

SUBCOMMITTEE ON ZONING AND FRANCHISES

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CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND  
FRANCHISES

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March 3, 2022  
Start: 11:32 a.m.  
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HELD AT: REMOTE HEARING - VIRTUAL ROOM 2

B E F O R E: Kevin C. Riley, Chairperson

COUNCIL MEMBERS:

Shaun Abreu  
Erik D. Bottcher  
David M. Carr  
Kamillah Hanks  
Farah N. Louis  
Francisco P. Moya  
Lynn C. Schulman

## A P P E A R A N C E S (CONTINUED)

Eric Palatnik, Counsel

Alvin Schein

Jay Marcus

Andrew Villari, Traffic Consultant

Austin Curry (phonetic)

Marissa Williams

David Beer VP Breaking Ground

Cara McAteer Senior Project Manager

Breaking Ground

Erin Verrier, Community Healthcare Network

Lori Miller, Executive Director

Neighborhood Housing Services Jamaica, Inc

Andrew Bernheimer

Brandon Pietras



2 SERGEANT (INAUDIBLE): (INAUDIBLE)

3 recording all set.

4 SERGEANT BIONDO: Thank you.

5 SERGEANT PEREZ: (INAUDIBLE)

6 SERGEANT BIONDO: And cloud is underway.

7 Good morning and welcome to today's  
8 remote New York City Council for the Subcommittee on  
9 Zoning and Franchises. At this time, will all  
10 panelists please turn on their videos for  
11 verification purposes?

12 To minimize disruption upon speaking,  
13 please place all electronic devices to vibrate or  
14 silent mode. If you'd like to submit testimony,  
15 please send via email to  
16 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov). Again, that is  
17 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov). Thank you for your  
18 cooperation.

19 Chair Riley, we are ready to begin.

20 CHAIRPERSON RILEY: Good morning, and  
21 welcome to a meeting of the Subcommittee on Zoning  
22 and Franchise. I'm Council Member Kevin Riley, Chair  
23 of the Subcommittee.

24

25

2 I'm joined today by Council Member  
3 Schulman, Hanks, our Chair Louis, Council Member  
4 Moya, Council Member Carr, Council Member Abreu.

5 Today we will hold public hearings on 2  
6 rezoning proposals, 97-04 Sutphin Boulevard, and 98-  
7 81, Queens Boulevard, both in Queens.

8 Before we begin, I recognize the  
9 Subcommittee Counsel to review the hearing  
10 procedures.

11 COUNSEL MARTINEZ-RUBIO: Thank you, Chair  
12 Riley. I am Angelina Martinez-Rubio, Counsel to the  
13 Subcommittee. Members of the public wishing to  
14 testify were asked to register for today's hearing.  
15 If you wish to testify and have not already  
16 registered, please do so by visiting the New York  
17 City Council website, [www.council.nyc.gov/landuse](http://www.council.nyc.gov/landuse), to  
18 sign up. Members of the public may also view a  
19 livestream broadcast of this meeting at the Council's  
20 website.

21 As a technical note for the benefit of  
22 the viewing public, if you need an accessible  
23 presentation of any of the presentations shown today,  
24 please send an email request to  
25 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

2           When called to testify, individuals  
3 appearing before the Subcommittee will remain muted  
4 until recognized by the Chair to speak. Applicant  
5 teams will be recognized as a group and called first  
6 followed by members of the public. When the Chair  
7 recognizes you, your microphone will be unmuted.  
8 Please take a moment to check your device and confirm  
9 that your mic is on before you begin speaking.

10           Public testimony will be limited to 2  
11 minutes per witness. If you have additional testimony  
12 you would the Subcommittee to consider or if you have  
13 written testimony you would like to submit instead of  
14 appearing here before the Subcommittee, you may email  
15 to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov). Please indicate  
16 a LU number and/or project name in the subject line  
17 of your email.

18           During the hearing, Council Members with  
19 questions appearing remotely should use the Zoom  
20 raise-hand function, which appears at the bottom of  
21 either your participant panel or the primary viewing  
22 window. Council Members with questions will be  
23 announced in order as they raise their hands, and  
24 Chair Riley will then recognize Members to speak.

2 Witnesses are requested to remain in the  
3 meeting until excused by the Chair as Council Members  
4 may have members.

5 Finally, there will be pauses over the  
6 course of this meeting for various technical reasons,  
7 and we ask that you please be patient as we work  
8 through any issues.

9 Chair Riley will now continue with  
10 today's agenda items.

11 CHAIR RILEY: Thank you, Counsel. For the  
12 record, I don't know if I announced, but we also are  
13 joined by our Council Member Bottcher.

14 I will continue today's meeting with  
15 opening the public on LUs 26 and 27 relating to the  
16 98-81 Queens Boulevard proposal in Council Member  
17 Schulman's district in Queens. This application seeks  
18 a zoning map amendment to rezone an existing R7-1  
19 district to an R8X/C2-4 district and the related zone  
20 and text amendment to establish an MIH program area  
21 utilizing option 1 and 2. For anyone wishing to  
22 testify on this item, if you have not already done  
23 so, you must register online and you may do that now  
24 by visiting the Council website at  
25 [council.nyc.gov/landuse](http://council.nyc.gov/landuse).

2 I would like to allow Council Member  
3 Schulman to give any brief remarks before we allow  
4 the Panel to discuss. Council Member Schulman.

5 COUNCIL MEMBER SCHULMAN: Yes. Thank you,  
6 Chair Riley. I want to say good morning to you and to  
7 my Colleagues. I want to also thank the staff for  
8 their very hard work on all of this. A lot of  
9 community concern has been raised about this project.  
10 Since taking office in January, I've had very several  
11 discussions with the developer and am pleased that we  
12 have made some progress, the most substantial of  
13 which is the agreement to add deeper affordable  
14 housing opportunities to the project which is option  
15 1. With that, I would like to get clarification on  
16 various aspects of the project and will reserve my  
17 questions until after the presentation. Thank you.

18 CHAIR RILEY: Thank you Council Member  
19 Schulman.

20 Counsel, please call the first panel for  
21 this item.

22 COUNSEL MARTINEZ-RUBIO: Panel for this  
23 item includes Eric Palatnik, Alvin Schein, Jay  
24 Marcus, Luigi Russo, Andrew Villari, and Austin  
25 Curry.

2 CHAIR RILEY: Thank you. Counsel, please  
3 administer the affirmation.

4 COUNSEL MARTINEZ-RUBIO: Applicants, I  
5 will call on each of you individually to answer the  
6 following question. Do you affirm to tell the truth,  
7 the whole truth, and nothing but the truth in your  
8 testimony before this Subcommittee and your answers  
9 to all Council Member questions?

10 Uhm, Eric Palatnik. Eric, you're muted.

11 ERIC PALATNIK: Of course. Rookie mistake.

12 COUNSEL MARTINEZ-RUBIO: Did you say I do?  
13 I didn't hear.

14 ERIC PALATNIK: Of course.

15 COUNSEL MARTINEZ-RUBIO: Thank you. Alvin  
16 Schein.

17 ALVIN SCHEIN: I do.

18 COUNSEL MARTINEZ-RUBIO: Jay Marcus.

19 JAY MARCUS: I do.

20 COUNSEL MARTINEZ-RUBIO: Luigi Russo.

21 ERIC PALATNIK: He will not be testifying  
22 in that he's not logged in.

23 COUNSEL MARTINEZ-RUBIO: Okay. Apologies  
24 for that. Andrew Villari.

25 ANDREW VILLARI: I do.

2 COUNSEL MARTINEZ-RUBIO: Austin Curry.

3 AUSTIN CURRY: I (INAUDIBLE) testify.

4 COUNSEL MARTINEZ-RUBIO: He's just  
5 scribing? Okay. That's the full panel. They're sworn  
6 in so Chair, you can continue.

7 CHAIR RILEY: Thank you, Counsel. For the  
8 benefit of the viewing public, if you need an  
9 accessible version of this presentation, please send  
10 an email to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov). Once  
11 again, that's [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

12 Now the applicant team may begin.  
13 Panelists, as you begin, I'll just ask you to please  
14 restate your name and organization for the record.  
15 You may begin.

16 ERIK PALATNIK: Thank you very much, Chair  
17 Riley. My name is Eric Palatnik, and it is a pleasure  
18 to meet you and each of the Members of the Committee  
19 on recognizing this historic moment. This is the  
20 first I'm appearing in front of this Committee, and  
21 I've learned a lot about everybody on it and I'm  
22 hopeful that we'll make great opportunities for  
23 people in the City of New York with the team that  
24 you've assembled.

2 This application, if whoever's  
3 controlling the screen may pull up the screen, I will  
4 start to speak about it while I'm introducing it.

5 The site that they're looking at that  
6 we're here to represent in front of you right now, we  
7 ask for a rezoning, and the site is currently zoned  
8 R7, R7-1 to be exact with a C1-2 commercial overlay.  
9 You can see it here situated on Queens Boulevard. If  
10 you can go to the next slide, please.

11 The next slide describes what we're  
12 asking you to do with that piece of property. Queens  
13 Boulevard as many of you I'm sure have noticed  
14 throughout the decades really has not seen much new  
15 development despite its expansive scope and its  
16 proximity to mass transit. The reason for that really  
17 is the R7-1 zoning that's in place along much of it  
18 does not justify the investment that needs to be made  
19 by any developers. You see very many sites like this  
20 along Queens Boulevard and on the boulevard itself  
21 are 1-story buildings but yet you step to the side  
22 streets and you see the brick buildings that were  
23 built in the 1960s, '50's, and '40's, very little new  
24 development along Queens Boulevard. That's why we're  
25 here today. We're here to ask for an exciting

2 opportunity with a very cooperative local developer  
3 to build a 15-story mixed use building which is a  
4 shorter building than could be built under the R7-1  
5 zoning.

6           It would create, if it was approved, 144  
7 apartments. Of those 144 apartments, 36 would be  
8 affordable at MIH option level 1. I didn't need to  
9 read the real deal to know that that's where should  
10 be and hopefully we can create opportunities for more  
11 affordability as time goes on and we all work  
12 together as I alluded to (INAUDIBLE) but on this  
13 project we are at option 1 with 144 drawing units, 36  
14 of which are affordable. Also on the call with us is  
15 an affordability expert, Alvin Schein and Jay Marcus  
16 of the 5th Avenue Committee which is an not-for-  
17 profit administrator and they can speak more to the  
18 affordability.

19           If you go to the next slide, please.  
20 While that's flipping over, I will say we are on  
21 Community Board 6, next slide, please, and we're also  
22 (INAUDIBLE) of course within Burrough President  
23 Donovan Richards' district. Both of those  
24 organizations voted to oppose the application with  
25 the condition that the affordability level be dropped

1 from what was then proposed to be Option 2. Pardon  
2 us, that was a holdover from the last Administration,  
3 and we immediately changed it after much work and  
4 communication with the Community Board, with the  
5 Council Person, with the Burrough President's office  
6 and was brought down to Option Level 1.  
7

8           You can see this site right here. We're  
9 proposing to put a 15-story building on this 1-story  
10 building. Anybody that's in there right now as an  
11 existing business has been spoken to. As I'm sure  
12 you're all alert to, rezonings move glacially slow.  
13 This has been in the works for 4 years, many of those  
14 years in front of Community Board 6. There is only 1  
15 tenancy within the building that we have a bit of a  
16 misunderstanding with and that is a Rabbi, but we  
17 have offered our best to give him space at a below  
18 market rate within the building. The remainder of the  
19 tenants which include the iconic Tower Diner which  
20 you'll hear more about maybe as time goes on  
21 throughout the hearing have voluntarily relocated,  
22 and they're already in a new location. There's a  
23 bicycle, there's a lawyer, everybody has agreed to  
24 just go already, and the Rabbi that I mentioned  
25

2 earlier is in fact across the street in a new  
3 location as well.

4           Next slide, please. The next slide really  
5 tells the tale which is unfortunate of New York City  
6 right now I think in our housing situation, and I  
7 think this tells the tale of how we could fix it. If  
8 you can key in and see that the height of some of  
9 these buildings here, that they are tall buildings.  
10 Unfortunately for us, they were all built 50, 60, 70,  
11 80 years ago. Nothing has really been built recently  
12 except for the lower left corner, which is that blue  
13 building you see in the lower, lower left, maybe a  
14 few others, but not really that many, and in fact  
15 what you'll see if you really focus in on Queens  
16 Boulevard is all the development you see is off of  
17 Queens Boulevard. Queens Boulevard itself is not  
18 being built upon so you're left with many situations  
19 like this where you have a 1-story building resting  
20 among 122-foot tall buildings. As a reminder, we are  
21 asking you to build a building that would be 174 feet  
22 tall when it is done if you want to put that in  
23 context here.

24           Next slide. We're just going to show you  
25 quickly a couple of pictures of the buildings around

2 us to bring it down on the ground because it's easier  
3 to say it's tall from above but when you look at it  
4 you'll see (INAUDIBLE) is no stranger to taller  
5 buildings.

6 Next slide, please. The next slide just  
7 maps these buildings out in even greater detail along  
8 the area. All these buildings, especially in the  
9 lower right corner, are big buildings but more  
10 importantly they're old. They have not been build in  
11 at least my generation, and I'm old.

12 Next slide. This slide shows you the  
13 Tower Diner and it's iconic status. You can see in  
14 the lower left corner, that's the corner of the site.  
15 Please don't let the beautiful nature of the cupula  
16 up top fool you. It has been attempted to be  
17 landmarked on numerous occasions by numerous people,  
18 and Landmarks Preservation Commission has rejected it  
19 over the years for many different reasons including  
20 the fact that it is in extremely poor condition and  
21 ready to fall down. Were it not for this application,  
22 it would've come down already, but we didn't want to  
23 show any bad faith to anybody and let anybody believe  
24 that we were destroying something in the hopes that  
25 it could never be saved. The design of the building

1 if you look on the right, we've tried to take a cue  
2 from that. There is a clock down on the lower  
3 righthand corner of the building. We can expand upon  
4 that view and you can see it, but we're happy to, you  
5 know, play upon that more in the design and we're  
6 happy to include many of the community's desires in  
7 the design, and they did ask maybe if we can move the  
8 entrance onto Queens Boulevard under the Trylon  
9 Theater's marquee. The site is very iconic because  
10 the Trylon Theater was once there. It hasn't been  
11 operational in decades, but that's some of the  
12 discussion.

14           If you go to the next slide, this next  
15 slide I think is fascinating for the Zoning and Land  
16 Use Committee of New York City because if you take a  
17 look at this slide (INAUDIBLE) every application that  
18 I create this slide for, it never shows a lot of  
19 inclusionary housing being created under the  
20 Inclusionary Housing Programs that are in place.  
21 That's a telling tale. You can create as much  
22 inclusionary housing districts as you want. Whether  
23 or not somebody builds something is another story so  
24 you can see here there's really just 3 inclusionary  
25 housing developments in the radius we're showing you

1 here. I've done this map on every application I've  
2 handled. There's not a lot, and the reason why is  
3 it's scary for a developer to take the risk to do  
4 this, and the State does not offer much in the way of  
5 subsidy nor does the City so it's a big risk for a  
6 developer. We're happy that the Abramov family is  
7 doing it here and creating something, and the next  
8 slide shows you the partnerships they're doing it  
9 with. We're happy that we're doing it with 32BJ. They  
10 are involved and we've signed a contract with them.  
11 Hopefully, they'll speak today, but if you don't get  
12 a chance to hear them today they will say they are in  
13 agreement with us and working with us. We've signed  
14 up with them, and we're happy to work with them on  
15 any project. They don't always want every  
16 development, but they've got their standards and  
17 size, but they were interested in this and we have  
18 signed an agreement. We're also happy to report that  
19 we have an agreement with Jay Marcus and the 5th  
20 Avenue Committee, which is very well-respected. For  
21 those of you who don't know them, the Brooklyn people  
22 I'm sure do, and they've now expanded in other parts,  
23 obviously in Queens, and also we have been working  
24 with the New York City Department of Housing  
25

2 Preservation and Development and Alvin Schein is our  
3 consultant there. Hopefully, we're developing the  
4 right partnerships. We are committed to minority,  
5 women-owned business enterprises as well as working  
6 with local trade unions and the Community Board.

7           Next slide, please. The next slide, I'm  
8 going to ask that the Presenter just skip through.  
9 Really, the first slide just shows you the low-rise  
10 nature. I'm on Queens Boulevard (INAUDIBLE) the most  
11 densely populated, widest avenue we've got to offer  
12 in New York City and I have a 1-story diner to  
13 present to you that could just as easily be somewhere  
14 in suburban New Jersey. It's calling for more, and I  
15 hope you like what we've created. The slides, just  
16 keep clicking, people can take a look and see what  
17 the site looks like. You can click right through.  
18 There's nothing that's too beautiful there to show  
19 you other than the diner maybe.

20           You could pause right there. This takes  
21 you now into the sum and substance of what we are  
22 asking you for. It's an R7-1 district right now. R7-1  
23 lets me build to the moon if I have enough lot area.  
24 There's no height limit in an R7-1. Anything with a  
25 letter at the end gives me a height limit. The reason

1 I say that is because we're not here to discuss  
2 height. The building could be much taller (INAUDIBLE)  
3 in the R7-1, but no matter how tall a developer  
4 builds a building, it would still be a loser, and  
5 that's why they're here asking you for a rezoning,  
6 and that's why the site has sat vacant for the better  
7 part of the last 80 years. We're asking you for an  
8 R8-X zoning which we feel in my personal opinion is  
9 still too low for Queens Boulevard. I think Queens  
10 Boulevard could handle R9, but that's personal  
11 opinion. It could create more affordable housing to  
12 compensate for what the State and the City can't do.  
13 A developer can do if they had more density, but R8-X  
14 is certainly a very good density to build with. It  
15 allows the developer to create, as I said before,  
16 next slide, please, I'll show the zoning first before  
17 I go into it. The left side of this slide, this is  
18 the zoning map change. This is what we're asking for  
19 you to do. This will be the end result if you should  
20 act on it. The left side shows you what the city maps  
21 look like right now (INAUDIBLE) the middle. It's an  
22 R7-1. The right side shows you an R8-X which is what  
23 we're proposing and then of course it'll have a  
24 commercial overlay which is in the C2-4.  
25

1           Next slide I think is something you will  
2 all be very interested in. This is the affordability  
3 matrix that we have presented to you. You'll notice  
4 here that it's option 1 and you'll notice it's  
5 creating the 36 affordable apartments that I spoke  
6 about. It was important to the community that there  
7 be a mix of units and they weren't very interested in  
8 studio (INAUDIBLE) is no accident. Neither is working  
9 with the community. We've been working together for 4  
10 years on this project with the community. The unit  
11 mix at the AMI, next thing we see if we pay close  
12 attention to the green band in the middle that goes 3  
13 times down in the middle, 40, 60, 100. You'll notice  
14 it goes 40, 60, 100. The reason it's shelving up to  
15 100, we have to average at 60 for option 1, but we  
16 wanted to provide a response to the community's  
17 request to provide as many units as we could at the  
18 lower level income band, which is 40, so we skewed  
19 the numbers. It's not a skew. That's the wrong word  
20 perhaps. The whole thing is an average. To make the  
21 average work, we put a couple in, you could see, of  
22 the units that are at 100 percent and not a couple  
23 units, 10 units, that are at 100 percent, but you  
24 also get 16 units at 40 percent to add to that. That  
25

2 number could be played with and maneuvered. That's an  
3 average. This is a discussion we had with the  
4 community and discussion we had with the Council  
5 Person, and that's how we got to these numbers. I'm  
6 happy to come back to that after I'm done presenting.  
7 I'll be done in 2 more minutes and then please thank  
8 you for your time and I'll be happy to answer any  
9 question you want.

10 The next few slides, if you can click  
11 ahead, are just going to show you the building so you  
12 can understand the building itself. You've seen this  
13 image already.

14 If you go to the next slide, please. The  
15 next slide shows you in context. This slide you're  
16 looking at right here is showing you the side that  
17 the residential entrance is going to be on. This is  
18 on the right side of the building when you're looking  
19 at all the pictures before. It's on the 99th Street  
20 side of the building. This intersection, because you  
21 can see everything is triangular and (INAUDIBLE)  
22 Queens Boulevard is a nightmare for traffic. Andrew  
23 Villari from Stonefield Engineering is on the phone  
24 with us and Andrew has been working with us, with the  
25 Community Board, and we've pledged to the Community

2 Board to work with them to create reports to submit  
3 to the New York City Department of Transportation as  
4 a part of this Traffic Task Force that the Community  
5 Board has established to help support their request  
6 for safer streets here and a safer intersection  
7 including stop signs. That's independent of our  
8 building, but that's again part of the partnership  
9 we've taken on and Andrew Villari's here, he's  
10 studied that, we've worked with the community on  
11 that, and the entrances and exits that you see here  
12 on this image are not accidental, again done in very  
13 close conjunction with the community and you see the  
14 café on the left. To the right of that, you can make  
15 out 98th. There's 97th. That's the entrance and to  
16 the right of that is the parking garage, there by  
17 design. I'll note that the residential entrance was  
18 also discussed with the Community Board about moving  
19 it to Queens Boulevard under the marquee entrance,  
20 and that's another discussion we can have with them.

21 We can go now to the next slide. Next  
22 slide shows you another residential entrance from the  
23 66th avenue perspective and it shows you it's just a  
24 much quieter street on 66th avenue so people have the  
25 choice of dropping people with their cars and going

2 into the building on 99th or they have the choice of  
3 coming out on the other side as well.

4           You can go to the next slide, please. You  
5 start to see here the cellar level is not much to  
6 look at. It's exactly what you would imagine.

7           You can go to the next slide. The next  
8 slide gives you the first floor. You can see it's  
9 carved up in retail space. It's proposed to have some  
10 of that space be available to the Rabbi that I  
11 mentioned earlier should he decide to take some, and  
12 that's an ongoing discussion.

13           Next slide, please. The second floor of  
14 the building is just parking. It's all going to be  
15 self-park. They'll be plenty of room. They'll be  
16 parking for 45 cars. That's in full compliance with  
17 what the zoning requires.

18           The remainder of the slides are fairly  
19 boring in a sense because click here you can see  
20 sections and elevations which pretty much gives you a  
21 black and white imagery of everything you just saw in  
22 color so I don't know if it has much interest to  
23 anybody but it does give you the heights that we just  
24 spoke about and all that detail.

2 That is the essence of our presentation.  
3 I'd be happy to show you more detail if you wanted it  
4 and talk about anything we have. This information is  
5 really superfluous. It's everything we just spoke  
6 about, and it's here just simply for your own  
7 edification if you have questions or you'd like us to  
8 go further.

9 Thank you very much for giving us the  
10 opportunity.

11 CHAIRPERSON RILEY: Thank you, Eric. I  
12 appreciate it. Thank you to the panel for the  
13 presentation. Just 2 questions before I turn it over  
14 to Council Member Schulman. I know you discussed this  
15 in the presentation regarding the projects design and  
16 Community Board and Burrough President's comments  
17 regarding it. Can you just go on to detail about the  
18 architecture of the Tower Diner and the Trylon  
19 Theater that you're going to incorporate in this  
20 (INAUDIBLE)

21 ERICK PALATNIK: Yes, I don't know if the  
22 controller of the screen is able to zoom in on this  
23 image here in the corner. What we've agreed to do  
24 with the community is there's a clock at that corner  
25 right there.

2 CHAIRPERSON RILEY: Yeah, I can...

3 ERIC PALATNIK: We've agreed to work with  
4 the design of the building with the Community Board  
5 to try to come to something that would be  
6 representative of that clock. The clock (INAUDIBLE)  
7 placeholder. We've agreed to do similar types of  
8 things within the building itself including imagery  
9 within the lobby area, photographs, things like that.  
10 The retention of the marquee as I keep mentioning,  
11 that was something that got everybody's interest  
12 including the developers. The developer's a local  
13 developer. They live in the area. They've built their  
14 business in the area of this building so they have a  
15 nice relationship I think. They had a great  
16 relationship with Council Member Kosowitz (sp?) and I  
17 believe have a nice relationship with Council Member  
18 Schulman so they're very eager to please. The  
19 commitment here is not showing you necessarily right  
20 now, but it is to say that we're eager to work with  
21 the community to try to create something there. If  
22 they'd like to see more than just a clock, maybe go  
23 up to the first floor and create something or do  
24 something at the top, do something to create the

2 iconic stature that they were looking to maintain out  
3 of the clock Tower Diner.

4 CHAIRPERSON RILEY: Thank you, Eric. Were  
5 there any conversations with the diner to see if the  
6 diner could possibly take one of the retail spaces?

7 ERIC PALATNIK: Every single operator and  
8 business and user within that building was offered  
9 the chance to come back into the space. Like I said,  
10 this has been ongoing for years. The Tower Diner  
11 already took another space. They're not interested in  
12 coming back. They're done with it. They're okay with  
13 that. Everybody has made business decisions and there  
14 is no strife in any way, shape, or form or bad blood  
15 between any of the parties involved with the  
16 exception of a little bit of uncertainty with respect  
17 to the congregation that's there, and even they've  
18 moved out. They've taken a space across the street.

19 CHAIRPERSON RILEY: And the Rabbi, what  
20 kind of organization does he have?

21 ERIC PALATNIK: It's a Jewish religious  
22 organization.

23 CHAIRPERSON RILEY: Okay.

24 ERIC PALATNIK: (INAUDIBLE) I love New  
25 York City. When people go to Epcot, I say why are you

2 going to Epcot, we live in Epcot, so New York City's  
3 every single neighborhood is unique and there  
4 happened to be a large percentage of Jewish people in  
5 this neighborhood. Everybody knows each other. I  
6 believe they've been to Jewish court already over the  
7 issue. I believe they've spoken about it in length.  
8 There's been a lot of discussions. They just haven't  
9 been able to come to an understand of what the future  
10 would be necessarily. I tell you that only because  
11 it's been in the news. CBS news has run an article  
12 about it, and if you google it you'll see the stories  
13 so I wanted to make you aware to it.

14 CHAIRPERSON RILEY: Okay. Thank you, Eric.  
15 I'd like to yield my time to Council Member Schulman  
16 for any questions. Council Member Schulman.

17 COUNCIL MEMBER SCHULMAN: Thank you, Chair  
18 Riley, and thank you for the very thorough  
19 presentation and the face discussions that we've had.  
20 A lot of the questions have been answered, but I do  
21 have some. One is in terms of the building trades and  
22 the unions, have you had discussions about paying a  
23 prevailing wage and meeting the benefit standard of  
24 the unions?

2 ERIC PALATNIK: We have not had a  
3 conversation with them. We have made a commitment to  
4 speak with them. The Carpenter's Union I believe  
5 reached out to us at the Community Board. We said  
6 we'd speak to them after we get an approval and we'd  
7 be in a better position to come back to them and see  
8 what we had to do. We, of course, did make an  
9 agreement, I'm happy to make the agreement with 32BJ.  
10 I'm a big believer in 32BJ. The issue with remainder  
11 of union labor in New York City as you know is a  
12 difficult conversation to have for all the reasons  
13 that we've all spoken about. It's not an easy  
14 conversation to have, but we did make the commitment  
15 to speak to people and we definitely have made the  
16 hardcore, written commitment to commit to union labor  
17 and prevailing wages with 32BJ and will continue on  
18 in that direction in all of our future developments.

19 COUNCIL MEMBER SCHULMAN: Okay, thank you,  
20 and what about pursuing environmentally friendly,  
21 green building certification?

22 ERIC PALATNIK: Yes, we are interested in  
23 pursuing a LEED Gold standard or a platinum standard  
24 if we can. Also, the building will be complying with  
25 all current regulations at the time. Most likely will

2 be electric at the time that it's constructed, and we  
3 are anxious to try to be as green as we could be, not  
4 only for the benefit of the City and the State but  
5 also because there are generous rebates involved for  
6 developers when they do take advantage so we will  
7 seek to achieve that.

8 COUNCIL MEMBER SCHULMAN: You talked about  
9 NWBE participation.

10 ERIC PALATNIK: Yes.

11 COUNCIL MEMBER SCHULMAN: Do you plan to  
12 target the Burrough President's recommended goal of  
13 30 percent?

14 ERIC PALATNIK: Yes.

15 COUNCIL MEMBER SCHULMAN: Will you follow  
16 up and provide progress reports to the Community  
17 Board on the hiring commitments?

18 ERIC PALATNIK: Yes.

19 COUNCIL MEMBER SCHULMAN: Great, and what  
20 sustainability and resiliency measures are  
21 incorporated into the building's design and  
22 construction?

23 ERIC PALATNIK: Well, there's quite a few.  
24 There's a green roof measure. There's what are called  
25 bioswales at the street level which will capture some

2 of the rainwater. We will have a high energy heating  
3 and cooling system. The windows will be a very high  
4 attenuation on the windows, a UV rating, which will  
5 both repel the heat in the summer and insulate the  
6 warmth in the winter. Those are the various things  
7 have come into play. As time is going on, there's all  
8 new sorts of technology that's coming into play with  
9 recycled water systems and turning rainwater at least  
10 into gray water. We're hoping to explore some of  
11 those because I don't know if anybody's looked at  
12 their water bill recently but water is not cheap  
13 anymore and things like that so we are very anxious.  
14 As I said, this is a very diligent, professional  
15 developer. They are eager to implement the newest and  
16 latest techniques so we're eager to do that.

17 COUNCIL MEMBER SCHULMAN: In terms of  
18 that, what about bike parking, the consideration of  
19 adding that?

20 ERIC PALATNIK: There's plenty of bike  
21 parking actually. It's interesting because we've been  
22 talking to a group called Oonee which happens to be a  
23 black-run organization but more importantly than  
24 that, Shabazz Stewart is his name, and he has created  
25 a system of free on-site bike parking for the general

1 public so that you could use bike parking pretty much  
2 anywhere. He's got it at (INAUDIBLE) Landing which is  
3 the public park that (INAUDIBLE) opened up. I believe  
4 the Mayor has been very supportive of him as well,  
5 and we've been talking to him about putting a pod,  
6 he's got pods, and the pod goes inside the parking  
7 area and if somebody wanted to park their bike there,  
8 they could park their bike there for free so it's  
9 something we've been talking about doing so the bike  
10 parking, they'll definitely be bike parking for the  
11 occupants. What I'm talking about now is bike parking  
12 for the general public, and that's something we've  
13 been talking to the Community Board about because, as  
14 you know, you're in a very active bike path and there  
15 is also a subway station right there so what would  
16 be, you know, better than that to go there and park  
17 your bicycle and then go to work wherever you go.

18  
19 COUNCIL MEMBER SCHULMAN: No, that's  
20 great. Also, I wanted to just follow up about the  
21 discussions that had been had with the Community  
22 Board about mitigating the development's impact on  
23 traffic flow while doing construction and minimizing  
24 construction disruption on Queens Boulevard including  
25 the bike lane for the surrounding community.

2 ERIC PALATNIK: Sure. In the sake of time,  
3 I'm just going to just ask Andrew Villari just to  
4 give, Andrew, can you just give maybe 3 minutes about  
5 what you're thinking here so the Council Woman and  
6 everybody can understand the intensity at which  
7 you've been approaching this here and maybe I could  
8 ask the presenter to pull up the slide that shows the  
9 traffic circulation and movement, but Andrew, you  
10 still on the phone?

11 ANDREW VILLARI: I'm here, yeah. For the  
12 benefit of the record, this is Andrew Villari from  
13 Stonefield Engineering and Design, Applicants Traffic  
14 Engineer. Eric, I'll do even better than 3 minutes. I  
15 might even do a minute and a half. So specifically  
16 relating to the impact of the project during  
17 construction on traffic, we're going to comply with  
18 all New York City DOT regulations. We understand the  
19 importance of the corridor here so the City sets  
20 forth certain criteria for when you're doing  
21 construction on Queens Boulevard. We're well aware of  
22 it and will make sure that we maintain all roads,  
23 maintain all bike lanes in accordance with the DOT  
24 standards.

2 ERIC PALATNIK: Andrew has also been  
3 working with the Community Board. Just tell a little  
4 bit about that so that they understand the effort  
5 we've made and the future of commitment.

6 ANDREW VILLARI: Absolutely. We did listen  
7 and speak with the Community Board. Some of their  
8 concerns were related to some existing traffic  
9 congestion in the area and potentially seeking some  
10 traffic calming measures that could be implemented  
11 regardless of the project so what we committed to  
12 doing is work with the City DOT to really come up  
13 with a plan for how to address this. It's nothing  
14 related to the project. It's just how can we work  
15 with the community to give them a safety improvement.

16 COUNCIL MEMBER SCHULMAN: Thank you. I  
17 just wanted to say that since we had our preliminary  
18 discussions, you've come a long way, and I want to  
19 thank you again for the good faith that you've put  
20 into this and I have no other questions at this time.  
21 Chair.

22 CHAIRPERSON RILEY: Thank you, Council  
23 Member. I now invite my Colleagues to ask questions.  
24 If you have any questions for the applicant panel and  
25 are joining us remotely, please use the raise hand

2 button on the participant panel. Counsel, are there  
3 any Council Members with questions?

4 COUNSEL MARTINEZ-RUBIO: I see no Council  
5 Members with questions at this time, Chair.

6 CHAIRPERSON RILEY: There being no future  
7 questions, the applicant panel is excused. Counsel,  
8 are there any members of the public who wish to  
9 testify on 98-81 Queens Boulevard proposal?

10 COUNSEL MARTINEZ-RUBIO: Yes, there's one  
11 member of the public signed up to testify. Marissa  
12 (sp?) Williams. Marissa, you will have 2 minutes to  
13 speak once the Chair gives you the go ahead.

14 CHAIRPERSON RILEY: Members of the public  
15 will be given 2 minutes to speak. Please do not begin  
16 until the Sergeant-at-Arms has started the clock. You  
17 may begin.

18 SERGEANT-AT-ARMS: Time starts now.

19 MARISSA WILLIAMS: Good morning, Chair  
20 Riley and Members of the Committee. My name is  
21 Marissa Williams, and I'm a representative of 32BJ  
22 SEIU. I'm here on behalf of my Union to express our  
23 support for the proposed project at 98-81 Queens  
24 Boulevard. 32BJ is the largest property service union  
25 in the country representing 85,000 property service

2 workers in New York City janitors, security guards,  
3 handypersons, and supers that work in buildings  
4 similar to this proposed project. 32BJ supports  
5 responsible developers who invest in their  
6 communities where they build. I am happy to report  
7 that this developer that the developer, Trylon LLC,  
8 has made a credible commitment to creating prevailing  
9 wage building service jobs at this site. This  
10 commitment means our building service workers at this  
11 site will have access to family-sustaining wages,  
12 retirement, and quality health benefits in a time  
13 when New Yorkers need them most. We know that this  
14 development will continue to uphold the industry  
15 standard and provide opportunities for working  
16 families to thrive. For these reasons, we are in full  
17 support of this project. We have full confidence that  
18 Trylon LLC will be a responsible employer and  
19 presence in this community. For these reasons, we  
20 respectfully urge you to approve this rezoning. Thank  
21 you.

22 CHAIRPERSON RILEY: Thank you, Miss  
23 Williams. Are there any Council Members with  
24 questions for this panel? If you are joining us  
25 remotely, please indicate by using the raise hand

2 button? There being no questions for this panel, this  
3 witness panel is now excused.

4 There being no other members of the  
5 public who wish to testify on LU 26 and 27 relating  
6 to the 98-81 Queens Boulevard proposal, the public  
7 hearing is now closed and the items are laid over.

8 I will now open the public hearing on LU  
9 16 and 17 relating to the 97-04 Sutphin Boulevard  
10 rezoning proposal in Speaker Adams district in  
11 Queens. This application seeks a zoning map amendment  
12 to rezone a C4-5X district to a C6-3 district and the  
13 related zoning text amendment to establish an MIH  
14 program area utilizing option 1 and 2 within the  
15 Special Downtown Jamaica District. These actions will  
16 facilitate the development of a new affordable  
17 housing development for seniors with community  
18 facility space plan for a health clinic.

19 For anyone wishing to testify on this  
20 item, if you have not already done so, you must  
21 register online and you may do that now by visiting  
22 the Council website at [council.nyc.gov/landuse](http://council.nyc.gov/landuse). Once  
23 again, that's [council.nyc.gov/landuse](http://council.nyc.gov/landuse).

24 Counsel, please call the first panel for  
25 this item.

2 COUNSEL MARTINEZ-RUBIO: The applicant  
3 panel for this items includes David Beer, Cara  
4 McAteer, Erin Verrier, Lori Miller, Andrew  
5 Bernheimer, and Brandon Pietras.

6 CHAIRPERSON RILEY: Thank you, Counsel.  
7 Please administer the affirmation.

8 COUNSEL MARTINEZ-RUBIO: Applicants, I'll  
9 call you individually to answer the following  
10 question. Do you affirm to tell the truth, the whole  
11 truth, and nothing but the truth in your testimony  
12 before the Subcommittee and in your answers to all  
13 Council Member questions? David Beer.

14 DAVID BEER: I do.

15 COUNSEL MARTINEZ-RUBIO: Cara McAteer.

16 CARA MCATEER: Yes, I do.

17 COUNSEL MARTINEZ-RUBIO: Erin Vareer.

18 ERIN VERRIER: I do.

19 COUNSEL MARTINEZ-RUBIO: Lori Miller.

20 LORI MILLER: I do.

21 COUNSEL MARTINEZ-RUBIO: Andrew  
22 Bernheimer.

23 ANDREW BERNHEIMER: Here.

24 COUNSEL MARTINEZ-RUBIO: Brandon Pietras.

25 BRANDON PIETRAS: I do.

2 CHAIRPERSON RILEY: Thank you. For the  
3 benefit of the viewing public, if you need an  
4 accessible version of this presentation, please send  
5 an email request to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).  
6 Once again, that's [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

7 Now the applicant team may begin.

8 Panelists, as you begin, I'll just ask you to please  
9 restate your name and organization for the record.  
10 You may begin.

11 DAVID BEER: I'm David Beer from Breaking  
12 Ground, and I will begin this presentation on a  
13 proposed rezoning for 97-04 Sutphin Boulevard in  
14 Jamaica Queens. The rezoning will facility the new  
15 construction of a mixed use project that will have  
16 affordable senior housing as well as a healthcare  
17 clinic.

18 The project partners are Breaking Ground,  
19 Community Healthcare Network, and Neighborhood  
20 Housing Services of Jamaica.

21 Breaking Ground is a not-for-profit  
22 developer of senior housing, affordable housing for  
23 families, and supportive housing. We operate over  
24 4,000 units in Brooklyn, the Bronx, Manhattan,  
25 Upstate New York, and Connecticut. We currently

operate 2 affordable senior buildings and a third is in construction.

Over our 30 years, we've developed 16 affordable senior and supportive housing buildings and 13 of those buildings are in New York City. An additional 2 buildings in New York City are under construction.

The project site is located on the southwest corner of 97th Avenue and Sutphin Boulevard through Bronx south of the Long Island Railroad train station.

In the residential component of the project, there will be 173 units created in a 15-story building with a mix of 1 bedroom and studio apartments, 1 unit will be set aside for a live-in superintendent. All 172 rental units will be for low-income seniors. 52 will be supportive housing for homeless seniors aged 55 and over. The remaining 120 units will be for seniors 62 and over with incomes up to 50 percent of the area median income. Community Board 12 applicants will receive a preference for 60 units. All rents will be subsidized by a project base section 8 contract which will enable the project to serve extremely low income seniors. There will not be

2 any minimal income tests for applicants. Social  
3 services will be provided on site in the residential  
4 part of the building as well as in the healthcare  
5 clinic. Breaking Ground is the developer of the  
6 project and will be the property manager who will  
7 also provide case management services to the senior  
8 residents.

9 At this time, I'd like to ask Erin  
10 Verrier from Community Healthcare Network to talk a  
11 little bit about CHN and its role in the project.

12 ERIN VERRIER: Hi, everyone. Great to be  
13 here. I represent Community Healthcare Network, and  
14 we are a not-for-profit network of 14 federally  
15 qualified health centers here in New York City. Our  
16 Sutphin Boulevard Health Center has actually served  
17 the area since 1978, and we offer low-cost primary  
18 care to 60,000 New Yorkers annually across the Bronx,  
19 Brooklyn, Manhattan, and Queens. At this site, with  
20 this new property, we will be able to significantly  
21 expand our health clinic and provide services not  
22 only to building residents but the surrounding  
23 community.

24 Next slide, please. This new clinic will  
25 replace our existing 6,600 square foot FQHC, but with

2 the new site we will be able to have 15,000 new  
3 square feet and this will allow us to significantly  
4 expand the services that we can provide as well as  
5 the number of patients we can serve. We provide adult  
6 medicine, pediatric, adolescent medicine, geriatrics,  
7 mental and behavioral health services, and so much  
8 more so we really provide a full comprehensive set of  
9 primary care services.

10 The proposed financing for us will be  
11 through new marker tax credits.

12 Next slide, please. I will pass this over  
13 to Neighborhood Housing Services of Jamaica.

14 LORI MILLER: Hi, I'm Lori Miller, the  
15 executive director of Neighborhood Housing Services  
16 Jamaica, Inc. I'm happy to be here as well. The  
17 organization was founded in 1974 primarily to assist  
18 homeowners in the Southeastern Queens communities  
19 with improving their homes. We are committed to  
20 preserving, protecting, and revitalizing the  
21 neighborhoods of Southeastern Queens as well as some  
22 of the surrounding communities. We provide housing  
23 education, counseling, financial services to low and  
24 moderate income residents. We're a HUD-certified  
25 housing counseling agency. We also offer pre-purchase

2 education for first-time homebuyers, foreclosure  
3 intervention and prevention services, and we have an  
4 affordable home repair financial assistance program  
5 which is comprised of grants and loans, and general  
6 financial capability or wellness education is also  
7 offered. We provide tenant education workshops. We  
8 cover tenant's rights, fair housing laws, rent  
9 exemptions. We assist residents apply for at the  
10 city's affordable housing (INAUDIBLE) and we also  
11 recently have been working with the emergency rental  
12 assistance program to help folks who have been  
13 impacted by COVID and are in arrears on their rents.  
14 NHS's role in the project will be to perform outreach  
15 and marketing for the project and to offer financial  
16 literacy training to building residents.

17 DAVID BEER: At this time, I'd like to ask  
18 our architect, Andy Bernheimer from Bernheimer  
19 Architects, to talk a little bit about the project  
20 design and the specific land use actions that are  
21 being requested.

22 ANDREW BERNHEIMER: Thanks, David, and  
23 good afternoon. I'm Andy Bernheimer, principal of  
24 Bernheimer Architecture. We're a design practice in  
25 Brooklyn where we dedicate our energy to creating

2 sensitive, sustainable, and transformational  
3 affordable housing. I want to thank the Council for  
4 giving us this time to present the design for the  
5 project at 97-04 Sutphin Boulevard.

6 We've been focused on the local context,  
7 addressing massing issues that respond to the  
8 changing neighborhood to create a design that  
9 continues the growth of a safe and engaging  
10 streetscape, one which also satisfies the  
11 requirements of this Special Downtown Jamaica  
12 District.

13 The building's articulated in 3 pieces. A  
14 5-story mass along 97th Avenue which holds the  
15 primary entry to the Community Healthcare Network  
16 space. This entry is at the primary corner of Sutphin  
17 and 97th in this view.

18 A second lower 4-story piece along  
19 Sutphin, which contains the residential entry.

20 There's a third taller topping mass set  
21 back from the street which uses varied brick textures  
22 to add detail to this portion of the architecture.

23 Please go to the next slide. Here you can  
24 see the neighborhood context. The bus lines in blue  
25 which run north/south along Sutphin and the corner

1 presence of this new building. You can also see the  
2 height articulation of the 3 separate masses in the  
3 base and the tower. The goal is to break down the  
4 overall architecture individually in (INAUDIBLE)  
5 pieces and to address the street level experience  
6 with lower volumes scaled to that experience.  
7

8           Next slide. Here is a plan that shows the  
9 ground floor programming. In pink is the space for  
10 CHN's healthcare facility. CHN also has several  
11 thousand square feet of space in a lower subgrade  
12 level to fill out their overall square footage. In  
13 the southern end of the site along Sutphin is the  
14 residential units, the area in yellow, with a  
15 reception and a communal amenity space as well as  
16 stair up to a second-floor terrace.

17           Next slide. We are looking to extend the  
18 extent C6-3 zoning that is mapped to the north of the  
19 site to this block. The project sits on the south  
20 side of 97th and current C6-3 zoning ends on the  
21 north side just above the red start. You can see a  
22 thick black line running down the center of the  
23 street facing this site. The block to the north is  
24 already zoned for higher density, and we're looking  
25 to extend it across to the this block.

Next slide. The proposed rezoning extends that C6-3 zoning that's immediately adjacent across 97th. The residential equivalent will be R9 which allows up to AFAR with inclusionary housing. That rezoning would permit an increase of the units for low-income seniors from 96 to 173. The text amendment would map MIH options 1 and 2, and we would also not need any on-site parking under the existing or proposed zoning. I'll pass it back to David.

DAVID BEER: Thank you, Andy. Next, a little bit about local hiring goals for the project. Breaking Ground will during the construction phase require it's general contractor to hire local residents for 50 percent of the new construction jobs created by the project. Breaking Ground and Neighborhood Housing Services of Jamaica will ensure that job postings for new construction hires are widely distributed in the community. All applicants from the community for new construction jobs will receive an interview. Breaking Ground will submit semi-annual reports to Community Board 12 regarding construction locals hiring during the approximately 2-1/2 year construction period. The construction is subject to prevailing wages.

At the (INAUDIBLE) phase, Breaking Ground commits to a local hiring goal of 50 percent of the housing operation's positions. We estimate there will be about 25 new permanent positions created by the project. Breaking Ground will submit a report to the Community Board on local hiring for permanent positions within 6 months after the completion of the project. Residential building employees will be represented by DC37.

Participation by minority and women-owned business enterprise will be a requirement of the project's funding sources. Breaking Ground will submit a detailed plan to the City and State agencies about how it will meet the goals set by the agencies. We will also submit quarterly reports to the agencies tracking our progress toward M/WBE goals during construction. Breaking Ground's General Contractor has an excellent track record of meeting or exceeding M/WBE goals.

With respect to parking, as Andy mentioned, none is required by either the existing or proposed zoning. Surface parking was not feasible here because of the large ground floor healthcare space, and underground parking would have been

2 prohibitively expensive. Breaking Ground did commit  
3 to the Community Board 12 to provide up to 12  
4 subsidized parking spaces in a local lot or garage  
5 where residents would pay out-of-pocket no more than  
6 \$100 per month.

7 We plan to close on the construction  
8 financing and start construction in the fall of this  
9 year, and that would put us on track to complete the  
10 project and commence occupancy in late 2024.

11 That concludes our presentation. Happy to  
12 answer any questions.

13 CHAIRPERSON RILEY: Thank you to the  
14 panel. I just have a couple of questions before I see  
15 if any of the Council Members on the Committee have  
16 any questions. Regarding the parking, can you tell us  
17 about more for the record how you arrived at the  
18 number of subsidized parking spaces you will provide  
19 for this project, and do you know where these off-  
20 site parking spaces will be located or how close to  
21 the development site you intend to have them?

22 DAVID BEER: Yes. We assumed that none of  
23 the homeless seniors will have a need for a vehicle,  
24 and so that leaves 120 non-homeless senior  
25 apartments, and we took 10 percent of that number to

2 come up with the 12. Our experience in our own  
3 portfolio we have over 900 seniors and very, very few  
4 have vehicles, but we did want to make this  
5 accommodation to the Community Board because it was a  
6 major concern of theirs. We have not yet identified  
7 the local garage or parking lot, but there is an  
8 underground garage located 3 blocks away on 94th  
9 Avenue and Sutphin, and that would be the logical  
10 place to lease spaces for residents in our building.

11 CHAIRPERSON RILEY: Thank you. Will any  
12 sustainability and resiliency measures be  
13 incorporated into the building's design and  
14 construction.

15 DAVID BEER: I will start by saying we  
16 plan to comply with Enterprise Green for the project,  
17 and I will ask Andy Bernheimer to speak more  
18 specifically to some of the sustainability features  
19 of the building.

20 ANDREW BERNHEIMER: Yeah, thanks, David.  
21 On top of the Enterprise Green Communities, we are  
22 designing the building to Passivhaus level  
23 certification so it's an extremely, extremely high-  
24 performing building envelope, energy efficient, and  
25 on top of that we also have a photovoltaic array

2 going on the roof to generate energy so those are the  
3 2, and 2 very significant, sustainability and  
4 resiliency features. The Passivhaus certification is  
5 an incredibly robust requirement for high building  
6 performance.

7 CHAIRPERSON RILEY: Thank you, Andrew.

8 That's all the questions I had. I now invite my  
9 Colleagues to ask any questions. If you have any  
10 questions for the applicant panel, please use the  
11 raise hand button on the participant panel.

12 Counsel, are there any Council Member  
13 questions?

14 COUNSEL MARTINEZ-RUBIO: Yes, Council  
15 Member Louis has questions.

16 CHAIRPERSON RILEY: Okay. Chair Louis.

17 COUNCIL MEMBER LOUIS: Thank you, Chair  
18 Riley. I have a statement and 2 interesting or weird  
19 questions. While Breaking Ground has highlighted  
20 their experience as operators and providers in social  
21 services in New York City, from my experience,  
22 services in other parts of the City regarding  
23 homeless services in particular have been poor so I  
24 would hope that if my Colleagues move forward with  
25 this project that Breaking Ground could do their due

2 diligence and we can also hold them accountable to  
3 ensure that they're providing superb support services  
4 in the district that they're seeking to expand  
5 services.

6 I wanted to ask would Breaking Ground be  
7 open to prioritizing, I saw in your presentation DC37  
8 but would you be open to prioritizing labor unions  
9 like 32BJ and Building Trades for this project, and  
10 my second is how often will you be providing reports  
11 regarding the M/WBE component because you mentioned  
12 the semi-annual reports but not on the M/WBE  
13 component? That's all I have. Thank you.

14 DAVID BEER: Thank you for your questions.  
15 The M/WBE reporting to City and State agencies will  
16 be quarterly. Our general contractor will be a union  
17 shop. We have already entered into an agreement with  
18 DC37 that is agency wide and so I don't believe we  
19 would be able to work with another union at this  
20 site.

21 Did I respond to all your questions,  
22 Council Member?

23 COUNCIL MEMBER LOUIS: Yes, and no, not  
24 the way I was hoping to get a response, but for the  
25

2 record you did respond to the question so I hope to  
3 have a offline with you all, but thank you.

4 CHAIRPERSON RILEY: Thank you, Chair  
5 Louis. Counsel, are there any more Council Members  
6 with questions?

7 COUNSEL MARTINEZ-RUBIO: Chair Riley,  
8 Chair Louis was the only Council Member with  
9 questions at this time.

10 CHAIRPERSON RILEY: There being no  
11 questions for this applicant panel, they're excused.  
12 Counsel, are there any members of the public who wish  
13 to testify on 97-04 Sutphin Boulevard proposals?

14 COUNSEL MARTINEZ-RUBIO: No members of the  
15 public, Chair Riley, for this one. We can close the  
16 hearing because no one signed up to testify.

17 CHAIRPERSON RILEY: All right. There being  
18 no members of the public who wish to testify on LU 16  
19 and 17 for the 97-04 Sutphin Boulevard proposal, the  
20 public hearing is now closed and items are laid over.

21 That concludes today's business. I would  
22 like to thank the members of the public, my  
23 Colleagues, Subcommittee Counsel, Land Use and there  
24 Counsel Staff, and the Sergeant-at-Arms for

2 participating in today's meeting. This meeting is  
3 hereby adjourned. [GAVEL]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date \_\_\_\_\_ March 17, 2022 \_\_\_\_\_