

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 17, 2010
Start: 9:50 am
Recess: 12:00 pm

HELD AT: Council Chambers
City Hall

B E F O R E:
MARK S. WEPRIN
Chairperson

COUNCIL MEMBERS:
Council Member Leroy G. Comrie, Jr.
Council Member Daniel R. Garodnick
Council Member David Greenfield
Council Member Vincent M. Ignizio
Council Member Robert Jackson
Council Member Jessica S. Lappin
Council Member Diana Reyna
Council Member Joel Rivera
Council Member Larry B. Seabrook
Council Member James Vacca
Council Member Peter Vallone, Jr.
Council Member Albert Vann

A P P E A R A N C E S [CONTINUED]

Mark S. Weprin
Opening Statement
Chairperson
Subcommittee on Zoning and Franchises

John Young
Queens Commissioner
Department of City Planning

Ian Haggerty
Project Manager for Astoria Rezoning
Department of City Planning

Peter F. Vallone, Jr.
Remarks concerning Astoria Rezoning
New York City Council Member

Peter F. Vallone, Jr. thanks:
Leroy G. Comrie, Jr.
Mark S. Weprin
John Young
Ian Haggerty
Amanda Burden
People of Astoria

Donna Lee Marks
Norwood Neighborhood Association

Gregory Kutrakos
Concerned Resident
Norwood, Astoria

Helen Maloney
Concerned Resident
Norwood Gardens

Helen Carter
Concerned Resident
Norwood Gardens Association

A P P E A R A N C E S [CONTINUED]

Peter F. Vallone Jr. thanks:
Alexis Goldberg
Director of Special Projects
Office of Council Member Peter Vallone, Jr.
and
Kathleen Sims
Chief of Staff
Office of Council Member Peter Vallone, Jr.

Richard Bass, Esq.
Law firm of Herrick, Feinstein
Representing the Yblons Family
Astoria

Diana Reyna
New York City Council Member
Read letter on Land Use 86 from applicant

Joshua Boissy
Managing Partner
Le Barricou Restaurant

Stanley Shor
Assistant Commissioner
Franchise Administration
Department of Information Technology and
Telecommunications

Brett Sikoff
Director
Mobile Telecommunications Franchises
Department of Information Technology and
Telecommunications

Christian Hilton
Counsel
Subcommittee on Zoning and Franchises

Moshe Friedman
Friedman, PE
Architect

A P P E A R A N C E S [CONTINUED]

Jom Tob Gluck
Land Use Item 90

David Greenfield
Speaking regarding Land Use Item 90
New York City Council Member

Gail Benjamin
Director of Land Use
New York City Council

Amy Levitan
Project Manager
Land Use Division
New York City Council

Jacob Rubin
Resident in opposition
Land Use Item 90

Heskell Klein
Resident in opposition
Land Use Item 90

Sylvia Spielman
Resident in opposition
Land Use Item 90

Fage Kovalenko
Resident in opposition
Land Use Item 90

Thea Brockfeld
Resident in opposition
Land Use Item 90

Rifla Stern
Resident in opposition
Land Use Item 90

A P P E A R A N C E S [CONTINUED]

Larasi, Pierre, Rukola, Rukhaisi, Syria, and Panina
Children writing letter
In opposition to Land Use Item 90

1
2 CHAIRPERSON WEPRIN: Good morning
3 everyone. My name is Mark Weprin. I'm the Chair
4 of the Subcommittee on Zoning and Franchises for
5 the City Council. I want to welcome everybody
6 here today. I'm joined by members of the
7 Subcommittee, to my far left, Al Vann; Jimmy
8 Vacca, Vinnie Ignizio, Dan Garodnick and Diana
9 Reyna, oh there she is, okay, who is here as well.
10 We are also joined by Council Member Peter Vallone
11 from Astoria.

12 Okay we are going to go to the Land
13 Use items, all the cafes, we're going to go to in
14 a little while, we're still waiting for a few
15 pieces of information. We're going to move first
16 because Council Member Vallone is here we're going
17 to move to the Astoria rezoning and the Astoria
18 text amendment, that's Land Use numbers 97 and 98.
19 And on behalf of City Planning here is John Young,
20 Queens Commissioner from the Department of City
21 Planning and Ian Haggerty from the Department of
22 City Planning. These are number C 100199 ZMQ and
23 N 100200 ZRQ.

24 [Pause]

25 CHAIRPERSON WEPRIN: Once you have

1
2 your charts set up Mr. Young, if you both could
3 just give your names for the record and you may
4 proceed.

5 [Pause]

6 MR. JOHN YOUNG: Good morning Chair
7 Weprin, City Council Members, ladies and
8 gentlemen, my name is John Young and Director of
9 the Queens Office of the Department of City
10 Planning. On behalf of City Planning Director
11 Amanda Burden, I'm very pleased to be here this
12 morning to present the Department's efforts to
13 comprehensively update zoning designations for
14 nearly 240 blocks in Astoria, Northwest Queens.
15 I'm joined by Ian Haggerty who will present the
16 details of the rezoning proposal to you.

17 The Astoria rezoning proposal that
18 is before you today culminates a remarkable 2-year
19 effort to work with a broad spectrum of
20 neighborhood residents and community stakeholders
21 to develop a zoning framework that would more
22 closely match building patterns and ensure more
23 orderly development. The Department's rezoning
24 proposal seeks to curb out of character
25 development in Astoria while supporting new

1
2 business location opportunities and expanding
3 areas that are eligible for affordable housing
4 zoning incentives in Community District 1 that
5 were first implemented as a part of the Dutch
6 Kills rezoning in October 2008.

7 Overall the proposal includes
8 replacing two general zoning districts that have
9 been in place in most of Astoria since 1961 with a
10 dozen lower density or contextual districts whose
11 boundaries have been carefully tailored to match
12 existing building patterns.

13 Commercial zoning would be
14 similarly updated to strengthen business locations
15 along primary corridors while preventing
16 commercial uses from intruding onto adjacent
17 residential blocks. And the zoning text amendment
18 would apply the provisions of the inclusionary
19 housing program to locations along portions of
20 Vernon Boulevard, 21st Street and New Town Avenue
21 to promote the development of affordable housing
22 through optional zoning incentives.

23 The Astoria rezoning plan has been
24 produced through an extensive collaboration
25 between City Planning and area officials and

1
2 community stakeholders, led by Council Member
3 Peter Vallone, Jr. and the Land Use Committee of
4 Community Board 1. It has been a privilege to
5 work closely with them on developing the rezoning
6 proposal that respects the distinct character of
7 the neighborhood.

8 And I want to thank the area's
9 residents and civic advocates who attended
10 numerous meetings and provided valuable input to
11 the plan, especially the Norwood Neighborhood
12 Association, the Long Island City Alliance, the
13 Astoria Civic Association, the Greek American
14 Homeowners Association, and the Central Astoria
15 Local Development Corporation.

16 Following the January 25th
17 certification of the proposal, the Astoria
18 rezoning plan received strong support from
19 Community Board 1 and Borough President Helen
20 Marshall who recommended that City Planning extend
21 commercial zoning which was requested for a block
22 going from Astoria Boulevard south from 35th to 36th
23 Streets.

24 At the City Planning Commission's
25 hearing on March 24th, there were 10 speakers in

1
2 favor of the rezoning but 2 speakers asked that
3 the Commission modify the proposal to retain the
4 current R-6 zoning for a mid-block portion on 33rd
5 Street where a 6-story, 66 unit senior residence
6 was about to be constructed, sponsored by the
7 Hellenic Neighborhood Action Committee. The
8 Planning Commission carefully considered these
9 recommendations and when it voted on April 28th to
10 approve the proposal it modified it to maintain R-
11 6 zoning on mid-block portions of 32nd and 33rd
12 Streets to reflect existing developments and
13 accommodate the proposed senior residence.

14 At today's hearing we hope that you
15 too will support this carefully considered
16 initiative to reinforce the built character and
17 development patterns of Astoria. You'll each have
18 received a package that includes a summary of the
19 proposal and maps showing the existing and
20 proposed zoning and photographs that show the out
21 of character development that has been happening
22 as well as streetscapes for which each district
23 has been carefully proposed. And now Ian's going
24 to walk you through the details of the proposal.

25 MR. IAN HAGGERTY: Good morning

1
2 Council Members. My name is Ian Haggerty. I am
3 the Project Manager for the Astoria rezoning for
4 the Department of City Planning's Queens Office.
5 The Astoria rezoning affects apportionment of
6 Community Board 1 in northwest Queens. The
7 boundaries of the study area are Broadway to the
8 south, Steinway Street on the east, 20th Avenue to
9 the north and the East River and Vernon Boulevard
10 to the West.

11 The Robert F. Kennedy Bridge and
12 Grand Central Parkway bisect the study area from
13 east to west and the study area is served by 4
14 stops on the N and W trains on the 31st Street
15 elevated line. The rezoning area consists of 238
16 full and partial blocks. It contains about 89,000
17 residents and 36,855 housing units.

18 This map shows the existing land
19 use and zoning in the study area. The different
20 shades of yellow, orange and brown are residential
21 uses. Blue is community facilities. Red is
22 commercial development and purple is manufacturing
23 uses. The two largest zones, R-5 to the north and
24 R-6 to the south date to 1961. R-5 is the
25 prominent zoning district in the northern part of

1
2 the study area. It allows all housing types with
3 a FAR of 1.25 and a maximum height of 40 feet. R-
4 5 zones do not require buildings to align front
5 walls with neighboring buildings. R-5's 40 foot
6 maximum height is generally out of scale relevant
7 to the existing buildings which are typically 2 or
8 3 stories.

9 R-6 is currently mapped as the
10 predominant zoning district in the southern end of
11 the study area below Grand Central Parkway. It
12 allows all housing types, unattached, semi-
13 detached, attached, and a floor area ratio of
14 2.43. There's no set height limit at all in R-6
15 districts. Instead the height is dependant on
16 what's called the sky exposure plane that slopes
17 inward toward the building lot from a line 60 feet
18 above the curb.

19 Under the optional quality housing
20 program, the FAR of an R-6 district can be as high
21 as 3.0 on a wide street and 2.2 on a narrow street
22 in exchange for a set building height of 70 feet
23 and 55 feet respectively for wide and narrow
24 streets. However the quality housing program is
25 optional, height factor regulations allow narrow

1 buildings that are set back from the street.

2 Because of the sky exposure plane rule, very tall
3 buildings can be built in R-6 districts if the lot
4 is deep enough or large enough.
5

6 Most of the surrounding buildings
7 on blocks here are between 2 and 6 stories. R-6
8 also allows an FAR of 4.8 for buildings with
9 community facility uses which is practically twice
10 the FAR as is allowed for residential use.
11 Combined with the sky exposure plane regulations
12 that makes R-6 a very unpredictable zone.

13 The objectives of the Astoria
14 rezoning are first to replace the existing zoning,
15 most of which dates to 1961 with more appropriate
16 contextual districts. Second is to guide new
17 housing opportunities to where they're best
18 supported on wide streets and close to mass
19 transit. And third is to update the commercial
20 overlays which allow retail and other local
21 commercial uses.

22 The proposed rezoning contains 12
23 new zoning districts that will support these
24 objectives. The zones will continue to allow
25 homeowners to improve and expand their property in

context with the surrounding area while preventing the creation of out of character buildings.

I'll go through each of the zones. I'll begin with R-4-1 which is shown here in light yellow. R-4-1 is a 1 and 2-family detached and semi-detached district with a maximum FAR of 0.9. It has a 35 foot maximum height and front yard lineup requirement. The proposal calls for R-4-1 on streets with a strong semi-detached context.

R-4-B which is also shown in light yellow is a 1 and 2-family district with a maximum FAR of 0.9 and a maximum height of just 24 feet. The zone is particularly well suited to 2-story row house buildings. R-4-B is recommended in this pocket here called Norwood Gardens which is currently zoned R-6. This block stands out as having consistent pattern of 2-family and 1-family attached homes on lots with 20-foot deep front yards.

R-4 is recommended on 4 blocks between 33rd Street and 38th Street at the northern end of the existing R-5 district. This area is developed with attached 1 and 2-family homes, R-4 will more closely match the built scale of that

1
2 area.

3 A new R-5 district is recommended
4 on 2 blocks, 14th Place, which are currently zoned
5 R-6-B. This is a narrow dead-end street where R-
6 6-B's 50 foot height limit would be replaced with
7 a more reasonable 40 feet of the R-5. The
8 proposed R-5 district would create a transition
9 between the R-6-B and an R-4 to the west.

10 R-5-B which is shown in beige on
11 the map is a general housing district with a
12 maximum height of 33 feet. The street wall must
13 line up with the neighboring buildings and the
14 maximum FAR is 1.35. R-5-B correlates with
15 attached row-type house development with height
16 limit of 3 stores. R-5-B is recommended on all
17 our parts of 125 blocks in the study area. The
18 proposed R-5-B will protect the continuous street
19 walls and front yard plantings that are common in
20 Astoria.

21 R-5-D which is shown in dark green
22 allows all housing types. The maximum FAR is 2.0.
23 And there's a 40-foot maximum height. Again
24 street wall line up is required. R-5-D is
25 recommended as a corridor district in areas that

are currently zoned R-5.

R-6-B is similar to R-5-D in that it allows up to 2.0 FAR and it requires street wall line up but it has 50 foot height limit which is 10 feet higher than the 40 feet allowed in R-5-D. R-6-B districts have a base height of 30 to 40 feet above which the building must set back before achieving the 50 foot maximum height. The proposal recommends R-6-B on many of Astoria's mid blocks in Astoria that are currently zoned R-6. This zone allows similar height and bulk that is currently allowed under the quality housing program that I mentioned earlier for the existing R-6 on narrow streets.

R-6-A is a general residence district with a maximum FAR of 3.0. It has a base height of 40 to 60 feet and a maximum height of 70 feet. And again street wall line up is required. R-6-A is recommended for all areas that are developed with high lot coverage, 5 and 6-story elevator buildings and on many of the wider corridors on the southern part of this study area.

C-4-2-A is a commercial district that allows retail and office use also with a

1
2 maximum FAR of 3.0. C-4-2-A's residential
3 equivalent is R-6-A which means that the two zones
4 share the same bulk regulations. C-4-2-A is
5 recommended on Broadway, on Steinway Street and on
6 30th Avenue where existing commercial uses on the
7 upper floors of buildings can be brought into
8 conformance.

9 R-6-A and C-4-2-A are also proposed
10 to reinforce existing context and adds some
11 development opportunities at the Dittmer's
12 Boulevard and 31st Street transportation node. The
13 proposed district will create an opportunity for a
14 vibrant mixed-use area of homes, shops and
15 offices.

16 R-7-A is a district with a base
17 height of 40 to 65 feet and a maximum of 80 feet.
18 R-7-A is proposed as a way to guide new
19 development to specific key locations,
20 specifically Vernon Boulevard and 21st Street. R-
21 7-A, the proposed R-7-A on a corridor on 21st
22 Street would connect 2 higher density R-7-X nodes
23 at Broadway and Astoria Boulevard and foster new
24 development in this underutilized corridor that
25 connects the 2.

C-4-4-A which has R-7-A as a residential equivalent is proposed at the intersection of New Town Avenue and 30th Avenue near the 30th Avenue subway station. C-4-4-A would better reflect the commercial nature of this hub which has good transit access and wide streets. Wherever the proposal shows C-4-4-A or R-7-A an inclusionary housing bonus would be offered. Under this program a developer working with HPD is eligible to receive an FAR bonus of up to 30% for a total maximum of 4.6 in return for building or preserving permanently affordable housing in the community.

C-4-3 is a district that allows commercial and residential uses. Its residential equivalent is R-6 which is as you recall allows development either pursuant to the quality housing program or based on the sky exposure plane. Commercial uses are allowed up to 3.4 FAR. The proposal calls for C-4-3 along the elevated line from Broadway all the way up to 23rd Avenue. C-4-3 is proposed first because it gives builders an option to set back at a lower height to avoid building residential units too close to the

1
2 elevated tracks. Second C-4-3 allows mixed-use
3 buildings with 2 stories of nonresidential use
4 below the residential units which is how some
5 buildings in this corridor are already configured.

6 The proposal also includes changes
7 to the configuration of the commercial overlays.
8 The existing commercial overlays in Astoria are
9 inconsistent with land use. The proposal would
10 reduce the depth of most commercial overlays from
11 150 to 100 feet, so make the overlays more closely
12 match existing commercial uses and prevent the
13 encroachment of new commercial uses onto
14 residential side streets.

15 The proposal also enhances business
16 opportunities for businesses with some new
17 overlays. Some of them merely recognize
18 commercial uses that are not currently within a
19 commercial overlay to bring them into conformance
20 while others create the potential for new
21 commercial corridors that complement the proposed
22 zoning such as along the proposed R-7-A corridor
23 on 21st Street and Vernon Boulevard.

24 In summary this comprehensive
25 rezoning proposal would replace existing zoning

1
2 with more appropriate and contextual zoning
3 districts. It would create new housing
4 opportunities along underutilized corridors and
5 close to mass transit and update the commercial
6 overlays. Thank you for your time.

7 CHAIRPERSON WEPRIN: Okay. Thank
8 you very much. We've been joined by Council
9 Member Jessica Lappin and Council Member Leroy
10 Comrie. Before we get to questions from the
11 panel, Peter Vallone, Jr. who represents the area
12 in Astoria wanted to talk about the project. And
13 give us some context of the community and what
14 dealings they've had. Mr. Vallone.

15 COUNCIL MEMBER VALLONE: Thank you
16 Chair Weprin, first time I ever got to say that,
17 actually no, Chair Mark Weprin would be the first
18 time I ever got to say that [chuckling]. If you
19 guys could just give me a couple of seconds here
20 to speak? Thanks. I want to thank City Planning
21 for all their work, as they said, so well, this
22 rezoning will allow for responsible development in
23 Astoria while preventing out of character
24 development. I don't think they said this; this
25 is the first major rezoning in Astoria since 1961.

And the dirty--

[Off mic]

COUNCIL MEMBER VALLONE: The year I was born, thanks for pointing that out.

[Chuckling]. But it's true. It's true, a lot of good things happened in 1961. But where the hell was I know that you just threw me off my complete.. before this, before this, Astoria's little secret was that there were basically two zones, R-5 and R-6. And as Council Member Reyna just said to me a few seconds ago, R-6 hurts everyone.

And it basically was hurting Astoria, slowly over the years. And City Planning has given us some great pictures of how R-6 development allowed these sorts of towers to go up in the back yards of homes where you've got 1 and 2-family homes and then this 12-story tower in the back yard. That was allowed under R-5 and R-6. And I've been trying to get this done for a long time, 5 or 6 years.

And it was just me and some lone community activists like Donna Lee Marks who's in the back who tried to get this done. And finally about 2 years ago we convinced City Planning of

1
2 the merits of our cause. And when they joined in
3 it was like the allies hitting Normandy. They
4 were in Astoria so much I think they had to fill
5 out a census form.

6 And as you can see it took a long
7 time just to explain the zoning changes. Every
8 one of those boards, we discussed over and over
9 again. They had to come in and drive those boards
10 and talk to all the neighbors. And they changed
11 many, many times over the last 2 years. Norwood
12 Gardens, we have some people here to testify from,
13 that was one of the examples.

14 Then Norwood Gardens wanted more
15 contextual, lower zoning and initially City
16 Planning was not in favor of that. But they came
17 out. They met in the dining rooms and on the
18 streets of Norwood Gardens, many times with myself
19 and with Norwood Gardens and they were convinced.
20 And they did change it to a smaller contextual
21 zone.

22 So what were once 2 zones are now
23 many spot zones which will maintain and preserve
24 the character of the neighborhood. I want to
25 thank Chair Comrie of Land Use, Chair Weprin of

2 Zoning, especially City Planning, John Young, Ian
3 Haggerty and Amanda Burden who also spent a lot of
4 time on this and the people of Astoria for coming
5 together and supporting this. So thank you all.

6 CHAIRPERSON WEPRIN: Thank you
7 Council Member. Anyone on the panel have any
8 questions? Chairman Comrie.

9 COUNCIL MEMBER COMRIE: Council
10 Member Vallone, how will this affect the hospital?
11 Does it impact on the hospital's expansion--?

12 COUNCIL MEMBER VALLONE: We carved
13 that out to allow for the continued expansion of
14 Mt. Sinai but would you like to elaborate on that
15 Mr. Young?

16 MR. YOUNG: That's right. We met
17 with them and they showed us their plans for
18 expansion. And we have carved out portions that
19 would remain R-6 so they can proceed with those
20 plans.

21 COUNCIL MEMBER COMRIE: Okay.
22 Just, I just wasn't sure what block it was under.
23 Thank you. Thank you, no further questions.

24 CHAIRPERSON WEPRIN: Council Member
25 Vacca.

1
2 COUNCIL MEMBER VACCA: Was
3 something done of a contextual nature before this,
4 2004, 2005? Was anything done? 'Cause I see 7-X
5 and I think 6-B, 5-D. A lot of those are--what
6 was done and why and why didn't we do this then
7 and just wanted to hear from you.

8 MR. YOUNG: Sure I can have Ian
9 explain exactly. There were 3 prior smaller
10 contextual rezonings in West Astoria on Steinway
11 and on Broadway. And it was the effort at those
12 times to be more focused in terms of the scope of
13 rezonings and address particular issues in a more
14 discreet way. Under this Administration we
15 understand that many areas need to be better
16 served with better zoning tools.

17 And we're trying to do rezonings as
18 more comprehensive efforts on a neighborhood by
19 neighborhood basis and that's really what we're
20 trying to do here. But the areas that you were
21 pointing out were ones that started in 1989 in
22 West Astoria. And the 1999 along Steinway Street.
23 And then 2001 on Broadway.

24 CHAIRPERSON WEPRIN: Anybody else
25 have any comments or questions? We're joined by

Council Member Robert Jackson from Manhattan.

Anybody else? Well gentlemen--oh. And Council Member Larry Seabrook. I assume you're going to jump right in with a question, right Larry? Okay, okay. Well gentlemen thank you very much, congratulations again on all your good work--

MR. YOUNG: [Interposing] Thank you.

CHAIRPERSON WEPRIN: --and we'll now close the hearing on this item. Oh now we have--oh sorry. But you guys are excused. We have someone here to testify in favor. I apologize. These are all in favor? Okay. [Off mic] Okay. We do have 5 people here to testify in support of this change. So we're going to call them up in 2 quick panels.

We have Donna Lee Marks from the Norwood Neighborhood Association; Gregory Kutrakos, also from Norwood and Helen Maloney. Actually why don't we bring in--I see that 4 of them are from Norwood so why don't we bring up Helen well, Helen Carter, if we can get 4 seats there. Nick, can we do that?

MR. ECONOMOU: Yes.

CHAIRPERSON WEPRIN: And if we could each hold our testimony to 2 minutes that would be appreciated. I know that's hard but if you can hold it to 2 minutes, we've got a number of items today.

[Pause]

CHAIRPERSON WEPRIN: Great. And Nick, can we give them a clock for 2 minutes. If you could all introduce yourselves as you speak and just before you speak for the record and if you--I'm sorry to limit you to 2 minutes. It's just we have a very busy today so thank you.

[Off mic]

CHAIRPERSON WEPRIN: Yeah, exactly.

[Pause]

MS. DONNA LEE MARKS: Oh okay. My name's Donna Lee Marks. I'm here as a delegate for Norwood Neighborhood Association and Astoria as a homeowner and representative for the homeowners who are not able to be here with us today for this hearing. The rezoning process has been a long and arduous process for our community. We will be very relieved to see this certified.

In 2002 Norwood Gardens residents

1
2 discovered a shocking fact which was our low-rise
3 community was zoned R-6. This was Astoria's best
4 kept secret until discovered by developers. R-6
5 allows out of context construction over 12 stories
6 plus much more. Cracked foundations of homes
7 damaged by down and dirty demolition, ugly curb
8 cuts, paved cement front gardens and overburdened
9 infrastructure. Half century old zoning makes
10 this legal but in our community it's not right.

11 Queens zoning from 1961 with its
12 huge swaths of R-6 tracts does not reflect how the
13 land use actually developed. R-6 zoning,
14 developers have come into our neighborhood,
15 disregarded the integrity of established 80-year
16 old streetscapes as well as the will of the
17 community to do what they want. And again this is
18 legal but not right.

19 Norwood Neighborhood Association
20 community supports this rezoning and urges you to
21 support it too. This proposal offers smart
22 contextual zones that channel high density
23 development into areas where infrastructure will
24 be in place. I've got to get to the other part.
25 We want to thank Council Member Vallone and his

1
2 staff for initiating the process, all his hard
3 work and efforts on our behalf. He's met with us
4 countless times. And John Young and Ian Haggerty
5 who have worked with our group through many years.
6 We urge the City Council to support this critical
7 zoning and to advocate to expedite the process.
8 Thank you. Oh and here's pictures of our
9 neighborhood and what's happened. We don't want
10 it. It's a nightmare.

11 CHAIRPERSON WEPRIN: Well done,
12 well done. Next.

13 MR. GREGORY KUTRAKOS: Hello. My
14 name is Gregory Kutrakos [phonetic]. I'm a home
15 owner, 3090 36th Street, Norwood, Astoria. For the
16 last year and a half I've been going through hell.
17 I live here. And 8 family put up next to me. Now
18 3086, 2 doors over just knocked down. They were
19 working illegally all of last week. So 7:30 at
20 night. I called 311. No response.

21 Okay? First they got approved for 5
22 families. Then they were trying to put an 8
23 family. Now I hear it's a 10 family. They're
24 permanently closing a driveway that I've been
25 using since 1984. I don't understand how it's

1
2 being done. I really don't. It's been a driveway
3 for 85 years. Okay? And I am definitely,
4 definitely for rezoning.

5 Okay? I've been put through hell.
6 I have damage to the house. Okay? I just recently
7 got married. I've got no money to fight this but
8 let me tell you something, no one should have to
9 go through this. Please, I am definitely for
10 rezoning. Thank you.

11 CHAIRPERSON WEPRIN: Next.

12 MS. HELEN MALONEY: This button
13 doesn't work. Oh here.

14 CHAIRPERSON WEPRIN: Press that.
15 There you go.

16 MS. MALONEY: Okay. My name is
17 Helen Maloney. And I'm a 40-year resident of
18 Norwood Gardens. And I'm here to represent the
19 many people who can't come that actually have gone
20 through the same problems that this gentleman just
21 explained to you.

22 It's in the interests of all of our
23 people in Astoria to have quality of life there.
24 So people don't have to move out because of high
25 rises in their back yards. So I definitely

1
2 support this rezoning. I know time is important
3 to you so I second the comments of the 2 previous
4 speakers. Thank you.

5 MS. HELEN CARTER: I'm Helen
6 Carter. And I'm a home owner at 3031 35th Street.
7 We are a part of the Norwood Gardens Association.
8 I am in support of the new zoning for the same
9 reasons that these people have given you. And I
10 can't understand why all these senseless building
11 is going on. At least if you're going to build,
12 build it in a sensible way. And it really is
13 affecting our quality of life. So I hope that you
14 will pass the zoning. The new zoning. Thank you.

15 CHAIRPERSON WEPRIN: Thank you.
16 Pete, you want to say anything? Questions? Oh
17 Council Member Vallone.

18 COUNCIL MEMBER VALLONE: No
19 questions. I--

20 CHAIRPERSON WEPRIN: [Interposing]
21 Oh.

22 COUNCIL MEMBER VALLONE: --just
23 wanted to thank you all and contact Alexis in my
24 office again about that illegal work over the
25 week. And I wanted to thank Alexis Goldberg for

1
2 my special--Director of Special Projects and this
3 was basically her special project for the last 2
4 years. And Kathleen Sims my Chief of Staff for
5 all their work on this zoning. Thank you all for
6 coming in today. I know you were really busy.

7 CHAIRPERSON WEPRIN: Thank you--

8 MS. MALONEY: [Interposing] And we
9 thank you for your work--

10 MS. CARTER: [Interposing] Thank
11 you.

12 CHAIRPERSON WEPRIN: --and
13 congratulations Mr. Kutrakos on your marriage.

14 [Laughter]

15 [Pause]

16 CHAIRPERSON WEPRIN: One other
17 person testifying on this matter is Richard Bass
18 from the Yblons [phonetic] family, representing
19 them. You'll correct me on how I said that. [off
20 mic] Okay.

21 [Pause]

22 CHAIRPERSON WEPRIN: We're going to
23 try to keep you to 2 minutes too, just to remind
24 you even though we're off the clock right at the
25 moment but.

MR. RICHARD BASS: I'll be brief.

CHAIRPERSON WEPRIN: Okay.

MR. BASS: Good morning Chair Weprin, Council Members. I'm with the law firm, Herrick, Feinstein. I'm here today representing Sessia Yblons [phonetic] and his family, the owners of 11-12 30th Drive.

Mr. Yblons and his family strongly support the proposed rezoning including the FAR bonus for the production of affordable housing. They are greatly appreciative of this rezoning action and complement Council Member Peter Vallone, Jr. for encouraging New York City Department of City Planning to conduct a study of Astoria that resulted in the proposed 238 block rezoning application.

We'd also like to complement John Young, Director of the Queens Planning Office and his talented young planning staff who provided leadership, vision and significant community outreach that resulted in today's proposed action.

Therefore we urge the City Council to support the proposed rezoning and text amendment. Thank you.

2 COUNCIL MEMBER VALLONE: Wait, my
3 staff is young to, I just had to point that out or
4 I'm going to get in trouble.

5 [Chuckling]

6 MR. BASS: Well at this age,
7 everyone's young.

8 CHAIRPERSON WEPRIN: Any questions
9 from the panel? None? Thank you very much--

10 MR. BASS: [Interposing] Thank you.

11 CHAIRPERSON WEPRIN: --Mr. Bass.
12 We are now moving to close this hearing. Thank
13 you very much Ian. You're going to go collect
14 your stuff. Good, good job. Thank you very much.
15 We are now going to go back to the café, 2
16 sidewalk café applications.

17 The first one is Land Use 86,
18 Willburg Café in Council Member Reyna's District,
19 20105442 TCK. There's no one here?

20 [Off mic]

21 CHAIRPERSON WEPRIN: Okay. All
22 right. The applicant isn't here but they did send
23 a letter. You want me to read the letter?

24 [Pause]

25 CHAIRPERSON WEPRIN: Diana? Okay.

Council Member Reyna represents the area is going to read the letter. Into the record.

COUNCIL MEMBER REYNA: Thank you so much Mr. Chair. I just wanted to read into the record the application, license number 1345598, submitted by the Willburg Café business. Dear Mr. Genosky [phonetic]: As you know I represent the aforementioned entity concerning their application for an unenclosed sidewalk café at the above location of 623 Grand Street in Brooklyn, New York 11211.

I write this letter pursuant to our recent conversation as well as my conversations with the Office of New York City Council Member Diana Reyna. Please be advised that Ahshi Global, Inc., its owner-president Akhmed Yildirim [phonetic] hereby accepts and stipulates to the following conditions.

One, the applicant shall remove any and all street furniture presently existing from the sidewalk. Two, the applicant shall repair the defective parts of the sidewalk on Leonard Street adjacent to his restaurant and said repairs shall be completed by May 25th, 2010. And three, if the

1
2 aforementioned repair is not completed by May 25th,
3 2010 the applicant shall voluntarily withdraw this
4 application and can reapply only after said repair
5 is completed.

6 Upon you review of this letter if
7 you should have any further questions or concerns,
8 please do not hesitate to contact Kathleen E.
9 Nigree Stathopoulos [phonetic] I apologize for--

10 CHAIRPERSON WEPRIN: Yeah. Vallone
11 isn't here to help with the Greek names but--

12 COUNCIL MEMBER REYNA: [Interposing]
13 Exactly I was turning my--

14 [Laughter]

15 COUNCIL MEMBER REYNA: And Larry
16 wouldn't be able to be helpful either. But thank
17 you for your attention and I'd like to urge this
18 Committee to support this application.

19 CHAIRPERSON WEPRIN: Thank you Ms.
20 Reyna. Do you have any other comments you want to
21 make on the subject? No?

22 COUNCIL MEMBER REYNA: I, no, just
23 the second café in the District.

24 CHAIRPERSON WEPRIN: Okay. All
25 right. Anyone here to comment on the first café?

1
2 Willburg Café? No? Seeing none, we will close that
3 hearing and move onto the second café which is
4 Land Use number 87, 20105403, Le Barricou and
5 testifying on behalf of them is Joshua Boissy? Oh
6 behalf of the applicant--

7 COUNCIL MEMBER REYNA:

8 [Interposing] Joshua. It's Joshua's first time
9 Mr. Chair--

10 CHAIRPERSON WEPRIN: [Interposing]

11 Well--

12 COUNCIL MEMBER REYNA: --so just-

13 CHAIRPERSON WEPRIN: --I'll be

14 gentle.

15 COUNCIL MEMBER REYNA: --bear with

16 him.

17 CHAIRPERSON WEPRIN: Whoops.

18 Joshua if you would state your name for the record
19 and... discuss the application.

20 MR. JOSHUA BOISSY: Good morning my
21 name is Joshua Boissy. I'm the managing partner
22 of Le Barricou Restaurant at 533 Grand Street. To
23 be honest I'm quite sure why I'm here today but I
24 guess I'll let you start and I'll lead...

25 CHAIRPERSON WEPRIN: The reason--

1
2 the mystery. Council Member Diana Reyna has a
3 question.

4 MR. BOISSY: Okay.

5 COUNCIL MEMBER REYNA: I just
6 wanted to thank the president and owner of Le
7 Barricou for coming in. There were some issues
8 that were raised at the Community Board and we
9 just wanted to adhere to the fact that those
10 questions and concerns have been addressed. I
11 understand that there were plans that have been
12 resubmitted concerning some of those changes. And
13 If you could just walk us through Joshua--

14 MR. BOISSY: [Interposing] Sure.

15 COUNCIL MEMBER REYNA: --concerning
16 those changes so that way we can have everything
17 on the record.

18 MR. BOISSY: Sure. When we
19 originally had the idea of opening a sidewalk
20 café, we contacted our attorney Anthony Carrabelle
21 who represents us on our liquor license and the
22 sidewalk permitting. He told us that, in general,
23 you would be allowed 50% of the sidewalk for
24 outdoor café seating.

25 So we moved forward with an

1 architect that he recommended which is Leder
2 Louise [phonetic] from New York City. He came in
3 and drafted up the plan. I guess he drafted a
4 plan in accordance with what he thought was the
5 law and rules for the outdoor café permits. I
6 guess he's experienced in that field so we assumed
7 that everything that he would be doing was up to
8 code. What we had proposed was 14 seats and 7
9 tables which was still within the 50% of the
10 sidewalk square footage or depth.

12 When we went to the Community Board
13 for the first hearing, they were all opposed to is
14 saying that they felt one of the tables was a
15 little bit too long, even though it was still
16 within 50% of the allotted space. So instead of
17 challenging that, I let them know that I was upset
18 with their decision because we were following the
19 rules and I assumed that everything was okay. So
20 the next day we immediately called the architect
21 and our attorney and had them [bell starts
22 ringing].

23 CHAIRPERSON WEPRIN: He can keep
24 going, sorry.

25 MR. BOISSY: I'm sorry I'm taking

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too much time.

CHAIRPERSON WEPRIN: No, no,
you're--

COUNCIL MEMBER REYNA:
[Interposing] You're not.

CHAIRPERSON WEPRIN: You wish.

MR. BOISSY: So what we did is
without challenging them, we had the table removed
right away, at our expense, had the tables
redesigned which were already built, and had the
plan redrafted which, again, was expensive. And
at this time we have 12 seats with 6 tables.

It's technically not 6 tables
because what we did was since we couldn't space
the tables, we just made it communal. So it's 1
table with 6 seats and no space in between. So
it's much less room than a standard table would be
in width and in depth.

COUNCIL MEMBER REYNA: Um-hum.

MR. BOISSY: So we now have 12
seats with 2 communal tables.

COUNCIL MEMBER REYNA: Um-hum.

MR. BOISSY: Which again is less
than the 50% that I was--believed to be the

1
2 required amount of space we would have. So it's
3 much smaller than we anticipated at a very high
4 investment at this point and a lot of time. This
5 is our fourth hearing.

6 COUNCIL MEMBER REYNA: And I'm
7 sorry that the process has been so frustrating--

8 MR. BOISSY: [Interposing] Sure.

9 COUNCIL MEMBER REYNA: Nevertheless
10 you have made the proper changes to the plans as
11 submitted--

12 MR. BOISSY: [Interposing] Um-hum.

13 COUNCIL MEMBER REYNA: --to the
14 Department of Consumer Affairs, is that correct?

15 MR. BOISSY: I believe so. The
16 only thing that was brought up was the Community
17 Board thought the tables were a little bit too
18 long so we reduced it. And we resubmitted this
19 new plan which I have with me. I'm not sure of
20 anything else that was an issue.

21 COUNCIL MEMBER REYNA: And you
22 mentioned that you achieved the goal of the tables
23 by manufacturing them?

24 MR. BOISSY: Yeah. The tables are
25 made out of solid mahogany. And they have cast

1
2 iron stands. So they're very expensive tables.

3 COUNCIL MEMBER REYNA: And your
4 architect apparently had used measurements that
5 were not according to DCA rules?

6 MR. BOISSY: A gentleman had called
7 our restaurant and left his information, I think
8 it was Eric, excuse me if I'm wrong, and I wasn't
9 sure about the inconsistency with the measurements
10 and our first plan and second plan. And I wasn't
11 advised to do anything about it. All I was
12 advised to do was to come to this hearing. So I
13 wasn't sure at this point what I should have done.
14 There wasn't really much said--

15 COUNCIL MEMBER REYNA:
16 [Interposing] Um-hum.

17 MR. BOISSY: --as to what I should
18 do besides show up at this hearing.

19 COUNCIL MEMBER REYNA: So we want
20 to continue to work with you on some of the issues
21 that may or may not be in accordance. But I
22 support this business and this sidewalk café. And
23 we hope to--this is a new process for our
24 District.

25 MR. BOISSY: Um-hum.

2 COUNCIL MEMBER REYNA: Joshua and,
3 you know, it's going to be a bumpy road in the
4 beginning as far as the Community Board learning
5 the process within the codes and making sure that
6 the architects are according to the rules and
7 regulations, following proper protocol. So that
8 you as a business owner is not getting hurt both
9 financially as well as--

10 MR. BOISSY: [Interposing] Um-hum.

11 COUNCIL MEMBER REYNA: --the
12 timeline that you hope to expect to achieve.
13 Thank you.

14 MR. BOISSY: Okay thank you.

15 CHAIRPERSON WEPRIN: Josh, do you
16 have an extra copy of that plan, the new plan? And
17 if not can we make a copy of it?

18 MR. BOISSY: Absolutely.

19 CHAIRPERSON WEPRIN: --to the
20 Committee and we'll give it right back to you.

21 MR. BOISSY: I apologize. I don't
22 have an extra copy on me. I could let you use
23 this copy to photograph if you'd like.

24 CHAIRPERSON WEPRIN: This young
25 lady is very trustworthy.

2 MR. BOISSY: Okay. Thank you.

3 CHAIRPERSON WEPRIN: I know her
4 very well. And we're going to make a copy of
5 that.

6 MR. BOISSY: Okay.

7 CHAIRPERSON WEPRIN: Any other
8 questions on the panel? No? All right thank you
9 Joshua. We'll get you your copy back in a little
10 while--

11 MR. BOISSY: [Interposing] Okay--

12 CHAIRPERSON WEPRIN: --but we're
13 going to close this hearing and we'll be voting at
14 the end of the meeting.

15 MR. BOISSY: Okay. Thank you for
16 your help.

17 CHAIRPERSON WEPRIN: Thank you.

18 MR. BOISSY: Thank you Ms. Reyna.

19 CHAIRPERSON WEPRIN: You're
20 welcome.

21 [Pause]

22 CHAIRPERSON WEPRIN: Okay I
23 apologize to the Boro Park people, we're going to
24 move--we're going to do them last because the
25 Council Member from the District is at a meeting

2 at City Hall at the moment and we want him here.
3 But it shouldn't be long.

4 The last item on our agenda before
5 we go back to Brooklyn is Land Use 191. this is a
6 franchise agreement, mobile telecommunications
7 services. That is 20105618 GFY. And here to
8 testify is Brett Sikoff and Stanley Shor. Close?
9 Gentlemen, could you please state your name for
10 the record and we won't put a time clock on the
11 applicants. Okay.

12 MR. STANLEY SHOR: Okay. Good
13 morning Chairman Weprin, Chairman Comrie, members
14 of the Zoning and Franchises Subcommittee. My
15 name is Stanley Shor and I am the Assistant
16 Commissioner of Franchise Administration for the
17 Department of Information Technology and
18 Telecommunications or DOITT. With me is Brett
19 Sikoff, DOITT's Director of Mobile
20 Telecommunications Franchises.

21 Thank you for the opportunity to
22 testify today to discuss proposed Authorizing
23 Resolution 191. The resolution before you would
24 renew DOITT's authority to grant franchises to
25 allow for the installation and use of

2 telecommunications equipment and facilities on,
3 over and under the inalienable property of the
4 City of New York in connection with the provision
5 of mobile telecommunication franchises.

6 More specifically authorized
7 franchisees are allowed to install their
8 telecommunications equipment on certain City owned
9 light poles. And with the approval of the utility
10 companies, privately owned utility poles located
11 on City street. Proposed Resolution 191 would
12 succeed two earlier resolutions previously adopted
13 by the Council for the same purpose, Resolution
14 519 of 2004 and Resolution 957 of 1999.

15 Pursuant to the previous
16 resolutions the Franchise and Concession Review
17 Committee or the FCRC has approved 8 such
18 franchises since 2004, 6 of which are still
19 active. One of the City's fundamental goals in
20 granting these franchises was to leverage the
21 City's resources and inalienable property to
22 strengthen wireless networks and to provide a
23 practical alternative to the installation of
24 larger and often unsightly antennas typically seen
25 on building rooftops.

1
2 The benefits of allowing
3 franchisees to use existing poles on the City's
4 inalienable property to install mobile
5 telecommunications equipment are twofold. The
6 first benefit is increased coverage and capacity.
7 And the second benefit is increased City revenue.

8 Having the ability to offer City
9 property as an alternative to private property for
10 the siting of mobile telecommunications equipment
11 has proven to be an attractive and effective
12 method of increasing capacity and providing
13 reliable coverage for mobile telecommunication
14 companies. To date there have been 1,294
15 installations of telecommunication equipment on
16 existing poles throughout the 5 Boroughs
17 benefiting many areas of the City.

18 As a result of the franchise, a new
19 low cost cellular provider has entered the New
20 York City market partnering with a mobile telecom
21 franchisee and ultimately building out its
22 cellular network from the ground up, predominantly
23 using poles.

24 Additionally a nascent mobile
25 broadband company that is planning to launch its

1 high speed wireless internet network in the City
2 later this year has entered into an agreement with
3 another mobile telecom franchisee to design part
4 of its network utilizing poles. The use of a
5 distributed antenna system installed on pole tops
6 will address the challenges associated with
7 providing ubiquitous coverage in a dense urban
8 environment such as New York City.
9

10 In addition to improving wireless
11 coverage for the public, the franchises generate
12 approximately \$2 million in general fund revenue
13 each year. With the approval of this resolution
14 and the subsequent granting of prospective
15 franchises the City could potentially generate
16 additional annual revenue.

17 If adopted by the Council this
18 authorizing resolution would permit DOITT to issue
19 Requests for Proposals for new franchises similar
20 in nature to those currently active, pursuant to
21 the evaluation criteria as described in the
22 authorizing resolution. DOITT would then select
23 one or more franchisees and enter into a written
24 agreement with each such franchisee. Any such
25 franchise agreements would be subject pursuant to

1
2 the City Charter to approval by the FCRC and the
3 separate approval of the Mayor, a process followed
4 by each of the current franchises.

5 The 6 current franchise agreements
6 include the following provisions. Equipment
7 installed on light poles must conform to
8 particular size limitations and only 1
9 installation per pole is allowed. Since there are
10 multiple franchises the agreement details a
11 process for competing requests, rollout and
12 concentration of facilities.

13 Franchisees must fully comply with
14 the Federal Communications Commission, FCC, rules
15 and requirements regarding radio frequency energy
16 exposure and in the operation and maintenance of
17 the telecommunication equipment. Franchisees are
18 also required to conform to any new FCC standards
19 that may be adopted at any time in the future.

20 Now that I've detailed some of the
21 benefits of the proposed resolution and the City's
22 mobile telecommunication franchises in general I
23 would like to take a moment to highlight some of
24 the resolution's pertinent terms and conditions.
25 In drafting this resolution and in negotiating the

1
2 existing agreements with the franchisees, DOITT's
3 primary concern was to protect the interests of
4 the City. These interests include the City of New
5 York's public safety interests, property interests
6 and financial interests, among others.

7 To achieve these ends and grant the
8 most effective franchises possible, the resolution
9 includes the following terms. The term of the
10 franchise shall not exceed 15 years. The
11 compensation to be paid to the City shall be
12 adequate and may include monetary or in kind
13 compensation or both. The franchise may be
14 terminated in the event of the franchisee's
15 failure to comply with the material terms and
16 conditions of the agreement.

17 A security fund shall be
18 established to ensure the performance of the
19 franchisee's obligations under the agreement. The
20 City shall have the right to inspect the
21 facilities of the franchisee located on the
22 inalienable property of the City and to order the
23 relocation of such facilities as appropriate at
24 the direction of the applicable agency.

25 There shall be adequate insurance

1
2 and indemnification requirements to protect the
3 interests of the public and the City. There shall
4 be provisions to ensure access by the City to
5 books and records of the franchisee to review and
6 to enforce compliance with the franchise
7 agreement. There shall be provisions to ensure
8 quality workmanship and construction methods for
9 the use of the inalienable property.

10 The franchisees will be required to
11 comply with City laws, regulations and policies
12 related to but not limited to employment,
13 purchasing and investigations. There shall be
14 provisions to restrict the assignment or other
15 transfer of the franchise without prior written
16 consent of the City.

17 There shall be remedies to protect
18 the City's interests in the event of the
19 franchisee's failure--

20 CHAIRPERSON WEPRIN: [Interposing]
21 I'm going to interrupt you just for a second. How
22 much longer is that on that piece of paper 'cause
23 we can just enter it into the record if you want?

24 MR. SHOR: It's only a couple more
25 things but--

2 CHAIRPERSON WEPRIN: [Interposing]

3 Okay.

4 MR. SHOR: --that's fine. We can,
5 you know.

6 CHAIRPERSON WEPRIN: Let me just
7 stop you--

8 MR. SHOR: [Interposing] We don't
9 need to read all this stuff.

10 CHAIRPERSON WEPRIN: Just, you
11 know, I understand that we, you know, we have it
12 in front of us so--

13 MR. SHOR: [Interposing] Yes.

14 CHAIRPERSON WEPRIN: --we don't
15 need you to read the whole thing necessarily--

16 MR. SHOR: [Interposing] Sure.

17 CHAIRPERSON WEPRIN: --so I didn't
18 know--do you also want to speak on this? As well,
19 just to?

20 MR. BRETT SIKOFF: Well
21 Commissioner Shor spoke to all the points of the
22 franchise. And I do support it as well.

23 CHAIRPERSON WEPRIN: Thank you.
24 Commissioner, just what--so the last time that
25 this was renewed was when? How?

2 MR. SHOR: 2004.

3 CHAIRPERSON WEPRIN: 2004.

4 MR. SHOR: March, 2004.

5 CHAIRPERSON WEPRIN: And how many
6 different companies could use this, this
7 technology? How many different companies can use
8 the same boxes?

9 MR. SHOR: Well currently there are
10 6 franchises and they can enter into agreements
11 with mobile telecommunication providers to
12 ultimately use the light poles to transmit their
13 signal. So it's open to any mobile
14 telecommunication company to take part in the
15 franchise.

16 CHAIRPERSON WEPRIN: Anybody have
17 any specific questions? Yep, oh we do. Chairman
18 Comrie.

19 COUNCIL MEMBER COMRIE: You said
20 there are 6 franchisees. Who are the franchisees?
21 Are they the telecommunication companies
22 themselves or are they independent people that are
23 then selling it to the telecommunication
24 companies. I wasn't clear.

25 MR. SIKOFF: That' right, it's the

1
2 second--they are independent companies that can
3 contract with mobile telecommunication providers.
4 So none of the existing franchisees are mobile--
5 are providers themselves although the franchise is
6 open to those companies as well as to obtain a
7 franchise for that purpose. But currently there
8 are none that are providers themselves.

9 COUNCIL MEMBER COMRIE: And these
10 franchisees are in? They are already in contact
11 with the mobile companies now. And they are in
12 existing contracts with them now?

13 MR. SIKOFF: Several do, yes.

14 COUNCIL MEMBER COMRIE: And there's
15 no problem. Why aren't the mobile providers doing
16 it themselves? I don't understand. How is it all
17 done through franchisees and how do you establish
18 the capacity of a franchisee?

19 MR. SHOR: Well the initial group
20 of franchisees did include a couple of actual
21 providers and one of them was T Mobile. They
22 chose to not continue as a franchisee. They
23 basically this franchise is similar to other
24 facilities that mobile telecom companies contract
25 with. So they have chosen not to be the people

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2 who actually build and maintain these facilities.
3 They chose to just rent the facilities. So the
4 facilities then are--these companies are able to
5 offer their facilities to more than one provider.

6 COUNCIL MEMBER COMRIE: And they
7 can share a pole? They can--or they have these
8 people do a separate unit for Verizon, a separate
9 for AT&T, Sprint on the same pole or how do they
10 do that?

11 MR. SHOR: Do you?

12 MR. SIKOFF: Well as of this time
13 there are currently one provider per pole but I
14 believe the capacity is there to provide multiple
15 providers, multiple companies for one installation
16 on a pole which would transmit multiple
17 frequencies.

18 COUNCIL MEMBER COMRIE: Okay. And
19 what exactly is a pole? Is it a light pole? Is it
20 a Con Ed--is it a Con Ed pole?

21 MR. SIKOFF: It's both. It's--

22 COUNCIL MEMBER COMRIE:
23 [Interposing] Any pole that's in the City or?

24 MR. SIKOFF: Correct. Any pole in
25 the City's inalienable property so it's street

1
2 light poles, traffic light poles and privately
3 owned utility poles. So--

4 COUNCIL MEMBER COMRIE:

5 [Interposing] So any pole that's on a City
6 sidewalk is becoming an inalienable right of,
7 excuse me, an inalienable right of the City to own
8 and franchise out. Because--

9 MR. SIKOFF: [Interposing] Correct.

10 And there are some limitations of the types of
11 poles that can be used. Some of the utility
12 companies have some restrictions on what poles can
13 be used for safety reasons as well as the City
14 does that work with, you know, we have to review
15 with DOT and Parks and Landmarks at time.

16 COUNCIL MEMBER COMRIE: Are they
17 allowed to put up poles or is it just to--

18 MR. SIKOFF: [Interposing] No, no.

19 COUNCIL MEMBER COMRIE: --the
20 existing poles that are there now--?

21 MR. SIKOFF: [Interposing] No the
22 contract explicitly prevents them--

23 COUNCIL MEMBER COMRIE:

24 [Interposing] Just the existing. Well what if
25 there's an area in the City that needs more

1
2 service and there's no physical poles like I would
3 think part of Queens and Staten Island where there
4 might be, you know, new communities coming in,
5 like the Astoria rezoning. One of the issues that
6 Council Member Vallone, in fact, was fighting for
7 was to reduce, you know, cell sites on buildings.
8 How do you, you know, utilize the poles to make up
9 for that difference?

10 MR. SHOR: No there are City light
11 poles and utility poles throughout the City. So
12 we believe that there's enough poles there. We
13 would assume that if there weren't enough poles
14 for lighting purposes that DOT would then come in
15 and put more in for that purpose and then there
16 would be poles available for this purpose. It's
17 unlikely as far as we know that an area could be--
18 have so few poles that--light poles that there
19 wouldn't be enough for this kind of use.

20 COUNCIL MEMBER COMRIE: And did the
21 RFP go out for this new authorizing resolution
22 yet?

23 MR. SHOR: No. We're not
24 authorized to do any more RFPs until you approve
25 this authorizing resolution. We've done RFPs in

1
2 the past on previous authorizing resolutions.

3 COUNCIL MEMBER COMRIE: And how is
4 the RFP shaped? Is it shaped with an opportunity
5 for minority inclusion or diversity in the RFP?
6 And who shapes that RFP?

7 MR. SHOR: The RFP is shaped
8 pursuant to the authorizing resolution. And it
9 does allow for all kinds of companies to apply.
10 There isn't any restrictions. And quite frankly
11 the Telecommunication Act is very clear about us
12 not restricting entry into providing
13 telecommunication services. So we can provide you
14 with a copy of what was done in the past so you
15 can see if there's anything that looks to you like
16 it might be a...

17 COUNCIL MEMBER COMRIE: I don't
18 know. There may be. And it doesn't say anything
19 in here about opportunities for minority providers
20 or new providers or, you know, to do co, you know,
21 co-bidding to allow, you know, possibly new
22 vendors to get involved in this. So I'm concerned
23 about moving forward until I understand the
24 opportunities a little bit better. How long is
25 this, 15 years you say? 8 years?

1
2 MR. SHOR: Yes. It's a 15 year
3 contract.

4 MR. SIKOFF: Yeah it does run
5 through 2019 so it start 15 years and the clock
6 began in 2004.

7 COUNCIL MEMBER COMRIE: And have
8 there been any minority franchisees that have
9 applied for bids in this, in the past?

10 MR. SIKOFF: To our knowledge no.
11 But that--

12 COUNCIL MEMBER COMRIE:
13 [Interposing] Were you both around in 2004?

14 MR. SHOR: Yes.

15 MR. SIKOFF: Yes.

16 COUNCIL MEMBER COMRIE: And--well I
17 have some concerns before we--the authorizing
18 resolution has nothing that says about inclusion
19 or opportunities in there. I understand the need
20 for the authorizing resolution but if we're going
21 to be a City that allows new business to emerge,
22 we're not writing anything in the resolution that
23 would allow for franchisees who would want to
24 learn or people that would want to link up with a
25 major franchisee, any opportunities for that.

2 So. While I, you know, I don't... so
3 I would want to see and have a deeper
4 understanding of those opportunities so that we
5 could promote that as a possibility. Mr. Chair.
6 So, you know, I'm concerned about moving forward
7 on voting this today until we have further
8 discussion.

9 CHAIRPERSON WEPRIN: Thank you Mr.
10 Comrie. Let me get to the other questions. Mr.
11 Vacca.

12 COUNCIL MEMBER VACCA: I had some
13 concerns as well and I wanted to go over this with
14 you. First of all you now have 1,294
15 installations on existing poles throughout the 5
16 Boroughs. In your next RFP, what will that number
17 be taken to, from 1,294 to what? How many more do
18 you anticipate having installed?

19 MR. SIKOFF: Well it's unclear.
20 The franchise, it's open to a company--we
21 currently have 6 providers, several have no
22 installations, several have many accumulating up
23 to the 1,294 number. So it's possible we get 3
24 new franchises as part of the next RFP and they
25 may never build out. They may build out an

1
2 undetermined number of poles. So it's unclear to-
3 -

4 COUNCIL MEMBER VACCA:

5 [Interposing] But if you respond to an RFP don't
6 you have to indicate how many installations you
7 anticipate completing?

8 MR. SIKOFF: It's not--

9 MR. SHOR: [Interposing] It's not
10 part of the--

11 MR. SIKOFF: [Interposing] Yeah.

12 MR. SHOR: --criteria--

13 Mr. SIKOFF: [Interposing] Not
14 necessarily.

15 COUNCIL MEMBER VACCA:

16 [Interposing] It's not part of the criteria. Is
17 part of the criteria, I didn't see any reference
18 here to the width of streets. We have many narrow
19 streets in our City which are not even streets.
20 They are alleys. And many undeveloped parts of
21 the outer Boroughs.

22 What is the width of a street where
23 you would require before this can be installed?
24 And I say this because I've had complaints from
25 home owners in my District that have had the

1
2 equipment installed basically on top of their
3 homes. They do not have sidewalks. And if you
4 have no sidewalk, you may have an electrical pole
5 but people are concerned about this
6 telecommunication equipment being so near their
7 homes.

8 You know, I state that because I'm
9 aware of the telecommunication equipment that's on
10 the roof of many buildings throughout our City and
11 the FCC has never made a conclusive study that
12 basically reassures people that in 15, 20 and 30
13 years they're going to be healthy. The FCC has no
14 idea whether or not this telecommunication
15 equipment on the roofs of people's homes has long
16 term effects on people's health. Now I don't know
17 that answer either.

18 But I do see a concern that if we
19 don't have the answer to that question and we're
20 putting this equipment so close to people's front
21 windows in undeveloped streets, is that something
22 that you would--you can reassure me about. Let me
23 put it that way.

24 MR. SHOR: This is--we have our--
25 with the contract provides for certain criteria as

1
2 far as where these--where the equipment can be
3 placed and priorities and that. That the priority
4 is to have met at the intersections which is the
5 wider areas. We have restrictions against having
6 them in the mid blocks.

7 And when we look at these
8 reservations we take a hard look and we do know
9 people have these concerns. And we make every
10 effort, even if it's something that technically
11 is--it may appear to be compliant, we'll work with
12 a company because we know that people have their
13 concerns. We are not trying to shove these into
14 locations. And the companies have been very
15 responsive with us to try to work this out.

16 COUNCIL MEMBER VACCA: But, you
17 know, we as a Council can understand that and I
18 respect you saying that. But I very honestly
19 can't rely on whatever companies get the contract
20 to be responsive or not responsive.

21 I think the public is entitled to
22 certain safeguards in the RFP that you put out.
23 There's no provision in the RFP for prior
24 notification to the Community Board or the Council
25 person. How are we to know when these go up? And

1
2 does it require a Buildings Department permit? I
3 would think no on a City owned pole--

4 MR. SHOR: [Interposing] No the
5 Department of Transportation.

6 COUNCIL MEMBER VACCA: A Department
7 of Transportation permit. Well there's got to be
8 a process where we communicate with the Community
9 Board and the Council person, a prior notification
10 I would think. And also I need it built into your
11 guidelines 'cause I cannot depend on these
12 companies saying oh we're going to listen to the
13 people on that block. And another company saying
14 we're not going to listen.

15 That's kind of--it's not definite.
16 It's something that could change based on who the
17 company is or what the day of the week is. So I
18 want you to look at this and see how we're going
19 to have a community involvement or a community
20 notification. You agree with me that there's no
21 assurance from anyone that this is--that what
22 we're doing is safe.

23 MR. SHOR: Well we--

24 COUNCIL MEMBER VACCA:
25 [Interposing] There's no assurance from anyone.

2 MR. SHOR: Well we only have what
3 we have from the FCC--

4 COUNCIL MEMBER VACCA:

5 [Interposing] Which is nothing. The FCC has given
6 us nothing. They have said that they do not know
7 long term effects but we need this equipment.
8 That's what the FCC has said. And maybe we do
9 need this equipment. The whole world as 3, 4 and
10 5 cell phones. But the reality is that I don't
11 know what the long term impact is. And the FCC
12 does not know what the long term impact is. And
13 the proximity of this equipment to a person's
14 front door is what worries me. So I'd like you to
15 go back--

16 MR. SHOR: [Interposing] Okay.

17 COUNCIL MEMBER VACCA: --because I
18 have concerns with the RFP and that's the basis
19 for my concern.

20 CHAIRPERSON WEPRIN: Thank you Mr.
21 Vacca. Ms. Reyna has a question.

22 COUNCIL MEMBER REYNA: Thank you so
23 much Mr. Chair. I just wanted to understand, who
24 is the authorized agency to inspect these poles?

25 MR. SHOR: Okay the Department of

1
2 Telecommunication, the Department of Information
3 Technology and Telecommunication--

4 COUNCIL MEMBER REYNA:

5 [Interposing] So DOITT--

6 MR. SHOR: --we do inspect. Also
7 the Department of Transportation, of course, this
8 is when it's on a DOT pole would have the ability
9 to inspect them also.

10 COUNCIL MEMBER REYNA: So there's
11 an interagency dialog that occurs as far as
12 inspection process is concerned?

13 MR. SIKOFF: Yes.

14 COUNCIL MEMBER REYNA: And as far
15 as the inspections are concerned, DOITT has
16 inspected how many and how frequent?

17 MR. SIKOFF: To date we've
18 inspected about 80% of the poles. So we haven't
19 had a chance to look at every single one of them
20 just yet.

21 And we kind--we're going out 3, 4,
22 5 days a week to look at the completed
23 installations. So they're inspected when a
24 company reserves a pole for its anticipated use.
25 They're inspected at that point to determine its

1
2 suitability and then following installation it's
3 re-inspected once again to make sure it conforms
4 to the guidelines.

5 COUNCIL MEMBER REYNA: And beyond
6 that? As far as the maintenance thereafter.

7 MR. SIKOFF: Well we have--these are
8 fairly new, they've only been put up within the
9 last 18 months or so. So we do anticipate regular
10 inspections. We haven't come to that point yet
11 but certainly ever--we have an inspection staff
12 that's charged with inspecting these at all times.
13 So we anticipate certainly every year checking
14 every installation to make sure it conforms,
15 again, to those rules and guidelines.

16 COUNCIL MEMBER REYNA: I raise this
17 because I get concerned with some of the poles in
18 my District. They seem to be almost falling over.
19 And the wiring that is just, you know, a mesh of I
20 don't know what. It's hard to distinguish. For
21 me, I'm not a technician.

22 I'm sure the technicians when they
23 go in there they know what they're dealing with
24 but there doesn't seem to be any regard for
25 safety. Perhaps under your regulations there is a

1
2 safety mechanism. But I was wondering and very
3 curious for the public's safety what is the
4 inspection process like and what occurs when there
5 is an inspection where concerns are raised. Is
6 there an issuance of violation to the franchisee?

7 MR. SHOR: We have the ability with
8 the franchisee to get them to take down the
9 installation of there's a problem. I think though
10 that you might be speaking towards the utility
11 companies and the issue with the wooden poles.
12 And that actually is a relationship with the
13 Department of Transportation that would have to
14 be--if you saw something that was wrong with the
15 utility pole--

16 COUNCIL MEMBER REYNA:

17 [Interposing] Um-hum.

18 MR. SHOR: --you'd have to work
19 with the Department of Transportation.

20 COUNCIL MEMBER REYNA: But this is
21 an additional use to those types of poles--

22 MR. SHOR: [Interposing] Yeah--

23 COUNCIL MEMBER REYNA: --correct?

24 MR. SHOR: --and if we saw that--

25 COUNCIL MEMBER REYNA:

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[Interposing] And that is what I'm raising.

MR. SHOR: --there was a concern with the pole as far as the--

COUNCIL MEMBER REYNA:
[Interposing] Um-hum.

MR. SHOR: --pole not being safe. First off the companies themselves don't want to put their equipment on those poles.

COUNCIL MEMBER REYNA: Um-hum.

MR. SHOR: Second off, we wouldn't-- if we saw something wrong with the pole we would not approve them going on the pole. And then of course as the maintenance of the poles over time, that is something that we would have to work with the utility companies but we would have to go through DOT because they have the direct relationship with the utility companies and we don't.

COUNCIL MEMBER REYNA: And with reference to what Council Member Vacca had raised as far as how close in proximity to people's homes or this wasn't raised as far as schools. I remember Peter Vallone had raised introducing law and apparently we didn't have jurisdiction where

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2 the Federal government had passed their own
3 interpretation of law that would not allow us to
4 regulate where in close proximity to a school
5 would this be possible. Is a school being
6 considered as part of this particular contract to
7 stipulate that it should not be a certain mileage
8 close to any school or?

9 MR. SHOR: We have--

10 COUNCIL MEMBER REYNA:

11 [Interposing] Daycare center or?

12 MR. SHOR: We have set up a system
13 where we have a map that's available to the
14 franchisees. And it puts up a flag that there's a
15 school there. We don't, we can't, as you said,
16 legally we can't require that they not be near the
17 schools but they know of the issue about a school.

18 And this is part of working with
19 the companies. Oftentimes though because this is
20 a low powered installation and the schools are set
21 back from the sidewalks, it's not that close to
22 the school in reality as if it were at one of
23 these rooftop installations or something on the
24 school property. So to answer your question there
25 isn't a prohibition about them being near the

schools but--

COUNCIL MEMBER REYNA:

[Interposing] Um-hum.

MR. SHOR: We keep that in mind as we--

COUNCIL MEMBER REYNA:

[Interposing] Um-hum.

MR. SHOR: --work with them to try to encourage them not to pick a location that's right outside a school window. If they're going to be near a school, it will be far enough away that there shouldn't be any issue.

COUNCIL MEMBER REYNA: Right. And I appreciate that particular point as far as the encouraging of working with these franchisees and providing maps in order to express the concern. My last point as far as the MWBE contracting, the City Council has prided itself in passing legislation and adhering agencies to comply with the law that requires a certain percentage of MWBE contracting and subcontracting. Is there such a resolution within your contracting opportunities that would encourage this particular value of contracting with MWBEs as prime contractors or

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subcontractors?

MR. SHOR: We'll have to go back and look at this. I don't want to speak off the cuff on this. And I know there's a certain--they--

COUNCIL MEMBER REYNA:

[Interposing] Is this an oversight or?

MR. SHOR: These contracts are different than the procurement contracts for the City. So I need to look at what's been agreed to as far as what language goes into the revenue contracts for the City. We're presenting opportunities for use of City property and I understand your interest and your concern. But it's not the same as when the City actually lets out a contract for providing City services. We'll have to get back to you on that.

MR. SIKOFF: And just to be clear, it's a nonexclusive franchisee. So as many companies as would like to become a franchisee are able to--

MR. SHOR: [Interposing] Yeah.

MR. SIKOFF: --so.

COUNCIL MEMBER REYNA: And I just

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2 raised the issue, you know, particularly because
3 this is an opportunity for us to encourage, once
4 again, small business growth. And so if there's
5 any language that would assist in perhaps creating
6 some type of apprentice program where, you know, a
7 contracted franchisee would take under its
8 umbrella a rising entrepreneur in this sector,
9 this is the opportunity to do so. And if you can
10 go back to the contract in order to stipulate such
11 language it would be encouraging for the City of
12 New York and businesses alike. Is that something
13 that you can look into?

14 MR. SHOR: I mean certainly we'll
15 look into it.

16 COUNCIL MEMBER REYNA: I know that
17 the Chair, Chair Comrie has already raised it.

18 MR. SHOR: Yes.

19 COUNCIL MEMBER REYNA: I'm raising
20 it as well as Small Business Committee Chair.
21 Thank you.

22 CHAIRPERSON WEPRIN: Thank you
23 Council Member. Council Member Vallone has a
24 question.

25 COUNCIL MEMBER VALLONE: Thank you.

1
2 I want to commend Council Members Comrie and Vacca
3 for bringing up the issue about the proximity to
4 people's homes. Jimmy Vacca is absolutely right
5 about the FCC. Not only have they provided no
6 guidance, they've hamstrung local communities by
7 saying we can't do any legislation based on health
8 concerns even though they're, huh, they have no
9 ideas about the health concerns and all the
10 science they use is from the 70s and the 80s.

11 I've in fact introduced a
12 resolution last week to provide community notice
13 when these cell towers go up on residential
14 buildings. And to require proof that these sites
15 were attempted to be located in nonresidential
16 areas which is basically all we can do under the
17 Federal rules.

18 We can't prohibit them from a
19 location near a school or a bedroom. And we
20 cannot allow this law to circumvent our laws.
21 Yes, the poles are usually better than rooftops
22 'cause they're usually not facing someone's
23 bedroom. And as you said they're usually on
24 intersections.

25 But we can't rely on that as Jimmy

1
2 Vacca said. Some companies are responsible.
3 Others are completely irresponsible. And Nextel
4 comes to mind. And so you mentioned that you
5 discourage mid block locations. How? Is there
6 anything in this RFP or what safeguards are in
7 here to allow a community some input? If they are
8 putting one up directly outside a school or
9 directly outside someone's bedroom.

10 MR. SHOR: The mid block is a
11 requirement within the contract that if they
12 reserve a mid block location they have to get a
13 waiver from us. So we go through a whole process.
14 And we can deny these locations on the mid block.
15 We usually, if we're not going to deny a mid block
16 it's because there is a big open space at that
17 location or there is absolutely nothing available
18 at the intersections.

19 And still if it's--if they choose a
20 location that's clearly outside somebody's window,
21 we'll deny it. We don't have to approve those
22 locations if they're on the mid block. The
23 contract requires them to go to the intersections.
24 I mean obviously we don't want to put the
25 companies out of business and if they find a

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2 location where it's, you know, on a high utility
3 pole and there's, you know, there's no building at
4 that mid block or there's a low building at that
5 mid block, that appears not to create a land use
6 impact, we can do a waiver on something like that.

7 COUNCIL MEMBER VALLONE: So who
8 actually denies it? DOT?

9 MR. SHOR: No we would deny it at
10 DOITT.

11 COUNCIL MEMBER VALLONE: Okay. And
12 I mean I'm glad that that's in there but the
13 community has no idea that this is going on.
14 They're not notified. We don't know whether
15 you're denying or not denying. All this happens
16 outside the purview of the City Council and the
17 Community Board and community members.

18 MR. SHOR: That's correct.

19 COUNCIL MEMBER VALLONE: Okay. I
20 would like that changed or I don't see how I could
21 vote for this. I would some community
22 notification that this is going on in a way for us
23 to flag it to you in case you're busy, you're
24 overworked, so your staff is cut like everyone
25 else's, so that we can flag to you these

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2 locations, we need to have you deny. And that's
3 not in here right now. And it's all up to you and
4 you could be doing a great job but things fall
5 through the cracks. So we need some
6 notifications. Thank you.

7 [Pause]

8 CHAIRPERSON WEPRIN: Any other
9 questions from the panel? Okay. So here's what
10 we're going to do. We are going to take up
11 actually--we're going to take this item and we're
12 going to put it over until our next meeting so we
13 can deal with some of these issues. And then
14 we're going to take a vote on all the items we've
15 heard so far today and I'll reiterate those
16 afterwards.

17 And then we're going to do Boro
18 Park. After that do the hearing on Boro Park,
19 after the vote. And we'll see that. So gentlemen
20 thank you very much. We appreciate it. And we
21 are going to put this item over until next time.
22 And what I'm going to do now is I'm going to
23 couple the following items: the 2 cafes, Land Use
24 86, Willburg Café; Land Use 87, Le Barricou; more
25 or less, and the Astoria rezoning, Land Use 97;

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2 and the Astoria rezoning text amendment, Land Use
3 number 98. So those 4 items are now coupled. And
4 I am going to recommend an aye vote on these. And
5 I'm going to ask the--

6 SERGEANT AT ARMS: [Interposing]
7 Quiet please.

8 CHAIRPERSON WEPRIN: --Counsel to
9 read the role on these items and we'll take a
10 vote. Thank you.

11 MR. CHRISTIAN HILTON: Christian
12 Hilton, Counsel to the Committee. Chairman
13 Weprin.

14 CHAIRPERSON WEPRIN: Aye.

15 MR. HILTON: Council Member Reyna.

16 COUNCIL MEMBER REYNA: I vote aye
17 and I'd like to thank Peter from the Land Use
18 staff on his work on assisting our office with the
19 sidewalk cafes. Congratulations to Le Barricou
20 and Willburg Café.

21 MR. HILTON: Council Member Comrie.

22 COUNCIL MEMBER COMRIE: Aye on all.

23 MR. HILTON: Council Member Vann.

24 COUNCIL MEMBER VANN: Aye.

25 MR. HILTON: Council Member

Garodnick.

COUNCIL MEMBER GARODNICK: Aye.

MR. HILTON: Council Member Lappin.

COUNCIL MEMBER LAPPIN: Aye.

MR. HILTON: Council Member Vacca.

COUNCIL MEMBER VACCA: Aye.

MR. HILTON: Council Member

Ignizio.

COUNCIL MEMBER IGNIZIO: With
congratulations to Peter Vallone, I know how
difficult it is to do such a long and
comprehensive rezoning and his community, I vote
aye on all. Thank you.

MR. HILTON: By a vote of 8 in the
affirmative, none in the negative and no
abstentions, LU 86, 87, 97 and 98 are approved and
referred to the full Land Use Committee.

CHAIRPERSON WEPRIN: Thank you very
much. Peter we didn't want your head to get too
big, you know, you got too many compliments,
that's all. During the hearing. Okay so what
we're going to do now is we're going to move on to
the next Land Use item which is on the previous
page.

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2 It's Land Use item number 90, this
3 is C 070520 ZMK. It's the 18th Avenue rezoning in
4 Boro Park, Brooklyn in Council Member Greenfield's
5 District. Testifying on behalf of the applicants
6 are Moshe Friedman the architect on this project
7 and Jom Tob Gluck on behalf of the applicants.
8 Thank you. Please state your name for the record.

9 MR. MOSHE FRIEDMAN: Hello. My
10 name is Moshe Friedman of the firm Friedman, PE.
11 And we've been working on this project with the
12 former Councilman Mr. Felder for the past 4 years.

13 [Pause]

14 MR. FRIEDMAN: If you haven't had
15 any excitement today, now, we get the excitement a
16 little bit. Actually this is--we thought and when
17 we started this project it was a fairly simple
18 project. 18th Avenue is a local commercial
19 corridor, C-1-3 zone overlaid on an existing R-5
20 zone.

21 C-1-3 is a local retail district
22 and that's what it is. Even parts of the district
23 that are not zoned C-1-3 as long.. [mic cuts out]
24 here are also, they also have commercial uses.
25 You can see in your handouts in the back there are

1
2 pictures for the 4 blocks, 2 blocks on either
3 side, the whole commercial character of the
4 neighborhood. For some reason in 1961 the block
5 between 47th Street and 48th Street was left out.
6 Most probably because there were 2 houses facing
7 the wrong direction.

8 Since that time 1 of the houses
9 because a synagogue so there's only 1 house left.
10 And it's very hard to... it's very hard to develop.
11 Nobody wants to live on a busy, commercial
12 district. You'll hear people will say oh it's
13 such a residential district. Anybody walking down
14 18th Avenue and are going to tell me it's a
15 residential district has to have his head
16 examined.

17 It's a purely commercial corridor
18 and we just want to continue for the good of the
19 commercial character of the neighborhood, the
20 commercial character on 18th Avenue between 47th and
21 48th. This commercial district would only go in
22 100 feet instead of the usual 150 feet. It will
23 not--

24 CHAIRPERSON WEPRIN: [Interposing]
25 Hold on one second. If I could just have some

1
2 quiet in the audience. I know some people from
3 the community are here and you'll get your chance
4 to testify but if we could just please keep the
5 murmuring down a little bit. Thank you.

6 MR. FRIEDMAN: If... City Planning
7 did studies. It will not increase the parking
8 load because it is a commercial district. And
9 anything that would be developed on this property,
10 commercially, would just be a continuation of the
11 existing commercial character of the neighborhood.
12 We passed--we did--we got a negative DEC and
13 there's no increase in parking load.

14 On the other hand if the building
15 would be developed as a residential building,
16 which is not commercial worth it but if you would
17 do, Boro Park zoning is unique in the City of New
18 York. As a 3-family house could be built, 3
19 stories, 3-family house, and no parking even
20 though it's an underlying R-5 zone.

21 And a 3-family house would for sure
22 bring at least 3 more cars to the neighborhood.
23 Plus both along 47th Street and on 48th Street, all
24 the houses have driveways. If you look at the
25 radius map, the radius map shows the garages in

1
2 the back. It's the colored... [Pause] Each one of
3 your handouts has it. You'll see the garages.

4 And when we were in front of City
5 Planning we showed pictures off the internet, off
6 Google Maps, which is unusual and you can see all
7 the cars parked in all the driveways. So it's not
8 like this project would take any parking spaces
9 away because there's plenty of parking for all the
10 local residents.

11 In reality this is really a down
12 zoning. Because once we put a commercial property
13 on this, our maximum Floor Area Ratio is 1.25.
14 And for a community facility it would be 2. In
15 Boro Park zoning for residential building, you
16 have a 1.8 Floor Area Ratio in order to put up a
17 3-family house.

18 The minute--but that's only if you
19 have a 3-story, 3-family and less dwelling.
20 Anything, any commercial district right away pulls
21 you down, back to the 1.25.

22 A community facility Floor Area
23 Ratio of 2 would be appropriate and permitted
24 either which way. A synagogue, health center, any
25 type of medical thing could be built there today

2 because it's a R-5 zone and that's a community
3 facility. There is no change with the commercial
4 overlay to allowable uses other than the
5 commercial use on the first floor. And that in
6 itself entails a lower Floor Area Ratio for the
7 entire property.

8 CHAIRPERSON WEPRIN: I'm going to
9 interrupt you again one second. We're going to
10 have questions after. Do you want to let Council
11 Member Jackson vote on the previous items as long
12 as he's here?

13 MR. HILTON: Council Member
14 Jackson.

15 COUNCIL MEMBER JACKSON: I vote aye
16 on all.

17 MR. HILTON: Council Member
18 Seabrook.

19 COUNCIL MEMBER SEABROOK: Aye on
20 all.

21 MR. HILTON: The vote now stands 10
22 in the affirmative, none in the negative, no
23 abstentions.

24 CHAIRPERSON WEPRIN: Thank you.
25 And I apologize for that interruption.

2 MR. FRIEDMAN: Okay--

3 CHAIRPERSON WEPRIN: [Interposing]

4 Go ahead.

5 MR. FRIEDMAN: --City Planning

6 looked at the project. We've been working with
7 them for 4 years. The Borough President looked at
8 the project. And looking at it with a critical
9 eye for the good of the City and the good of
10 Brooklyn, it was determined that this commercial
11 district should be extended--it's not extended,
12 it's filling in a hole on 18th Avenue. That's all
13 it is. We're not--it's not a change to the
14 character of the neighborhood.

15 CHAIRPERSON WEPRIN: I'm looking at
16 the book here. You have pictures of a lot of the
17 storefronts that are on the neighboring blocks.
18 But you don't seem to have pictures of the actual
19 block in question. Do you have photographs of the
20 block that you're asking for the commercial
21 overlay on?

22 [Pause]

23 MR. FRIEDMAN: No, not here.

24 CHAIRPERSON WEPRIN: Okay.

25 MR. FRIEDMAN: It...

2 CHAIRPERSON WEPRIN: Because we
3 have--I have some pictures here from that block.
4 If you could just tell me whether these are
5 actual, a good representation of what that street
6 looks like.

7 MR. FRIEDMAN: That is not the
8 avenue. This one is the avenue. And this one is
9 the avenue. Yeah, these are the pictures--

10 CHAIRPERSON WEPRIN: [Interposing]
11 Those are the side streets, the other ones? Is
12 that what you're saying--?

13 MR. FRIEDMAN: [Interposing] This
14 is the side streets.

15 CHAIRPERSON WEPRIN: Um-hum. Well
16 they're--

17 MR. FRIEDMAN: [Interposing] This
18 is the synagogue on the corner of 48th Street and
19 the property in question... [Pause] Okay. These are
20 the pictures we provided to City Planning. These
21 pictures are the side streets--

22 CHAIRPERSON WEPRIN: [Interposing]
23 Okay.

24 MR. FRIEDMAN: --which we're not
25 planning on [chuckling] doing anything with.

2 CHAIRPERSON WEPRIN: Can I--

3 MR. FRIEDMAN: [Interposing] These-
4 -these pictures--

5 CHAIRPERSON WEPRIN: [Interposing]
6 Okay. I want them back.

7 MR. FRIEDMAN: --are the synagogue
8 and the property in question. The synagogue would
9 actually be legalized under the current--

10 CHAIRPERSON WEPRIN: [Interposing]
11 May I see them again? I'm sorry. I don't--I just
12 want to make sure I'm looking at the right thing
13 before I commented on them. Okay. I'm sorry. Go
14 ahead. What were you saying?

15 MR. FRIEDMAN: The synagogue
16 actually would be legalized under the--it's an
17 illegal synagogue.

18 CHAIRPERSON WEPRIN: It's an
19 illegal synagogue?

20 MR. FRIEDMAN: What can I tell you-
21 -?

22 CHAIRPERSON WEPRIN: [Interposing]
23 What does that mean?

24 MR. FRIEDMAN: It doesn't have a C
25 of O as a synagogue.

2 CHAIRPERSON WEPRIN: Okay. All
3 right. But the zoning--

4 MR. FRIEDMAN: [Interposing] But
5 under--because--under the zoning, you would need--
6 the Floor--

7 CHAIRPERSON WEPRIN: [Interposing]
8 It's a community facility.

9 SERGEANT AT ARMS: Quiet please.

10 MR. FRIEDMAN: Because a community
11 facility requires in an R-5 zone a 10 foot front
12 yard and the building is built all the way out to
13 the street. The building never went to the Board
14 of Standards and Appeals. So--

15 CHAIRPERSON WEPRIN: [Interposing]
16 The picture I'm looking at though of the synagogue
17 I guess this is, yeah, of the synagogue, I mean
18 the buildings there are a different look than the
19 block, next block over which is just like a little
20 commercial strip. It's a lower down, typical--

21 MR. FRIEDMAN: [Interposing]
22 Correct.

23 CHAIRPERSON WEPRIN: --commercial
24 storefront--

25 MR. FRIEDMAN: And the synagogue

1 is... [Pause] The proposal is for a taxpayer.

2 CHAIRPERSON WEPRIN: Right. And
3 but it seems like this block is a much different
4 looking block than that block before.

5 MR. FRIEDMAN: Well the whole block
6 is the 200 feet along the avenue. If you stand on
7 the avenue, you see it all. There's a 3-story
8 synagogue. If we could--

9 CHAIRPERSON WEPRIN: [Interposing]
10 Right. And then there's a 3-story synagogue on
11 this property--

12 MR. FRIEDMAN: [Interposing] On the
13 one corner and we would just change the other
14 corner.

15 CHAIRPERSON WEPRIN: And then the
16 side street has this house that you pointed to.
17 This is part of the avenue as well? Or is--

18 MR. FRIEDMAN: [Interposing] No
19 that is the property in question. That is
20 exactly--

21 CHAIRPERSON WEPRIN: [Interposing]
22 So this has--this building right here is the
23 property you want to turn into a bank.

24 MR. FRIEDMAN: Correct. That's it.
25

2 CHAIRPERSON WEPRIN: Any--okay I
3 mean this is a much different look obviously at
4 the moment than the other blocks. I mean--

5 MR. FRIEDMAN: [Interposing] Well
6 that's what--but on 18th Avenue it stands out.

7 CHAIRPERSON WEPRIN: And the side
8 streets have residential buildings but they're not
9 covered under--you're saying they're not on that
10 where the overlay would be but these are side
11 streets with these houses here. It's a very
12 residential block over here, right? So I----

13 MR. FRIEDMAN: [Interposing]
14 Correct, along all of 18th--all of the side streets
15 along 18th Avenue are residential. That's the
16 whole idea of a commercial overlay.

17 CHAIRPERSON WEPRIN: Right. Thank
18 you for that.

19 [Off mic]

20 CHAIRPERSON WEPRIN: These are
21 above the storefronts here?

22 [Off mic]

23 CHAIRPERSON WEPRIN: Oh that's on
24 the other side of 18th Ave.

25 MR. FRIEDMAN: The other side--

1
2 yeah.

3 CHAIRPERSON WEPRIN: Okay.

4 [Off mic]

5 CHAIRPERSON WEPRIN: All right.

6 Does anyone have any questions on this particular
7 item? Anybody on the panel? Any other questions?
8 Leroy?

9 COUNCIL MEMBER COMRIE: Yeah.

10 Trying to pull up my Google maps to see what the
11 site looks like but my computer's running slow.
12 But is that the actual site.

13 MR. FRIEDMAN: Yeah that's the
14 actual site.

15 [Pause]

16 COUNCIL MEMBER COMRIE: Okay. So
17 the site is the synagogue? Or the site--

18 MR. FRIEDMAN: [Interposing] The
19 site is next door to the synagogue.

20 COUNCIL MEMBER COMRIE: Okay. Is
21 it... oh it's that building there. So is this going
22 to be the building afterwards or what--

23 [Off mic]

24 MR. FRIEDMAN: This is the building
25 now.

2 COUNCIL MEMBER COMRIE: Okay.

3 MR. FRIEDMAN: Right over here.

4 COUNCIL MEMBER COMRIE: Right.

5 MR. FRIEDMAN: And that is the
6 synagogue next door.

7 COUNCIL MEMBER COMRIE: And what's
8 the use of this building now?

9 MR. FRIEDMAN: It's a residential
10 building. But it's in disrepair already and we
11 would like to redevelop it.

12 COUNCIL MEMBER COMRIE: So you want
13 to tear it down and put up a new edifice?

14 MR. FRIEDMAN: Correct. A local
15 bank is what the developer is really looking to
16 do.

17 COUNCIL MEMBER COMRIE: Next to the
18 synagogue.

19 MR. FRIEDMAN: Yeah. There are--if
20 you look along 18th Avenue... [Pause] actually the
21 Rabbi of the synagogue signed a consent. City
22 Planning required us to get consent from anybody
23 in the commercial district, the proposed overlay,
24 we have consent letters. If you look along 18th
25 Avenue [mic cuts out] other synagogues in the

1 commercial zone. It's full of synagogues and
2 stores.

3
4 COUNCIL MEMBER COMRIE: And you
5 said the previous Council Member worked with you
6 on--?

7 MR. FRIEDMAN: Sim--yes. Simcha
8 Felder set up our meetings with City Planning and
9 that's how we got where we are.

10 CHAIRPERSON WEPRIN: Now Leroy can
11 I interrupt or are you still going.

12 COUNCIL MEMBER COMRIE: Yeah go
13 ahead.

14 CHAIRPERSON WEPRIN: Sorry. The
15 Community Board I understand voted unanimously
16 against this. What were their reasoning?

17 MR. FRIEDMAN: Well we--I have over
18 here, which I'll give you, is 60 consent letters
19 from the 400-foot radius which you see on this
20 map. And a letter from the Community Board.

21 We had no idea there was--the
22 Community Board had no idea there was--the staff,
23 that there was any opposition. So we didn't bring
24 anybody and at the next--so that was at the Zoning
25 Committee. And we are not allowed to talk at the

1
2 full Community Board. So once the Zoning
3 Committee turned it down, the full Community Board
4 turned it down--

5 CHAIRPERSON WEPRIN: [Interposing]
6 Right.

7 MR. FRIEDMAN: --and when we tried
8 to reschedule they didn't have time because the
9 clock was running.

10 CHAIRPERSON WEPRIN: How much
11 before the Community Board meeting did the Zoning
12 Subcommittee--

13 MR. FRIEDMAN: [Interposing] The
14 day before.

15 CHAIRPERSON WEPRIN: Day before.
16 Now what was the rationale? I mean what; I mean
17 that's a pretty overwhelming number, I mean what's
18 the community's feeling on that. I'm sure we'll
19 hear from some other people but--

20 MR. FRIEDMAN: [Interposing] Well
21 you'll hear but you have 60 people from that--oh
22 by the way, these are all home owners.

23 CHAIRPERSON WEPRIN: Um-hum.

24 MR. FRIEDMAN: Each one of them is
25 a property owner. There are notarized consent

1
2 forms over there. And we have another couple more
3 coming this week. They only heard negative. They
4 didn't hear positive. They didn't know there was
5 any--they were all talking about parking. And
6 they were complaining about the... public school,
7 how the busses idle. But that has nothing to do
8 with this project.

9 CHAIRPERSON WEPRIN: Okay I see.

10 [Pause]

11 COUNCIL MEMBER COMRIE: Council
12 Member Greenfield just came in. I'm just taking a
13 look at this--

14 CHAIRPERSON WEPRIN: [Interposing]
15 You have good timing Council Member.

16 COUNCIL MEMBER COMRIE: Because I
17 was going to ask the same question, why did the
18 Community Board vote it down?

19 CHAIRPERSON WEPRIN: Well Council
20 Member Greenfield, you were a member of the
21 Community Board weren't you at the time? Or no?
22 Were you a member of the Community Board when this
23 voted?

24 [Off mic]

25 CHAIRPERSON WEPRIN: Push it, yeah.

2 COUNCIL MEMBER GREENFIELD: I was a
3 member of the Community Board at the time.

4 CHAIRPERSON WEPRIN: Okay this is
5 Council Member David Greenfield. You want to make
6 a statement on this and talk about it? As long as
7 the applicant's here?

8 COUNCIL MEMBER GREENFIELD: Yeah I
9 mean I think the Community Board voted--the
10 Community Board voted it down unanimously because
11 there was simply no support from the community.
12 And there was quite a bit of opposition. So I
13 think that was really--that was essentially it.
14 And quite frankly there wasn't anyone there at the
15 time that was actually supporting the project.
16 And I can tell you unfortunately until even now, I
17 have yet to receive a single phone call in favor
18 of the project. And we've received dozens of
19 phone calls of people who are opposed to the
20 project so--

21 [Applause]

22 COUNCIL MEMBER GREENFIELD: --it
23 is, I mean it's a significant concern. And I
24 think the predominant concern really is that this
25 is a residential block. It's essentially a home

1
2 that's going to be converted into a commercial
3 facility. And I think that's really something
4 that is frustrating many of the neighbors and
5 rightfully so. So I apologize. I was stuck over
6 at the meeting with the Mayor's Office on a
7 related issue. So I'm a little bit late. I'm a
8 little bit late. But that's sort of the general
9 sense Mr. Chairman.

10 CHAIRPERSON WEPRIN: The applicant
11 was here, just made their statement. And we're
12 going to wrap up with them. And I didn't know if
13 you have any specific questions you want to ask
14 them before we excuse them. Is there some form of
15 written testimony? He has this package of
16 brochures.

17 [Pause]

18 CHAIRPERSON WEPRIN: They went
19 through their claims that the whole neighborhood
20 has these commercial overlays and that this one
21 would be included in that. And that, you know,
22 they weren't aware of the Community Board
23 opposition was their response to that. So. I
24 know we have members of the community who will be
25 testifying that live near, on the block.

2 COUNCIL MEMBER GREENFIELD: I guess
3 my question specifically would be why, if there
4 was support for the project in the community, why
5 didn't you have people come out to either the
6 Community Board hearing or the actual Community
7 Board to testify in favor of the project?

8 MR. FRIEDMAN: Okay. The Zoning
9 Committee met and we were told there was no
10 opposition and therefore Mr. Rayburn - - thought
11 we would be out in 2 minutes and that the next
12 project would have problems. And it ended up the
13 other way around. We were also told that at the
14 next night we could not speak.

15 And Mr. Rayburn Wetzel [phonetic]
16 then asked maybe we would withdraw it and
17 reintroduce it. But the problem is the clock was
18 ticking. We could not withdraw it and reintroduce
19 it. That was an impossibility. And we weren't
20 allowed to speak. So there was nothing for us to
21 come to the next evening and just sit there the
22 next evening.

23 COUNCIL MEMBER GREENFIELD: I mean
24 just so you know, I mean what is traditionally
25 done is that people who support the project or

1
2 oppose the project, they attend whether they're
3 unable to speak. And many of the people in this
4 room attended even though they weren't able to
5 speak just to obviously show that they were
6 opposed to the project.

7 The other thing that--the other
8 reality is that if there is a member of the Board
9 who would have supported you, that member would
10 have had the ability to speak but there weren't.
11 I mean the Board was sort of unanimously opposed
12 to it.

13 My other question for you, I guess,
14 Mr. Friedman is, you know, I definitely recognize
15 that much of the neighborhood surrounding it right
16 now has a commercial overlay. But do you
17 recognize that regardless of that commercial
18 overlay much of that neighborhood still hasn't
19 been transformed into a commercial area.

20 And, you know, those of you who
21 aren't familiar, the simple way for me to put it
22 is that 18th Avenue is not 13th Avenue, right? I
23 mean it's sort of a different block. And if you
24 look at 18th Avenue, you'll notice that several
25 blocks down, many of the locations that do have

2 commercial overlay currently, they either have
3 synagogues or schools or they have residences, is
4 that not the case?

5 MR. FRIEDMAN: But that's down, not
6 in the middle of a heavy commercial district.
7 Between, what streets are... between 46th Streets and
8 I think all the way up to 54th Street it's all
9 commercial.

10 COUNCIL MEMBER GREENFIELD:

11 Actually that's not correct. In fact, in fact..
12 I'm just, you know, I was worried that we'd have
13 this dispute. So what I did was I actually
14 recorded, when I drove in this morning I recorded
15 the block. And I'm actually looking over here at
16 the block--

17 CHAIRPERSON WEPRIN: [Interposing]

18 Which block?

19 COUNCIL MEMBER GREENFIELD: --on
20 53rd Street both sides are--on the left hand side
21 coming from 53rd to 52nd, it's basically a school.
22 There's no commercial activity. On the right hand
23 side after Gila LaCar [phonetic] you have several
24 homes. And then on the left hand side you also,
25 once again, have schools and synagogues. No

1 commercial activity.

2
3 So basically what I'm looking at is
4 actually the exact opposite honestly of what
5 you're telling me. And that is that yes it is
6 true that some of the blocks, I think specifically
7 49th Street, across the street from the famed
8 Felder Shul, there are some stores. But quite a
9 few of the blocks are predominantly, even though
10 they have a commercial overlay they're either
11 residential or they're schools.

12 So from my perspective, once again,
13 my main concern which I think you haven't
14 addressed and this is why I'm supportive of the
15 unanimous decision of the Community Board and of
16 the neighbors in opposition to this particular
17 project is the fact that this is really, I would
18 say, every other block effectively is commercial.

19 Sort of when you come to this
20 particular neighborhood especially when you're
21 moving up from 48th Street and on. And so my
22 concern is that changing the commercial character
23 of this particular corner effectively would sort
24 of create a domino effect where you'd be
25 encouraging the rest of the blocks to change over

1
2 into commercial which in my humble opinion and I
3 think the opinion of the residents who live there
4 would significantly alter and diminish the quality
5 of life for the residents who live on those side
6 streets.

7 So I'm sorry to say Sir but I think
8 your facts, based on my flip camera are incorrect
9 and I would invite you to review them with me
10 afterwards if you'd like.

11 MR. FRIEDMAN: Well if you go from
12 51st Street, 50th Street, 49th Street, 48th Street,
13 even along 18th Avenue, keep on going and you have
14 the photographs in there. All those blocks--

15 COUNCIL MEMBER GREENFIELD:

16 [Interposing] Correct.

17 MR. FRIEDMAN: --are commercial.

18 COUNCIL MEMBER GREENFIELD: I agree
19 with you. However the blocks are zoned as
20 commercial--

21 MR. FRIEDMAN: [Interposing] No
22 and--

23 COUNCIL MEMBER GREENFIELD: --but
24 they're utilized, if you don't mind, I'm in the
25 middle of speaking. The blocks are not currently

1
2 being utilized as commercial. And quite frankly
3 these photographs are selective photographs. And
4 your statement which was, we don't have a
5 transcriber but if we were to review it I believe
6 it was something to the effect that everything is
7 commercial through 54th Street is clearly
8 inaccurate based on a video that I'm holding in my
9 hand.

10 And so not to recognize that, quite
11 frankly, is dishonest and it's not fair really to
12 the community. And so that's sort of lends itself
13 in terms of to my concerns. You can't come in and
14 make a representation that everything is
15 commercial from 48th Street to 54th Street when the
16 facts are otherwise and I have the video to prove
17 it. So with all due respect, you're wrong.

18 MR. FRIEDMAN: All those--the only
19 reason those community facilities could be built
20 up to the lot line is because that's a commercial
21 district.

22 COUNCIL MEMBER GREENFIELD: That
23 does not mean that those community facilities are
24 commercial I mean--

25 Mr. FRIEDMAN: [Interposing] But

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the--

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COUNCIL MEMBER GREENFIELD: --but

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at the end of the day there's a big difference

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between community facilities, a, and b, there are

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quite a few houses on those blocks as well which

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you're not recognizing. I know this by the way

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because I knocked on those doors, not three months

9

ago when I was campaigning door to door. And in

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fact someone there is waving because I knocked on

11

this door, right?

12

I knocked on individual's doors and

13

they were houses. It was not a figment of my

14

imagination when I knocked on the door and said

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hey, please vote for me. These are people who

16

currently live in a residential neighborhood and

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they do not want a commercial structure in a

18

residential neighborhood deteriorating the quality

19

of life. And from my perspective that's a very

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reasonable request and quite frankly the

21

information that you're giving us is flawed.

22

MR. FRIEDMAN: If you're going to

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drive down 18th Avenue and you tell me it's a

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commercial zone. Your problem.

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CHAIRPERSON WEPRIN: Are you

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leaving? We have more questions--

MR. FRIEDMAN: [Interposing] Oh--

CHAIRPERSON WEPRIN: --hold on. We have another question. I'm sorry, guys, gentlemen. Please. Council Member Reyna.

COUNCIL MEMBER REYNA: Thank you so much Mr. Chair. I just wanted to understand [off mic] I needed to understand the map that you have provided for us with the street names and the purple proposed bank. Is that one parcel, buildable lot?

MR. FRIEDMAN: No, the purple--no that is--the rest of those houses are staying there and are not being changed. The only one is 1776 18th Avenue, Lot 37. But City Planning does not issue a--

COUNCIL MEMBER REYNA:
[Interposing] Spot zoning. Correct

MR. FRIEDMAN: --spot--it would be nice to get spot zoning but--

COUNCIL MEMBER REYNA:
[Interposing] If you could just allow me to ask my next question. As far as your property is concerned, is it in use currently?

MR. FRIEDMAN: The developer that owns it, he's renting it out.

COUNCIL MEMBER REYNA: He's renting it out to whom?

MR. FRIEDMAN: Two tenants--

COUNCIL MEMBER REYNA:

[Interposing] Can you speak into the mic please?

MR. JOM TOB GLUCK: Two tenants.

COUNCIL MEMBER REYNA: Two tenants, and who are they?

MR. GLUCK: A temporary, we are remodeling the house. So they stayed there for two months--

COUNCIL MEMBER REYNA:

[Interposing] So it's a residential?

MR. GLUCK: Yes.

COUNCIL MEMBER REYNA: Structure currently.

MR. GLUCK: Yes, yes.

COUNCIL MEMBER REYNA: On both properties?

MR. GLUCK: What do you mean? On one.

COUNCIL MEMBER REYNA: On one

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property.

MR. GLUCK: Yes.

COUNCIL MEMBER REYNA: And this is a 2-family home or?

MR. GLUCK: Yes, 2-family.

COUNCIL MEMBER REYNA: It's a current 2-family structure, fully occupied--

MR. GLUCK: [Interposing] In very bad condition.

COUNCIL MEMBER REYNA: And--well very bad condition, you could have addressed that as far as renovations.

MR. GLUCK: I live on this plot for 37 years.

COUNCIL MEMBER REYNA: No I'm not debating that Sir; I just wanted to understand what are we referring to and its current use. I see we've been provided by our wonderful director, this structure. And it clearly demonstrates how residential this block is. Now as far as your right as a property owner, you could have gone to the Board of Standards and Appeals. Did you go there?

MR. FRIEDMAN: You can't go. It's

1
2 not a unique block. You know when you go to the
3 Board of Standards and Appeals there are--

4 COUNCIL MEMBER REYNA:

5 [Interposing] No I'm not--

6 MR. FRIEDMAN: --five findings.

7 COUNCIL MEMBER REYNA: Correct.

8 MR. FRIEDMAN: And there's no
9 uniqueness inherent in the physical block--lot so
10 therefore no variance can be given unless it's a
11 community facility. Yes. He can go ask for a
12 community facility as a variance--

13 COUNCIL MEMBER REYNA:

14 [Interposing] Correct.

15 MR. FRIEDMAN: --and build a 3-
16 story, 4-story Yeshiva building over there which
17 will bring a lot more traffic to the neighborhood
18 than a 1-story bank.

19 COUNCIL MEMBER REYNA: But we're
20 not talking about community facility alone if
21 there were five findings of hardship. He's
22 claiming there's hardship due to the condition of
23 the building itself.

24 MR. FRIEDMAN: Doesn't help.

25 COUNCIL MEMBER REYNA: That exists

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right now.

MR. FRIEDMAN: Trust me. I do the Board, BSA, all the time. Not granted. You cannot--you need--

COUNCIL MEMBER REYNA:
[Interposing] But can you just--

MR. FRIEDMAN: --have physical lot--
-a uniqueness of lot in order to go for a variance.

COUNCIL MEMBER REYNA: And the uniqueness of the lot only granted if he were to apply would be what?

MR. FRIEDMAN: None. There is no uniqueness to the lot.

COUNCIL MEMBER REYNA: And you are seeking a rezoning to completely change the block.

MR. FRIEDMAN: No. We're not changing the--completely changing the block. We're continuing the commercial character of that section of 18th Avenue. It's not changing the character. If you come out there or you use Mr. Comrie's computer and look at Google and look at the blocks right there, you'll see that it's commercial.

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COUNCIL MEMBER REYNA: No I completely understand what you have expressed and tried to illustrate in your package, it's just, you know, I concur to what the Council Member has already mentioned to you. I was looking for the block itself in your presentation and it didn't have it. Granted this is what I was trying to seek. And it clearly states to me that this is a residential block.

MR. FRIEDMAN: Across the street it's a full--it's all stores Across the street on 47th Street it's stores. Across--

COUNCIL MEMBER REYNA:
[Interposing] You've--

MR. FRIEDMAN: [Interposing] Yes.

COUNCIL MEMBER REYNA: --clearly stated that.

MR. FRIEDMAN: You understand? So it surrounded on all three sides by stores.

COUNCIL MEMBER REYNA: Well I wanted clarification because there is a BSA process that gives owners an opportunity. This would be considered a spot zoning and it's not allowed. And a uniqueness that you're trying to

1
2 seek is not able to be achieved at the BSA;
3 therefore you've gone to City Planning--

4 MR. FRIEDMAN: [Interposing]

5 Correct.

6 COUNCIL MEMBER REYNA: --and you're
7 proposing to transform what is a residential
8 block.

9 MR. FRIEDMAN: A residential end--

10 COUNCIL MEMBER REYNA:

11 [Interposing] Thank you.

12 MR. FRIEDMAN: --not the whole
13 block.

14 CHAIRPERSON WEPRIN: Thank you.

15 Our Director of Land Use, Gail Benjamin has a
16 comment to make.

17 MS. GAIL BENJAMIN: Yeah I just
18 want to clarify the BSA variance process. Under
19 the variance process the Board of Standards and
20 Appeals must make all five findings. The first
21 finding is that there is a physical uniqueness to
22 the property. The second finding is that that
23 physical uniqueness prevents them from making a
24 reasonable return. The third one is that it's not
25 a self-created hardship. The fourth one is that

2 it is the least variance that can be granted. And
3 the fifth one is that it has the least impact on
4 the community.

5 The Board of Standards and Appeals
6 must make each and every one of the findings. And
7 I think that's what the architect was trying to
8 indicate that there was no physical uniqueness
9 that would have allowed even the first finding to
10 be met.

11 MR. FRIEDMAN: Correct. Thank you.

12 CHAIRPERSON WEPRIN: Okay. Anybody
13 else want to comment? Mr. Friedman, Mr. Gluck,
14 thank you very much. We're going to hear from
15 members of the community now as well--

16 MR. GLUCK: [Interposing] I'd just
17 like to make one comment.

18 CHAIRPERSON WEPRIN: --yes. Yes
19 Mr. Gluck.

20 MR. GLUCK: I have much more people
21 for it than we have against it. It always works
22 this way. The majority, the silent majority is
23 always quiet. It's troubled people that talk out.
24 It's always this way.

25 CHAIRPERSON WEPRIN: Thank you.

1
2 don't walk away from the mic just yet, okay thank
3 you--

4 COUNCIL MEMBER GREENFIELD:

5 [Interposing] I just wanted to clarify. Mr.
6 Gluck, you recall when we had a conversation on
7 Thursday and you came into my office, I
8 specifically asked you and told you that if you
9 had people in favor of it please have them call my
10 office--

11 MR. GLUCK: [Interposing] I didn't
12 have time to do it--

13 COUNCIL MEMBER GREENFIELD: --or
14 please have them send me an email or please have
15 them send me a fax. Since that time, for all the
16 people that were in favor of it I did not receive
17 one phone call--

18 MR. GLUCK: [Interposing] I--

19 COUNCIL MEMBER GREENFIELD: --just
20 let me finish please. Nor one fax in favor of it.
21 I was very reasonable. I asked if we could work
22 something out. I've asked if you had some support
23 to show me the support. You have not shown me any
24 support on that block. I'm sorry. So I'm not
25 saying that I don't trust you and I'm not saying

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2 that you're not a good man and you may very well
3 be a generous person and a good person. I don't
4 question that.

5 But this project as it's currently
6 being proposed is flawed, fundamentally because
7 this is a residential block which you're trying to
8 turn commercial. And I have not heard in my
9 office which receives probably well over 100 phone
10 calls a day on different issues, I have not
11 received 1 call, 1 fax or 1 email in favor of this
12 project and I have received many in opposition.
13 So I understand that your contention about the
14 silent majority but the silent majority cannot
15 stay silent.

16 MR. GLUCK: Can I have a few more
17 days to work on it?

18 CHAIRPERSON WEPRIN: We're always
19 willing, if you want to send over any contact
20 Council Member or contact the Committee, we're
21 happy to hear from anyone you want to send our
22 way.

23 MR. GLUCK: Thank you.

24 CHAIRPERSON WEPRIN: Thank you--

25 COUNCIL MEMBER GREENFIELD:

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2 [Interposing] This is actually one point of
3 clarification. Thank you. Mr. Chairman may I
4 address Amy, is that okay?

5 CHAIRPERSON WEPRIN: Okay, just-

6 COUNCIL MEMBER GREENFIELD:

7 [Interposing] Amy, you just handed me a stack, a
8 stack; I haven't had a chance to read it. These
9 are letters and emails and faxes that came into
10 your office. Would you mind telling us of all
11 these letters and emails and faxes was there one
12 that you received--and I do not know the answer to
13 this 'cause I'm asking you for the first time, was
14 there even one that you received in favor of this
15 project?

16 CHAIRPERSON WEPRIN: Who are you?

17 MS. AMY LEVITAN: Amy Levitan,
18 Project Manager for the Land Use Division. These
19 are faxes and emails that came in early this
20 morning. I went through many of them. I did not
21 go through every single one 'cause we had early
22 morning hearings today. But all of the ones that
23 I had read were in opposition to the rezoning.

24 COUNCIL MEMBER GREENFIELD: Thank
25 you.

CHAIRPERSON WEPRIN: Thank you Mr. Gluck. I have 6 people to testify in opposition. I'm going to bring them up in panels of 3. And we're going to put a clock of 2 minutes on them each, if they don't mind. So if you can in your head summarize right now in 2 minutes. I'm going to call up Jacob Rubin from 18th Avenue. I'm having a hard time, Ms. Klein, is it Chester Klein? Okay. And Sylvia Spielman if that's okay. Unless... [Pause]

CHAIRPERSON WEPRIN: Please--I'm sorry, please state your name and then try to limit to 2 minutes. Thanks.

MR. JACOB RUBIN: Thank you very much Mr. Chairman. I'm a little nervous. This is the first time I think I'm speaking in front of a Committee of elected officials. I would like to thank our Councilman, Council Member Greenfield for coming and voicing our opinion. He does speak for our community. Yes he was in my house. Yes he did knock on the door asking for my vote. Yes I voted for him with pride. And even got the whole block to because he did knock on a residential house. I am on the corner of 18th

Avenue and 51st Street. I have--

CHAIRPERSON WEPRIN: [Interposing]

Just state your name--

MR. RUBIN: [Interposing] Oh Jacob Rubin. I'm sorry.

CHAIRPERSON WEPRIN: --okay.

MR. RUBIN: I have one problem speaking here is I think I need my head examined according to the architect because he said that anyone that says that that's a residential area needs their head examined. I've lived there for 20 years with my wife and kids, my brother and my grandchildren.

I do need my head examined because I'm living in a residential area where he claims it's not. I'm not going to speak of the virtue of the project. It is a residential area and the only comment I want to make to you is a few little maybe lighter points. And is that the world says that money is the root of all evil. You throw all your evil in my back yard.

He's a developer. He's interested in money. We don't want his money in our back yard. We don't want his development in our back

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2 yard. We don't want people coming in and causing
3 us quality of life issues. I'm not going to go
4 through them.

5 You're all aware of them when a
6 residential area becomes commercial. There's only
7 one point that I would like to say and that is
8 that I, living on the corner of a busy
9 intersection in a residential area, I have not met
10 one person yet in favor of this project. Thank
11 you.

12 CHAIRPERSON WEPRIN: Thank you.
13 Mr. Klein. Please state your name too.

14 MR. HESKELL KLEIN: It's Heskell
15 Klein [phonetic]. I want to start by--I do wish
16 Mr. Gluck a little success in everything that he
17 does but of course not at the expense of other
18 people and as has been stated here.

19 There is nobody on the block that
20 is in favor for it. Nobody wants it. There are
21 concerns, more than one. It's not a hole waiting
22 to be developed as a bank. It could be a hole
23 waiting to be developed, he can make houses.
24 There are other things to do but not at the
25 expense of the block. Thank you.

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2 MS. SYLVIA SPIELMAN: Sylvia
3 Spielman [getting mic to work] What'd I do? Sylvia
4 Spielman, I live at 1743 48th Street. I just want
5 to make a point that this particular block and all
6 of the few blocks in this neighborhood are the
7 most, the absolute residential blocks in the
8 entire Boro Park.

9 We chose this neighborhood very
10 carefully when we moved from Rockland County. And
11 probably the pictures that you had on your desk
12 were of this block. There's like a corner with
13 loads of trees and a lot of greenery. It's very
14 park like and beautiful. A bank does not belong
15 in this neighborhood.

16 I challenge anybody to check the
17 taxes paid on this block. They're higher because
18 it is nothing like the blocks near 13th Avenue or
19 16th Avenue. I happen to have glanced through that
20 booklet that Mr. Gluck distributed and I noticed
21 that he wrote that a bank is necessary because
22 there aren't any in the neighborhood. I beg to
23 differ. There are 13 that my children could walk
24 to within 5 minutes.

25 He wrote that you can't cross

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2 McDonald 'cause it's a major corridor. I beg to
3 differ. The pizza stores are there and that's
4 where the kids go 24/7. He said that we have
5 plenty of parking. There are 8 cars that go per
6 driveway. There a 2-family homes, most of them,
7 not all of them. But even if it is--there are 4
8 families living per driveway. It is not fair to
9 say there is parking.

10 Parking is a nightmare. We come
11 home from work at 6:00 o'clock, I do, and I want
12 peace and quiet. I do not want to see a 24 hour
13 ATM. I don't want to see teenagers hanging out on
14 my corner 'cause that's the only lit up area. I
15 don't want to fight for parking.

16 Because in our neighborhood, banks
17 do not close at 5:00. They do not close at 6:00.
18 They close at 7:00 or 8:00 and that is a fact that
19 can be proven.

20 Anything else I want to say? Yes.
21 Our children. Our children are miserable. They
22 sent in letters. Please read them. They said
23 that they're afraid of all the strangers. They
24 don't like when the street is blocked up, backed
25 up because of extra traffic. And they play out

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2 there all day. The parks are far away. It's
3 called Boro Park but there are only 2 in our
4 neighborhood. And they're far. So for the sake
5 of the children who are our future and for the
6 sake of the residents who pay the taxes and for
7 our sanity and peace and quiet, we don't want this
8 bank. Wait--important.

9 CHAIRPERSON WEPRIN: Okay.

10 MS. SPIELMAN: The next 2 houses
11 become commercial which is a nightmare. He can
12 put up another hotel. He owns one on 13th. He
13 will not stop with just the bank. I know--

14 CHAIRPERSON WEPRIN: [Interposing]
15 Okay. Thank you Ms. Spielman--

16 MS. SPIELMAN: Thank you.

17 CHAIRPERSON WEPRIN: --we
18 appreciate that. Mr. Greenfield do you have any
19 questions or comments? Okay.

20 COUNCIL MEMBER GREENFIELD: Yeah I
21 do have one comment. Amy I took the liberty of
22 running through, just to confirm your initial
23 suspicion. Of the 19 faxes and emails, 0 are in
24 favor, 19 are opposed. And we do actually have a
25 wonderful letter here from Larasi, Pierre, Rukola,

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2 Rukhaisi, Syria, and Panina [all phonetic] all of
3 whom are requesting the same thing.

4 And I just, to reiterate Ms.
5 Spielman's point, actually just had this
6 conversation with the Mayor's Office.
7 Unfortunately Boro Park despite having more
8 children per capita than any other Council
9 District in New York has the least amount of park
10 space.

11 And so it is a fact that children
12 do play on the streets. And changing this from a
13 residential to a commercial would definitely have
14 a negative impact in that respect as well. And so
15 please thank the 6 kids for the letter they sent
16 as well.

17 CHAIRPERSON WEPRIN: Thank you.
18 Before I call up the other panel, Mr. Greenfield,
19 I just wanted to let you know also before you got
20 here, they handed us this packet of people they
21 claimed were in favor of it. I think I should
22 mention it again now but we'll let you look at
23 this later just so you see there were some names
24 of people. Just to keep the record honest here.

25 COUNCIL MEMBER GREENFIELD: I

2 reviewed that packet. I called many of the people
3 in that packet and when I spoke to them on the
4 phone they told me that they did not understand
5 what it was that they were agreeing to and in fact
6 they were opposed. So I did to my due diligence
7 on that packet as well for the record. Thank you.

8 CHAIRPERSON WEPRIN: Thank you Mr.
9 Greenfield. All right. Now the next panel is
10 going to be is it Cage Kovalenko [phonetic]. I
11 apologize for any mispronunciation. Rifla Stern
12 [phonetic] and Thea Brockfeld [phonetic]. Again
13 if you make sure to state your name and we're
14 going to try to keep it to 2 minutes if you can.
15 We'll let you go over a few seconds but... not much
16 more.

17 MS. FAGE KOVALENKO: Okay. My name
18 is Fage Kovalenko [phonetic]. I live at 1757 48th
19 Street. And thank you very much Mr. Greenfield
20 for helping us. I just wanted to tell you that it
21 is the most beautiful block. And we're very, very
22 close. Everyone is very, very--and we do have
23 more--we have signatures.

24 We have more than his 60
25 signatures. And we just didn't have time. We're

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2 all working people. We're taking off time for
3 this. It's been--we're trying to prepare for our
4 holiday Tuesday night and we couldn't even--no one
5 could concentrate on their cooking and cleaning
6 because this has become such a major issue because
7 it really means a lot to us.

8 The kids on the block are--we want
9 them to be safe and, you know, have their privacy.
10 We don't want--and commercial, the stores we have
11 are not commercial. We have a butcher, a grocery,
12 little stores, hosiery, just things that we need.
13 Mom and pop shops, just things you need to--so
14 what, you don't have to go to 13th Avenue and 16th
15 Avenue.

16 But for banking, everyone can go to
17 a bank in the radius of a few minutes by car, a
18 minute by car and maybe 3 minutes by foot. So we
19 don't need a bank. If it was really a necessary
20 thing, but if you went through 13th Avenue it's
21 almost a joke how many banks and 16th Avenue. And
22 all around. So it's really not something that we
23 need. And we do thank you for your concern and
24 help.

25 CHAIRPERSON WEPRIN: Thank you.

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2 MS. THEA BROCKFELD: My name is
3 Thea Brockfeld. And I'm just vehemently opposed
4 to changing the zoning law. That's all I really
5 wanted to tell you. I think it's fine the way it
6 is and we should not change what's all right.

7 CHAIRPERSON WEPRIN: Thank you MS.
8 Brockfeld. Ms. Stern.

9 MS. RIFLA STERN: Good morning. My
10 name is Mrs. Stern. I'm here as one of the
11 representatives for 48th Street. I strongly oppose
12 the rezoning of the corner of 18th Avenue and 48th
13 Street. I'm very concerned for the safety and
14 quality of life of our neighborhoods. There are
15 many issues with noise and pollution. We'd like
16 our street to remain residential the way it is.
17 Please help us out with that. Thank you. And
18 thank you Mr. Greenfield for coming.

19 CHAIRPERSON WEPRIN: Thank you.
20 Mr. Greenfield, our hero.

21 COUNCIL MEMBER GREENFIELD: I just
22 want to let the--I just want to say 2 things for
23 the record. First of all, you know, I had no
24 ideas how these guys actually voted, whether they
25 voted for me or not but I appreciate you voting

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2 for me. Despite that we still support it because
3 it was the right thing to do. So that's the first
4 point.

5 The second point that I'd like to
6 make is that with regard to those 60 letters, if
7 you look at the addressed, they're not from the
8 block. It's not very difficult to walk 3 blocks
9 away and be like hey, let me ask you a question.
10 If you'd like me--would you--do you mind if I
11 build a bank 3 blocks from here? Yeah, I nod's
12 care, it's 3 blocks from here.

13 I mean, you know, in New York City,
14 every block is a neighborhood. So we don't
15 exactly put a lot of stock into that fact. And I
16 want to reiterate as well that I personally took
17 from my time, I spent hours on Friday calling
18 folks when I had numbers and the majority of the
19 feedback that I got was that the people did not
20 know what they were signing and that when I
21 explained to them and asked them what it is that
22 they actually were not in favor.

23 So I don't put a lot of stock into
24 those signatures. A, because I question their
25 accuracy, and B, they're not from the block and

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2 quite frankly the block's concern should
3 superceded people who live 4 blocks away.

4 CHAIRPERSON WEPRIN: Any other
5 questions on the panel?

6 COUNCIL MEMBER GREENFIELD: I just
7 want to, you know, I just really want to thank the
8 residents. You know, this is, for me, this is
9 sort of the height of civic engagement. These
10 folks have come to probably a dozen meetings.
11 They're taking their time, many of whom have jobs
12 and other issues and it is literally 36 hours to a
13 major Jewish holiday as well.

14 And so I just want to thank them
15 all for coming out. I want them to know that
16 we're taking their concerns seriously. We're
17 fighting for them. And I want to wish them all an
18 enjoyable Jewish holiday of Shiva which incoming
19 up, thank you very much.

20 [Several people saying thank you]

21 CHAIRPERSON WEPRIN: Okay. thank
22 you very much ladies. [Jewish greeting]. And any
23 other questions or comments? All right. So what
24 we're going to do on this item is we are going to
25 put this off until that same next meeting for the

1
2 vote, until a week from tomorrow.

3 What's the date on that? Oh before
4 the Land Use meeting at 9:30 on May 25th I'm told.
5 If that's Tuesday, that's correct. We're going to
6 have this meeting is going to--we're going to
7 recess until then. Vote on this item as well as
8 if we can discuss the previous item that was put
9 off. So until then we will recess and thank you
10 all for coming.

11 [Gavel banging]

12

C E R T I F I C A T E

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

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature _____Laura L. Springate_____

Date _____May 24, 2010_____