

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON LAND USE

-----X

June 30, 2009
Start: 11:49am
Recess: 12:00pm

HELD AT: Council Chambers
City Hall

B E F O R E:
MELINDA R. KATZ
Chairperson

COUNCIL MEMBERS:
Maria del Carmen Arroyo
Tony Avella
Maria Baez
Charles Barron
Leroy G. Comrie, Jr.
Elizabeth Crowley
Inez E. Dickens
Simcha Felder
Daniel R. Garodnick
Eric N. Gioia
Sara M. Gonzalez
Vincent Ignizio
Robert Jackson
Jessica S. Lappin
John C. Liu
Rosie Mendez
Annabel Palma
Joel Rivera

A P P E A R A N C E S

COUNCIL MEMBERS:

Larry B. Seabrook

Helen Sears

Albert Vann

1
2 CHAIRPERSON KATZ: We are opening
3 up the Committee on Land Use. I thank everyone
4 for their patience today. As we know on this
5 Committee, sometimes Council Members do try to do
6 and negotiate for their district, and I thank you
7 for your patience here today. There are three
8 related applications to facilitate the development
9 in the Lower Concourse, all in Council Member
10 Arroyo's district; one is an amendment to the City
11 map; one is an amendment to the Zoning text; and
12 the other is an amendment to the Zoning map,
13 again. I want to congratulate Council Member
14 Arroyo for all the work that she did on this
15 project. We have Council Member Yassky's district
16 is a school siting. There is language that the
17 SEC has promised, and emailed. And I know we are
18 getting it in writing. So, I'll just read that
19 into the record. It is, they will agree to
20 consult with DEC and obtain their concurrence,
21 regarding the--concurrent approval--regarding the
22 proposed environmental precautions and measures we
23 would undertake during the demolition and
24 construction. The second is the SCA commits to
25 not starting the demolition until they conduct

1
2 another town hall and taskforce or taskforce
3 meeting, with the local community, with full
4 notice to the community. We also have a school
5 siting in Council Member Dilan's district, which
6 is an All City Leadership secondary school. We
7 also got today back Fordham University
8 modifications, that are within scope and
9 suggestions for amendments by the City Planning
10 Commission. One is an addition of an extension of
11 the term of the special permit for the garage, to
12 confirm with the master plan. It was apparently
13 mistakenly omitted in the original report. And
14 the second was additional language respecting the
15 signage to ensure the active use of the atrium
16 which they are building. And that is the agenda
17 for the Land Use Committee. And discussion?
18 Okay, a--I do a motion to approve the agenda.

19 CLERK: William Martin, Committee
20 Clerk, roll call on the Committee on Land Use.
21 Council Member Katz.

22 CHAIRPERSON KATZ: I vote aye on
23 all.

24 CLERK: Rivera.

25 COUNCIL MEMBER RIVERA: [off mic] I

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

vote aye on all.

CLERK: Avella.

COUNCIL MEMBER AVELLA: Aye on all
except PS 133, I vote no.

CLERK: Baez.

COUNCIL MEMBER BAEZ: [off mic]
Aye.

CLERK: Barron.

COUNCIL MEMBER BARRON: I vote no
on LU 1123, PS 133 and aye on all the rest.

CLERK: Comrie.

COUNCIL MEMBER COMRIE: Aye on all.

CLERK: Gioia.

COUNCIL MEMBER GIOIA: I vote yes
on all.

CLERK: Liu.

COUNCIL MEMBER LIU: [off mic] Yes.

CLERK: Seabrook.

COUNCIL MEMBER SEABROOK: [off mic]
Aye on all.

CLERK: Sears.

COUNCIL MEMBER SEARS: [off mic]
Aye.

CLERK: Palma.

1

2

COUNCIL MEMBER PALMA: [off mic]

3

Aye.

4

CLERK: Arroyo.

5

COUNCIL MEMBER ARROYO: [off mic]

6

Aye.

7

CLERK: Dickens.

8

COUNCIL MEMBER DICKENS: [off mic]

9

Aye.

10

CLERK: Garodnick.

11

COUNCIL MEMBER GARODNICK: Aye.

12

CLERK: Lappin.

13

COUNCIL MEMBER LAPPIN: Aye.

14

CLERK: Gonzalez.

15

COUNCIL MEMBER GONZALEZ:

16

Permission to explain my vote, Madam Chair.

17

[background noise] Okay, first of all, my concern

18

here with PS 133 is the seats are important in a

19

City where we're so overcrowded and we don't have

20

enough seats for our children, so that's one of

21

the reasons that I feel incredibly supportive to

22

this. But I have concerns in respect to the

23

environmental piece that doesn't seem to be right,

24

as well as the construction for the future. I

25

have a concern for the community, as well, that

1
2 maybe there has not been enough input. And so,
3 though I am refusing to abstain because I don't
4 believe in that, I certainly have a concern, and I
5 want to put it on the record, that I will vote
6 aye, but with concerns in respect to the future,
7 and only because I will not turn down seats in the
8 City of New York for our children. Thank you. I
9 vote aye.

10 CLERK: Mendez.

11 COUNCIL MEMBER MENDEZ: Permission
12 to explain my vote.

13 CHAIRPERSON KATZ: Yes.

14 COUNCIL MEMBER MENDEZ: I am voting
15 no on LU number 1123, am voting yes on all others.
16 And Madam Chair, just for the record, just for the
17 record, and as to the Subcommittee on Landmarks
18 and Siting which I sit on, I just have grave
19 concerns because procedure matters, and as an
20 attorney, and you are one as well, you know that
21 some cases don't even see the light of day if the
22 necessary procedural steps are not taken. So, I
23 just wanted to say that on the record. Thank you.

24 CLERK: Crowley.

25 COUNCIL MEMBER CROWLEY: Aye on

1

2 all.

3

CLERK: Ignizio.

4

COUNCIL MEMBER IGNIZIO: [off mic]

5

Aye.

6

CLERK: Felder.

7

COUNCIL MEMBER FELDER: [off mic]

8

Yes.

9

CLERK: Jackson.

10

COUNCIL MEMBER JACKSON: Madam

11

Chair, may I be excused to explain my vote?

12

CHAIRPERSON KATZ: Yes. Yes.

13

COUNCIL MEMBER JACKSON: So, I

14

think I heard I may not.

15

CHAIRPERSON KATZ: Huh?

16

COUNCIL MEMBER JACKSON: Did you--

17

Oh, I'm sorry , what was your response?

18

CHAIRPERSON KATZ: Yes.

19

COUNCIL MEMBER JACKSON: Thank you.

20

Obviously this, the PS 133 is an issue and

21

concern, and when it comes to education, you

22

always listen to I guess what everyone has to say

23

on this particular matter. And more specifically,

24

when it comes to zoning issues and someone else's

25

district, as a member, I'm not involved in the

1
2 particular details of negotiations that may take
3 place, and all of the ins and outs. So normally,
4 as a member of the City Council, you would take
5 your lead from the Council Member whose district
6 the Land Use item lies in. In this particular
7 matter, my understanding it lies in David Yassky's
8 district, and David Yassky has, has approved this
9 particular matter as far as going forward. But
10 also my understanding is that community, the CD,
11 the CEC, the Community Education Council, for one
12 of the districts who, who's district it's in, I
13 believe it may be 13 or 15, I'm not sure
14 specifically which one it is, they also have
15 agreed to move this item forward. And I do
16 understand the issues and concerns of a building
17 that has considerable landmark status, but has not
18 been landmarked, because I've had that situation
19 in my district where a building may have been on
20 the national register, but it's not landmarked.
21 But I also understand that the principal and
22 others have testified as far as the conditions of
23 the school, as far as the water leaking and what
24 have you and so forth, every time it rains, and
25 the number of seats that a new building would

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

replace in this old school. So, all things considered, where I'm very concerned about situations like that, I have to go along with the respective City Council Member, knowing that the CEC for that district has also approved this. And as you know, the CEC, the members that sit on that are parents, parents from the community. It may not be one parent specifically from that particular school, but its representative of the entire community school district. So with that explanation, I vote aye on all items. Thank you.

CLERK: By a vote of 21 in the affirmative, zero in the negative, and no abstentions, all items are adopted, with the exception of Land Use 1123, which is adopted by a vote of 18 in the affirmative, three in the negative, and no abstentions. Thank you. Council Members, please sign the Committee reports, thank you.

CHAIRPERSON KATZ: [off mic] What am I closing? I'm not going to say anything.
[pause] - - [background noise]

FEMALE VOICE: Council Member Vann

COUNCIL MEMBER VANN: Aye on all.

1
2
3
4
5
6
7
8
9
10

FEMALE VOICE: The vote stands at 22 in the affirmative, none in the negative, and no abstentions, with the exception of LU 1123 where the vote is nine--19 in the affirmative and three in the negative, no abstentions.

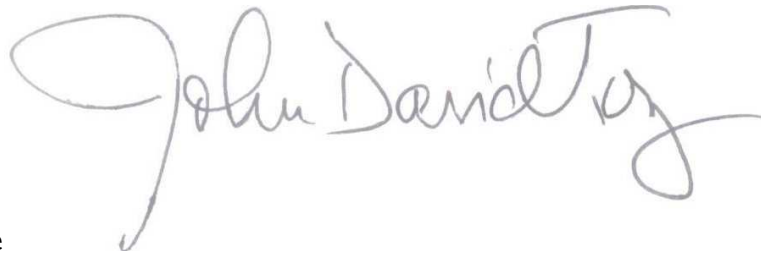
[pause, background noise]

MALE VOICE: Land Use is adjourned.

[pause]

C E R T I F I C A T E

I, JOHN DAVID TONG 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 "John David Tong". The signature is written in a dark ink and is positioned above the printed label "Signature".

Signature

Date July 24, 2009