Mile Stone that I know is because its an  
8 incredibly lousy, I mean I'm sorry lousy, noisy bar.  
9 They have the whole bottom opens up, all the windows  
10 open up to the street, the balcony opens up the  
11 French doors all the way across it, people line the  
12 balcony drinking and down below they even have  
13 counters about this height, so people can stand up and  
14 drink from both sides, even on the street. It sounds  
15 like Mardi Gras. You can hear it across second  
16 avenue. The sound level is incredible at night. I  
17 don't know about this nine o'clock closing the doors  
18 because they don't. Its so loud, there is nothing  
19 like it on the east side, nothing. It maybe a lovely  
20 place, but the impact it has on the community  
21 requires a response from the city to make them sit up  
22 and take notice. If they don't get the outdoor café  
23 and they lose the revenue from the outdoor café this  
24 year, maybe they'll take us more seriously and deal  
25 with the noise level. Its incredible and now with

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1  
2 the Cabaret law out and they do have live music and  
3 it amplified music, next step, I don't know no  
4 cabaret dancing and with people drink and dancing, it  
5 gets louder and louder but what it is now is  
6 incredibly loud. I'm across six lanes of second  
7 avenue with traffic moving, it offensive on the other  
8 side, on the west side of second avenue. It's that  
9 loud, its Mardi Gras. You know, maybe a lovely place  
10 during the day. I'm sure they're nice folks but they  
11 don't get it and the people that live upstairs were  
12 there before they were. We have people residents  
13 with people in the community. Please take it  
14 seriously. Give them a year to take a deep breath  
15 and see how they can handle this better.

16 COUNCIL MEMBER MOYA: Thank you for your  
17 testimony.

18 DAVID ROSENSTEIN: Thank you for listening.

19 COUNCIL MEMBER MOYA: Are there any members of  
20 the public who wish to testify on this item? Seeing  
21 none I now close the public hearing on the Sidewalk  
22 Café and it will be laid over and now we're going to  
23 resume the vote.

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COUNCIL: Continued vote to approve LU 70, 85 and 86 through 88 and to approve with modifications LU 84. Constantinides?

COUNCIL MEMBER CONSTANTINIDES: I vote I and all.

COUNCIL: The vote stands at eight in the affirmative, zero in the negative and zero abstentions.

COUNCIL MEMBER MOYA: Okay our next hearing is on LU 83 to 80 Richard Street waterfront application in Council Member Menchaca's district in Brooklyn. The applicant 420 Richard street LLC seeks approval of an authorization to modify requirements for the minimum dimensions and areas of water front public access and visual corridors in connection with the development of a five-story commercial building along the Erie Basin in Red Hook Brooklyn. A public walkway along the waterfront will be provided as part of this development and I now open the public hearing on LU 83. Ethan Goodman and Chris Barnes.

ETHAN GOODMAN: Good morning.

COUNCIL MEMBER MOYA: Did you feel out a slip?

ETHAN GOODMAN: Good morning. My name is Ethan Goodman, I'm a planner from a Fox Rothchild over Land Use -



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COUNCIL MEMBER MOYA: One second, one second.  
The Council will swear in the panel.

COUNCIL: Before speaking, please state your names and do you each swear from the testimony that you're about to give will be the truth, the whole truth and nothing but the truth and that you will answer all questions truthfully.

ETHAN GOODMAN: Ethan Goodman, I do.

CHRIS BARNES: Chris Barnes, I do.

DAVID COHEN: David Cohen, I do.

COUNCIL MEMBER MOYA: Thank you, you may begin.

ETHAN GOODMAN: Thank you. Good morning, as I said my name is Ethan Goodman. I'm a planner from the Fox Rothchild over Land Use Council to authority Richard Street LLC. The applicant for the Richard Street waterfront public access area authorization before you. I'm joined her by Chris Barnes, of SCAPE Landscape Architects. He'll walk you through the details of the proposed esplanade plans for which we are seeking relief from certain zoning requirements, but before I turn in over to Chris, let me just give you a very brief bit of background on this development and what we're seeking the authorization. The applicant is planning to construct an

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1  
2 approximately 639 square foot six story office  
3 building with ground floor retail space along Beard  
4 Street and an approximately 3.5 acre publicly  
5 accessible open space on an esplanade along the  
6 entire perimeter of the site and via central quarter  
7 through the middle of the site. I want to stress the  
8 buildings use, floor area, height and set back are  
9 entirely as of right pursuant to the sites M3 Zoning  
10 and we're not seeing any relief from the Council for  
11 those aspects of this project. Furthermore, we're  
12 not seeing any diminishment in the overall amount of  
13 waterfront open space that we're required to provide  
14 onsite. In fact, from a square footage perspective,  
15 we'll be providing more than twice as much public  
16 open space as the 1.6 acres required by zoning. What  
17 we are seeking through this authorization, are  
18 modifications to the dimensions and configurations of  
19 the esplanade primarily to provide the public with a  
20 more diversified experience within that esplanade and  
21 also to allow for certain elements such as intertidal  
22 zones and get downs to enliven in this direct  
23 waterfront. As you'll hear more about from Chris, we  
24 believe this esplanade will provide a superior  
25 experience for the public and serve as an entity for

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2 the entire community for generations to come. To  
3 gait in the process, in March Community Board 6  
4 recommended approval of the authorization in April,  
5 the City Planning Commission did the same. With  
6 that, I will turn it over to Chris Barnes from SCAPE.

7 CHRIS BARNES: So, good morning everyone. My  
8 name is Chris Barnes, I'm a landscape architect with  
9 the landscape architecture from SCAPE. I worked to  
10 design the waterfront esplanade and today I'm just  
11 going to run you through relatively quickly the  
12 design, just so everyone has a good orientation -  
13 lets see - bear with me. Okay, so this is a nice  
14 snapshot of the project here in the Red Hook  
15 Community looking back at the Save New York. The  
16 project is here as a seven acre, roughly seven-acre  
17 parcel surrounded on three sides by water with a  
18 central communal kind of plaza space. The project is  
19 about 700 feet long by 400 feet. One of the  
20 challenges of the project was getting the community  
21 and visitors to come to the end of such a long  
22 esplanade, so we worked with city planning to  
23 strategically implement retail spaces, amenity  
24 spaces, as well as diversify the waterfront  
25 experience. On the right-hand side here is Ikea is

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1  
2 off to the frame in the right in Erie Basin park and  
3 then this is a passive basin here and then to the  
4 south we have a more of a panoramic basin looking to  
5 Staten Island and the Verrazano bridge and then to  
6 the west, these historic warehouse buildings and more  
7 active boat traffic just for orientation. The four  
8 kinds of concepts or driving principals of the  
9 project were to introduce dynamic water systems and  
10 experiences, so in this top left image you can kind  
11 of see ecstatic and level experience. We wanted to  
12 really break that down and get people closer to the  
13 water. The second is we were dealing with a design  
14 flood elevation of fourteen, which is nearly 6 feet  
15 of the sidewalk elevation at elevation eight, so the  
16 finish for the building was quite literally 6 feet  
17 above the sidewalks. That was a challenge we dealt  
18 with. Three, was that this is the historic Revere  
19 Sugar Refinery, so one of the things we wanted to do  
20 was celebrate site history through materiality and we  
21 were actually able or intending to salvage and reuse  
22 some historic relics from the site and also, we were  
23 very inspired by the traditional construction methods  
24 to actually build this land that was traditionally  
25 wet land which is timber cribbing construction from

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2 the 19<sup>th</sup> Century. This is a plan, so we've broken the  
3 plan into five, or four zones. The eco recreation to  
4 the top here is actually that passive basin I was  
5 mentioning. The basin panorama to the south and the  
6 urban maritime and then the central kind of common  
7 core called the mineral court yard. So, each of  
8 these – the goal was to create a distinct character  
9 and experience in each of these edges. This diagram  
10 really speaks to really one of the goals of the  
11 project, which was to introduce dynamic and inner  
12 title water experiences and to blur the line. So, we  
13 really didn't want to have just binary wet and dry  
14 land with a single bulk head, we wanted to blur that  
15 line and when you do that one of the things to do  
16 that is bringing mean high water into the site and  
17 when you do that, the line of jurisdiction for the  
18 sure public walkway is mean highwater. So, these  
19 areas in blue here are actually what we would  
20 consider part of the open space, but there not  
21 technically counted towards the zoning with for the  
22 sure public walkway. So, these areas in red are  
23 slightly less than the 40-foot required because we  
24 wanted to introduce these ecological habitat moments  
25 of inner title action into the site. It is important

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2 to note that within each of these red zones, the  
3 mandatory minimum pathwidths access is maintained.  
4 So, it really is just having a value of what land  
5 over dry. So, we did that each edge kind of has one  
6 of these moments of a get down and then these inner  
7 title shelves where we introduce inner title habitat.  
8 Quickly going through each of kind of the edges. I  
9 will walk you around the three waterfront edges. The  
10 Urban Maritime as I mentioned is facing that active  
11 boat basin which has water taxi's and private  
12 marinas. So, you'll see in the plan here that we  
13 have these overlook moments where you can actually  
14 sit, which inner lounges and actually view these  
15 experiences of active boat traffic. At the street,  
16 we have an actual get down to the water. We can  
17 actually get to the water level. In the central area  
18 is a kind of expanded retail plaza half way to kind  
19 of again, break down that long trek down to the end  
20 with a kind of halfway stopping point, and at the  
21 very end we have a large ample theater moment, more  
22 of a civic space partnered with a restaurant and  
23 retail immunity component to really opening up this  
24 into a more civic moment with a great view to the  
25 statue of liberty and you can see on the top here

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1  
2 this elevation from drawing left, you can see where  
3 at the street moving up nearly six feet to get to  
4 this esplanade. This is just a view of what that  
5 looks like, so really the esplanade floating over  
6 this kind of degraded riprap edge and you can see  
7 this kind of inner title shelf at the bottom here.  
8 Moving to the south, this is that ample theater  
9 moment, so really that civic moment at the center.  
10 You have the mineral court yard intersecting with the  
11 southern edge with a generous kind of seating moment  
12 to look out towards the horizon and then on the  
13 drawing right is one of the largest kind of inner  
14 title zones where the tide actually comes in on this  
15 kind of vegetative plane and the wood continues where  
16 you float over the species and the tree species in  
17 this corner really harken to like New York State  
18 ecology, so it's a very immersive ecological moment  
19 in this corner. Looking in the plan, you can see  
20 this is just kind of envisioning like its called a  
21 summer day activated with temporary vendors, food  
22 trucks, also looking at the elevation, you can kind  
23 of see again, the dynamic nature of the elevation  
24 where were not just a static flat boardwalk but we're  
25 actually kind of creating ups and downs to the plan,

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2 to the elevation. In plain you can also see the  
3 beginning the break down the space with textures of  
4 pavement. You can see that in this one here, the  
5 architect worked to use softened materials to kind of  
6 soften up the underside of the [inaudible 54:26] on  
7 the southern edge. We really saw these as an asset  
8 given summer refuge from rain and sun. This is south  
9 facing, so in the winter there will be also  
10 additional sunlight reaching under and you can see  
11 the pavement being broken down here to really activate  
12 the space. This is looking from that southern  
13 boardwalk, that central seating moment that I spoke  
14 to and also a sunning line facing south. Moving to  
15 the Erie Basin, sorry the Erie Park Basin which is  
16 really a passive moment. We really wanted to kind of  
17 play with the elevation here. So, you can see that  
18 this edge actually has a lot of moments of ups and  
19 downs and getting people really close to the water  
20 and having a different experience. Moments of  
21 negotiating that edge with more seating  
22 opportunities. From Beard Street, we have a get down  
23 moment that goes through the water complimented with  
24 another inner title kind of terracing moment. Again,  
25 softening the edge and bringing water into the site.



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2 You can see on the top here this elevation where the  
3 blue line actually you know, you can see its moving  
4 up and down. This is a secondary path system where  
5 the primary would be more level and along the  
6 building similar to the other edges and this is a  
7 view of what that might look like. The primary path  
8 again, up top here the grey, negotiated by a series  
9 of seating steps and then looking back at Beard  
10 Street in here, so you can see down to the water  
11 those get down moments. So, really a diversity of  
12 experiences and different levels along this edge, and  
13 then final the mineral court yard which is that  
14 central area. Really, it's a communication hub  
15 between the two buildings but it is public, and it  
16 will be I think a communal hub in some ways with  
17 moments like a co-working lounge, grove, elevated  
18 seating moments, these plazas here are the ideas that  
19 they're drop off areas that can also be an urban  
20 plaza like experience between the two. So really  
21 seeing this as an active area. Again, these magenta  
22 tones and colors are a temporary program, not  
23 fixtures in the space. So, thinking of an activated  
24 day, this is where we would have those reclaimed  
25 sugar hoppers is within this space. This is a view

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2 of what that might look like, so thinking it's a very  
3 lush experience. This kind of central space is  
4 something you would be able to occupy and then having  
5 that communication between the two buildings in this  
6 space. From Beard Street looking at the entrance to  
7 the recreational edge and then kind of seeing that  
8 retail along the street, the building mass set back  
9 in respect to the neighborhood and then also the  
10 garage entrance here. Finally, this is just looking  
11 back from Erie Basin what the project might look  
12 like. You can see the waterfront esplanade is  
13 actually jogging and stepping and really creating a  
14 dynamic experience and then really seeing these kinds  
15 of southern ends underneath the [inaudible 57:25] as  
16 a destination. So, that's kind of a quick review of  
17 the design and I'll hand it over to -

18       ETHAN GOODMAN: Yeah, that ends our final  
19 presentation, we would be happy to answer questions.

20       COUNCIL MEMBER MOYA: Great, thank you. I just  
21 have a couple of questions and then I'll turn it over  
22 to Council Member Menchaca. What has your  
23 relationship with the community been with the  
24 community been like in the last decade?  
25

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2           ETHAN GOODMAN: With respect to this applicant,  
3 yes. So, by a way of background, for purchases of  
4 property probably about ten years ago and has been  
5 searching ever since for a viable use of the land.  
6 So, there was some demolition on original structures  
7 on there and its been essentially vacant for about  
8 the last decade and so I know the community has  
9 wanted to see a productive use for has proposed a  
10 number of uses in the past and those uses did not  
11 meet with very much support in the community be they  
12 residential or retail uses that would require zoning  
13 changes and other discretionary actions. So, for in  
14 consideration of that in large part, I went back to  
15 the drawing board and thought long and hard about how  
16 to properly develop the site and also, how to develop  
17 the site under existing zoning. The zoning to make  
18 certain uses and so the concept was, lets go back and  
19 see what we can do, that zoning says this is what you  
20 should do with that relief. In the interim, for some  
21 years it was used as interim parking and so the past  
22 couple years ago in recognition in the fact that the  
23 bulkhead around the site had been continuing to  
24 deteriorate through the years for obtained a permit  
25 from the state DEC, a joint permit from [inaudible

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59:12] State EC to rebuild the shoreline. Basically, rebuild the sheet pile there which they have done and executed over the past couple years. So, there has been some activity on the site and there has been some commentary that has come from the community on you know, making sure we consider that how we treat the materials on the site and the activity and so, we've attempted to be responsive to the community's concerns over the years. I know there is only a limited amount you can do when you have a vacant site. So, we think one of the most important first steps to take is to come up with a plan that's an attractive plan that we can get at least up and actually get this thing built and start to employ people and employ local people here and make sure we have a productive use of the land.

COUNCIL MEMBER MOYA: And what type of mitigation have you done in regard to the dust and other debris that the community has complained about in the last several years?

ETHAN GOODMAN: Sure. So, in conjunction with the construction of this of the sheet pile bulkhead. The rebuilding of the bulkhead, there is a fair amount of excavation that had to be done. We had

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2 essentially not take land from inside the water but  
3 take land from landward to pull it out to expose some  
4 of the cribbing, so we could actually build that new  
5 esplanade around. So, we've pulled out a lot of  
6 soils and other materials and they are now stock  
7 piled on the site. There were concerns that were  
8 raised over the past number of months by the  
9 community about how we're treating those stock piles  
10 to make sure that there wasn't dust that's blowing  
11 through the community. We've had some discussions  
12 with the community, some of which were facilitated by  
13 the council member. We believe we're very  
14 productive. We have now implemented a basically a  
15 cov- not a cover but a spray on treatment for all  
16 those stock piles that will basically - it a  
17 tackifier to hold them down to make sure there is no  
18 danger of anything spraying around in the wind or the  
19 you know the debris and make sure those stock piles  
20 are solid. We have also reached an agreement that by  
21 November of this year, those stock piles must either  
22 be entirely removed or some of them potentially can  
23 be reused onsite. That's the goal and the reasons  
24 stock piles are actually there is because we wanted  
25 to make sure we got to a level in the approval

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2 process where we had a development and we could make  
3 sure we knew what we were doing and then  
4 recharacterize and reuse some of those stock piles.  
5 So, we believe in the next six months all that will  
6 essentially be taken care of, either reused or  
7 removed onsite.

8 COUNCIL MEMBER MOYA: And uhm, I've heard the  
9 complaints that the community has been unhappy with  
10 your relationship with them. What commitments can  
11 you give to be a better neighbor to the community?

12 ETHAN GOODMAN: So, I think the first - I would  
13 not want to answer as a theoretical bad neighbor. I  
14 kind of let the community speak for themselves on  
15 that but I think the first thing that's important is  
16 that we develop the site with a use that can employ  
17 people and that can provide a great public benefit  
18 like this work from esplanade. I mean I think one of  
19 the reasons we're here today for this esplanade  
20 relief is that this is yet another sort of continuing  
21 the chain of waterfront public access in Red Hook.  
22 Years ago, back when this was the Revere Sugar  
23 Factory and the Todd Shipyard was next door, there  
24 was essentially a big wall, and nobody could get to  
25 that waterfront. We think this is a great

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2 continuation of the ongoing trend to bring the public  
3 out to the water and let them engage in the water,  
4 whether it's a kayak launch or just sitting out on a  
5 sunny day. So, we think the very project would go  
6 along way toward improving that relationship. We  
7 want to bring tenants here, we want to bring active  
8 uses here, we want to become even more of an active  
9 participant in the community rather than just a land  
10 owner that community members may believe is just  
11 holding land. So, number one, we want to build this,  
12 and we believe also in building it we'll be able to  
13 employ a lot people. Our tenants will be able to  
14 employ a lot of people, hopefully a lot of local  
15 people and we think that the project over 600,000  
16 square feet of office will employ thousands of people  
17 in Red Hook. The harkening back to days where was  
18 Red Hook was and employment center and employed you  
19 know there were fifty to sixty thousand people that  
20 came in waterfront shipping years and years ago. So,  
21 we think by both bringing the public in here and by  
22 employing people and hopefully local people we can  
23 continue to gradually improve our relationship with  
24 the community.

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2 COUNCIL MEMBER MOYA: Thank you. I know Council  
3 Member Menchaca has some questions.

4 COUNCIL MEMBER MENCHACA: Thank you Chair Moya.  
5 I'm really thankful that you started off with those  
6 questions. I think they kind of show the interest of  
7 the Council and not just for this project, but really  
8 for all projects and the need for community  
9 engagement and connection. I will say though that as  
10 a representative for the neighborhood as a Council  
11 Member, I want to lift up the voices that are not  
12 necessarily here today. Some of the people have had  
13 to leave and are not here and I want to really make  
14 sure that they're in this hearing and are heard. I  
15 think what I - you know, I saw the photos. So, I  
16 think some of these are new but they kind of tell the  
17 story and if you didn't know anything but what you  
18 saw on your presentation, its kind of hard not to be  
19 inspired. I think you've employed some of the best  
20 architects, landscape architects to tell a story  
21 about how to engage water and community but that has  
22 fallen on deaf ears in the community for a lot of  
23 different reasons and one of those is that community  
24 was never necessarily involved in the creation. What  
25 you see here today, is something that was designed by



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2 people in the room that are inspired by their own  
3 reasons but not necessarily with the DNA of Red Hook.  
4 The DNA of the neighborhood and I just want to call  
5 that out. I think there was opportunity, this site  
6 was partitioned in 2000 – I think it was 2005, so  
7 over a decade. You can correct me if I'm wrong, but  
8 it was more than a decade and that relationship has  
9 kind of deteriorated or has never been given the  
10 opportunity for connection and for building trust.  
11 To your point about one of the biggest concerns and  
12 there are many concerns. I'm going to read them are  
13 the stock piles. That I think just two weeks got  
14 addressed and so, if you can imagine these mountains  
15 of dirt and debris flowing through and dusting the  
16 community and I'll kind of read through some of the  
17 DEC, the state DEC observations that they made in  
18 November of 2016 saying that they had failed to  
19 follow best management practices for debris removal  
20 in 2016. Again, on December 1, 2016 again, on  
21 October 26, 2017, again on December 4, 2017 and now  
22 we're in 2018 and finally we get a solution. This is  
23 the track record of some developer that has all  
24 intentions that we're hearing that wants to build a  
25 relationship and has failed to do that. Not just in

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2 Red Hook but across the city in places like Coney  
3 Island, Thor Equities has a relationship problem with  
4 community and so we do our homework in Red Hook and  
5 there has been a lot of – just a lot of continuation  
6 of that, of that mistrust. Andrea Sampson talks a  
7 lot about her issues. Theresa Greg Wakabayashi[SP?]  
8 from Richards Street talks about issues. Melissa  
9 Sinsetti[SP?], Mary Mikhower[SP?] from Vandyke Street  
10 says there are manifold concerns regarding this  
11 development site. Community engagement and local  
12 employment Maritime Integration, disruption of a fish  
13 habitat, lingering eye soars, a responsible  
14 stewardship of a prominent waterfront location and  
15 the local streets as it connects to the site. The  
16 intersection of Beard and Richards Street is often  
17 impassible. Ruble everywhere, destroyed street  
18 trees. The entire community has been wanting to be a  
19 part of this conversation, denied. Sears flooding on  
20 Beard Street that hits the property is prolonged now  
21 with serious flooding issues that did not exist  
22 before Thor Equity started doing things on that site.  
23 Eleanor Spielberg on Coffee Street. Mark Nidal[SP?],  
24 Robert Barrios, Court Side, an organization that is  
25 concerned about the waterfront talks about Thor being

SUBCOMMITTEE ON ZONING AND FRANCHISES

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2 a destructive steward of that property. A cold  
3 shouldered, all community suggestions to make it  
4 better, they should not be rewarded by rubber  
5 stamping of this council for their plan. They've  
6 destroyed historic and iconic structures. They  
7 refuse to allow port site to enter the property soon  
8 after the purchase to document historic structures  
9 and seek small artifacts that could be removed. This  
10 goes on and on, and so in fortune of nature, people  
11 of New York are that the changes that they're asking  
12 for are reasonable and I have not much power right  
13 now to say no to them because they're okay. They  
14 could be better. Portside would have loved an  
15 opportunity for a docking station for an historic  
16 ship, not happening. So, this kind of represents the  
17 kind of final thesis which is and one more person,  
18 Allison Reaves whose also an architect that lives in  
19 Red Hook. Currently the regulatory process at ULURP  
20 and other agencies do not have any accountability  
21 built into the approval process. Developers are  
22 essentially given the benefit of the doubt that they  
23 will uphold their promises and follow the rules and  
24 regulations. Once approvals are given, then it  
25 essentially becomes the community's responsibility to

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2 function as a watch dog to make sure that the  
3 developers are doing things as their approvals  
4 demand. Community members can call and make  
5 complaints but there is no guarantee that the  
6 violations will be properly noted and rectified and  
7 when multiple agencies are involved there is no  
8 coordinated effort to address the problems that  
9 holistically ULURP approvals especially for  
10 developers like Joe Sitt[SP?] with a long track  
11 record of warehousing land, getting variances and  
12 zoning changes, then flipping the site should be made  
13 conditional upon the infrastructure and land work  
14 before approving any variances for the building or  
15 project. Without accountability there's no incentive  
16 to comply and this is the history of this developer.  
17 These are my words. The kind of responsible and  
18 impactful behavior exhibited by Thor Equities in Red  
19 Hook is unfortunately not new. Countless  
20 neighborhoods across the city have suffered at the  
21 whim of landlords and landowners and developers who  
22 chose to put the needs of neighborhoods last and as  
23 Allison rightly pointed out our land Use regulations  
24 and government processes encourage this. As a  
25 Council, we need to address these failures. Owners

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2 and developers should not be able to act with  
3 impunity in our communities violating state and local  
4 law as they pursue profit. We must develop policies  
5 and regulations that create accountability in our  
6 land reuse process. Residents in my districts and  
7 across the city are demanding this of us. So, this  
8 is where we find ourselves. Thank you so much for  
9 your presentation. I think I said what I needed to  
10 say. I think we need as a Council think about how we  
11 can hold you all accountable as we move forward. The  
12 proposal is fine, its benign but here's where we find  
13 ourselves and I hope you are all as frustrated as I  
14 am and my community because this is happening in your  
15 neighborhood. Let's change the system, lets do that  
16 together. Thank you Chair for giving me the space  
17 and time to talk about it and lift up the voices in  
18 my neighborhood.

19 COUNCIL MEMBER MOYA: Thank you Council Member  
20 Menchaca and thank you all for your testimony. Are  
21 there any members of the public who wish to testify  
22 on this particular item? Seeing none I know close  
23 the public hearing on this application, thank you.  
24 We will now move onto the rest of today's public  
25 hearings. The next public hearing is on LU 112, the

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1568 Broadway Palace Theater Text Amendment affecting property in Council Member Power's district in Manhattan. The applicant seeks a text amendment to modify the special Time Square district signage requirement and its street wall and setback requirement. These changes will facilitate renovation of an existing forty-two story building and in connection with this approval, the applicant will fully renovate the landmark Palace Theaters interior and exterior. I now open up the public hearing on LU 112. Marline Myers, oh Melanie Myers, I'm sorry and the Council will swear you in now.

COUNCIL: I'm going to ask you to please state your names before you make the affirmation. Do you each swear or affirm that the testimony that you're about to give will be the truth, the whole truth, and nothing but the truth and that you will answer all questions truthfully.

MELANIE MYERS: Melanie Myers, I will.

PAUL BOARDMAN: Paul Boardman, I will.

COUNCIL MEMBER MOYA: Sorry, you have to push the button.

PAUL BOARDMAN: Sorry, Paul Boardman, I will.

COUNCIL MEMBER MOYA: You may begin, thank you.

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2 MELANIE MYERS: Thank you for having us. My name  
3 is Melanie Myers. I'm an attorney with Fried, Frank,  
4 Harris, Shiver and Jacobson and I'm representing Time  
5 Square hotel owners LLC. They're the owners of the  
6 property located at 1568 Broadway. You can see on  
7 the screen that 1568 Broadway is really located in  
8 the heart of Time Square at the southeast corner of  
9 7<sup>th</sup> Avenue and 47<sup>th</sup> Street. It is presently occupied  
10 by a 1990 building, but included in the base of that  
11 building, is one of the gems of the city which is the  
12 Landmark Palace Theater. The action before the  
13 committee and the council is one that will facilitate  
14 one aspect of the re-envisioning redevelopment of the  
15 site related to the Time Square Signage. The action,  
16 and we won't go through this completely, but it is  
17 one of a series of actions and it's the last action  
18 that required input from the community board in  
19 public review and we've been very pleased to have  
20 received the community boards support at every step  
21 of the way. We have received approval with regards  
22 to a certificate of appropriateness for the  
23 redevelopment and restoration of the Palace Theater.  
24 We have received the community board support for a  
25 revocable consent which among other things will allow

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2 for an existing marche to be used as a performance  
3 stage and we've finally have received the community  
4 board support for the zoning text amendment that  
5 we'll be talking about today. There are two aspects  
6 to the text amendment. The first relates to the Time  
7 Square signage. This is in the theater subdistrict  
8 of the special midtown district and there are  
9 substantial signage requirements today and what the  
10 proposed amendment to the signage requirements would  
11 allow for a uniform sign that can take advantage of  
12 21<sup>st</sup> Century technology rather than a series of  
13 fragmented signs, which are what zoning allows today  
14 and the second element of the zoning text amendment  
15 will allow for space and terraces behind the sign to  
16 be used for entertainment related uses which are work  
17 in concert with the goals of the special Time Square  
18 district. The scope of the action, which you can see  
19 in that little sort of red circle at the bottom is  
20 limited in scope, but its one that we think will  
21 allow the building to be even a greater contribution  
22 to the Time Square character and we look forward to  
23 you questions and consideration. If its okay, I'll  
24 turn it over to Paul and then we'll be happy to  
25 answer questions.



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2           PAUL BOARDMAN: We'll share a microphone, if  
3 that's alright. So, for those of you who haven't  
4 been on the corner of 47<sup>th</sup> and 7<sup>th</sup>, this is what it  
5 looks like. It is a set of very confusing  
6 conditions. In fact, we like playing sort of where is  
7 Waldo in terms of finding the Palace Theater and its  
8 very dark. Its low in some cases about eight feet  
9 over one of the most populous and pedestrian packed  
10 sidewalks in all of Manhattan. So, we certainly  
11 think that there's a big opportunity for improvement  
12 and we've been working on this project for over seven  
13 years and we understand our obligation to the  
14 community that we're investing in, and how important  
15 this opportunity and rare this opportunity is.  
16 You'll see today the scope of the restoration of the  
17 Palace Theater is second to none in the history of  
18 Broadway. We like to think that certainly starts  
19 with the reverence for the asset itself. It's a  
20 super important theater. It's the home of the live  
21 arts legitimately in New York and we began our  
22 process by trying to combine cultural objectives and  
23 commercial objectives in one development which we  
24 hope we demonstrate that for you today. Time Square  
25 is a significant history. Broadway certainly is the

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2 thing that comes to mind but in another most  
3 important way, it is also commercialization as part  
4 of the icon that is Time Square. It's the reason why  
5 people come from the world to see the spectacle of  
6 Time Square at the same time as enjoy the art of  
7 Broadway and I think that whats before us today is  
8 something that allows us to sit within the tradition  
9 of innovation and signage that has been around for  
10 almost as long as Broadway has been. So, when we  
11 look at our sign, we want to make it cool. We want  
12 to make it interesting and one of the things we find  
13 tiresome in the Square is simply a scrolling of  
14 images across what is in essence in LED Magazine and  
15 we wanted to create something that could introduce  
16 culture and the live art inside of the sign itself.  
17 So, we envision using the Marche platform as a stage  
18 and then we spent two years engineering a sign that  
19 can open and close, kind of like a cuckoo clock onto  
20 Time Square. In raising the Theater and  
21 rationalizing the economics with our selves, Mayfield  
22 Development and our partner L&L, we also saw an  
23 opportunity to cleanup 47<sup>th</sup> Street. One of the key  
24 things that 47<sup>th</sup> Street has right now as a kind of  
25 negative legacy of the theater that was built in 1913

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2 are these large external fire escapes and what we've  
3 done is take in the 16,000 cubic feet of exterior  
4 obstruction that the fire escapes represent and suck  
5 them into the building and replace them with new  
6 modern code compliant egress within the site itself  
7 which allows us to give back to the community, the  
8 very sidewalk that the theater took away some hundred  
9 years ago. So, when we compare what it looks like  
10 today to what hopefully it looks like in the future  
11 with your approval, we think we have a best in class  
12 district appropriate presentation to retail  
13 entertainment. You can see on the left-hand side of  
14 the right image how significant and prominent the  
15 entrance to the Palace theater is and in combination  
16 with what we done on 47<sup>th</sup> Street. Again, the right-  
17 hand image with the extraordinary presence of the  
18 palace no one will miss where the palace is now, so  
19 our game of where is Waldo gets pretty easy here, but  
20 most importantly we also take away the things that  
21 interrupt flow on 7<sup>th</sup> Avenue right now. So, a hotel  
22 drop off, a theater drop off, where 1700 people come  
23 within a 45-minute window and stop 7<sup>th</sup> Avenue traffic  
24 is now most appropriate placed on the 47<sup>th</sup> street  
25 side of the property. We're pretty proud of what

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1  
2 we've accomplished with the landmark approvals and  
3 just the reverence we have for the site, we're very,  
4 very excited that we've been able to create an  
5 economic construct that allows us to rationalize  
6 putting some hundred million dollars into the theater  
7 between raising it up and restoring it and we are I  
8 think faithfully doing so. I think one of the  
9 biggest things to point out is not only the  
10 restoration of the plaster and the new seats and the  
11 new lighting and the new entrance and the new lobby  
12 but more importantly the back of house spaces, so  
13 we've worked for almost as long as we've been working  
14 on this project certainly an excessive five years  
15 with local one and all of the great people that are  
16 there to ensure that the back of house facilities are  
17 properly designed. So, we've added some sixteen  
18 thousand square feet to this theater in gross area  
19 from what it is today and again, that sixteen  
20 thousand square feet that the theater doesn't earn  
21 anymore money on but its essential to its survival.  
22 One of the biggest and most aggressive fronts to the  
23 success of Broadway over the next hundred years is  
24 our ability to support complex large productions.  
25 So, places like Vegas can say hey, we've got this

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2 fancy stage, we have this fancy thing where you can  
3 blow things up in and we have these really beautiful  
4 antique theaters in many ways that can't support  
5 that. What we've done is completely rebuilt a back  
6 of house as part of this project and this opening in  
7 the sign and this text amendment allows us to connect  
8 the activity to whats going on inside. So, to give a  
9 glimpse of the cultural events that are going on  
10 inside and bring them out to the square in what we  
11 think is a pretty interesting way. Picture if  
12 inside, this is the approved scheme although its not  
13 purple seats, its going to be closer to blue seats in  
14 terms of the current landmarks review but this  
15 represents the extent of the house restoration that  
16 we have. This is a section through the theater  
17 itself and you can see the theater to the right, the  
18 large kind of shapely image on the right side of  
19 this, and then you can see that the theater has been  
20 raised up the same height as this Marche and stage  
21 opening in the sign and wrapping between the sign and  
22 the theater itself, are complimentary uses,  
23 complimentary entertainment and attraction uses. So,  
24 what we want to try and do is offer to the public  
25 various levels. Its pretty expensive to go to

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2 Broadway these days, so we want to be able to create  
3 live experiences and interesting attractions for the  
4 millions of people that are there including the  
5 millions of New Yorkers that are there on a daily  
6 basis that is accessible and interesting, and we see  
7 that as the primary use of the stuff behind the sign  
8 to the west edge of the theater itself and then to  
9 just increase the scale of that section, you can see  
10 the theater on the right or the project on the right  
11 and this is a cut all the way through Duffy Square  
12 and it shows something that city planning commission  
13 was quite intrigued about was how visible this would  
14 actually be to people in the square. So, by raising  
15 the Marche up to 30 feet off of the sidewalk, we're  
16 in a place where we can avoid distraction on 7<sup>th</sup>  
17 Avenue but engage the largest and widest pedestrian  
18 space in Times Square with is Duffy Square and we'll  
19 end with the renovated image of the corner. Thank  
20 you.

21 COUNCIL MEMBER MOYA: Thank you. Just a couple  
22 of questions and then I'll turn it over to Council  
23 Member Powers. Whats the reason that you have to  
24 raise the entire theater to a 30-foot elevation?  
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PAUL BOARDMAN: Its part of the business thesis to open up the ground floor for retail. The ground floor had to be reorganized, so in its existing location the theater sits down on the ground with a very narrow lobby that comes out to 7<sup>th</sup> Avenue and the only way reorganize that is to lift the theater up and give it enough space, so we can have a dramatic access to the theater. So, it serves two purposes. One is to be able to improve the access and the logic of accessing Broadways arguably most important theater asset and that it opens up the ground plane for us to be able to offer retail – street front retail along 7<sup>th</sup> Avenue.

MELANIE MYERS: Paul, just for a second. AN American In Paris was I think one of the and I think is Sponge Bob Square pants there now? And Sponge Bob is there now. So, I don't know if any of you have gone to either of those but there is actually right now, there is not enough of a lobby to come in, sit, figure out where your seat is. You really are queuing in the street. So, one of the great advantages of increasing the height is it allows for a real lobby for people to come into.

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2 COUNCIL MEMBER MOYA: And will the theater be  
3 part of one building with the existing 42 story  
4 building?

5 PAUL BOARDMAN: Yes, the right now there is  
6 actually two buildings on that were five different  
7 buildings lots, but they have been merged into one  
8 lot in the approved application and approved building  
9 permit defines both of these as a single building  
10 now.

11 COUNCIL MEMBER MOYA: Okay, and will the theater  
12 have its own entrance and lobby?

13 PAUL BOARDMAN: Yes.

14 MELANIE MYERS: Yes.

15 PAUL BOARDMAN: And all of the — as I mentioned,  
16 all of the fire safety, life safety systems are now a  
17 2014 code compliant system and in graded into a  
18 moderate and fire alarm public assembly, egress,  
19 etc., which it is not today.

20 COUNCIL MEMBER MOYA: Okay, I now will turn it  
21 over to my colleague Council Member Powers.

22 COUNCIL MEMBER POWERS: Thank you, nice to see  
23 you. Thank you for coming. Just to talk about the  
24 signage for a sec which is one of the items that  
25 you're asking for relief on. What is the required



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number and amount of signage like under the existing text and your proposing to make it one sign. Am I correct saying its five signs right now? And that's whats allowed under the context?

MELANIE MYERS: The amount of signage is the same, the area that we're talking about is from I think 30 feet to about 120 feet. That's the area where signage is required today. So, we're not asking for - really for more or less signage from that standpoint. It is the number and you can count the signage in different ways. One way is five, but there are different sizes you can get up to a requirement of about eleven signs. So, what we're doing again, is to remove those sorts of breaking the signs down into those various pieces so that we would have the one.

COUNCIL MEMBER POWERS: And if I'm looking at that right now, you have something like eight signs up there right now. There is a format by which you under the new proposal have one. I know on one of your I think this one rendering actually is the new proposal to have, but there is one proposal where you would have one large sign sort of combined the different screens into one. Am I correct with that?

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2 MELANIE MYERS: That's correct. Do you want to  
3 talk about the technology a little bit?

4 PAUL BOARDMAN: Sure. The requirements for  
5 multiple signs, the underpinning of that original  
6 zoning text, I happened to have kind of been around  
7 when they were thinking about it, was to assure that  
8 it was visually interesting. So, the multitude of  
9 signs at that time given the technology of signs at  
10 the time which were really bulbs and vinyl. The  
11 multitude signs would add visual interest to an area  
12 of signage that is required by the text. In our  
13 case, we also spent a couple years innovating sign  
14 technology and looking at delivering the highest  
15 resolution sign in the world, which this is, and that  
16 technology which we think is in excessive the visual  
17 interest that was originally contemplated when they  
18 wrote having to break this up into multiple signs was  
19 achieved by the resolution and the back end that  
20 we're proposing. So, we can run eight or eleven high  
21 definition movies at the same time if we wanted to to  
22 make it visually exciting. We though in addition to  
23 that, we could add an opening in the sign that was  
24 also LED and those two would assure that it was  
25 extraordinarily interesting and engaging visually.

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So, we can present as many signs as we'd like and in this particular image showing a kind of likely scale of a multi-image presentation and that it can go into a spectacular mode where it's a single image that might be focused on the opening and closing of the stage and the technology allows us to seamlessly and instantaneously move between those in a presentation cycle.

COUNCIL MEMBER POWERS: And is there a thought today on which way you would use the signage, one spectacular large sign or something of multi-image?

PAUL BOARDMAN: There will be - the economics of the signs in general are driven really in three categories. So, one is a transactional sign, which is showing multiple advertisements. In this case, we're featuring the ads that we have currently on the property which are oriented to Broadway and Broadway shows, and those are issued on a monthly basis in an open market in the form of RFP's that our property response to. So, a sponsor says hey, I want to place an ad, give us a proposal. So, there's that side, its transactional and its very active, and its cycling on a 30-day basis. That might extend to 60 days, but typically it's a 30-day cycle. The second

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2 category of signage economics comes from sponsorship.  
3 So, somebody wants to launch a product and says, gee  
4 I'd like to have a month on your sign, and that you  
5 have to balance with the monthly raising your hand  
6 because you cannot turn off that demand. You have to  
7 respond to it plus trying to do it with the  
8 sponsorship. So, that sometimes divides this sign  
9 into things that are lower and upper using the sign  
10 as a way of giving different real estate offered to  
11 these two market demands and then the third  
12 configuration would be and call it performance mode,  
13 where you would have a single image and the stage  
14 would be open and that would be a third category.  
15 And then that category would be integrated to the  
16 visual presentation, so we participate in the  
17 midnight moment everyday for instance, that the Time  
18 Square alliance brilliantly integrates multiple signs  
19 into a media and art installation that occurs and so  
20 for anybody who hasn't seen it, drop by Time Square  
21 at midnight. It's pretty cool and in that mode, we  
22 would be integrating whats on the stage and on the  
23 sign itself.

24 COUNCIL MEMBER POWERS: The midnight moment is  
25 not a paid, its sort of a collaborative Time Square

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2 alliance effort around art or creative design, so you  
3 could use the one sign to participate in that, but it  
4 sounds like most likely you'd be doing some version  
5 of multiple signs based on the economics of selling.

6 PAUL BOARDMAN: Correct.

7 COUNCIL MEMBER POWERS: Signed real estate in  
8 Time Square.

9 PAUL BOARDMAN: Yes.

10 COUNCIL MEMBER POWERS: Got it.

11 PAUL BOARDMAN: But it is important for us to  
12 support the art-based program that the alliance has,  
13 and we have for a decade.

14 COUNCIL MEMBER POWERS: But you could do that  
15 under your current - I'm sure you do that under your  
16 current signage, is that correct?

17 PAUL BOARDMAN: Yeah, not as cool but yeah.

18 COUNCIL MEMBER POWERS: And then your current  
19 signage allowance under the zoning text today, how  
20 much square footage are you allowed? If your  
21 expanding your footprint in terms of signage as I  
22 understand it.

23 MELANIE MYERS: As a function of math, I guess we  
24 are a little bit. I think today the footprint of the  
25 signage is about 16,000 square feet and because of

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just the change in profile, that jumps up a little bit to about 18,000 square feet. At a visual level, its again, its in the same place, but again, the profile changes so the math does change a little bit.

COUNCIL MEMBER POWERS: Does 18,195 sound right to you?

MELANIE MYERS: That's where it will be, and I think again, its about 16,500.

COUNCIL MEMBER POWERS: Today?

MELANIE MYERS: Today.

COUNCIL MEMBER POWERS: Got it and so with the Marche opening, that's I don't know if we can see -

[BOTH TALKING AT ONCE].

MELANIE MYERS: Yeah, its on that lower -

COUNCIL MEMBER POWERS: unique opening in the sign. So, tell us what that's going to be used for and indented use, expected time and duration of use, what interaction with the public? So, lets start there.

PAUL BOARDMAN: So, I'd break that into two modes. What I would say is the most frequent is kind of cuckoo clock mode. So, in the same way that the camel sign 50 years ago did a puff of smoke, this would open and close and that would open and close

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2 and allow for the people in the Square to watch it  
3 open and close which is going to be pretty  
4 interesting because its literally a 900 Square foot  
5 that will part in two and open up and move back while  
6 its maintaining its illuminated state and you would  
7 have people that would be occupying behind the sign  
8 that could be able to be looking out, so kind of a  
9 fun moment of occupying the signa and looking at  
10 people occupying the sign and that would happen on a  
11 frequent basis. It might happen once an hour, it  
12 might happen once every twenty minutes but something  
13 that's frequent enough to provide normal routine of  
14 visual interest and then the second mode would be  
15 something that's more performance oriented, which we  
16 would do in a manner that the sign might amplify  
17 whats going on on the stage and that would be a  
18 performance that's oriented out to Time Square. When  
19 we do a performance that imposes any of the  
20 conditions that require a permit - an event permit.  
21 We would coordinate with Time Square alliance and the  
22 agencies having jurisdiction to secure that permit  
23 prior to that presentation and that would be  
24 certainly less frequent and would be something that  
25 we would pursue on a routine basis.

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2 COUNCIL MEMBER POWERS: So, one use here is like  
3 a tourist attraction almost type, maybe that's not  
4 the intended use, but where the sign opens up on  
5 twice an hour, I'll say, and you know, it opens up  
6 and Melanie and Paul are standing there at their  
7 moment to shine at Time Square and displayed. Is  
8 that a correct definition of -

9 PAUL BOARDMAN: I think that's accurate, yes.

10 COUNCIL MEMBER POWERS: And then the second one  
11 would be some sort of event or concert maybe or  
12 Broadway performance looking onto going outward onto  
13 the Time Square New Years Eve, being I'm sure one of  
14 the intended uses. What is the intended frequency of  
15 doing like something that's more outward?

16 PAUL BOARDMAN: We haven't exactly programed but  
17 its certainly not something that's happening on a  
18 daily basis. Certainly, something that's not  
19 happening on a weekly basis, but it could certainly  
20 happen on a monthly basis. What we see is right now  
21 the condition and being a member of the community, we  
22 love the fact that Time Square is programmed. It's  
23 important because it's an important public space, but  
24 in general when something gets set up there, it's a  
25 big intrusion on the community as a whole. There is



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2 several days of set up, then there is an event, and  
3 then there is several days of breakdown. So, the  
4 impact of a single event might be as much as a week,  
5 so the NFL experience that set up four years ago for  
6 Super Bowl actually impacted the site a full week  
7 before and a full week after on the set up and break  
8 down. So, what we're coordinating with the Time  
9 Square alliance is that this kind of opportunity  
10 represents something that's a kind of plug and play  
11 and then you're in and out immediately there after  
12 into a normal operating condition. So, we don't have  
13 the big black wires, we don't have generators, we  
14 don't have big production trucks. We don't have all  
15 of that stuff because its inside of our property.  
16 So, we see it as kind of serving two purposes. One  
17 in the performance mode is one doing better, more  
18 professional performances, and then two, in and  
19 around those events having much less impact on the  
20 infrastructure of the streets and the Square to set  
21 up and break down these events.

22 COUNCIL MEMBER POWERS: And when it is open, you  
23 will be losing I guess even for a moment, part of the  
24 advertising space?

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2 PAUL BOARDMAN: Yeah, you commit to – you commit  
3 to presenting the performance when you're doing that,  
4 definitely.

5 COUNCIL MEMBER POWERS: Yeah, okay and then who  
6 will have access to that? Like we're talking about  
7 the cuck coo clock, obviously your terminology modo,  
8 who gets access to that balcony in the Marche and not  
9 forget the events but the normal usage?

10 PAUL BOARDMAN: Its open to customers of the  
11 operations of the entertainment and attraction  
12 facility behind the sign. So, it's a ticket that  
13 your likely to be charged for that has a reasonable  
14 price to it or it might be something that's a  
15 sponsored event or a sponsored facility that your  
16 allowed free access to. The economics of it are not  
17 quite defined yet and will over the next year or year  
18 and a half, it takes about three years to build this  
19 project. So, we have a little bit of time to define  
20 that.

21 COUNCIL MEMBER POWERS: But you don't have a  
22 vendor today for that use?

23 PAUL BOARDMAN: Yeah, we don't have a vendor  
24 established.

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2 COUNCIL MEMBER POWERS: You guys put out like an  
3 ORFI like a -

4 PAUL BOARDMAN: Not yet, not yet.

5 COUNCIL MEMBER POWERS: Okay, when do expect to  
6 do that?

7 PAUL BOARDMAN: When we're under construction as  
8 a former operating company executive, you really  
9 didn't commit to something unless you saw it getting  
10 built and so its very unlikely that we would have a  
11 serious conversation until somebody sees it actually  
12 under construction.

13 COUNCIL MEMBER POWERS: So, it will be a paid  
14 experience or sponsored meeting, somebody is paying  
15 for it. Its not open to the public, its not a public  
16 amenity?

17 PAUL BOARDMAN: Yeah, its not a public space  
18 amenity, no. It's a public access, yes.

19 COUNCIL MEMBER POWERS: Right and the last  
20 question in respect of time. Just in terms of the  
21 other elements of this plan obviously you've talked  
22 about the Palace theater renovation and I appreciate  
23 the difficulty or the challenge but the making sure  
24 that we are modernizing and being able to accommodate  
25 different performances. On the street side, I know

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2 that you had talked a bit about cleaning up the  
3 streets gape there, could you just give us a little  
4 more information about what the plans are to make it  
5 for the overall public a better pedestrian and  
6 vehicle experience?

7 PAUL BOARDMAN: Sure, so right now you can see by  
8 the middle image on the screen that's the side, the  
9 47<sup>th</sup> Street elevation of the existing palace theater  
10 and that is not an historic box, but whats inside of  
11 it we refer to as the Faberge egg which is the  
12 historic interior, but you can see that 47<sup>th</sup> Street  
13 is not treated as a pedestrian way. Its treated as a  
14 service yard for the theater. So, the theaters  
15 loading dock is in the lower left-hand side of that  
16 center image and then you can see a part of the fire  
17 escapes, but you don't see all of them because on the  
18 other side of the box of the theater there is another  
19 set of fire escape that come down that block public  
20 light, air and footprint of the sidewalk. Some  
21 16,000 cubic feet, so when I'm walking by there, its  
22 not very welcoming number one. Two, it gets in my  
23 way because it cuts off the sidewalk and then three,  
24 at night its not a great place to walk by because it  
25 has lots of dark and scary little crevices.

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2 MELANIE MYERS: Right and then the image to the  
3 right of that Paul, that's looking on the 7<sup>th</sup> Avenue  
4 front so -

5 PAUL BOARDMAN: So, then in the upper right-hand  
6 corner, you see what your currently presented with in  
7 walking down 7<sup>th</sup> Avenue, which is almost like a  
8 tunnel below the sign and so the signage right now  
9 comes down to in some cases 9 feet over the public  
10 sidewalk and we have raised that to 26 feet above the  
11 sidewalk for this very purpose to make sure that its  
12 bright and airy. So, just deposing the two kinds of  
13 existing condition to the left and what we're  
14 proposing to the right, you can see the dramatic  
15 difference. So, now we've taken a street which is  
16 dark with lots of ins and outs for people to hide in  
17 and now are presenting one of the largest Broadway  
18 Marches which will also be LED and then a large new  
19 facade that allows that show to be advertised with a  
20 vinyl illuminated sign that's on the side of the  
21 building. In addition, there is an existing loading  
22 dock to the hotel which is about 30 feet from the  
23 corner of 47<sup>th</sup> and 7<sup>th</sup>. So, if you can imagine a  
24 truck, a trash truck coming out of that loading dock  
25 or any kind of delivery, it blocks the intersection

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2 right where that SUV is in the picture and as you  
3 move forward, that SUV would be blocked by a truck  
4 that's waiting to dispose of trash or deliver  
5 something to the hotel today and what we're able to  
6 do is move that whole loading dock to your point  
7 Chair Moya earlier, is that another advantage of  
8 raising the theater is that we can take the loading  
9 dock and everything and move it all the way to the  
10 east. Moving some 170 feet from the corner so that a  
11 car can be waiting appropriately, or a series of cars  
12 can be waiting appropriately at the light and yet a  
13 truck can still access and exit from the property.  
14 Right now, those two things are in conflict as part  
15 of a necessity that the theater is in the way of  
16 moving that loading dock. So, we're able to resolve  
17 a number of pedestrian things along 47<sup>th</sup> Street give  
18 back actual sidewalk space, give back actual light  
19 and air, and remove pedestrian and vehicular  
20 conflicts that are built in to the current  
21 configuration of the property.

22 COUNCIL MEMBER POWERS: Thank you. Thank you,  
23 Mr. Chair.

24 COUNCIL MEMBER MOYA: Thank you very much for  
25 your testimony today. Thank you, you're excused.

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And now, I will call the next panel. Billy Richland and Frank Lazarto[SP?]. Just please identify yourself.

BILLY RICHLAND: Hi, good morning. My name is Billy Richland. Thank you for the time today. I'm speaking on behalf of Tim Tomkins, the president of the Time Square Alliance, so we're the business improvement district for the Time Square area. For 25 years, we've worked to improve and promote Time Square with thoughtfully cultivating the creativity and energy and edge the are in need and icon for the arts, entertainment and urban life for over a century. We represent the Time Square community and its stakeholders in our daily efforts. The Alliance supports the redevelopment of the policy or double tree hotel and the proposed amendment to the zoning resolution in order to construct a new sign structure at 1568 Broadway. The Alliance has had the opportunity to watch and review the design process of the Palace Theater redevelopment over the last several years and we believe the developers commitment to make the Palace Theater a commercial enviable development that also supports culture in the live arts is unwavering. The project will create

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2 hundreds of jobs in the arts, hospitality, and retail  
3 sectors and will help ensure the 120-year legacy of  
4 Time Square is a global cultural hub that continues  
5 for years to come. Signs and advertising are part of  
6 the distinctive character that make Time Square  
7 unique and this project will help bring yet another  
8 innovative sign to the area that will offer new and  
9 exciting entertainment. The developers are committed  
10 to working with Alliance and the surrounding  
11 community to program the sign and provide quality  
12 offerings that will enhance the experience of being  
13 in Time Square. This new sign structure will also  
14 create an opportunity to host distinctive events with  
15 minimal impact on the plazas and pedestrian space.  
16 Throughout the project, the development team has  
17 demonstrated that they are good civic partners.  
18 During past projects in the area, they sought to  
19 minimize any negative impact on the surrounding  
20 blocks during construction and solicited our  
21 stakeholders for community input where ever possible.  
22 We have no reason to believe that this will change in  
23 the future. The development teams work will support  
24 the many constituencies that depend on long term  
25 viability of this Broadway Theater and add critical



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2 creative and design elements with the sign and  
3 improvements to 47<sup>th</sup> Street. We respectfully urge  
4 you support the plan. Thank you for your time.

5 FRANK LAZARTO: Good morning. My name is Frank  
6 Lazarto. I'm a trustee with Local One and I'm here  
7 on behalf of James J. Claffey, President of Local One  
8 and IATSE. It was 30 months ago that Mayfield  
9 Development began a methodical process to execute  
10 what IATSE Local One believes is the most important  
11 redevelopment in a generation for the other district  
12 and Local One. It is only through the diligent and  
13 passionate commitment to Time Square Broadway in New  
14 York City does a vision like this become reality. We  
15 have stood before the landmarks commission and  
16 community board and I'm here again today to  
17 personally express Local Ones support for the Palace  
18 1568 Broadway Project. As you know we are the oldest  
19 entertainment union in the United States and the  
20 Premier Stage Hen Union of the International Alliance  
21 of Theatrical Stage Employees, the IATSE representing  
22 nearly 150,000 members. Local Ones presence on  
23 Broadway spans over 130 years and will continue as  
24 long as Broadway and the live arts are properly  
25 supported. Our members lives and the cities

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2 remarkable attraction to the world are sustained by  
3 entertainment in the Time Square special district.  
4 The Palace 1568 project and bodies like no other what  
5 we cherish is the very purpose of the special  
6 district. Sustaining and expanding the live arts on  
7 Broadway is the life of time square. We have  
8 reviewed the project designs and understand them well  
9 and support the adoption of the proposed zoning text  
10 change. The theater alone will be the most  
11 comprehensive restoration ever in the theater  
12 district. At Palace 1568 Broadway, we have a  
13 development team in Mayfield and L&L who are willing  
14 to direct over two billion dollars into a project  
15 delivering significant economic benefits to the  
16 members of IATSE and the city. This ambitious  
17 redevelopment project deserves our community support  
18 and you can be assured that our 150,000 members stand  
19 behind it. With this development partnerships  
20 ability to create projects and attract investment.  
21 No other development team demonstrated greater belief  
22 in Time Square and the very CPC goals outlined within  
23 the special district. Local One wholeheartedly  
24 supports this wonderful project. Not only for our  
25 members but for the community, for the theater

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2 community as a whole. Thank you very much for your  
3 time.

4 COUNCIL MEMBER MOYA: Thank you, thank you. Are  
5 there any members of the public that wish to testify  
6 on this application? Seeing none, I am now going to  
7 close this application. The hearing on the last item  
8 is now closed and we're going to be moving on to the  
9 next item here. Our next hearing is on LU 111, the  
10 180-188 Avenue of the Americas Application for a  
11 zoning map change for property in Speaker Johnsons  
12 district in Manhattan. The establishment of a new  
13 commercial overlay will allow the operation of a gym  
14 and a dance studio and I now open the public hearing  
15 on LU 111. Huntley Gill.

16 RICHARD LOBEL: Huntley is actually in the  
17 neighboring room, he is coming in right now. Good  
18 morning Chair Moya and to the -

19 COUNCIL MEMBER MOYA: Did you fill out an  
20 applica-

21 RICHARD LOBEL: I did yes.

22 COUNCIL MEMBER MOYA: Oh right, I got it.

23 RICHARD LOBEL: I think they put my wrong number.  
24 Okay.

25 COUNCIL MEMBER MOYA: Did you fill -

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2 RICHARD LOBEL: She's not speaking, she is just  
3 standing here, running through the slides.

4 COUNCIL MEMBER MOYA: Are we waiting on -

5 RICHARD LOBEL: Huntley has just joined us.

6 COUNCIL MEMBER MOYA: Okay. I am now going to  
7 ask the Council to swear in the panel.

8 COUNCIL: Prior to speaking, please state your  
9 names into the microphone. Do you swear or affirm  
10 that the testimony that you're about to give will be  
11 the truth, the whole truth and nothing but the truth  
12 and you will answer all questions truthfully?

13 RICHARD LOBEL: Richard Lobel, I do.

14 HUNTLEY GILL: Huntley Gill, I do.

15 COUNCIL MEMBER MOYA: Okay, you may begin.

16 RICHARD LOBEL: Thank you Chair and good morning.

17 Once again, Richard Lobel from the Law Firm of  
18 Sheldon Lobel. I'm joined by Huntley Gill, the  
19 project architect as well as Amanda Iandoti[SP?]who  
20 will be rolling through the presentation. The  
21 presentation today addresses 180 Avenue, the Americas  
22 rezoning. This is rezoning for several lots located  
23 in lower Manhattan on 6<sup>th</sup> Avenue north of Spring  
24 Street. The rezoning is a relatively minor rezoning.  
25 The reason being that the current zoning of the

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2 properties is 72 with a C15 overlay and so the  
3 rezoning does two things. The first is it changes  
4 that overlay from a C15 overlay to a C25 overlay and  
5 you can see the area highlighted in black dotted  
6 marks on the zoning change map and the second thing  
7 it does is it actually corrects the condition whereby  
8 several of the lots fronting on Spring Street  
9 currently have commercial district zoning on their  
10 rear portion and so this cleans up the zoning map to  
11 remove those from commercial zoning. Those are  
12 existing apartment buildings. So, that was done at  
13 the request of city planning. So, the cost of the  
14 rezoning is to allow for a C25 overlay instead of a  
15 C15 and what does this accomplish? Well the existing  
16 building is a fourteen-story building. It has 25  
17 residential condominium units and it has ground floor  
18 and cellar commercial space and so as Huntley can  
19 discuss, being the architect for the project, there  
20 have been problems renting out that commercial space  
21 and so as is the case with many store fronts in lower  
22 Manhattan, there was a problem finding tenants to  
23 occupy this space. The interest that was shown and  
24 is currently shown for those properties have been of  
25 two kinds. The first is a physical cultural

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2 establishment or a health club, or a gym and the  
3 second is a dance studio use group nine. Both those  
4 uses are not permitted in a C15 district but are  
5 permitted in C25 districts. The PCE Youth, the  
6 health club youths are permitted solely after a  
7 special permit process at the board of standards and  
8 appeals which will be engaged in after the proposed  
9 rezoning is hopefully approved. So, the short of it  
10 is that the C25 enables more uses than the C15. It's  
11 seen as a good thing because despite the fact that  
12 its only a small change in designation, it allows  
13 gyms, dance studios, some additional local retail,  
14 some home improvement type of supply establishment,  
15 so it broadens in the uses just enough for it to  
16 allow this building to productively rent two spaces  
17 to these PCE and dance studio uses. I would note  
18 that we went through the of course, the hearing  
19 process with Manhattan Community Board too. The  
20 Manhattan Borough President, and then the city  
21 planning commission on the Manhattan Community Board  
22 to land Use and full board did approve the project,  
23 they approved it. They had no issue with the zoning  
24 of the property as a C25, they did have issue with  
25 extending the C25 to include the properties on Spring

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2 Street. They felt that C15 was sufficient and they  
3 felt that a C25 was unnecessary, but they did approve  
4 the application for the development. The Manhattan  
5 Borough President approved the application in its  
6 entirety, so the Manhattan Borough President chose to  
7 approve the C25 in the entirety of that area noting  
8 that this was an area which is challenged as far as  
9 retail is concerned. Often ends of being a little  
10 bit of a dead space and so she wanted to encourage  
11 the ability of the applicant here and other owners  
12 along that area to be able to rent to a greater  
13 number of uses and the City Planning Commission did  
14 indeed improve the application in its current form  
15 allowing the C25. So, that's really the presentation  
16 and I'm happy to answer any questions as Huntley is  
17 about with regards to the architecture of the  
18 building.

19 COUNCIL MEMBER MOYA: Thank you. I have a few  
20 questions. Uhm, so how long has the physical  
21 cultural establishment been in operation at this  
22 location?

23 RICHARD LOBEL: So, the physical cultural  
24 establishment from my understanding has been in  
25 operation since August 2017 and so typically because

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2 we do a lot of applications at the BSA to allow these  
3 PCEs, most of these application, probably over 50%  
4 are brought as legalizations. Many times, these  
5 particular owners have somewhat of a hardship in  
6 generating operating capital in order to develop the  
7 funds necessary to bring this application, so PC  
8 applications, the BSA regularly does these as  
9 legalizations. The intention here would of course be  
10 to bring the - or for the PC operator to come into  
11 BSA and to obtain their special permit. This was  
12 noted by the Manhattan Borough President as well as  
13 the Commission who noted that despite the fact they  
14 are not happy with that condition, that they  
15 understand that reality and they understand that in  
16 this application, the PC applicant would be doing  
17 that. They also noted a more general discussion  
18 which is that the PC special permit itself if being  
19 called into question. The need for it in the C2  
20 districts particularly because you've got a lot of  
21 other intensive uses, bars and restaurants for  
22 example which can open as of right and so, there has  
23 been discussion and indeed there has been discussion  
24 at the council of perhaps eliminating the PCE special  
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2 permit so in light of that broader conversation, the  
3 Commission chose to approve this despite that fact.

4 COUNCIL MEMBER MOYA: And sticking with that does  
5 the PC have the requisite DSA approval?

6 RICHARD LOBEL: They do not yet. They opened as  
7 an accessory health club in the building which  
8 would've enabled them to get permits to actually  
9 physically build out the space and then they  
10 basically were able to go no further because of the  
11 underlying zoning. The C15 did not allow them to go  
12 to BSA. Should the Council approve the rezoning the  
13 PC would then be able to go to BSA and obtain the  
14 special permit. I would also add that BSA and just  
15 in recognition of the difficulties facing these PCE  
16 uses, they actually have separate requirements for a  
17 legalization, understanding that many of these do  
18 come in as such.

19 COUNCIL MEMBER MOYA: Is the current use  
20 anticipated to change in the near future along Spring  
21 Street?

22 RICHARD LOBEL: My answer is no. Huntley would  
23 you be able to give an insight?

24 HUNTLEY GILL: No, we don't anticipate any  
25 change.

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2 COUNCIL MEMBER MOYA: Okay, and are there any  
3 other uses that are currently operating in this  
4 rezoning area that is not permitted in the C15  
5 Commercial Overlay other than the existing PC?

6 RICHARD LOBEL: No, that would be the only one.  
7 There is a ground floor commercial space on Spring  
8 Street on the corner of Spring and Sullivan Streets,  
9 which is currently operating and is operating as an  
10 existing legal conforming use and then adjacent to  
11 our parcel, is God's Love We Deliver, a six-story  
12 community facility which is probably well known to  
13 the Council and that use is a community facility use  
14 which would remain unchanged.

15 COUNCIL MEMBER MOYA: Okay and is there a reason  
16 to believe that the current uses will be changed to  
17 additional uses allowed in the C25 in the near  
18 future.

19 RICHARD LOBEL: I'd say its unlikely. I think  
20 that the existing users have existing C1 complied  
21 uses. I don't think necessarily that an existing  
22 commercial space would have much motivation. The  
23 margin between the C1 and C2 uses is very slim. The  
24 additional C2 uses is kind of just a hold over of  
25 longstanding zoning districts. You know, for example

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2 a funeral parlor would be permitted under a C2 not in  
3 a C1. A plumber supply establishment, things that  
4 wouldn't really necessarily have much commercial  
5 liability.

6 COUNCIL MEMBER MOYA: Okay, thank you very much.

7 RICHARD LOBEL: Thank you Chair.

8 COUNCIL MEMBER MOYA: Thank you. Are there  
9 members of the public who wish to testify in this  
10 application? Seeing none, I now close the public  
11 hearing on this public hearing on this application  
12 and it will be laid over. Our next hearing will be  
13 on LU 113, the 85 Mercer Special Permit Application.  
14 This application seeks to use a waver to allow retail  
15 use on portions of the ground floor and cellar of an  
16 existing five-story building at 85 Mercer in Council  
17 Member Chin's district in Manhattan and I now open up  
18 the hearing on LU 113. Eric Polacnic[SP?], Brandon  
19 Charnas, Chris Karado[SP?]. Who are we waiting on?  
20 Okay, I now ask the Council to swear in the panel.

21 COUNCIL: Before speaking, please hit your mic  
22 and state your name. Do you swear or affirm that the  
23 testimony that your about to give will be the truth,  
24 the whole truth, and nothing but the truth and that  
25 you will answer all questions truthfully?

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ERIC POLACNIC: Eric Polacnic, I do.

CHRIS KARADO: Chris Karado, I do.

COUNCIL MEMBER MOYA: Thank you. You may begin.

ERIC POLACNIC: Thank you and sorry, we were out in the waiting area outside, so I apologize that we held you up for a couple of minutes and I didn't have enough time to put my jacket on but I'm more comfortable if you're okay with my -

COUNCIL MEMBER MOYA: You're totally fine.

ERIC POLACNIC: I mean no disrespect.

COUNCIL MEMBER MOYA: None taken.

ERIC POLACNIC: I'd say good afternoon to the committee, but I see it down to the committee chair. Hello, it's nice to see you. We're here today for a relatively straight forward application that I'm proud to say was very well supported at Community Planning Board two and we also met with the effected Council woman Margaret Chin whose indicated that she was supportive of it when we met with her and we've also spent a number of years working closely with the Borough President. Its an application for property at 85 Mercer Street which is very similar to the building from ghost, if you are a ghost fan and at the ground floor of it, your not allowed to have

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2 commercial uses at the ground floor because we're  
3 located within M15A zoning district and that's got a  
4 corky SoHo special district that does not allow for  
5 commercial uses at the ground floor without showing  
6 an effort to rent for permitted use for a period of  
7 one year. It's an application pursuant to 74-781 and  
8 what we're asking permission to do is to convert the  
9 back of the ground floor of this building to  
10 commercial use. The front of the ground floor of the  
11 commercial use was the subject of two previous  
12 approvals in 2000 and the early 90's. So, retail use  
13 has already been going on in the front two units and  
14 the back unit was traditionally occupied by an artist  
15 who sold the unit many years ago. So, just to go  
16 through with you very quickly on the power point, so  
17 you can see what's going on. The building is behind  
18 me. The spaces that we're talking about are the two  
19 store fronts at the left and the right and you can  
20 see the advertising signs in the windows. Those  
21 spaces were actually already permitted by City  
22 Planning for Commercial use, they just happen to be  
23 vacant right now. The portion of the space that  
24 we're talking about is you can't see from the  
25 photograph. I will show you in a second as I go

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2 through, this just shows you where the property is.  
3 Of course, it's in SoHo between Spring and Broom  
4 Street, one block west of Broadway. This just gives  
5 you more maps, so I don't need to go through this  
6 with you. I'll cut right to the building itself and  
7 this is one of the spaces that we're talking about.  
8 In the photograph here, you can see at the cellar  
9 level is a space that was traditionally lived in and  
10 is now being asked to be utilized as commercial  
11 space. We have the retail space as well in the first  
12 floor and this gives you an idea of a plan. This is  
13 the front of the building, this is the cellar level.  
14 The left side shows you the cellar level. The back  
15 is the portion where she can convert to retail. The  
16 left side shows you what it is now. The right side,  
17 where it is shaded, shows you that's where we're  
18 going to be asking to convert to retail. The next  
19 slide shows you the first floor which again, the left  
20 side shows you what it is now. The front is retail,  
21 the back was a former [inaudible 2:08:13] artist and  
22 as you can see from the slide on the right, the  
23 greyish area, the shaded area, is the area that we're  
24 seeking to convert to retail. So, when all is said  
25 and done, that slide on the right, everything that

SUBCOMMITTEE ON ZONING AND FRANCHISES

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2 you see there will become retail and that's what  
3 we're asking permission for. This slide shows you  
4 the efforts, the underlying findings of the special  
5 permit are that we have had to undertake significant  
6 marketing efforts to show that the space has tried to  
7 be used for permitted use. Here the permitted use  
8 would be a manufacturing use. Of course, as I just  
9 showed you from the plans in the photos, it's the  
10 back of a loft building in SoHo, so its not the ideal  
11 manufacturing location. There's no loading berth,  
12 there is no where for a truck to offload, nothing of  
13 that, so we think we are very well suited for  
14 commercial considering the front is already permitted  
15 for retail, but nonetheless, we spent five years, a  
16 lot more than the requisite one-year requirement  
17 because we got caught up in a whole discussion on  
18 this issues with City Planning and with the Borough  
19 President, a much larger issue in SoHo. So, we spent  
20 about five years marketing the property, about four  
21 years longer than we've had to and this slide shows  
22 you all the different local advertisements that we've  
23 done in the New York Times, The Village Voice,  
24 Chelsea Now, The Downtown Express, The East Villager,  
25 The Villager at Gay City in Manhattan Express, those

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2 are the local written advertisements which when we  
3 started in 2013, was at the end of their print life  
4 and that was the way the city was doing it up until  
5 that point but of course, we went to the digital age  
6 on the next slide, shows online advertisements which  
7 is what we've been doing in addition to the remainder  
8 of the marketing and joining me now is Brandon  
9 Charnas, Brandon we said his name before, he is a  
10 representative of the owner who has been coordinating  
11 all the marketing effort, so he is here to testify if  
12 you'd like him to. The third slide shows you the  
13 different brokers that have been involved for the  
14 last five years including the Cochran group, Compass  
15 which is a relatively new name for real estate  
16 brokers in the city. Cushman Weightfield[SP?],  
17 Brandon Singer worked there and now Brandon Charnas.  
18 Calvin Dolgen[SP?] who is a very well-known  
19 manufacturing real estate brokerage firm and Warwick  
20 Capital. So, those five brokers have been actively  
21 marketing it and there is another part of the  
22 findings is we're required to reach out to local and  
23 citywide agencies and organizations to see if they  
24 could find people that may want to take the space and  
25 you can see there is a list. I'm not going to read



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2 them all but there is fourteen of them there that  
3 we've reached out to and we've been in contact with.  
4 Every six months or so, our brokers have been  
5 communicating with them and they have not brought us  
6 anybody that would be interested in the space. The  
7 final column shows you the different asking prices  
8 that have been asked for the space. We've been  
9 bringing down the asking price through the years. We  
10 started in 2013, asking 150 a square foot. After  
11 many meetings with City Planning and the Borough  
12 President, Margaret Chin, Council Member Chin, we've  
13 lowered the asking price at their request, because  
14 they wanted to see that we were making a zealous  
15 effort to try to find the permitted use and we've  
16 lowered, and lowered, and lowered. We can't find a  
17 single buyer, a single user but having said that,  
18 Brandon is asking me to tell you and I'm sure he will  
19 speak to it more too is to the actual results of the  
20 marketing efforts which was throughout the entire  
21 five years, we never got anybody that was sincerely  
22 interested in renting the space and sell for true  
23 manufacturing use. The example he was giving me was  
24 a type of person that would call the type of business  
25 would be somebody that makes eye glasses. You're

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2 wearing eye glasses, I'm wearing eye glasses. You  
3 know so they'd call up and say we want to manufacture  
4 eye glasses there and they would say great, we'll  
5 rent it to you. And then they would go, but we also  
6 want to have a spot out front to sell the eye glasses  
7 and it was all a roost to - they want the retail  
8 space really and they would do the manufacturing you  
9 know, to try to accommodate that but obviously,  
10 that's not legal. So, that's really all we ever got  
11 interested in the space. We never found any true  
12 manufacturers, so we believe we meet the findings of  
13 the special permit. We have tried as I said, for  
14 five years. We've reached out to anybody and  
15 everybody imaginable. We've worked very closely with  
16 city planning. With the Borough President, with  
17 Council woman and EDC as well as all the other  
18 citywide agencies. In five years, we've really found  
19 not one single bonified valid interested party in  
20 this space which makes sense because it's a small  
21 space at the back of the ground floor behind two  
22 retail spaces in a SoHo building that has no loading  
23 berth and no ability to manufacture, and with people  
24 living upstairs. So, that's our request to you and  
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Chris Karado is here the architect he can answer, and any questions and Brendan can answer any questions.

COUNCIL MEMBER MOYA: Great, does anyone want to say anything before I ask questions. I want you to identify yourself.

BRANDON CHARNAS: Brandon Charnas of Warwick Capital Management. I was just going to say it was a lot of people would call up – when we lowered the asking price to 80 from 150, we got a lot of calls and people would basically start out saying they – or described that they wanted to lease the space to manufacture eye glasses and we would go through a process with them and talk about terms, and then as we get to the – we would say oh, lets have a meeting and you know, as we were going to have the meeting. They would say oh, by the way, I'm planning on selling. One guy in particular said I'm planning on selling eye glasses out of the space and I was clear from the beginning that this is for you know, we're marketing this as manufacturing like based on the flyer that your calling on, it clearly stated that there was no retail use. That we are not marketing this as retail and it was just a lot of wasted time

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on top of the hardship that we were already experiencing.

COUNCIL MEMBER MOYA: Okay, just a couple questions. When did the current owner purchase the building.

ERIC POLACNIC: I think it was about 2012, I'm going to look at the dates, but it was about 2012. They didn't purchase the building though, they just purchased the space within the building.

BRANDON CHARNAS: Thirteen, 2013.

ERIC POLACNIC: 2013, yeah, the building is owned by – it's a cooperative and its owned by the people that reside at the cooperatives control by the residents that own shares within the cooperative that reside within the building.

COUNCIL MEMBER MOYA: Got it and when was the last time the rear unit was occupied by an artist?

ERIC POLACNIC: In 2013 when the Luskars[SP?] sell. They were the artists that controlled that last unit. They were the last artists within the building and they sold for nearly \$20 million.

BRANDON CHARNAS: Right well that was when retail was worth a lot more money. Yes, you would do the

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2 art out of the back and then use the front 800 feet  
3 for a studio.

4 COUNCIL MEMBER MOYA: And how many artists  
5 currently reside or occupy the building.

6 ERIC POLACNIC: There are no artists left within  
7 the building and about four years ago the entire  
8 building was converted to a coop from a jail QWA, the  
9 CFO now does not have any hindrances on its  
10 occupancy. Its not a market rate building and you or  
11 I, or any other person could by a unit within the  
12 building and reside there.

13 COUNCIL MEMBER MOYA: Okay, and are the retail  
14 spaces on the ground level, there not occupied -

15 ERIC POLACNIC: There vacant you know, we're  
16 suffering unfortunately the client is really just as  
17 a side note, and I know you just had this exciting  
18 presentation from a colleague of ours in Time Square  
19 a few minutes ago, what he is speaking about is the  
20 truth. The space is empty, its been empty for the  
21 last two years. We cannot find a tenant and the  
22 value of the property has cut in half while we have  
23 gone through this process. So, the \$20 million  
24 purchase price that I told you for the space. If you  
25 went out there and somebody left me the space and I

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2 went to market it right now and I had to sell it  
3 right now for some reason, I'd get \$10 million for  
4 it.

5 BRANDON CHARNAS: Maybe.

6 ERIC POLACNIC: Maybe ten. So, SoHo what it used  
7 to be was of course incredibly valuable. Its still a  
8 very valuable place but the amazon effect that we're  
9 witnessing and what your hearing around the city is  
10 100% true and it's a problem. So, we're not occupied  
11 right now, we would like to be occupied. We are  
12 anxious to get this approval because we think we can  
13 get an exciting user in there but its going to be the  
14 same kind of experience that you just had - the  
15 discussion you had a minute a go, we're sure its  
16 going to be an experiential retail space because  
17 that's whats happening in the market place now.

18 COUNCIL MEMBER MOYA: Right okay and no  
19 perspective -

20 ERIC POLACNIC: No perspective tenants yet  
21 because well, I'll let Brandon speak to that.

22 BRANDON CHARNAS: Well, call the eye glass back  
23 [inaudible 2:17:08].

24 ERIC POLACNIC: Yeah, the glass guy, but no we  
25 don't have anybody yet because we've been waiting to

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go - its been a very long process, so we've been waiting. Obviously retail needs to build a sign on the spot, so we're waiting.

COUNCIL MEMBER MOYA: Got it. Okay, well thank you very much for your testimony.

ERIC POLACNIC: Your very welcome.

COUNCIL MEMBER MOYA: And your time, thank you.

ERIC POLACNIC: Thank you.

COUNCIL MEMBER MOYA: Are there any members of the public who wish to testify on this item? Seeing none, I now close the public hearing on this application and it will be laid over. Our last hearing with be on LU's 108-110 the 142, 150 South Portland Avenue rezoning for a portion of a block bounded by South Elliot Place, Hanson Place, South Portland Avenue and the Academy Park Place in Council Member Cumbo's district in Brooklyn. The property would be rezoned to facilitate the development of a thirteen-story mixed use residential and community facility building with a total of 100 apartments but would be included with within the special downtown Brooklyn district in order to establish a 95-height limit within 25 feet of an R78 district, so a portion of the building would be limited to nine stories.

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Pursuant to a zoning and text amendment, the MIH option one would be applied however, the 100% of the building would be affordable pursuant to HPD's M squared program and we have Council Member Cumbo on her way, she is going to make a statement before we start. So, we'll pause until the Council Member arrives, Thank you. I'm going to turn it over to Council Member Cumbo.

COUNCIL MEMBER CUMBO: Thank you, thank you to all that are here that have taken the time out of your day to discuss this very important project in our community and to hear from the entire community about their thoughts, concerns, as well as desires as it pertains to this project. Good morning, I am majority leader Laurie Cumbo representing for Green Clinton Hill, Prospect Heights, Crown Heights, and parts of Bedford-Stuyvesant. I want to thank Chair Moya for Chairing today's hearing. I want to thank you all for the time that you have spent. I know its been a long day. We are gathered here to discuss the proposal for 142-150 South Portland Avenue that has been put forth by a partnership of the Hanson Place Seventh-day Adventist Church and MDG Development group. You will hear from MDG shortly. I just



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2 wanted to give you a little bit of background about  
3 Hanson Place Seventh-day Adventist Church. It was  
4 built in 1860, just before the civil war and is one  
5 of the oldest and longstanding Churches in our  
6 community and it has even designated as a New York  
7 City national historic landmark. The first Sabbath  
8 for Hanson Place Seventh-day Adventist Church was  
9 held on July 20, 1963 with an attendance of about 500  
10 individuals. From that time, it has grown to over  
11 2000 individuals in membership and it is considered  
12 the largest Seventh-day Adventist Church in Brooklyn  
13 New York. It is also considered the second largest  
14 Seventh-day Adventist Church on the northeastern  
15 Seventh-day Adventist Congregational group. I also  
16 want to add that despite its growth and its  
17 development in recent years, it has also seen a  
18 decline in membership due to the gentrification and  
19 displacement of our community which leads us  
20 ultimately to this particular conversation today. As  
21 part of the 2007 Fort Greene and Clinton Hill  
22 neighborhood rezoning, south Portland avenue was  
23 zoned at R7A. This proposal to rezone from R7A to  
24 R8A would increase the allowed height of buildings  
25 from nine stories to thirteen stories and increase

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2 the allowed square footage of buildings by about 33%.  
3 The developer in the church proposed to use this  
4 extra height and density to build 100 units of income  
5 restricted housing including a range of units from  
6 those affordable to low income families at 40% of  
7 AMI. About \$800 a month for a two bedroom to units  
8 at 130% AMI that are much closer to market rate. The  
9 larger building size will also allow the inclusion of  
10 significant community facility space for the church  
11 and local communities use and you'll hear more about  
12 that in today's testimonies. This type of  
13 development of 100% income restricted housing and  
14 community space is very rare in Fort Greene. In the  
15 almost five years that I have been a City Council  
16 Member, I have not had the pleasure of approving a  
17 100% regulated housing development within my  
18 district. This has given us great levels of concern  
19 as displacement and Judaification continue to wipe  
20 out many communities of color throughout Brooklyn New  
21 York. Nevertheless, this proposal has attracted  
22 legitimate concern from the local community. The  
23 proposed rezoning includes two other potential  
24 development sites on Hanson Place that would be a  
25 part of increasing the density in that same area.

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The proposal is also a sign of the tremendous development pressure spreading into Fort Greene from downtown Brooklyn and the community is rightly concerned that private applications could begin to undermine the protections of the 2007 Fort Greene rezoning that the community fought so hard to achieve. As we hear from the developer, the church, and members of the local community today, I am mindful of all these concerns and varying points of view as we consider potential paths forward and improvements that must be made if this project is to gain my support. I thank you all so much again for being here. I will now turn it back over to Chair Moya.

COUNCIL MEMBER MOYA: Thank you Councilwoman for your remarks. Now we're going to swear in the panel. We have Jeremy Cox, Peter Beck, Richard Label and Lacie Taber and now the Council will swear you in.

COUNCIL: Before speaking, please state your name and I will now swear you in. Do you each swear or affirm that the testimony that you're about to give will be the truth, the whole truth, and nothing but the truth and that you will answer all questions truthfully?

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JEREMIAH COX: Jeremiah Cox from the Hanson Place Seventh-day Adventist Church. I do swear.

RICHARD LABEL: Richard Label of [inaudible 2:25:23] PC. I do.

PETER BECK: I will.

LACIE TABER: Lacie Taber HPD, yes.

COUNCIL MEMBER MOYA: Thank you. You may begin.

RICHARD LABEL: Thank you Chair. Thank you to Council Member Cumbo and to the Council. Richard Label from [inaudible 2:25:43]. I am joined today by the Hanson Place Seventh-day Adventist Church as well as the development team with regards to what we view as a meritorious project. This is a church which has its origins in an historic building as Council Member Cumbo stated and has now been searching for additional space to both fulfill its programs in the community which are very valuable in small programs as well as to provide for high levels of affordability within the subject proposed development, so what I'm going to do is pursuant to the slides. I'm going to give just a very brief overview of two slides with regards to the general nature of this application. I will then allow Jeremiah to speak with regards to the church programs and then

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2 take several slides and then I will discuss the  
3 zoning in particularly the actual rezoning  
4 application to be followed by Peter Beck, who will  
5 discuss the affordability of which are important  
6 aspects of this development. So, as you can see from  
7 the slide, the project itself is for a new thirteen  
8 story affordable building. The building would have  
9 100 rental units, and 22,000 square feet of community  
10 facility space. The breakdown of the AMI's for the  
11 apartments contain therein are included. These are  
12 10 apartments at 40% of AMI, 15 apartments at 60%  
13 AMI, 30 apartments at 100% AMI, and 44 apartments at  
14 130% AMI. These will be approximately 40%  
15 permanently affordable. 25% of the mandatory  
16 enclosure and housing units as well as a 15% HPD  
17 requirement. So again, we're here for a rezoning.  
18 The rezoning would rezone the property from R7A to  
19 R8A. The resulting building would look much like the  
20 building that is portrayed in the rendering on the  
21 screen and so, just by way of background would a  
22 building be built, or could a building be built on  
23 this site absent the zoning change? And the answer  
24 is yes. There could be a R7A building. That  
25 building would rise to a height of the portion of the

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2 building that closest right now to the left-hand  
3 portion of this screen. It is a nine-story building  
4 rising to a height of 95 feet that is pursuant to the  
5 R7A zoning district and so, with a full 4.6 FAR,  
6 floriation of that building could stand at that  
7 height. However, in order for that to happen and  
8 this will be discussed in detail, in more detail by  
9 the applicant and DG the design and construction  
10 party in this project. It would not be able to be  
11 built with regards to the nature of the programs that  
12 the church wants to maintain as well as to the level  
13 of affordability that has been requested of the  
14 applicant and which the applicant is happy to  
15 provide. So again, the project overview includes  
16 22,000 square feet of community space as an important  
17 part of the project, which will allow for five basic  
18 elements. The first would be conference rooms and  
19 office space for church and communities use. This is  
20 an applicant which has a long-standing history in the  
21 community, provides a food pantry, music programs to  
22 the surrounding area, job training programs. It is  
23 an active and vital participant in the Fort Greene  
24 community. This rezoning will help them effectuate  
25 their goals. The second would be that there would be

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1  
2 an affordable health care component. There will be  
3 services provided for community residents that would  
4 be in the cellar portion of the building. There  
5 would be space available for a medical facility which  
6 the church has already been speaking to several  
7 potential occupants and this would be able to achieve  
8 the churches goal of being able to provide affordable  
9 healthcare for surrounding community residents. The  
10 third is that Hanson Place will expand its social  
11 services and will also in according to four and five  
12 have a multipurpose space with a commercial kitchen  
13 as well as we discussed music instruction programs  
14 for the church and community. On the next few slides  
15 would be relating to the community programs and I  
16 would hand that over to Jeremiah.

17 JEREMIAH COX: Good afternoon. I represent the  
18 Hanson Place Seventh-day Adventist Church as stated  
19 before. The church has had a presence in the  
20 community for the last 50 or so years, all of which I  
21 have been a witness or a party to. Our church has a  
22 DNA of providing community-oriented programs to  
23 uplift the social welfare of its residents. We are  
24 part of a worldwide organization and we are mission  
25 driven in what we do. We are not seeking benefits

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2 for ourselves, but we are working to enhance the life  
3 of the community. Our track record in the Fort  
4 Greene area would show that we operate a full blown  
5 elementary school from nursery to grade 8. Many of  
6 our students are graduated and have gone on to the  
7 professions and made their contributions to society.  
8 We have kept our youth, engaged in special programs  
9 like boy scouts and girl scouts. We call them path  
10 finders and inventors. There channeled in programs  
11 from birth until they are able to fend for themselves  
12 and become productive citizens in the community. We  
13 do have fairs, we have health screenings. People can  
14 come in and have their blood pressure taken besides  
15 other tests that point them to doctors or hospitals  
16 where they can get a service. They provide a food  
17 pantry for the needy in the community. We have soup  
18 kitchen, we distribute clothing, and all of these  
19 programs besides social and cultural programs to  
20 enhance the lives of individuals. We have had this  
21 building on south Portland now for the last 40 years  
22 and we've not been able to realize the full potential  
23 of the building. We carry on a lot of our programs  
24 in the building, like the food pantry etc. The youth  
25 programs but the building is underutilized and simply



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2 because we do not have the resources to do what we  
3 really want to do from a mission standpoint.  
4 Formally we encountered the services of a developer  
5 who has had a record and an interest in working with  
6 nonprofits and with churches to help better  
7 communities. They are not being the kind of  
8 developers that are trying to line their pockets with  
9 profits. We have been looking to them now for the  
10 last two or three years trying to develop the program  
11 and they have been able to identify with our vision  
12 and they are providing us with valuable services that  
13 we are very thankful for and we certainly don't want  
14 them to be considered as a typical developer. We  
15 operate on a certain budget. Our cliental, or  
16 membership, are hardworking people who contribute  
17 significantly from the resources to run the church  
18 and to reach out to the community. Presently, as its  
19 pointed out if a building went up to eight stories as  
20 of light we can build, nine stories. We wouldn't be  
21 able to provide affordable housing because the monies  
22 that we will get to develop will come from lenders.  
23 We will be looking for market financing which we  
24 really don't have. This proposal to rezone and take  
25 the building further up will provide us with enough

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2 units, enough apartments, so that the project will be  
3 able to finance itself over the years and not only  
4 will it be able to finance itself over the years, but  
5 it will be able also to provide us with extra space  
6 where we can run programs that will be of benefit to  
7 the community. A whole floor would be designated for  
8 that purpose. The church members will be able to use  
9 it and the community will also be able to use it. We  
10 expect that we will have a place where people can  
11 gather for social engagements. Currently provide  
12 space for nonprofit organizations that tend to help  
13 reengineer the lives of people who seem aimless and  
14 when we construct this new building rezoned so that  
15 we can actively finance ourselves over the next  
16 several years and provide a space so that we can  
17 launch programs that will benefit the community, then  
18 we will be meeting our mission goals. The  
19 individuals who suggest that the building of another  
20 building or of that magnitude will put pressure on  
21 the traffic and the parking in the area. I want to  
22 point out that Fort Greene is a very fortunate  
23 neighborhood. It sits in a zone or an area that is  
24 serviced by subways, all the subways go though  
25 Atlantic Avenue. It's the Time Square of Brooklyn,

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2 if you please and for someone living in the building,  
3 it is not necessary to have an additional motor car  
4 to crowd the traffic and all of that. So, we believe  
5 the addition of these residents will not impose that  
6 significant difference on the traffic and the parking  
7 in the area. So, we think that based on the benefits  
8 that will be provided by the building to provide  
9 affordable housing for people who would otherwise be  
10 pushed out of the community because of the higher  
11 rents that are being charged in Fort Greene of rents  
12 that run from five to seven thousand dollars a month  
13 and we are providing - we will be providing housing  
14 as low as \$800 in this new project and its something  
15 that I think will benefit the community and it will  
16 give a balance to the economic and social strength of  
17 the community. So, besides that, let me say also  
18 that this will not be the only tall building around  
19 the area. There is a building right on the corner,  
20 next door to the site that probably reaches 95 feet.  
21 Where there are two apartment buildings 15 stories  
22 half a block away. There is the Salvation Army  
23 building, so this building will not be out of  
24 character and so we would like for you to consider  
25 that. The project is going to bring employment

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opportunities to a number of people to better the economic situation. It's going to provide affordable housing, its going to provide space for the church to run social, educational programs and cultural programs to better the lives of people and it is going to provide training for young people. It is the kind of project that's a win-win for everybody. So, I urge us to - I urge the Council to vote in favor of the rezoning so that great things can happen in the Fort Greene community. Thank you.

RICHARD LABEL: Thank you. So, we just ran through the important social programs of the church, I think we just wanted to quickly cover the zoning background of the application and then essentially allow Peter Beck from Forsyth to discuss the affordability levels. Again, the location of the proposed rezoning is along South Portland, you can see the area highlighted in red in the center of the area map. The general area of the rezoning is bounded by Hanson Place to the north. South Portland Avenue to the east align approximately a mid-block up from the southern portion of the block as well as South Ellie Place to the west. The current zoning as you can see from diagram in front of you is R7A.

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2 This is an IHDA including housing designated area  
3 which would allow the FAR with appropriate affordable  
4 housing to arise to a FAR 4.6. Okay, that's right.  
5 Okay, good. So, the development site as you can see,  
6 is the church property highlighted in red. It is a  
7 120-foot-wide property with a depth of 100 feet. The  
8 site currently houses a three plus story building.  
9 It has 9,400 square feet of floor area. It is owned  
10 by the church and again is used for the social and  
11 ministry programs as were discussed. Going to Elder  
12 Cox's statement with regards to the existing  
13 conditions on the block, this is a very interesting  
14 photograph which demonstrates what this block is  
15 about. So, you have the eight story [inaudible  
16 2:41:26] building to the east of the property as well  
17 as the Salvation Army Building to the northeast, the  
18 whitish building, that building rises to a level of  
19 eleven stories. It is noncompliant in the R7A  
20 district. To the south within the C64 district  
21 occupying the southern portion of the block, you got  
22 two fifteen story residential towers. Again, as far  
23 as context is concerned, those two red buildings are  
24 larger and taller than would be permitted under R7A.  
25 The Macedo building itself to the east of the

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2 property is at a FAR greater than six. This property  
3 is also noncompliant with regards to the R7A and  
4 would be complying with regards to the R8A, so when  
5 city planning and the applicant looked at the  
6 purposed zoning for this property, it was not solely  
7 a matter of what the needs of the applicant were but  
8 it was the needs of – it was as far as the context of  
9 the area of what fits and this block, as you can see  
10 is a block which is a block which is basically  
11 bounded by very tall buildings and very large  
12 buildings. So, the purposed actions again in the  
13 rezoning are to change the R7A to and R8A district,  
14 along with a C24 commercial overlay along Hanson  
15 Place. The commercial overlay along Hanson Place  
16 would essentially encourage ground floor commercial  
17 development on Hanson Place. This is something that  
18 the applicant included in the application after  
19 conversations with the Department of City Planning.  
20 This was basically an issue where City Planning with  
21 the applicant discusses context and zoning district  
22 boundaries and so the C24 was requested by City  
23 Planning. The applicant was happy to include it with  
24 the understanding Chair and Council Members that this  
25 was not something which benefits the applicant. The

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1  
2 applicant indeed owns no property along Hanson Place.  
3 The owners along Hanson Place are not involved with  
4 this application. They were not responsible for any  
5 of the studies that were produced or the application  
6 materials. This will materially benefit those  
7 owners, but it was not done for any benefit to the  
8 applicant. In addition, the second action is that  
9 this will establish the area as a mandatory enclosure  
10 and housing area as with rezoning now that include  
11 greater than I believe 12,500 square feet of floor  
12 area for residential use. There is now a requirement  
13 to carry mandatory and as we discussed the level of  
14 mandatory enclosure area that would be included in  
15 the rezoning will exceed what our current required  
16 levels and Peter will discuss that. Now the zoning  
17 change map which shows you exactly what is requested  
18 on the zoning map. You can see on the left the  
19 existing R7A which takes up most of the block and on  
20 the right, the R8A district with the commercial along  
21 Hanson Place and this is shown on the tax map as well  
22 to more clearly delineate the project boundary.  
23 Finally, the enclosure housing district that will be  
24 mapped here will be appendix F with the zoning  
25 resolution and this will require that properties

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2 included within this R8A district are developed with  
3 mandatory enclosure and housing. This is something  
4 that will affect not just the applicant, but any  
5 future residential development on these properties as  
6 well. So, the last slide that is part of the first  
7 part of the presentation discusses affordability, I  
8 would defer to my colleague Peter Beck who will  
9 briefly discuss the affordability levels and the  
10 choices that were made during the evolution of the  
11 application.

12 PETER BECK: Sure. I'll start by just going  
13 through what the affordability levels of the project  
14 are. We have 10% of the units that will be at 40% of  
15 area median income. 15% of the project will be at  
16 60% of area median income. 30% will be at 100% of  
17 area median income and the remainder about 45% would  
18 be at 130% of area median income. So, the project is  
19 100% affordable. It will be financed as mentioned  
20 previously with HPD and HDC. We're looking at using  
21 the M-square program and hoping to close in December.  
22 We are currently in their financing pipeline. The  
23 project would be of MIH Option One. So, that has a  
24 10% requirement at 40% of AMI and the plan would be  
25 to designate the 25 MIH units as the lowest income



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2 units. Those would be the 40% and 60% of AMI units.  
3 Additionally, we would be required to do another 15%  
4 permanent affordability as a condition of our HPD and  
5 HDC financing so, overall it would 40% permanent  
6 affordability. The affordability program has evolved  
7 a little bit as we've gone through the project. We  
8 got some feedback from both Borough President Adams  
9 and Council Member Cumbo to deepen the affordability  
10 of the project and we've responded. We've changed  
11 from MIH Option Two to MIH Option One at the request  
12 of the Council Member and the Borough President and  
13 we believe we have a pretty strong program.

14 RICHARD LABEL: Chair, I would just defer to Ms.  
15 Taber from HPD who may have her own comments.

16 LACIE TABER: Yes, hi there is actually one more  
17 Land Use action associated with this which is the  
18 Article 11. So, my testimony is about that which is  
19 number 110. That consists of the proposed Article 11  
20 tax benefits from exemption area known as 142 to 150  
21 South Portland Avenue which is privately owned land  
22 located at Block 2003, Lot 37, in Brooklyn Council  
23 District 35. As you heard the sponsor for the  
24 project currently has before the zoning subcommittee  
25 and zoning text amendment and establishment of a

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2 mandatory inclusionary housing MIH area related to  
3 Land Use items 108 and 109. This testimony includes  
4 a summary of the project that you've already heard.  
5 Basically, it's 100 residential units financed under  
6 M-squared program with the affordability levels as  
7 were just described and with regard to the community  
8 facility spaces, one will be owned and operated by  
9 the church. The second unit will be a medical  
10 facility operated by a third-party health care  
11 provider. Both community facility units will be  
12 excluded from the exemption area and as mentioned HPD  
13 is before the Council seeking approval of an Article  
14 11 Tax Exemption for a term of 40 years that will  
15 coincide with the regulatory agreement in order to  
16 assist with facilitating long term affordability.  
17 The projected cumulative tax benefit is approximately  
18 Eight million one hundred and thirty-four thousand  
19 four hundred and thirty-two dollars. The net present  
20 value is Eighty on thousand three hundred and forty-  
21 four per DU and I would also just add that internal  
22 approximately forty units will be permanently  
23 affordable because of the MIH combined with the HPD  
24 subsidy. Thanks.

25

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2 COUNCIL MEMBER MOYA: Thank you. So, I have just  
3 a couple of questions and then I'll turn it over to  
4 Majority Leader Cumbo. How much is this project  
5 slated to receive in city subsidies and what percent  
6 of the total project cost is that?

7 RICHARD LABEL: Chair, I would actually introduce  
8 Michael Rooney from MDG Design and Construction who  
9 is the development partner for the project. I wanted  
10 to make sure that he was part of the presentation  
11 team so that to the extend of the questions which ran  
12 beyond two minutes he would be able to answer those.  
13 Michael, would you join us?

14 MICHAEL ROONEY: Sure.

15 COUNCIL MEMBER MOYA: We will swear you in.

16 COUNCIL: Do you swear or affirm that the  
17 testimony that you are about to give will be the  
18 truth, the whole truth, and nothing but the truth and  
19 you will answer all questions truthfully?

20 MICHAEL ROONEY: I do. Peter, thank you.

21 COUNCIL MEMBER MOYA: Can you just restate your  
22 name?

23 MICHAEL ROONEY: Michael Rooney from MDG Design  
24 and Construction.

25 COUNCIL MEMBER MOYA: Thank you.

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MICHAEL ROONEY: With respect to the public subsidy question. Unfortunately, I don't have the underwriting right in front of me, but we're following the terms sheet guidelines which are tax exempt bond financing from the city and I think that's about 30% of the project cost. I wouldn't really call that a public subsidy, we'd be using what the agency is called a recycled bond volume cap. Here we go, great. So, its not taking away from bond volume cap that's used for other new construction projects. That's actually about \$26 million. Additionally, there is about \$8½ million of second mortgage funding from HDC. \$8½ million of third mortgage funding from HPD, those are both within the term sheet limits. Actually, let me also add that sorry, of the bond amount of the \$26 million about \$6 million of that would be volume cap bonds and not recycled and finally, we're seeking an allocation of city res away capital dollars of about \$2 million.

COUNCIL MEMBER MOYA: And how much is the fee that the developers stated to be paid on this project?

RICHARD LABEL: The total developer fee to be paid on the project is totals value of our developer

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2 fee which is paid over a fifteen-year period is Two  
3 million Eight Hundred and Seven Thousand Dollars. We  
4 will receive One Hundred and Seventy Thousand Dollars  
5 at the closing and when we complete construction and  
6 convert in the building that is rented out we will  
7 receive Three Hundred and Eighty Thousand Dollars and  
8 then we'll receive about One Hundred and Fifty  
9 Thousand increasing every year, over a fifteen-year  
10 period. That was from our original time we were  
11 signed up. We were first to get the first portion of  
12 the developer fee on the project but because of the  
13 need and to get the rents down to the levels that we  
14 have in the project, we agreed to Defra a fee and  
15 allow the church to have more monies up front and  
16 keep the project affordable. So, we'll be receiving  
17 money for a long time as opposed to taking the money  
18 and walking away from the project. So, we'll be  
19 involved for a while.

20 COUNCIL MEMBER MOYA: Okay, thank you. Given  
21 that this project will receive a significant amount  
22 of tax payer subsidies, is there a plan to ensure  
23 that the jobs created at the site are good jobs that  
24 are paying prevailing wage?  
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2           RICHARD LABEL: The project does not require  
3 prevailing wage at this particular project but 80% of  
4 our work, we did about Five Hundred Million Dollars  
5 in affordable work in 2017, about 80% of that work  
6 was prevailing but that's provided by the – required  
7 by the project financing. So, depending upon the  
8 financing used, there is more subsidy involved  
9 generally prevailing wages can be provided on the  
10 site. So, on our project, what we do which is  
11 something we started with Council Member Kallos a  
12 couple years ago, as you remember Peter, we've agreed  
13 to a living wage on our jobs of \$15.00, so we have  
14 done that mandatory on all our projects as of about  
15 two years ago. So, we have a higher minimum wage  
16 than any of our developer friends in the business and  
17 that was something that we worked out with Council at  
18 that time. So, in this project, I would estimate  
19 because of the size of the building and the type of  
20 contractors that will be hired, probably – we're  
21 probably looking somewhere between 20% and 25% of the  
22 subcontractors used will be union. So, those would  
23 be considered prevailing as those prevailing rates as  
24 we call it in the industry, are based on union rates.  
25 Our company is based on our mission is to make

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2 housing affordable to people and we have a two-  
3 pronged approach. The first approach is keeping  
4 rents down. So, in my thirty years doing this, I've  
5 only built affordable housing, created over \$17,500  
6 into the cost of the One Billion Eight Hundred  
7 Thousand. I haven't done one market rate unit ever in  
8 my history of doing this and so one is bringing rents  
9 down to the people that can't afford market rents and  
10 the other thing we do is to bring up incomes of  
11 people in the communities that we work in, so they  
12 could afford closer to or to in some cases afford  
13 what that market rent is. So, on this particular  
14 project, we will be reaching out to the local  
15 community because its an HPD funded project. New  
16 hires will be required to be taken through NYC hire,  
17 which we work with very closely and so, we'll have  
18 some outreach over the next several months once the  
19 project is approved finding the local workers that  
20 want to get hired, make sure they have their OSHA  
21 training, and get them into NYC hires system. Once  
22 they do that, each of our subs whether it a union sub  
23 or a nonunion sub will make sure that they will be in  
24 the system and they will get first shot at hiring.  
25 As for the number of hires on the job, we're looking

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2 at between 80 and 100 new hires on this project and  
3 those are construction jobs which are temporary. Our  
4 permanent hiring is we have one full time super and  
5 one full time porter that will be hired and then  
6 we'll need a floating porter which is point four of  
7 the hours per year but 800 additional hours. So,  
8 whats in the underwriting is what we based it on is  
9 HDC's standard underwriting on a nine-union building  
10 which comes out to \$98,000. We bumped it up because  
11 we felt for this area, we wanted to go a little bit  
12 higher, so I think the term sheet has the underlying  
13 as \$98,000, were underwriting at \$115,000. So, it  
14 wouldn't be the full say 32BJ rent which is one of  
15 the unions that we deal with on the buildings that we  
16 manage but its higher than Local 670. So, we're  
17 committed to work with 32BJ, they have expressed an  
18 interest to meet. I think Steve has talked to them -  
19 my partner has spoke to him at least once and we will  
20 sit down. I'm going to give the breakdown of numbers  
21 right now. We're at \$20.00 an hour for a super,  
22 \$15.00 for a porter and to see if the union has  
23 interest within our underwriting. Obviously, this is  
24 the churches property, its not my property. So, its  
25 not coming out of my pocket. They need to pay the



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mortgage on this building, but we'd love to work 32BJ and or our Local 670 and any of the unions if the employees decide to join a union.

COUNCIL MEMBER MOYA: And sticking within that what percentage of the units at this complex will be affordable to the building service workers at the building?

RICHARD LABEL: Well, for the superintendent will be a live in super, so the total package that we have underwritten for the super is \$70,000 so, that includes about \$30 - a little over \$30,000 a little under \$30,000 in rent. The 100% AMI unit that the super will be living in, they would live there rent free. So, the church would be forgoing \$2,288.00 a month in rent. That is basically part of the supers overall pay package and at the \$20.00 an hour for the super, that would get them to about a \$70,000 per employment package. The porter will be visiting the site, they would be at \$15.00 an hour. That is above the standard in our industry. Porters generally get paid between \$12.50 and \$13.00 so, we budgeted higher than what we would have in our normal buildings. The pay rate for the service workers in the building when we did this, we've been meeting with Council Woman

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2 Cumbo for some months now. So, we did bump up the  
3 number because she has expressed an interest in  
4 making sure the wages were fair and I think for this  
5 neighborhood to try to get somebody, we want to get  
6 somebody local, I think the \$15.00 is more suitable  
7 for a porter than the \$12.50 rate that's in most  
8 other parts of Brooklyn.

9 COUNCIL MEMBER MOYA: Okay, thank you. I will  
10 now turn it over to Majority Leader Cumbo.

11 COUNCIL MEMBER CUMBO: Thank you Chair Moya. I  
12 want a payback on your questions in terms of the  
13 discussion around wages. So, we understand primarily  
14 whats happening across the city of New York but of  
15 course we're also working very aggressively to change  
16 the standard norms of the city of New York. So, we  
17 want to make sure that while many developers maybe  
18 paying their workers a certain wage and that's  
19 considered the standard, we certainly want in this  
20 particular project to see that the individuals that  
21 will be working there on a full time/part time basis  
22 are not just given what we now know as minimum wage,  
23 but they are given a wage that they can actually live  
24 and work in the city of New York and support a family  
25 and maybe even potentially qualify for one of the

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2 units in the development. So, we want to make sure  
3 that the people that we are employing are given good  
4 wages, with benefits, with job security, and we want  
5 to create that as a standard all across the board in  
6 all of the projects that we do. So, that's part of  
7 my goal as the Majority Leader and Council Member of  
8 this particular district. So, I just wanted to  
9 confirm the line of questioning that Chair Moya had  
10 put forth. I wanted to ask the church if they had  
11 considered doing an as of right project under the R7A  
12 zoning? Had you thought about just doing this  
13 project as of right and why or why not did you choose  
14 that particular pathway?

15 JEREMIAH COX: I think my former colleagues  
16 actually addressed that matter. As a church, we do  
17 not have the resources to put into a building that is  
18 representative. So, we expect that if we did a as of  
19 right construction, we will have to borrow money at  
20 the prevailing rate and based on that from the  
21 advisor we have from our consultants the apartments  
22 will have to be of market rate and that's not the  
23 type of business we want to engage in. Renting  
24 apartments for extravagant prices. So, it will  
25 actually contradict our mission and our purpose in

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2 this matter. So, we do know for surety that without  
3 the zoning change, if we have to build as of right,  
4 the apartments will be priced out of the range of  
5 most people who can live in the area there.

6 COUNCIL MEMBER CUMBO: Elder Cox, can you talk  
7 and I'm sorry to cut you off. Can you talk a little  
8 bit about what the community facility spaces would be  
9 utilized for as far as the church purposes, how will  
10 you utilize those community spaces and what is the  
11 plan to - and how will you then retransform the food  
12 pantry? How will the food pantry then operate as  
13 your transitioning from this space?

14 JEREMIAH COX: Well we do have plans on foot to  
15 relocate the food pantry. We're doing trailers and  
16 we have already set in motion the process to have a  
17 pantry transferred. We're not reducing services.

18 COUNCIL MEMBER CUMBO: How many people do you  
19 serve a week would you say through the food pantry?

20 JEREMIAH COX: Well, uhm if I may ask, the  
21 Community Services Director who is in the audience, I  
22 would prefer the answer from him.

23 COUNCIL MEMBER CUMBO: Okay.

24 JEREMIAH COX: Its about 400.

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2 COUNCIL MEMBER CUMBO: I can take it from there.  
3 I will take your word on that, so about 400 people a  
4 week.

5 JEREMIAH COX: Yeah.

6 COUNCIL MEMBER CUMBO: Okay, okay that's fine.

7 JEREMIAH COX: Besides what we do around  
8 Thanksgiving. You know, we give a lot of food  
9 baskets and all that type of thing. So, we don't  
10 plan to reduce that kind of service. We are looking  
11 for alternatives and, in the process, we are going  
12 to transfer to trailers. The soup kitchen is going to  
13 be transferred to the churches dining room facilities  
14 and kitchen, so that will take care of that.

15 COUNCIL MEMBER CUMBO: I see. I wanted to ask  
16 HPD this particular question because this has come up  
17 quite a bit in terms of a review of looking at this  
18 project as senior housing. Can you talk a bit about  
19 why a senior housing proposal for this particular  
20 development was not ultimately chosen as the pathway  
21 for the church to do a completed project?

22 LACIE TABER: I actually do not at this moment  
23 have the background on that conversation, but I can  
24 get back to you on that perhaps Forsyth may know more  
25 about the details of that.

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COUNCIL MEMBER CUMBO: Because I know when I was speaking with Jordan initially, that was a discussion that was on the table before you assumed his position.

LACIE TABER: Okay, I'm sorry. Again, since I'm new maybe you have some insight there?

RICHARD LABEL? Yeah, uhm so we certainly consider that amongst other options for the sight. The challenge her is that the church do have some basic programmatic requirements. They wanted to see a modest financial return from the property. They also wanted to build about a 10,000 square foot facility for church and community use and we have to generate the financing out of the project to support that. To do a senior housing project, if we didn't have those extra requirements, it would be possible but those are real requirements that the church had, and my firm is working on other senior housing projects around the city. We're currently doing one that's probably just like what your describing on Southern Boulevard in the Bronx and you can generate enough financing proceed to build the project, you can't really support building additional community

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facility space and generating financial returns for private land as part of that financing package.

COUNCIL MEMBER CUMBO: Who ultimately will own the property after this project is completed? Who will own the property?

RICHARD LABEL: The church.

COUNCIL MEMBER CUMBO: The church will own the property and what will be the agreement in terms of ownership of the actual buildings in terms of between the developer and the church?

RICHARD LABEL: The church will be the owner of the property.

COUNCIL MEMEBR CUMBO: And how much does the church have? What type of resources does the church have to put forward in order to do this project?

RICHARD LABEL: The church is contributing the land as their equity in the project.

COUNCIL MEMBER CUMBO: I see so the church is contributing their land as part of their equity, but they will still be the owners of this particular project when its completed?

RICHARD LABEL: That's correct.

COUNCIL MEMBER CUMBO: Now, explain that to me.

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RICHARD LABEL: So, the land is worth say \$11 million, so that becomes a portion of the equity in the project, so they contribute it to a new company that they set up to do the M-squared financing.

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There will be a syndicator coming in which we've been currently been doing at the Goldman Sachs but that could change but right now Goldman Sachs was the syndicator originally interested in the project.

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They would have ownership in a portion of the building in order to get the tax credit for the affordable units. At the end of fifteen years, the church would buy out their interest for \$1.00. So, the church will control the building, they will be the managing number. They will control the property for fifteen years and at the end of fifteen years, they become the full owner again.

18

COUNCIL MEMBER CUMBO: Alright. I have no further questions. I'll turn it back over to the Chair. Thank you for your transparency. Thank you for your presentation and I'm sure we'll be looking forward to hearing the testimony of many of the people that are here today. Thank you.

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COUNCIL MEMBER MOYA: Thank you Council Woman and thank you for your testimony. I'm going to call the

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2 next panel and I just want everyone to know that  
3 you're going to be held to two minutes and please try  
4 to keep it to two minutes, we have a very, very, long  
5 list of people wanting to testify, and we want to  
6 make sure that we can get to everyone. So, please if  
7 you can keep it to two minutes we would greatly  
8 appreciate it. Pastor Bernard Penn, Roderick Chase,  
9 Victor Logan, and Jermain - yes, alright thank you  
10 men. Come on up. So, we won't be swearing in the  
11 panel. So, if you could just state your name and get  
12 started, that would be great. Thank you.

13       RODERICK CHASE: My name is Roderick Chase, I'm a  
14 member of the Hanson Place Adventist Church and a lot  
15 was said already and instead of duplicating and in  
16 the interest of time, I'll just indicate that the  
17 mission of this project is to satisfy many needs in  
18 the Fort Greene community and all walks of life and  
19 that being said, I give full support of the project,  
20 thank you.

21       BERNARD PENN: My name is Bernard Penn. I'm the  
22 Senior Pastor of the Hanson Place Church. Apart from  
23 our mission, of course seeking to have people to have  
24 a closer relationship with God, our mission is to  
25 make our community better. To serve our community,

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2 to make sure that we are doing what we believe God is  
3 asking us to do as a church and so we would like to  
4 do - we're doing that now, we would like to do more  
5 of that. None of us are going to be financially  
6 benefited from the project. I'll still be driving  
7 around in my Prius, but we are being benefited  
8 because we'll be able to serve our community more. I  
9 have a vision of us being able to serve, to mentor  
10 young boys and young girls more than what we do now.  
11 To have programs for them. Men who are in prison to  
12 be able to serve their families and to allow young  
13 boys and young girls to have a place to come so that  
14 they can grow up and to have the advantages that many  
15 other young people have. I have vision of having a  
16 place where seniors can come to be trained in  
17 computers and other things and to have a place to  
18 come during the day. I have a vision of having a  
19 place where the community can come and to exercise  
20 and to learn how to prepare food in a better way. We  
21 want to be able to share what we have. A lot of  
22 communities and those who come within communities  
23 like this, they keep what they have. We're not about  
24 that, we want to share what we have and to give back  
25 to our community and this will give us an opportunity

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to do more of that. We're doing a lot now, but we want to do more and that's basically why we are seeking to accomplish this project. We want to do more.

COUNCIL MEMBER CUMBO: I just want to add that Pastor Penn is the residing pastor at Hanson Place Seventh-day Adventist Church as you have so eloquently heard. Thank you.

VICTOR LOGAN: My name is Victor Logan and I've been in the neighborhood as a member of the church over 50 years and as far as what the pastor has just mentioned, we're in fully agreement of what he says and what our plans are as long as we get the okay to proceed with the project. Thank you.

COUNCIL MEMBER CUMBO: Thank you.

[INAUDIBLE 03:13:48] Okay, thank you so much because I never know if I come to the platform to talk. Thank God. I'm [Inaudible 3:14:01], I was a Hanson Place member since 1993 and I was there and I'm telling you God has plan for the area because the church opened for people coming to see how God is good but some of them, they don't want to go. Well, I know my God can help them to look in for one day when Jesus coming because Jesus will come in. I have

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2 a chapter give you before I go. I'm telling you, I'm  
3 trying my best to work with them because God is so  
4 good to me. When my husband bring me into this  
5 country, I can speak in English and he sent me to  
6 school. I learned English and I said to my husband,  
7 I want to preach on the train and the bus. He said,  
8 you can do it? I said yes, I can do it. When I was  
9 there, my God stand up me and I preach.

10 BERNARD PENN: Amen.

11 [Inaudible 3:15:26] I preach in the Bronx. I  
12 preach in [inaudible 3:15:28.] I see people that want  
13 Hudson Place on the bus, and on train. They get  
14 upset, I say why? Why you talk. I say, yes. It is  
15 cause God bring me to this country to preach his word  
16 because God drove us.

17 BERNARD PENN: Amen.

18 COUNCIL MEMBER CUMBO: Hanson Place is bringing  
19 church. 250 Broadway is never going to be the same  
20 again. [LAUGHTER].

21 COUNCIL MEMBER MOYA: Thank you so much for your  
22 testimony.

23 COUNCIL MEMBER CUMBO: It's the 35<sup>th</sup> Council  
24 district.

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COUNCIL MEMBER MOYA: Okay, the next panel is David Rosenstein, Sebastian Dratulian[SP?], Sara Minolta[SP?], and Bennet Grimen. Thank you. Just state your name for the record.

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SEBASTIAN DRATULIAN: My name is Sebastian. I'm here on behalf of local attorney to BJ. We are the largest property service union in the country. Many of our members work in residential buildings like the one MDG is proposing. This project will create affordable units, we acknowledge that, but my union also believes that they should also create good jobs. Without a commitment to paying the prevailing wage, a project that is intended to lift up working families could undercut the standards that building service workers have fought for and basically could leave staff members making poverty wages. We urge MBG to commit to paying the prevailing wage and benefits so building service workers and we call on the city to do the right thing and ensure that tax payer findings affordable housing does not create low load poverty jobs. Now union and I understand how important it is moderately affordable units will be however, a good job commitment is the only way to ensure that this development truly benefits the community. Thank you.

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COUNCIL MEMBER MOYA: Thank you.

BENNET GRIMEN[SP?]: My name is Bennet Grimen and I'm a friend of people involved with the preservation of our Brooklyn neighborhood and they're very concerned about whats going on in terms of the gentrification of their neighborhood and how this might contribute to this. You know, it doesn't start immediately. Little Italy for instance, has very few Italians left in it. Very gradually, one little project after another, after another, good bye little Italy. We have just a little strip of restaurants left. They just rezoned El Barrio in east Harlem. You're not going to have much of a Spanish neighborhood left before this is over. It starts that way, a thirteen-story building in a neighborhood of four stories changes the whole character of the neighborhood. I came to New York to come to New York. Not to come to look at luxury high-risers. You got 40 million tourists coming from all over the world supporting the economy of New York. You keep building these high risers and not preserving little Italy and El Barrio and these places, your going to have 20 million tourists come. Who wants to come and look at high rises or empty stores all over New York

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City, you people got to do something about this. We depend on you. We voted for you. Help us.

COUNCIL MEMBER MOYA: Thank you.

DAVID EISENBACH: My name is David Eisenbach. I teach history at Colombia University. I ran for public advocate in the democratic primary for a lot of the reasons that Ben just mentioned here. That since our city has been handed over to big real estate, that there are no checks in city government. In regards to this particular project, I certainly don't question the sincerity of the church and I was so impressed by the spirit and the wonderful acts that your doing with the food pantry, but I was sort of disturbed by hearing one name and that is Goldman Sachs. Goldman Sachs as that Council Member pointed out is there is questions about the financing here. I guarantee you they're not in it for the good of the community. They're not in it to make sure that that food pantry remains operational for decades to come and I didn't get a chance – they ran out of the packets to actually look at whats in the financing and the numbers, but I urge you and I'm sure you're on it to go through the financing. Make sure this isn't a typical Goldman Sachs deal which will not

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benefit in the long run, the church. So that you're protected, so that community is protected, and that New York City is protected.

COUNCIL MEMBER CUMBO: Thank you. I have a question in regards to please tell me your name once more from 32BJ?

SEBASTIAN DRATULIAN: Sebastian.

COUNCIL MEMBER CUMBO: Sebastian as to the best of your knowledge, are there 32BJ workers at other MDG sites?

SEBASTIAN DRATULIAN: I'm not in the capacity to really answer that question but I could refer you to the proper authority.

COUNCIL MEMBER CUMBO: Okay.

SEBASTIAN DRATULIAN: On this.

COUNCIL MEMBER CUMBO: I would appreciate that information that would be very valuable and very helpful on moving forward and certainly, we hear loud and clear the challenges that gentrification has upon our entire community and gentrification happens in so many different ways and in so many different elements. What we see in many neighborhoods is that and I'll give you an example. In the 1970's when my parents African American moved into the East Flatbush



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2 community of Brooklyn, they were amongst the first  
3 African Americans to move into that neighborhood and  
4 it was a predominately white community but as more  
5 African American families began to move into the  
6 community, more white families began to move out and  
7 so, part of what we see in some of the examples is  
8 that there is something that is people being forced  
9 out of communities and then there are also people  
10 that chose to move to other communities because they  
11 see that their community or their culture is not  
12 being reflected in the same way. So, they make a  
13 choice and say, I no longer want to live around this  
14 community. I would rather live in another community  
15 where I feel more culturally comfortable. So, there  
16 are all different types of gentrification that  
17 happens in many different ways. Part of what I  
18 believe Hanson Place is seeing is that what many  
19 communities particularly houses of worship and more  
20 specifically, many of the African American and  
21 Caribbean churches that have been the Bedrock of the  
22 identity of Brooklyn. As gentrification comes in the  
23 churches are no longer seeing the membership that  
24 they used to see because their members are being  
25 driven to other neighborhoods, other cities, other

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states and so part of what they are proposing is certainly an opportunity to stabilize they're presence in the community with the goal of hoping that many of their constituents would be able to find housing in this new particular project. So, I hear you loud and clear and yes, we are certainly on the financial aspects of this and making sure that what sounds good and is being presented here and we're working with central staff is to make sure what sounds good is actually good and is actually whats on paper for the life of the project. So, I thank you all for your testimony. Thank you.

COUNCIL MEMBER MOYA: Okay, next panel. Eva Miller, Sonas Williams, Clyde Simper, and Ricardo Heinz. Eva Miller, Sonas Williams - Sonya, I'm sorry. Sonya Williams, Clyde Simper. We're missing Ricardo. Thank you, please state your name and you can begin.

EVA MILLER: My name is Eva Miller. I [inaudible 3:26:21]. I was able to come to the United States. They call it the land flowing that make [inaudible 3:26:29]. After hearing everything we tend to forget that life goes on and the world will be changing. Well, we must change along with it in good faith

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reaching out to each one and the benefit. Not everyone going to be benefit but we accept and keep moving on and keep seeking and then we accomplish that which we think is best for everyone. Not individually because God said we must love our enemies, love all our friends. Do good to them, never do bad to anyone. So, I'm proof the hope that it will benefit a lot of people. Thank you for having me here. God Bless.

COUNCIL MEMBER CUMBO: Thank you.

SONYA WILLIAMS: I'm Sonya Williams. I've been a member of the Hanson Place church for over twenty years and the services are watch word. I'm not sure about intricate parts of the finances that takes place but I'm hoping that it will be the right thing in terms of who ever is financing it but we're there for service for the community because that's our mission and we've been called to do that and I'm in total agreement with this project and I'm praying and hoping that it will be approved so that the lives of men and women or young boys and little girls will be improved. Thank you.

COUNCIL MEMBER CUMBO: Thank you.

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2 CLYDE SIMPER: My name is Clyde Simper. I'm the  
3 Director of Community Services. I've been there for  
4 about thirty years and I think we're doing a great  
5 job. We want to move on. We want to try something  
6 new. We found a way and a way to get it done and I'm  
7 in favor of saying, let's try it and we want to thank  
8 you for helping us in what we did prior and also  
9 thanking you for what you do. Thank you.

10 COUNCIL MEMBER CUMBO: Thank you.

11 COUNCIL MEMBER MOYA: Thank you.

12 COUNCIL MEMBER CUMBO: I'm going to start my  
13 speeches that way, I'm Laurie Cumbo and I'm doing a  
14 good job. [LAUGHTER].

15 COUNCIL MEMBER MOYA: I think you should.

16 COUNCIL MEMBER CUMBO: Thank you Mr. Simper.

17 COUNCIL MEMBER MOYA: Ray Rogers, Julie Leak,  
18 Joseph Napoli, and Sandy Reburn.

19 COUNCIL MEMBER CUMBO: And I just want to  
20 acknowledge that we've been joined by Joshua Board  
21 from Assembly Member Walter Mosley's office who is an  
22 instrumental part of this project and who has been  
23 advocating very heavily for the increased  
24 affordability in this particular project.

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COUNCIL MEMBER MOYA: And a shout out to my former colleague in the Assembly Walter Mosley. You can begin sir. You can just state your name. Thank you.

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JOSEPH NAPOLI: My name is Joseph Napoli and I've lived in Fort Greene on South Elliott Place near Hanson Place since 1971. I worked originally to get landmarks for Fort Greene. I was on the original committee. That's agent history so we'll fast forward to 2007 when we got contextual zoning. I thought then we were protected from out of scale development like this proposal, or so I thought.

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Soon after 2007, the tower culture started proliferating in New York City and came spilled over into Brooklyn. I saw it, I noticed in my mind many of them were not great and many are not filled but now we have this development which wants to jump on the band wagon and chisel away at an already protected area at Fort Greene. In this case, building a thirteen-story building next to a group of four story road houses. Its out of scale people. Too tall, too big, too much and if that isn't bad enough, no thoughts have been given to how this building will impact the quality of life in the area.

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Creating shadow and adding more people to the already overcrowded subway system. It's a mess now, I can't imagine what a hundred more apartments will bring to it. These towers have gotten way out of control on Flatbush Avenue and the surrounding area of Fort Greene. The blocks in question or the block in question is part of Fort Greene and should not be chiseled away to make a special downtown Brooklyn district. This is encroachment plain and simple.

COUNCIL MEMBER MOYA: Thank you.

SANDY REBURN: Hello, my name is Sandy Reburn. Thank you for having me here and I am both a resident and a president of the preserve our Brooklyn neighborhoods. I'm going to speak fast because I want to get to all of this. This application is an egregious hijacking of one of the blocks protected by the contextual rezoning in 2007. The communities of Fort Greene and Clinton Hill fought for it along with our former Council Member Tish James. Here's what she said to this very Council. Fort Greene has been in the sites and Clinton Hill has been in the sites of developers who do not care about the character of our historic neighborhoods. Developers who are not shy about constructing towers that are out of scale

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2 with the surrounding structures. We are not against  
3 development in the borough of Brooklyn, we are  
4 against out of scale buildings on historic row house  
5 blocks. Yes, she said it and the vote for it 48 to  
6 nothing unanimous. In 2007, this site was already  
7 enshrined as an inclusionary housing location. Thus  
8 100% affordable housing can now be built at 142 150  
9 South Portland, right now. Eight stories comprising  
10 of approximately 71 apartments. All for the  
11 underserved and struggling can be built. To ask the  
12 Fort Greene community to accept the dismantling of  
13 settled boundaries, heights, and density for only 25  
14 authentically affordable housings out of 100  
15 apartments is counterproductive and its unjust. We  
16 support an initiative to build more truly affordable  
17 housing. This application project does not do that.  
18 A thirteen-story building next to four story row  
19 houses is unacceptable just as Tish said it was in  
20 2007. We call on the City Council to help leverage  
21 affordable senior housing programs such as the Sara  
22 Initiative to build eight stories of 100% affordable  
23 housing. Doing that everyone wins. Can you read  
24 this.

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COUNCIL MEMBER MOYA: Hold on one second, one second. Are you going to do your own testimony?

JULIE LEAK: I had planned to.

COUNCIL MEMBER MOYA: Okay, you have two minutes.

JULIE LEAK: Okay, alright. I can't help but note that it adds insult to injury that MDG, the developer for this project was sued by the federal government for wage and labor law fraud in 2013. There's another open federal law suit against Concord Management whose chief operating officer is Mr. Rooney found in principal of MDG, calling it affordable housing is a disingenuous red herring. If the thirteen stories are allowed to proceed, it will be a slap in the face of the more than 1000 petition signers, 5 civic associations, and Senator Montgomery all protesting it. Yes, given this rezoning to the developer and calling it a project for the greater good flies in the face of facts and is a betrayal. I urge you to vote against this application. My name is Julie Leak. I come today from the upper west side that I started my life in New York in the Bronx and in Brooklyn. I lived in Clinton Hill in the early years and one of my very first friends there whose son is in his first year of college. I remember when



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2 he was born and when they needed more space and they  
3 couldn't afford the building that they lived in in  
4 Brooklyn, so they had to move to New Jersey and now  
5 all these years later when I see what has happened  
6 since they left, it causes me to have opposition to  
7 what the rezoning of the tall buildings on South  
8 Portland and Hanson because I believe that we need to  
9 preserve the commitment that was made in 2007 for low  
10 rise protections in Fort Greene and Clinton Hill. I  
11 grew up in Charlotte and when I came here I became  
12 more engaged with historic communities than I had in  
13 my own city because it had been destroyed by urban  
14 renewal. So, I have a great fondness and memory of  
15 my time in Brooklyn and I just believe that the  
16 developers along with the bankers are destroying  
17 historic communities with the developments going on.

18 COUNCIL MEMBER MOYA: Thank you.

19 RAY ROGERS: My name is Ray Rogers. The only  
20 thing we know for sure is that the rezoning will  
21 create big profits for the applicant and open the  
22 door for future high rises, non-contextual  
23 development and no guarantee of increasing real  
24 affordable housing. Yeah, there is a real disconnect  
25 here. There is a real disconnect between the

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2 political leaders starting with the Mayor up there, a  
3 lot of the City Council Members, the big disconnect  
4 with EDC, a big disconnect with the City Department  
5 of Planning with HPD and the disconnect is this. The  
6 real estate board of New York is filling the  
7 political leader's pockets with cash and there is up  
8 zoning, rezoning policies are going on in the city  
9 are not the community policies. There not really the  
10 policies of political leaders think this thing out.  
11 It's the real estate board of New York. The REBNY's  
12 policies to enrich the rich at the expense of the 99%  
13 and that's why I get so fed up with the disconnect  
14 between the political leaders in this city and whats  
15 going on, the displacement that's going on and when I  
16 see some of the leaders here supporting this I think  
17 from the MDG by the way, what we call the wage and  
18 labor fraud people okay. When I see them talking  
19 about fair wages, bringing it down. You know, not  
20 prevailing wage for the workers and unions. We have  
21 a living wage \$15.00 an hour. Now that's good  
22 because most people don't even get that, bullshit.  
23 Alright, I'd like to ask the guy that was bringing up  
24 those figures how much an hour is he making? How  
25 much are the people at MDG making? How much are they

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2 making? This is a real - you know this is what so  
3 sad. So as political leaders my message is this and  
4 I'd like to stick it right to the Mayor because I  
5 voted for you the first time and didn't vote for you  
6 the second time. I'm fed up. When I see these  
7 campaign, contributions coming from the real estate  
8 interest and REBNY and then seeing this rezoning  
9 policy which have nothing to do with real community  
10 planning but have everything to do with greed and  
11 profit with these real estate interests. Thank you.

12 COUNCIL MEMBER MOYA: Thank you.

13 RAY ROGERS: Let me. I'm sorry, I should add one  
14 little thing I forgot to mention is that Senator  
15 Velmanette Montgomery sent a letter to Scott Stringer  
16 Controller on April 27, 2018, and she asked a couple  
17 of questions. She raised issues about tax  
18 abatements. I'd kind of like to know what kind of  
19 tax abatements are involved going to MDG and the  
20 people behind this because we have a ten-year tax  
21 abatement at 157 at one apartment \$100 million. Then  
22 we have a 28-tax abatement for a \$32 million condo  
23 for sale and they get \$198.00 monthly bill.

24 COUNCIL MEMBER MOYA: Thank you, thank you. Thank  
25 you for your testimony.

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COUNCIL MEMBER CUMBO: I just want to clarify something for the record because its something that you brought up and I just want to ask you a question on that. When you say that REBNY has stuffed the pockets of elected officials, what do you mean by that and how does that happen?

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RAY ROGERS: Well, you know we need campaign finance reform. Take the Mayor for example. Human scale which is an organization here in the city, they did an investigation of the campaign contributions for example to the Mayor and they found out I think 62% or 66% came from real estate interest, okay. Which is about \$2 million, then there was another percentage that came from billionaires I imagine it might been an overlap there. You look at City Council Members and you take a look at a lot of the campaign contributions. Look, I'm from East Harlem, my City Council Member was Margarita Viverito, alright. I had a lot of respect for her and I had a lot of respect for the Mayor. Then I looked at the kind of money she got from the real estate interest and I look at where the Mayor and she stood on top of the small business job survival app making sure that there was no level playing field to protect small

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businesses. These are the kinds of things that I'm talking about. This cash coming from these real estate interests don't any political leader tell me like Margarita Viverito tried to tell me to my face, oh that has no impact over how I vote. That is bologna.

COUNCIL MEMBER CUMBO: Let me just add this just for clarity sake. Her name is Speaker Melissa Margarito and what you're referring to is called an independent expenditure. So, in 2013 when the New York City Council came in the real estate board of New York decided to spend an absorbent amount of money on City Council races across the city. Now what they do, they look at the different candidates and they determine who they believe is going to be the winner and then they spend money above and beyond the actually cap that's allowed for a City Council Member to spend, but what they cannot do, they cannot talk to the City Council Member, they cannot coordinate because that would be considered illegal. So, for example in my race REBNY spent money in my race that I did not want them to spend in my race. I was already the front runner. That imposed a great challenge on me. They did it for many of the city

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2 council members across the city. They did it in 2013  
3 for the 2014 race. It was so unsuccessful that they  
4 did not do it in the most recent election of city  
5 council members coming in because it showed that  
6 there was no sway in terms of the way members were  
7 voting in support of REBNY. So, it was not a good  
8 usage of their money and they decided not to do it  
9 again. So, when we fast forward to a project like  
10 this, this has nothing to do with REBNY or real  
11 estate interests. It has something more to do with  
12 looking at a project of saying, a church such as  
13 Hanson Place Seventh-day Adventist Church either has  
14 the ability to build a nine-story market rate  
15 development or a thirteen-story development that's  
16 100% rent regulated with a portion of affordable  
17 housing for the community. Its one or the other. We  
18 either want a market rate housing development or we  
19 want a 100% rent regulated development and that's  
20 really what it comes down to. To impose all of these  
21 other things of why other things are happening, is  
22 not really genuine.

23 COUNCIL: We can give you a moment to respond to  
24 that and then we have to get to the next panel. I  
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2 was referring to him but if you would like to respond  
3 briefly.

4 JULIE LEAK: There has been close to \$250,000  
5 paid by MDG to Bolton Saint John and to Sheldon Lobel  
6 they are registered lobbyists. They are lobbyists on  
7 behalf of this project and when you go to the  
8 lobbying website, you see targets, targets, targets,  
9 Council Member Cumbo, target City Planning  
10 Commission, targets Borough President Adams. So, to  
11 say that they are not contributing beyond what their  
12 limits are is true. Its accurate and to say that you  
13 don't want their money is true, its accurate. What we  
14 get are two paltry minutes and they get \$250,000 to  
15 spend to message the advantage by targeting those  
16 people who are the decision makers like yourself,  
17 like the City Planning Commission, like Borough  
18 President Adams and like the community board who in  
19 this case happily voted against this project. So,  
20 there's more to it than just the mere fact that  
21 they've contributed up the maximum amount REBNY that  
22 is. So, I just want to make that point and speak to  
23 the larger picture and thank you for the opportunity  
24 to do so.

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COUNCIL MEMBER CUMBO: Well, just for clarity sake, those lobbyists haven't lobbied me about this project.

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JULIE LEAK: And that's why we're happy to have you as our Council Member but that fact remains and that is the truth of it. The dirty little secret that for example 80 Flatbush almost a million dollars has been spent by Alloy, so we're talking about a reality.

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COUNCIL MEMBER CUMBO: We don't want to apples and oranges with these projects, very different projects. We should get on to the next hearing.

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COUNCIL MEMBER MOYA: Thank you very much for your testimony.

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RAY ROGERS: If you want to talk more about REBNY I would be happy to.

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COUNCIL MEMBER MOYA: I'm sure you would.

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COUNCIL MEMBER CUMBO: I look forward to it, thank you so much.

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COUNCIL MEMBER MOYA: Thank you for your testimony.

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JULIE LEAK: Thank you for our time.



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COUNCIL MEMBER MOYA: Okay, the next group will be Steven Williams, Michael T. Rooney, Margaret Barb, and Barry Augustine. Steven Williams.

COUNCIL: He already testified.

COUNCIL MEMBER MOYA: So, Michael? You already testified. Yeah, thank you. Dr. Milton Haynes. Thank you, if you could just state your name and you can begin your testimony.

STEVEN WILLIAMS: Steven Williams. I'm with the MDG, I'm the project manager I wanted to read a statement just to go over some of the misstatements that were made. DOLs investigation found that DOL payments with MDG subcontractors and not with MDG. The problem with the wage problem was not with MDG, it was with the subcontractor. MDG has the highest level of labor compliance in affordable housing in America. Our labor compliance is the standard in the United States and insures 100% of the workers on the jobs are paid. The Council can confirm this with DOL, HPD, and New York State Housing Finance. We have prevailing wage jobs with them currently and we have our compliance program which we submitted previously to the Borough President and I think we submitted it to the Council Woman's office to show what we do in

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the area of compliance. The average wage worker construction site is over \$50.00 with the average carpenter making over \$100 in most of the sites that we have a carpenter so that goes to talk about what we do in terms of the compliance and with the allegation that we have a law suit against us, that was all settled and like I said, that was found with MDG subcontractor. One of the things I wanted to bring up, I know my time is fleeting is that some of the concerns that the residents had at the four story building, we reached out to the neighbor adjacent to the building and we put in writing some of the concessions that we were willing to work especially during the most difficult part of construction with relocation during that time period providing a beautification of the façade including the front and back windows and because we have to do major under pending once the construction was over, we would re-landscape the backyard. We reached out several times to Ms. Caroline, but she didn't want to meet with us until after the Ulurp process had completed so we complied with her wishes.

COUNCIL MEMBER MOYA: Thank you.

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2 DR. MILTON HAYNES: Hi I'm Dr. Milton Haynes. I'm  
3 a board-certified obstetrician gynecologist with  
4 practice in New York for almost 50 years. Ten years  
5 of which I had also had an office on Easton Parkway  
6 near the Underhill. I'd like to focus on my comments  
7 on one aspect of this project and that is the medical  
8 building and the healthcare facility. As a church we  
9 have a great interest in healthcare and especially  
10 preventative healthcare, health and wellness. At one  
11 of our hearings earlier, someone indicated well, we  
12 don't need another medical office. There is a  
13 hospital nearby, there is already a health clinic in  
14 the area but the healthcare that we will be providing  
15 would be more of a preventative nature. In addition  
16 to obviously having a medical clinic that could  
17 provide services to the population, I sit on a  
18 national commission. The American Medical  
19 Association Commission to end healthcare disparities  
20 and I also sit on the state committee addressing  
21 healthcare disparities here in New York. Even though  
22 the ethnic makeup of the Fort Greene area has  
23 changed, there is a great need for appropriate  
24 healthcare prevent - specifically preventative  
25 healthcare made available to the African American as

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2 well as other populations and I was delighted when I  
3 was made aware of the fact that there will be this  
4 medical facility within our building that will  
5 provide preventative health and wellness services not  
6 only to the minority population but to all people who  
7 live in the area and I think this would be a very  
8 valuable asset as future within this structure.

9 COUNCIL MEMBER MOYA: Thank you.

10 ? Council Members have you ever had a time when

11 -

12 COUNCIL MEMBER MOYA: I'm sorry could you just  
13 state your name for the record.

14 MARGARET BARB: I'm sorry, I am Margaret Barb.

15 COUNCIL MEMBER MOYA: Thank you.

16 MARGARET BARB: Sorry.

17 COUNCIL MEMBER MOYA: Its okay.

18 MARGARET BARB: Have you ever had a time when you  
19 couldn't afford something? A suit, a car, a house?

20 Well, I've had that experience and then it worked out

21 for me. Ten years ago, I moved from Queens to South

22 Portland Avenue in Brooklyn. Yes, an affordable

23 apartment in Brooklyn in Fort Greene, ten years ago

24 and that was all because of the Hanson Place Church.

25 I moved from Queens to Brooklyn to be closer to my

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2 job. Then, eleven months ago, my job, my employer  
3 moved from Brooklyn to another state and that left me  
4 unemployed. To this day, I have not had to move in  
5 with my friends or family or even to lose my dignity  
6 and move into a shelter. Why? Because the place I  
7 moved into, the apartment I moved into, on South  
8 Portland Avenue by the Seventh-day Adventist Church  
9 is affordable. I have not missed one months rent yet  
10 and I don't plan to, because as I said, it is  
11 affordable. As I review the affordability tear for  
12 the units presented by MDG and the Hanson Place  
13 Seventh-day Adventist Church, when I look at that, in  
14 my position unemployed, it is still within my range.  
15 So, as you consider our testimonies, as you listen to  
16 us, remember me. Look at my face. I am the face of  
17 an unemployed woman who can still afford to pay my  
18 rent and its all because of MDG and the Hanson Place  
19 Seventh-day Adventist Church proposal. Thank you  
20 very much.

21 COUNCIL MEMBER MOYA: Thank you.

22 MARGARET BARB: Can I say something? I did sign  
23 up to represent a group that uses the church, it was  
24 signed there. I did sign up. Can I make a  
25 presentation on their behalf?

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COUNCIL MEMBER MOYA: Whats the name of the -

MARGARET BARB: It's the Toastmasters Group.

Margaret Barb, you should see my name there twice.

COUNCIL MEMBER MOYA: Hold on one second and you are from -

MARGARET BARB: Margaret Barb.

COUNCIL MEMBER MOYA: You can start.

MARGARET BARB: Okay, thank you very much. I hope you will consider favorable the application of the Hanson Place Seventh-day Adventist Church to construct a new building. I wish I could bring the many members of our Toastmasters Community who have benefited from the generosity of this community conscious church. Toastmasters is an International organization which foster improved communication and leadership skills and is designed to be affordable and inclusive. This church has donated space to several of our churches for many years allowing the benefits of this education to reach many people in this Brooklyn area. The lack of communication skills holds back many people from achieving the jobs they seek and training in leadership ensures that they can keep those jobs and gain promotions. Without the support of this church, we could not hold meetings

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2 and continue this mission in this neighborhood. They  
3 are seeking to expand the dimensions of the buildings  
4 beyond the recurrent zoning restrictions and I would  
5 suggest that this is the way that they can reach out  
6 in their general mission to the people of Brooklyn.  
7 They expand the dimensions of the help and support  
8 which they offer and their assistance to Toastmasters  
9 is merely an example of this. Please vote in favor  
10 of the rezoning request so that this very effective  
11 and community-based church can continue the excellent  
12 work which it is known from and this is from Penelope  
13 Boehm, the past district governor, Toastmasters  
14 District 46 New York City, Long Island, and  
15 Westchester. Thank you.

16 COUNCIL MEMBER MOYA: Thank you all for your  
17 testimony today. Okay, for the next panel, Lucy  
18 Kotene[SP?], Ester Blunt, Naomie Dickerson, Enid  
19 Braun. Thank you and if you could just state your  
20 name and you can start your testimony. Just push the  
21 button.

22 LUCY KOTENE: Hi, my name is Lucy Kotene. I'm a  
23 long time Fort Greene resident and I'm part of  
24 Preserve Our Brooklyn neighborhoods. Thank you for  
25 this opportunity and I just want to say this a story

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2 about trust in words and in government. I'm asking  
3 you don't be hood winked by shiny objects and words  
4 like affordable housing, church, and good intensions.  
5 In 2007, our City Council Member Tish James allotted  
6 a zoning that was established to protect the  
7 residents of Fort Greene and Clinton Hill from the  
8 impingement of downtown Brooklyn. The Brooklyn  
9 Planning Commissioner celebrated the 2007 contextual  
10 zoning and plan that was then certified by the City  
11 Council. Our State Senator Velmanette Montgomery  
12 said it best when she said, "if this Ulurp is  
13 approved it will impose non-contextual height and  
14 density and open the door to further such  
15 applications in the area moving forward. This  
16 approach seems to be indicative of a larger agenda  
17 that extends past developing 142 150 South Portland  
18 Avenue". This is a door that much remain locked. My  
19 question to you is why should any citizen bother to  
20 get involved with, fight for and demonstrate to  
21 protect the communities if in a few short years all  
22 their work will be invalidated. We all know the  
23 skilled developers and the highly paid lobbyist are  
24 bringing in supporters to speak for a project. This  
25 developer has spent over \$250,000 to lobbyist and



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2 when you dig deeper you often find the supporters  
3 don't even understand what they are really  
4 supporting. We elect our representatives to have the  
5 best interest of the citizens of the district and the  
6 citizens through petitions and legers have made it  
7 very clear that an up zoning is not in their interest  
8 and I was just listening to all this and I want to  
9 point out the church owns many properties. They  
10 don't have to build anything. If they need money,  
11 they can sell a property which is what any other  
12 person would do if they needed property and they  
13 already run most of those programs that they talked  
14 about in the four-story existing building. I'm sorry  
15 for going over, but its important you understand they  
16 already run those programs.

17 COUNCIL MEMBER MOYA: Thank you.

18 LUCY KOTENE: They're not developing new programs  
19 except for the health center which already exists two  
20 blocks away.

21 COUNCIL MEMBER MOYA: Thank you for your  
22 testimony. We're trying to keep everyone to two  
23 minutes. We have a long list.

24 LUCY KOTENE: Thank you.

25 COUNCIL MEMBER MOYA: Thank you.

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2           NAOMIE DICKERSON: My name is Naomie Dickerson.  
3 I'm the Chair of the Fort Greene Association and I  
4 just want to say that the Fort Greene Association has  
5 had quite a history working with the community and  
6 with the elected officials in making Fort Greene  
7 actually what it is today that so many people  
8 appreciate. This is the same Fort Greene Association  
9 that Spearheaded the historic district designation  
10 from LPC in the 70's. The same organization whose  
11 members along with the residents and Letisha James  
12 implemented R7A which was a way to protect homes and  
13 support appropriate commercial development and we are  
14 the same FGA that continues to support R7A scale,  
15 height and density limits. We do support schools, we  
16 also support churches, parks, the arts, we want them  
17 to be available to everybody in the community. We  
18 don't support initiatives that are not generated from  
19 the community [inaudible 3:59:43] by the community  
20 understood and approved by the community from the  
21 point at which they come into existence. We have  
22 always supported what makes the community a wonderful  
23 place to live. A human scale place to live and we  
24 try to reach out more and more to everybody and  
25 embrace everybody, no matter who they are.

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COUNCIL MEMBER MOYA: Thank you.

ESTER BLUNT: Hello, my name is Ester Blunt. How are you?

COUNCIL MEMBER MOYA: Good, thank you.

ESTER BLUNT: To repeat a lot of it but my neighborhood had wisdom in 2002 to start the plan for development in the future. They knew the neighborhood would change, that people would want to build and stuff and at that time since they realized that changes would happen, they set forth on how to make this happen without destroying the cavity of the neighborhood. I object to the undermining of this hard Fort gain that we won in 2007. Our neighborhood has been bombarded with zealous developers and changing the zoning will number one be a slippery slope and number two, undermine all the hard-earned gains.

COUNCIL MEMBER MOYA: Thank you.

ENID BRAUN: Do I need to press this down?

COUNCIL MEMBER MOYA: Yes anytime. If the red light is on, it's on.

ENID BRAUN: My name is Enid Braun. I really have two points. One, other people have made which is that the broader neighborhood as well as Fort

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2 Greene do object to overturning the meager  
3 protections to neighborhood character provided by the  
4 contextual rezoning of 2007 and as others have said,  
5 the church can provide affordable housing and other  
6 services under inclusionary housing and basic, the  
7 neighborhood would support that. The community has  
8 actually asked the church to come talk about a plan  
9 that might be less of an assault on the character of  
10 our neighborhood to discuss a different developer,  
11 different financing models and so far, these  
12 invitations have been ignored and in fact, the  
13 developer even said at the community board hearing  
14 when they were sort of criticized for seeking this  
15 larger rezoning rather than just for their project.  
16 It was actually City Planning who pushed for this  
17 larger rezoning because this isn't about the church  
18 and its good intentions. This is an entire block,  
19 and this is what people object to more than anything.  
20 The community board rejected the rezoning on the  
21 basis that it is far greater than just this church  
22 project. The Borough President took a position  
23 supporting a spot rezoning which what we understand  
24 may not even be legal. If I could just say that once  
25 this would be approved, this up zoning, the

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2 developers on the next block could say, oh I'm  
3 adjacent to that. Why can't I go thirteen stories  
4 and pretty soon the neighborhoods gone.

5 COUNCIL MEMBER MOYA: Thank you. Thank you all  
6 for your testimony today. Okay, for the next panel  
7 Samuel Blackwell, Peter Osemabull[SP?], Shawn  
8 Anderson, Pearlene Higgins. Thank you very much.  
9 Just state your name and you can begin your  
10 testimony.

11 SHAWN ANDERSON: Good afternoon everyone. My  
12 name is Shawn Anderson, I am the assistant pastor at  
13 the Hanson Place Seventh-day Adventist Church. I  
14 just want to say that our church throughout the years  
15 it stands for everybody, but it really and truly has  
16 bent backwards to help the poor and that's what we  
17 want to continue to do. If you go out there  
18 Wednesdays if you go out there on Thursdays, if you  
19 go out there on Sundays, you see people there  
20 working, volunteering all day. Sometimes up until  
21 seven, eight o'clock at night just so that the poor  
22 can get some food to eat. The poor can get some  
23 clothes to wear. The poor can get some shoes on  
24 their feet. So, I mean I hear all this talk about  
25 riches and money in pockets and all this stuff but

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our track record as a church is that we have never, ever, ever, done anything to benefit ourselves. Every single thing that we have done is to benefit the community of Fort Greene. Please, I am begging give us an opportunity to continue serving this wonderful community. Thank you.

COUNCIL MEMBER MOYA: Thank you.

SAMUEL BLACKWELL: Thank you. My name is Samuel Blackwell and I'm a life long resident of Fort Greene and a 20-year college graduate professor of Urban Studies and Urban Planning and I had the good fortune of living across the street from this church and I'm one of the founders of the Hanson Place Black and Community Association. We see the good deeds that go on in this church and more importantly I wanted to just bring up some points that I feel that really sell you as it relates to the zoning. This particular zoning does cap the zoning to thirteen stories even for other buildings. This also guarantees now that we have met inclusionary zoning for projects hence forth. So, that's a better fit. Right now, its voluntary, so there's a lot at stake from helping this project move forward. I'm also here to let you know that the deeds of this church do

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2 not go unfounded in our community. You only have to  
3 go down South Portland on any given day and you'll  
4 see hundreds of people lined up to eat and this is  
5 very important for more than just that church. This  
6 is important for the whole community. So, this new  
7 building offers to increase capacity that allow us to  
8 service more people and it will also assure that we  
9 can create affordable housing, something that not  
10 going on. I haven't seen any proposed housing where  
11 the bottom rent was \$475.00. I don't hear anyone  
12 talking about that as much as I hear people talking  
13 about thousands and thousands of dollars. So, let's  
14 not get lost in the ruffled feathers. Let's not get  
15 lost in the shuffle and forget the good deeds that  
16 well produce well appointed, well done development  
17 does. Give this little church with a big mission a  
18 change to do what it does already. I appreciate you  
19 and I know our Council will do that right thing as it  
20 relates to allowing this project to go forward.  
21 Thank you.

22 COUNCIL MEMBER MOYA: Thank you.

23 PEARLENE HIGGINS: Good afternoon. My name is  
24 Pearlene Higgins and I'm here to endorse  
25 wholeheartedly the project that we are embarking on

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to help to expand our service in the community. I'm so passionate about seeing, helping, and watching people from the community, neighbors coming into help because we are doing something that has meaning. It's not just preserving an apartment building, but it is to expand our reach to help people in need in the community and all neighbors. So, please I hope that it will be favorably considered that we can have a building that can expand our service. I'm just passionate about this. I want to serve more people. I want to do more. I'm only 87 years old but I still have some drive.

COUNCIL MEMBER MOYA: I can see that. I can see that. Thank you.

PETER OSEMABULL: Good afternoon. My name is Peter Osemabull. I want to address some of the misinformation that had been going on. This building is not about a rich mate with that to the church or to the developer. The developer explained their fee and they have minority interest in the building and it would take us fifteen years to pay them, that's one. Two, the idea of brownstone houses on the block and all of that. There are four brownstone buildings on the whole block and the building that we are



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proposing to their side it still remains the same. If we are going to build on R7, it would be nine story and to their side it will be nine story. We are not doing higher than nine stories, okay, that's not an issue. The point about crowding and subways and all of that, I'm sure the Mayor and the city want more people in New York. The encourage the people to move from the Suburb and live in New York City. The more people we can have in the city the better and we don't want people driving cars. We want them to use the subway, public transportation and this has happened to achieve that goal. In terms of financing, people talk about Goldman Sachs has been a shack and all of that. No, Goldman Sachs in this case has not been a shack. They are following rules and they will support the program if we have the approval from you which we expect to get, and I believe they will do the right thing to benefit everybody. Thank you.

COUNCIL MEMBER MOYA: Thank you. Thank you all for your testimony today. Maisha Maralis[SP?], Debra Water, Caroline Hubbard Comanonweary[SP?], Isabella Norwood[SP?], Ernest Augustus, and Shelly Hagen.

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Thank you. Please state your name and you can begin your testimony.

ISABELLA NORWOOD: Hi there, my name is Isabella Norwood. My neighbors know me by my middle name Monica I guess. Thank you so much Council Woman Laurie Cumbo your reputation proceeds you and I have heard so many amazing things about you, so its great to finally meet you in person. So, I'm what you would call your typical gentrifying hipster on the surface. I accept that I come Poland, I was born there. My parents are Polish, and we bought a house all together, three generations, so that my parents can have a place where they can grow old and we can have a community. We have never had that before. We traveled all our lives. We've never owned anything. So, Fort Greene is our first home and its been a great home. I'm going to get super emotional. Its been twelve years that we've been there and we're also Catholics so its really difficult hearing these incredibly and passionate eloquent speeches from people who really deserve to have a church and a building in a nine story building or a twelve story building or whatever building they want because I really think that they should have it, so I don't

SUBCOMMITTEE ON ZONING AND FRANCHISES

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2 know if I'm turning my position here but my point I  
3 guess I guess is that what I'm concerned about  
4 Council Member Cumbo is that this maybe a trojan  
5 horse. My dad works in construction, he has very  
6 gradually but ultimately started potato picking and  
7 he ended up being a construction manager and also an  
8 owner's rep for developers. He understands how  
9 lucrative environments create very, very weird  
10 opportunities for developers to find ways and we were  
11 wondering how are they going to get into Fort Greene?  
12 And my concern is that they are using what is  
13 basically like you know an inevitable, I mean of  
14 course, I would never stand in front of a church and  
15 tell them they can't have it but that's my concern is  
16 that it's a trojan horse of the situation and the  
17 people that are involved behind it.

18 COUNCIL MEMBER MOYA: Thank you.

19 Chair Moya, Majority Leader Cumbo, and members of  
20 the Council who are in absentia. First, off the  
21 record I want to just compliment the Chair. You've  
22 been here for four and a half hours without taking a  
23 break. Its quite admirable. Thank you for your  
24 attention.

25 COUNCIL MEMBER MOYA: Thank you.

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2 I'm here today representing the members of the  
3 Rockwell Place Brooklyn Bears Community Gardens.

4

COUNCIL MEMBER MOYA: Could you just state your  
5 name?

6

DEBRA WATER: Oh, I'm sorry. I am Debra Water a  
7 member of the Community Garden that sits on the  
8 triangle lot at Flatbush and Lafayette Street. As  
9 you may be aware the member of the community garden  
10 has been actively opposing the proposed development  
11 at 80 Flatbush due to a number of concerns.

12

Primarily, the proposed height and density that would  
13 permanently cast shadows on our garden and

14

effectively kill it. We're here today to express our  
15 opposition to the rezoning proposed for 142 South

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Portland. We believe that proposal abrogates the

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commitment made in 2007 for contextual zoning for our  
18 neighborhood and that it will set a dangerous

19

precedent. Let me be clear that we are not opposed

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to any development but the whole point of the Ulurp

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process is to ensure that new building comply with

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zoning regulations and that proposed projects that

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respect the character of our neighborhoods. The

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proposal before you does not. We urge you as

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responsible City Council Members to look at the big

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picture of what is happening in Brooklyn as high rise after high rise is being proposed and the unique character of Brooklyn neighborhoods is being chipped away at. Literally, block by block. This incrementalism is analogous to sitting in a warm bath, graduating water that is hotter and hotter and not noticing how hot it is until you become scalded. Please don't scald our neighborhoods. Send a message with your vote on South Portland that proposed development must continue to abide by thoughtful contextual zoning regulations that now exist and that serve our community as well. Thank you.

COUNCIL MEMBER MOYA: Thank you.

CAROLINE HUBBARD COMANONWEARY: Good Afternoon.

My name is Caroline Hubbard Comanonweary. I'm a long-time resident of South Portland Avenue and of Fort Greene. I'm a member of my community board, community board two. I'm a member of the Fort Greene Association. I'm a member of Preserve our Brooklyn Neighborhoods. I'm very civically active in the community and have been for many years. My family has been on this block of South Portland Avenue since the 1940's and so we're very familiar with the block. We're not new comers. We are very concerned that

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2 this is an effort that changes our zoning. We went  
3 through all the fights with the Urban Renewal area  
4 having housing destroyed, having other brownstones  
5 destroyed and that's how we got those 15 story  
6 buildings that are on the other end of our block and  
7 we wanted low income housing or housing that was more  
8 affordable and that's what that is. Those are coops  
9 that were built with housing subsidies. This  
10 proposal will now put me in particular in jeopardy  
11 because its right next door to me. I have to deal  
12 with all the construction problems as well, but we  
13 need to keep in mind that the buildings that are  
14 there currently are only four stories. They're the  
15 same as the building I live in. The building I own,  
16 and our foundations are connected, so they're the  
17 same size. We don't need to go up to the limits of  
18 what the zoning allows. I understand that the church  
19 needs to or have their own programs space paid for  
20 and that's what they're doing with this kind of use  
21 of the affordable housing as they call it but its  
22 only going to be about 35% affordable. The rest will  
23 be market rate, the way it works out. It will not be  
24 what we call affordable. You'll be at the top of the

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SUBCOMMITTEE ON ZONING AND FRANCHISES

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AMI and over AMI, which is already more than most than most people in our neighborhood can afford.

COUNCIL MEMBER CUMBO: You can continue if you had something extra that you wanted to add.

CAROLINE HUBBARD COMANONWEARY: Well I just wanted to add that you know, we expect more because a church is nonprofit, and they have the ability to make concessions that perhaps some of us as private owners can't do and that's what we're asking for in this regard and that you know, they really make truly affordable housing and the other problem is, there was a mention that the adjacent building was offered something. I was offered patio furniture. I think all of you sitting here for the church find that insult - you know its really insulting. So, that's nothing. I don't even comprehend how they could say that kind of thing.

COUNCIL MEMBER MOYA: Thank you.

ERNEST AUGUSTUS: My name is Ernest Augustus and I've been a resident of Fort Greene and Clinton Hill for the past 40's. I'm here to restate my opposition to the proposed rezoning of South Portland Avenue. Without belaboring the issue, the application is requesting that the Fort Greene, Clinton Hill

SUBCOMMITTEE ON ZONING AND FRANCHISES

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2 Community abrogate the Fort Greene contextual zoning  
3 in 2007. There is no benefit to the community if it  
4 should behave in this manner. The application and  
5 this development representative has not demonstrated  
6 why we should abrogate the contextual zoning. The  
7 2007 contextual zoning is a good political compromise  
8 that address the community character and for the  
9 affordable housing development under the voluntary  
10 inclusionary housing program. We are being told by  
11 the applicant that they cannot develop affordable  
12 housing under the voluntary inclusionary housing. I  
13 think this is a disingenuous insertion. The  
14 applicant has not shown any attempt to do so. The  
15 claim that inclusionary housing does not generate  
16 sufficient revenue does not mean that the community  
17 harm itself for the economic benefit of a single  
18 applicant. There are other numerous single  
19 applicant's developers that are making the same claim  
20 on this community. I'm on Community Board Two. I'm  
21 on the Land Use Committee and I see this Ulurp  
22 application back it up and making the same claim. I  
23 just have a question about the relationship between  
24 the developer and Brooklyn City Planning. When we  
25 did the contextual zoning in 2007, South Hanson Place



SUBCOMMITTEE ON ZONING AND FRANCHISES

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2 was carved out for protection by City Planning with  
3 7A designation not an R7A and for the applicant and  
4 this is where it really bothers me because I caught  
5 up in the application and I didn't understand why it  
6 was there and I called Brooklyn City Planning for a  
7 clarification and I was not with city. They  
8 initially they were going to talk to me and then I  
9 called the back the guy verbally explained that they  
10 would have the developer call me, but the fact is  
11 that when the developer pointed to his visual and he  
12 looked at the southside of Atlantic Avenue saying  
13 well, this is the height of the neighborhood, again  
14 that's a complete distortion. What he failed to do  
15 was look to the north on Hanson Place and look at  
16 that context and I had this discussion with the City  
17 Planning Commission and I said, and I challenged one  
18 of the Commissioners, Commissioner Otis. I said, I  
19 grew up in Brooklyn. The character of brownstone  
20 Brooklyn is that the blocks are eclectic. You will  
21 have at one corner an eight story, a nine-story  
22 building in the corner or in the middle of the block  
23 and then the rest get built out low wise four or five  
24 story brownstone. That's the character and to argue  
25 that Hanson Place does not fit a brownstone

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neighborhood is highly disingenuous because you walk down that you'll see coming out are these low-rise building. The last point I just want to make is that the Hanson Place Y was built in 1915. City Planning came into being in 1916 and was largely in response to out of scale development. Thank you.

COUNCIL MEMBER MOYA: Thank you, thank you.

SHELLY HAGEN: Hello my name is Shelly Hagen. I live in Clinton Hill. Thank you for this hearing. I am probably the laziest person in this room. I don't like work. I respect it and hate to see hard work undone. I refer to the work neighbors in Fort Greene Clinton Hill did twelve years ago to create zoning that preserved our low rise living from oversized buildings. The City Council passed a zoning into law in 2007. Whoville saved. Now comes stalking 142, 150 South Portland to breach the height limits of that zoning, in the name of affordable housing. An eight-story structure could go up as of right but that would not trigger Ulurp. The carriage that would bear the special Brooklyn downtown district into the heart of Fort Greene. The special district was created in 2004 to establish the tower matrix of the new Brooklyn. So, okay the towers had their

SUBCOMMITTEE ON ZONING AND FRANCHISES

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2 place. Now no, we're threatened again. 150 South  
3 Portland is outfitted as affordable housing to virtue  
4 shame. Anyone who objects to another high-rise  
5 Goldman Sachs developer incursion. If the city  
6 really did hold the needs of low income residents  
7 first, 15 Lafayette just four blocks from South  
8 Portland would have been made real affordable  
9 housing. Instead, the city sold this huge pristine  
10 HPD property to Johnathon Rose Developers for \$1.00.  
11 There stands today at 15 Lafayette a luxury apartment  
12 house back to zoning. Is it pretend? Is all that  
13 work in 2007 about to be passed by this Council?  
14 Thank you.

15 COUNCIL MEMBER MOYA: Thank you. Thank you all  
16 for your testimony today. Allan Parker, Steve  
17 Botton[SP?], Gloria Cox, Jene Lasema[SP?] Francis.  
18 Allan Parker. Steve Botton, Gloria Cox, Lisetta  
19 Duncan Moore, and we have Jene Lasema. Thank you.  
20 If you could just state your name and you can begin  
21 your testimony.

22 ALLEN PARKER: My name is Allan Parker. I am  
23 like many people from Brooklyn, born and raised. One  
24 of my biggest issues is that I've seen buildings shut  
25 down for 35 years. They went in warehouse storage.

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2 Nothing coming out of them, nothing going in. All of  
3 a sudden, we get a burst of no disrespect but people  
4 from all over the country and they're not people of  
5 color. They're in the neighborhood. Every crack and  
6 crevices you look at, something is being built. This  
7 one building is not going to make a difference,  
8 because New York City will not stop putting high rise  
9 buildings all over the place. This is something that  
10 they do. They want people here. They want their  
11 money to be spent. The rents are astronomical. Most  
12 people can't afford them. Most people lose their  
13 properties and have to leave the city. On the same  
14 token if you look at Hanson Place Church, they are a  
15 benefit to the community. They have always been,  
16 they always will be as long as there is a church,  
17 there is going to be something coming out of there  
18 positive and I can't see anything wrong with them  
19 getting something. One person said we should sell  
20 property because we need money but on the same token,  
21 that property would be sold. That money would be  
22 gone. We need money on a consistency that we can  
23 maintain what we need to do for our community and our  
24 people. Not just people of color but anybody that  
25 come into our community is our people and that's all

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we're trying to do and that's all we ever tried to do and so we want to do. Thank you for your time.

COUNCIL MEMBER MOYA: Thank you.

JENE LASEMA: My name is Jene Lasema Francis and I've been a member of the Hanson Place Church for the last over 40 years and I know the history of Hanson Place. We have been providing service for all this time. They were all outlined, the services that we provide, and I was particularly happy to hear those that Pastor Penn spoke about regarding the young woman and the young men. The programs that will be provided for them. The elderly, right now even in our church we need more space for the younger ones who we call pathfinders. They are the ones similar to the boy scouts and girl scouts and we do need that program and I am in full support of the program that is proposed.

COUNCIL MEMBER MOYA: Thank you.

GLORIA COX: Good afternoon. My name is Gloria Cox. Some of the things I wanted to say have been said already. I just want to register that I am in full support of this project.

COUNCIL MEMBER MOYA: Thank you.

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2           LISETTA DUNCAN MOORE: Good afternoon. Thank you  
3 so much for having us voice our opinions. I am in  
4 full support of the project. My name is Lisetta  
5 Duncan Moore and I am the CEO of Brooklyn Plaza  
6 Medical Center. Brooklyn Plaza Medical Center has  
7 been an existence for 40 years or so and its  
8 currently sitting on the property of 650 Fulton  
9 Street. As many have said, this is a time of change  
10 and I think the challenge is do we change and how do  
11 we change. With Brooklyn Plaza just as the church,  
12 we have been providing quality healthcare to  
13 particularly those that are uninsured and those that  
14 do not have insurance primarily. We do not turn  
15 anyone away. Currently we have three sites. We have  
16 a school base site and we have a site held in the  
17 public housing. So, our mission is very much the  
18 same. When the Elder and the leadership from the  
19 church came over with the idea of partnership, I  
20 thought that it was probably a marriage made in  
21 heaven. Why? Because we as a people can continue to  
22 deliver quality healthcare and quality care from  
23 religious care, from caring from our children. I  
24 need to also say I came to the Fort Greene community  
25 in 1972 as a single mom, newly divorced at that time

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2 and moved over on South Elliot Street and of course  
3 Hanson Place became a place for my child to go to  
4 kindergarten at the time and met the Brooklyn Plaza  
5 Medical Center was one of the places I took my  
6 children. I'm a graduate of LIU, spent about 30  
7 years in the Fort Greene community. So, thank you.

8 COUNCIL MEMBER MOYA: Thank you very much for your  
9 testimony.

10 ALLEN PARKER: Nothing stays the same.  
11 Everything -

12 COUNCIL MEMBER MOYA: Speak into the mic.

13 ALLEN PARKER: Nothing stays the same.  
14 Everything eventually changes that's why you have  
15 zoning laws. One week I was living in [inaudible  
16 4:32:56] and then I wound up in another state. I  
17 apologize, I wound up in Grown Heights. They  
18 rezoned, and I didn't even know. Nobody told me I was  
19 in Grown Heights. I was right here on Bedford Avenue  
20 in Bedford-Stuyvesant at Saint Johns Place and today  
21 known Grown Heights. Nothing stays the same except  
22 the promises that was made.

23 COUNCIL MEMBER MOYA: Okay, thank you. Thank you  
24 all for your testimony today. Thank you. The next  
25 panel HJ Samerson[SP?], Louise Vas Espinal, Evonne

SUBCOMMITTEE ON ZONING AND FRANCHISES

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2 Ashby and Duane Baldwin. Oh, that's Samerson, okay.  
3 Louise Vas Espinal. There we go, okay. Am I saying  
4 it correctly. Okay. Evonne Ashby and Duane Baldwin.  
5 He's gone, okay. Ellen Mosely, John Archer. Thank  
6 you. You can state your name and you can begin your  
7 testimony.

8 JEFF SAMERSON: Good afternoon Council Majority  
9 Leader Cumbo, Council Person Moya and committee  
10 council and others that are sitting here today. My  
11 name is Jeff Samerson. I have served the Fort Greene  
12 community for 27 years with the fire department city  
13 of New York and I'm now retired but my history at  
14 Fort Greene didn't start there. I have attended  
15 elementary school in the Fort Greene community in the  
16 Buckley Stadium is right in the back of Hanson Place  
17 on the block by Hanson Place and it's a pretty large  
18 building. There is also a large building on the  
19 corner Mechada[SP?] but yet this building seems to be  
20 such an issue. The large apartment building - I  
21 remember when that building was being built and it's  
22 a pretty large building that's there. So far, the  
23 Hanson Place Church has provided since I've been  
24 there for 52 years. They have provided math  
25 programs. They have provided community board



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2 programs. They have not community board, but they  
3 have provided community food, community services, hot  
4 food. I've seen them do a computer class next door  
5 to the church and that church has opened to the  
6 community greatly. I want to tell you that to open  
7 this building - to have this building built, I don't  
8 really see the disparity that it has. There are four  
9 houses on the block yet there are buildings going up  
10 all around. As I said, there is a building on the  
11 corner on both ends of the block. Hanson Place  
12 Church, if you come there on any day, you would see  
13 them most days providing food for the community. I  
14 think that you should support this bill. Support he  
15 Hanson Place Church. They can be trusted, and they  
16 have proven their community service time and time  
17 again. Thank you.

18 COUNCIL: Next, you may proceed. Thank you.  
19 Could you just state your name before you begin your  
20 testimony?

21 LOUISE VAS ESPINAL: Sure. I'm Louise Vas  
22 Espinal. I've been a registered nurse for over 50  
23 years and I spent most of my time here in Brooklyn  
24 teaching in the Fort Greene area. Nurse technicians  
25 and downstate and also, volunteering at [inaudible

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2 4:37:30] teaching math and nursing and biology, all  
3 the old sciences because I had two bachelors.  
4 However, I've given my time to the community and I  
5 just wanted to give some love to my community - more  
6 love from the church at perspective. So, at my age I  
7 had some problem and when I went to the doctor, they  
8 couldn't help me. So, I went into the program of  
9 life style changes and I lost 94 pounds.

10 COUNCIL MEMBER CUMBO: Alright now.

11 LOUISE VAS ESPINAL: And so, I'm much more  
12 healthy and the doctor took me off three medications  
13 and said what am I going to do if I had all patients  
14 like you because I wouldn't have a job. I said they  
15 would all come to you and get better, I told her.  
16 However, I am just happy for my church for to go in  
17 there 49 years and I will continue and I'm sure I  
18 will be buried there also because I have already got  
19 my grave when the time comes. However, God has  
20 blessed us, and he is in control and I know whatever  
21 it is, according to Jeramiah in the Bible the Lord is  
22 in control. No one else can do anything else. Thank  
23 you very much.

24 COUNCIL MEMBER CUMBO: You certainly know how to  
25 live in the now and the later. Thank you.

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2 ELLEN MOSELY: My name is Ellen Mosely. I've  
3 been a member of the Hanson Place Seventh-day  
4 Adventist Church for close to 50 years. I support  
5 the project and I would very much like to see it move  
6 forward.

7 COUNCIL MEMBER CUMBO: Thank you for your  
8 testimony. Can you please state your name when you  
9 begin your testimony? Thank you.

10 JOHN ARCHER: My name is John Archer. I'm also a  
11 member of the Hanson Place Church for over 50 years.  
12 I have two children. They were born right here in  
13 Brooklyn. They grew up and had their schooling right  
14 there in that Fort Greene area in the school right  
15 there. So, I have been a part of the community for  
16 over 50 years with my children growing up there. One  
17 has become a professional physician. The other is a  
18 Pastor and I think that the church has provided  
19 service so that my children and the children of the  
20 community like wise have moved up. I think that the  
21 service of this church has provided is only pretext  
22 of what we are endeavoring to provide in the future  
23 and so this project is a way of helping the church to  
24 further carry out its services. Therefore, I stand to  
25 support this project very strongly.

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2 COUNCIL MEMBER MOYA: Thank you. Thank you all  
3 for your testimony. Oh, we have one, I'm sorry.

4 EVONNE ASHBY: Good afternoon. My name is Evonne  
5 Ashby and I'm a member of the Hanson Place Church and  
6 I support the Hanson Place Church. It's a light  
7 house in Fort Greene.

8 COUNCIL MEMBER MOYA: Thank you so much.

9 COUNCIL MEMBER CUMBO: Thank you.

10 COUNCIL MEMBER MOYA: We have Olive Archer,  
11 Lucilla Alene[SP?], okay. Thank you so much if you  
12 would just state your name and you can start your  
13 testimony.

14 LUCILLA ALENE: My name is Lucilla Alene and I do  
15 believe that we are all scared of changes. When it  
16 comes to change, nobody likes changes, but I am here  
17 to support this program. I belong to my church,  
18 Hanson Place Church for now but over 30 years and I  
19 would like to see this program process because that's  
20 why I'm here is to support the program and people  
21 don't like changes and that is all. We don't like  
22 changes, but I hope this program proceeds.

23 OLIVE ARCHER: My name is Olive Archer and I've  
24 been a member of the Hanson Place Church since I came  
25 to this country in 1962 from my birth country

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2 Venezuela. We're in big trouble right now, but soon  
3 we'll get out of it and my children were born at  
4 Hanson Place. They went to school at the Hanson  
5 Place and now as my husband stated one lives in  
6 Connecticut, she is a urologist and the other one  
7 lives in Michigan, he's a pastor and you know I'm  
8 here to support the programs of the Hanson Place  
9 Church because we've been in that community for a  
10 long, long time and if you look around, those who  
11 have been there from way back and look at whats  
12 happening now. They can see the changes that has  
13 been brought about because of the Hanson Place Church  
14 and I'm here to support 100% all the work that's  
15 being done and what we intend to do to improve the  
16 community in which our church is located with all the  
17 services in addition to the community services that  
18 we provide on a daily basis and also we want to do  
19 affordable housing, so that other people, seniors  
20 like myself can have the opportunity to live in a  
21 quite neighborhood. Thank you very much for this  
22 opportunity and may you continue to do your best and  
23 support us.

24 COUNCIL MEMBER MOYA: Thank you both. Thank you  
25 so much for your testimony today. Are there any more

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members of the public who wish to testify? Seeing  
none. I now close the public hearing on this  
application and it will be laid over. I would like  
to thank the members of the public, my colleagues,  
especially Council Woman Laurie Cumbo, Council on the  
Land Use Staff for attending today's hearing. This  
meeting is hereby 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 April 1, 2018