

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 23, 2023
Start: 10:35 a.m.
Recess: 11:23 a.m.

HELD AT: 250 BROADWAY - COMMITTEE ROOM, 14TH
FLOOR

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

COUNCIL MEMBERS:

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

OTHER COUNCIL MEMBERS ATTENDING:

Selvena N. Brooks-Powers

A P P E A R A N C E S

Richard Lobel, Sheldon Lobel, PC

Isaiah Moultrie, developer and owner

Delores Orr, Chair of Community Board 14

2 HOST: Webinar started.

3 SERGEANT-AT-ARMS: Thank you. We're
4 rolling.

5 HOST: I've lost connection. It says no
6 signal on my end.

7 SERGEANT-AT-ARMS: It's being taken care
8 of now. Just wait one moment.

9 HOST: We are back up.

10 SERGEANT-AT-ARMS: All right. We are ready
11 to roll.

12 COUNCIL MEMBER LOUIS: [GAVEL] Good
13 morning and welcome to a meeting of the Subcommittee
14 of Zoning and Franchises. I am Council Member Farah
15 Louis. It is Kevin Riley, but he is on his way.

16 This morning, I am joined by our
17 Committee Members, Francisco Moya, Lynn Schulman,
18 Shaun Abreu, Kamillah Hanks, David Carr, and Majority
19 Whip Brooks-Powers.

20 Today, we will hold a public hearing for
21 two rezoning proposals in Queens. Before we begin, I
22 recognize the Subcommittee Counsel to review the
23 hearing procedures.

24 COMMITTEE COUNSEL VIDAL: Thank you, Chair
25 Louis. I am William Vidal, Counsel to the

2 Subcommittee. This meeting is being held in hybrid
3 format.

4 Members of the public who wish to testify
5 may testify in person or via Zoom. Members of the
6 public wishing to testify remotely may register by
7 visiting the New York City Council website at
8 www.council.nyc.gov/landuse to sign up. For those of
9 you here in Chambers, please see one of the Sergeant-
10 at-Arms to prepare and submit a speaker card.

11 Members of the public may also view a
12 livestream broadcast of this meeting at the Council's
13 website.

14 When you are called to testify before the
15 Subcommittee, if you are joining us remotely, you
16 will remain muted until recognized by the Chair or I
17 to speak. When the Chair or I recognize you, your
18 microphone will be unmuted. Please take a moment to
19 check your device and confirm that your mic is on
20 before you begin speaking.

21 We will limit public testimony to two
22 minutes per witness. If you have additional testimony
23 you would like the Subcommittee to consider or if you
24 have written testimony you would like to submit
25 instead of appearing before the Subcommittee, please

2 email it to landusetestimony@council.nyc.gov. Please
3 indicate the LU number and/or project name in the
4 subject line of your email.

5 We request that witnesses joining us
6 remotely remain in the meeting until excused by the
7 Chair as Council Members may have questions.

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

12 Chair Louis will now continue with
13 today's agenda items.

14 COUNCIL MEMBER LOUIS: Thank you, Counsel.
15 I will now open the public hearing on Preconsidered
16 LU related to ULURP number C 230006 ZMQ relating to
17 the 245-06 South Conduit Avenue Commercial Overlay
18 Proposal also in Majority Whip Brooks-Powers District
19 in Queens. This proposal would map a C2-3 zoning
20 district within an existing R3-2/C1-3 zoning
21 district.

22 For anyone wishing to testify on this
23 item remotely, if you have not already done so you
24 must register online, and you may do that now by
25 visiting the Council's website at

2 council.nyc.gov/landuse. Once again, for anyone with
3 us in person, please see one of the Sergeants to
4 prepare and submit a speaker card.

5 I also want to announce that we've been
6 joined by Council Member Bottcher.

7 I am now going to call on Majority Whip
8 Brooks-Powers for any remarks.

9 MAJORITY WHIP BROOKS-POWERS: Thank you,
10 Chair and to the Members of this Subcommittee.

11 Both of today's agenda items concern
12 project proposals within my District, which has seen
13 a lot of development in recent years, particularly in
14 the Rockaway Peninsula.

15 I look forward to hearing from the
16 applicants today and better understanding their
17 approach to these projects. I also look forward to
18 hearing from any community members who may testify
19 regarding these projects.

20 As always, I believe the community's
21 voice must be centered in the land use process, and I
22 urge the applicants to listen closely to the concerns
23 raised by members of the community.

24 I look forward to asking more questions
25 after the applicants present. Thank you.

2 COUNCIL MEMBER LOUIS: Thank you, Majority
3 Whip. Counsel, please call the first panel for this
4 item.

5 COMMITTEE COUNSEL VIDAL: The applicant
6 panel consists of Mr. Richard Lobel.

7 CHAIRPERSON RILEY: Counsel, please
8 administer the affirmation.

9 COMMITTEE COUNSEL VIDAL: Mr. Lobel, could
10 you please raise your right hand and state your name
11 for the record?

12 RICHARD LOBEL: Richard Lobel.

13 COMMITTEE COUNSEL VIDAL: Do you affirm to
14 tell the truth, the whole truth, and nothing but the
15 truth in your testimony before this Committee and in
16 answer to all Council Member questions?

17 RICHARD LOBEL: I do.

18 CHAIRPERSON RILEY: You may begin.

19 RICHARD LOBEL: Acting Chair Louis,
20 Council Members, good morning. Richard Lobel of
21 Sheldon Lobel PC for the applicant, Kevin Neely. If
22 somebody can load the presentation? Thank you.

23 We're here today for an application which
24 has received the unanimous support of Queens
25 Community Board 13 as well as the Queens Borough

2 President and the City Planning Commission. It is the
3 245-06 South Conduit Avenue Commercial Overlay. Next
4 slide.

5 Very simply, the applicant is proposing
6 to rezone this block frontage with six lots from an
7 R3-2/C1-3 zoning district to an R3-2/C2-3 zoning
8 district. This would permit the continued operation
9 of an existing tire sales establishment. We'll now go
10 through the maps and materials to demonstrate why
11 this is particularly appropriate.

12 The next slide is the zoning map which
13 demonstrates the existing underlying R3-2 zoning
14 along with the C1-3 commercial overlay.

15 The next slide is the tax map, which
16 shows in a little more detail the six lots that would
17 be affected by this rezoning. The area in red is the
18 applicant's current tire fixing and sales
19 establishment.

20 The next slide is the area map. The area
21 map I think demonstrates well why this is an
22 appropriate rezoning. The C1-3 overlay district
23 allows for a range of commercial but basically allows
24 for retail uses in Use Group 6. The proposed rezoning
25 as a C2-3 would allow for a slightly larger range of

2 uses including home furnishings and repair as well as
3 these limited auto-related such as the tire
4 establishment here. Having frontage on Sunrise
5 Highway and South Conduit, this is obviously an
6 active thoroughfare with many intensive commercial
7 uses, and so the nature of the traffic as well as the
8 nature of the visitors to this site would support
9 this slight modification from a C1-3 to a C2-3 to
10 allow for this broader range of uses. In fact, most
11 City-sponsored rezonings now include C2 rather than
12 C1 overlays so that we can encourage our business
13 community to locate and have less of a chance of
14 having sites go dark. Here, in particular, we have a
15 tire establishment, serves not only the local area
16 but further afield, people come in on a regular basis
17 for fixes. Kevin Neely, the applicant, has been on
18 the site for years and has recently encountered
19 issues because the Use Group for the tire-fixing and
20 sales establishment is a Use Group 8 use which would
21 not be permitted in a C1 but would be permitted in a
22 C2.

23 The next slide demonstrates the nature of
24 the zoning change on the zoning map, and you can see
25 right now there is a C1-3 overlay. All six of the

lots included within the rezoning area have commercial uses on them. The underlying R3-2 does not change. The underlying bulk that's available at the site does not change. There would be no proposed change as far as development is concerned other than allowing Kevin to operate here legally and to actually make repairs and improvements to his existing tire shop.

We have included photos in the following slides. Feel free to page through those quickly on the presentation.

The next slide after the photos, actually that could be it because I don't think we included plans and materials because this is merely illustrative, but those were presented to the Community Board which, again, voted unanimously in favor. Community Board 13 in Queens, as I'm sure Council Member Brooks-Powers is aware, can be very challenging in terms of land use, but they did feel that Kevin was a valued applicant in this area should be encouraged and so happily we did get unanimous approval throughout the process.

1 With that, that is the entirety of the
2
3 application, and I'd be happy to answer any
4 questions.

5 COUNCIL MEMBER LOUIS: Thank you. I have
6 two quick questions for the applicant team regarding
7 these applications before I turn it over to Majority
8 Whip Brooks-Powers. First question, this business has
9 operated at this location for many years. What is the
10 current legal status?

11 RICHARD LOBEL: The current legal status
12 is that they have been issued violations in terms of
13 the Use Group. The applicant has been operating at
14 this site for greater than 20 years and was leasing
15 this site for a period of time and then saved up
16 money and essentially what amounts to be his
17 lifesavings to purchase this site. At that time, the
18 site began accruing (INAUDIBLE) violations. At the
19 time, he thought that the existing commercial overlay
20 was sufficient, it was not, and so he's in technical
21 violation of the Zoning Resolution. While the C1-3
22 would permit Use Group 6, his tire sales
23 establishment and fixing establishment in Use Group
24 would not be permitted.

2 COUNCIL MEMBER LOUIS: Thank you for that.
3 Now, Chair Riley is here so I will let him continue
4 with today's hearing.

5 CHAIRPERSON RILEY: Thank you, Chair
6 Louis. How are you doing, Richard?

7 RICHARD LOBEL: Very well, Chair.

8 CHAIRPERSON RILEY: Does the shop plan on
9 expanding?

10 RICHARD LOBEL: It does not plan on
11 expanding beyond the existing two lots on which it is
12 located. It does plan on providing improvements to
13 that existing property so it would not previously had
14 been able to go to Department of Buildings and to
15 alter the existing building given the fact that the
16 Use Group was not permitted. Once the rezoning
17 hopefully goes through, they'll be able to file
18 alteration applications at DOB, and this was all
19 fully presented to the Community Board including the
20 opportunity to build more of a permanent structure to
21 allow for more cars to come off the street and
22 relieve some congestion on South Conduit. A
23 universally beloved application, and our applicant is
24 a wonderful applicant.

2 CHAIRPERSON RILEY: How many years has
3 this rezoning process taken?

4 RICHARD LOBEL: Sadly, it's taken now over
5 three years for a commercial overlay rezoning. We've
6 been through the pandemic, which I think contributed
7 to some delays in the application, and there have
8 also been issues with regards to environmental review
9 and the agency. Having said that, we're happy to be
10 where we are but, yeah, it has taken him some time.

11 CHAIRPERSON RILEY: Thank you. I would now
12 like to turn to Majority Whip Brooks-Powers to ask
13 questions.

14 MAJORITY WHIP BROOKS-POWERS: Hi. How are
15 you?

16 RICHARD LOBEL: Very well.

17 MAJORITY WHIP BROOKS-POWERS: Nice to see
18 you in person.

19 RICHARD LOBEL: Yeah, I know. It's crazy.

20 MAJORITY WHIP BROOKS-POWERS: Last two
21 years has been on virtual Zoom. Is the applicant
22 actually physically here today?

23 RICHARD LOBEL: He's not. He,
24 unfortunately, was unable to attend, and given the
25 straightforward nature of the application I told him

2 it was okay to not attend. He said he authorized me
3 to give the full representation, and so I'm happy to
4 do that.

5 MAJORITY WHIP BROOKS-POWERS: When he
6 presented to the Community Board, was he present?

7 RICHARD LOBEL: He was present.

8 MAJORITY WHIP BROOKS-POWERS: Okay.

9 RICHARD LOBEL: Frankly, the Land Use
10 Committee, the full Board, it was an emotional time
11 for him. He's a local product. He purchased this
12 property in good faith, put all of his lifesavings
13 into this, and I think spent over a million dollars
14 in total to purchase the properties and then was
15 immediately hit with violations. Community Board 13
16 was wonderful in this regard. They were really
17 supportive and want to see this applicant do well.

18 MAJORITY WHIP BROOKS-POWERS: How many
19 employees work at the tire shop?

20 RICHARD LOBEL: There's roughly four to
21 five existing employees. That would probably be
22 maintained in the event the rezoning is granted.

23 MAJORITY WHIP BROOKS-POWERS: Do you know
24 if they are hired from the local community?

2 RICHARD LOBEL: I think Kevin makes an
3 effort to hire from the local community, and I can
4 follow up with him on that. Essentially given the
5 hours of operation of the tire shop, the fact that
6 there is constant demand for fixes, it behooves him
7 to have local workers because they're able to staff
8 the facility.

9 MAJORITY WHIP BROOKS-POWERS: The Borough
10 President's report includes a recommendation for
11 adding green infrastructure along the edge of the
12 shop to improve drainage. Is the owner willing to
13 commit to improving the sidewalk condition through
14 green infrastructure and other improvements as a part
15 of this application?

16 RICHARD LOBEL: He is. As part of the
17 application, he would also be required to file a
18 Builder's Pavement Plan which would include
19 improvements to the street frontage, the sidewalk,
20 and such, but the applicant in full discussion with
21 the Community Board said he'd be happy to beautify
22 the property.

23 MAJORITY WHIP BROOKS-POWERS: Thank you.

24 RICHARD LOBEL: Thank you, Council Member.

2 CHAIRPERSON RILEY: Thank you, Majority
3 Whip. Do anymore Colleagues any questions for this
4 applicant panel?

5 There being no questions, this applicant
6 panel is excused.

7 Counsel, are there any members of the
8 public who wish to testify on 245-06 South Conduit
9 Avenue Commercial Overlay proposal remotely or in-
10 person?

11 COMMITTEE COUNSEL VIDAL: One minute,
12 please, Chair.

13 There are no additional witnesses either
14 online or in-person.

15 CHAIRPERSON RILEY: Thank you, Counsel.
16 There being no members of the public who wish to
17 testify on Preconsidered LUs related to ULURP number
18 C 230006 ZMQ relating to the 245-06 South Conduit
19 Avenue Commercial Overlay Proposal, the public
20 hearing is now closed and the items are laid over.

21 I will now open the public hearing on
22 Preconsidered LUs related to ULURP number C 200232
23 ZMQ and N 220330 ZRQ relating to the 25-46 Far
24 Rockaway Boulevard Rezoning Proposal in Majority Whip
25 Brooks-Powers District in Queens. This application

2 seeks a zoning map amendment to rezone an existing
3 R4-1 to an R6B zoning district and the related zoning
4 text amendment to map an MIH Program Area.

5 For anyone wishing to testify on this
6 item remotely, if you have not already done so you
7 must register online and you may do that now by
8 visiting the Council's website at
9 council.nyc.gov/landuse.

10 Once again, for anyone with us in person,
11 please see one of the Sergeants to prepare and submit
12 a speaker's card.

13 I would now like to allow Majority Whip
14 Brooks-Powers to give her remarks regarding this
15 project.

16 MAJORITY WHIP BROOKS-POWERS: Thank you,
17 Chair. I am going to be reading a statement on behalf
18 of a group of homeowners in the proximity of this
19 project so it reads:

20 Good morning, Councilwoman Selvena
21 Brooks-Powers and the Members of the Subcommittee on
22 Zoning and Franchises. We come before you as a
23 community of Far Rockaway, particularly the
24 neighboring homeowners and residents of Hartman Lane,
25 Far Rockaway Boulevard, and Beach Channel Drive to

express support for the upzoning of 25-46 Far Rockaway Boulevard from an R4-1 to an R5D. Initially, we were all adamantly opposed to the rezoning in light of all the recently newly built residential building developments less than one mile from this location. Our immediate community is incredibly concerned that having another residential building in a dense area would disrupt our quality of life and increase our property taxes amongst other factors. Upon learning about the upzoning proposal, our community quickly mobilized to have our voices and concerns heard. Mr. Moultrie met with our community on numerous occasions to discuss our grievances and concerns and addressed any questions we had. As a result, we strategized on a solution that would be mutually beneficial to our community and align with his vision. Unfortunately, this up-zoning application has the community somewhat divided because we don't want more buildings. Ideally, we wanted to remain an R4-1 with one- to two-family homes as a pathway to building a community with fellow homeowners or residents that will take pride in contributing to the community. However, as evidenced in our meetings and survey polls, we all agree that one of our paramount

concerns was that Mr. Moultrie needed to be a better steward of maintaining the property for the past 15 years. Therefore, he lost their confidence and trust in his ability to maintain a proposed 24-unit building. Alternatively, our community was given two choices, to rezone or face having yet another drug rehab facility across the street from Challenge Prep School for kindergarten to third graders in addition to the one directly down the block. Our community deserves better. We unanimously all agree that our neighborhood doesn't need another drug rehab. We need resources, hospitals, and schools, and we will no longer be silent about a proposed development that will put our children and seniors in harm's way. With 51 votes opposing and 68 in favor of the rezoning, the community members in favor of rezoning to an R5D residential only development are conceding and committed to ensuring the promises we as a community were offered by the developer, owner, and contractor, Mr. Isaiah Moultrie are met. Mr. Moultrie promised to negotiate a resolution agreement with the community to address our concerns. Once you, our Councilwoman, render your final decisions, we intend to meet with Mr. Moultrie within the forthcoming weeks to begin

1 drafting a resolution agreement to outline and commit
2 to language surrounding but not limited to unforeseen
3 rendering changes, parking, construction schedule,
4 window treatments, adequate rodent and pest control
5 upon demolition, community landscaping and outreach,
6 garbage removal, community board for the building,
7 and input in the final rendering design, and job
8 sourcing from within the local community. In recent
9 months, Mr. Moultrie has made a tremendous effort to
10 clean the property to regain our trust. We appreciate
11 Mr. Moultrie being amenable to working with us. Most
12 developers haven't interfaced with the community to
13 the extent he has over the past three months. We hope
14 Mr. Moultrie will keep his word to build a 24-unit
15 structure identical to the rendering he presented to
16 the community and our Councilwoman on Thursday, March
17 2, 2023. We expect Mr. Moultrie to maintain his word
18 to build a schedule and adequately vet and attract
19 future residents who would be good tenants for him
20 and a welcome addition to the Far Rockaway community.
21 We pray this development's success will set a new
22 precedent for inclusivity in how the community and
23 developer can collaborate for future development.
24

2 Thank you for your time. Residents and property
3 owners of Far Rockaway.

4 CHAIRPERSON RILEY: Thank you, Majority
5 Whip.

6 Counsel, please call the first panel for
7 this item.

8 COMMITTEE COUNSEL VIDAL: The applicant
9 panel will consist of Mr. Richard Lobel and Isaiah
10 Moultrie.

11 CHAIRPERSON RILEY: Counsel, please
12 administer the affirmation.

13 COMMITTEE COUNSEL VIDAL: Panelists, could
14 you please raise your right hand and state your name
15 for the record?

16 RICHARD LOBEL: Richard Lobel.

17 ISAIAH MOULTRIE: Isaiah Moultrie.

18 COMMITTEE COUNSEL VIDAL: Do you affirm to
19 tell the truth, the whole truth, and nothing but the
20 truth in your testimony before this Committee and in
21 answer to all Council Member questions?

22 RICHARD LOBEL: I do.

23 ISAIAH MOULTRIE: Yes.

24 CHAIRPERSON RILEY: Thank you. For the
25 viewing public, if you need an accessible version of

2 this presentation, please send an email request to
3 landusetestimony@council.nyc.gov.

4 Now, the applicant team may begin.
5 Panelists, as you begin, I'll just ask that you
6 please restate your name and organization for the
7 record. You may begin.

8 RICHARD LOBEL: Richard Lobel, Sheldon
9 Lobel, PC.

10 ISAIAH MOULTRIE: Isaiah Moultrie,
11 developer and owner.

12 CHAIRPERSON RILEY: You may begin.

13 RICHARD LOBEL: Thank you, Chair Riley,
14 Majority Whip Brooks-Powers, Council Members. Again,
15 Richard Lobel of Sheldon Lobel PC. It's an honor to
16 be here with Isaiah Moultrie to represent him on the
17 25-46 Far Rockaway Boulevard Rezoning. Next slide.

18 Summary of the rezoning is that we are
19 seeking to rezone what amounts to be four lots and
20 portions of two lots from an R4-1 zoning district to
21 an R6B zoning district. The applicant also, as with
22 other rezonings of similar kind, proposes a Mandatory
23 Inclusionary Housing Designated Area to be mapped
24 with Options 1 and 2 on the property, and this would
25 facilitate in accordance with plans and materials

1 submitted to City Planning a five-story,
2 approximately 33,000 square foot 40-dwelling unit
3 multi-family residential building, 10 of those units
4 would be permanently affordable with parking in the
5 cellar. I will go through the presentation and will
6 note at the outset that the presentation and the
7 application currently reflects an R6B. Obviously, the
8 Majority Whip has discussed a modification of that
9 application, but, for now, we'll discuss what's
10 before the Commissioner.
11

12 The next slide is a zoning map which
13 demonstrates the existing zoning of the property
14 being R4-1 on the development site and R3-2 on the
15 portion to the north of the site included within the
16 proposed rezoning area.

17 The next two slides are the tax maps
18 which show with a little bit more specificity, the
19 nature of the property, again the property itself in
20 red, 80 feet deep, and then the adjacent property to
21 the north at 115 feet deep, both proposed at an R6B.

22 The next slide is the area map which I
23 think demonstrates well why we feel that this
24 rezoning has merit. The area map as you can see
25 demonstrates that the property sits along Far

2 Rockaway Boulevard, which itself is a wide street at
3 75 feet, as well as Beach Channel Drive, which at 70
4 feet is a wide narrow street. In addition, this
5 property is within the area of zoning districts that
6 are currently R6 and R6A you can see to the lower
7 lefthand corner of the area map. We have similarly
8 zoned properties as well as Seaview Towers which is a
9 20-story property immediately to the south in yellow.
10 There are six- and five-story multi-family
11 residential buildings within a block to the southwest
12 of the property and importantly the A-train, the 25th
13 Street Far Rockaway stop is roughly one block from
14 the property so when it comes to Queens and it comes
15 to this area, this property is well-positioned to
16 handle the moderate increase in density which would
17 be engendered by the proposed rezoning.

18 The slides which follow demonstrate the
19 existing conditions on the property. Those are
20 photographs. Please feel free to page through those
21 quickly. They include a vacant lot and a vacant four-
22 story building as well as the school to the north of
23 the property.

24 The plans that follow are the floor plans
25 and site plans which demonstrate what we think is an

2 attractive design. The property, again, would be five
3 stories. Feel free to forward two slides to
4 demonstrate the cellar plan, which currently has
5 parking allotted for 22 spaces and a fully attended
6 parking lot.

7 One slide further is the first floor plan
8 which demonstrate the floor layouts and then the
9 second floor and the illustrative third through fifth
10 floor plans. The elevations follow the floor plans,
11 and I think probably the plans immediately after the
12 elevations are most telling in terms of the
13 renderings. If you can forward to the color
14 renderings, that would be most helpful.

15 Because the R6B is allowed to provide for
16 dormers and setbacks which allow for a modified bulk.
17 It doesn't really impose itself on the street
18 frontage, it's an attractive design, and I think if
19 you just want to forward through those renderings
20 you'll come to the ULURP page which discusses our
21 meetings and hearings to date.

22 Community Board 14 on January 10th issued
23 a conditional approval of this rezoning to an R5D as
24 in dog zoning district as was stated by the Majority
25 Whip in her intention to rezone or at least to

1 recognize the local civic. That application was
2 thankfully approved by Community Board 14 by a vote
3 of 20 in favor, none opposed, one abstention. The
4 Queens Borough President recommended the rezoning at
5 the full R6B understanding that, of course, that
6 would carry with it required affordability as did the
7 City Planning Commission by unanimous approval on
8 March 15th. Importantly here, Isaiah did make a
9 tremendous effort being grounded in surrounding
10 community to go out to his neighbors and those at
11 religious institutions and other institutions and
12 received 40 signatures of local community members in
13 support, a letter from the Bayswater Civic
14 Association again at an R5D, and letters of support
15 from local churches.

17 I would lastly add that it is endearing
18 the strength of the support which Isaiah enjoys in
19 the community which has cited his family members as
20 well as the fact that in a letter from the Macedonia
21 Baptist Church, "it is important that young people of
22 color see men of color in a position of ownership and
23 development as role models. Therefore, I would like
24 to offer my support for this project." It is not
25 something that was lost on the Community Board that

2 Isaiah is an important applicant and that projects of
3 this nature should be encouraged and even celebrated.

4 With that, we're happy to discuss the
5 individual particulars around the application, and
6 Isaiah and I are available for questions.

7 CHAIRPERSON RILEY: Thank you, Richard,
8 and thank you, Isaiah.

9 I have a few questions for the applicant
10 regarding these applications before I turn it over to
11 Majority Whip Brooks-Powers.

12 The Community Board's disapproval vote
13 included an explanation that the Board would have
14 supported the application as an R5D zoning district.
15 How would a development under R5D differ from what
16 you presented at an R6B?

17 RICHARD LOBEL: Sure, Chair. It was a very
18 spirited Community Board discussion and very
19 involved. As an R5D, this project tops out at four
20 stories as opposed to the R6B which would permit five
21 stories, and an R5D, we end up with roughly 23
22 residential units as opposed to the 40 proposed.
23 Unfortunately, there's a couple of things to note.
24 It's a challenging site. Isaiah has lived through
25 this for some time. While 33,000 square feet would be

2 useful to be able to fully build the site, the R5D
3 would limit him to closer to 30,000 square feet and,
4 also importantly, the R5D is not included in the
5 City's Mandatory Inclusionary Housing whereas the R6B
6 is so those are the primary differences. I would say
7 that the affordability was not a critical issue at
8 the Community Board. They were more concerned that
9 the property top out at four stories in height than
10 any other factor, and that was what was most
11 important to the Civic as well so those are the
12 primary differences.

13 CHAIRPERSON RILEY: Isaiah, you want to
14 say something?

15 ISAIAH MOULTRIE: Yeah. At the R5D,
16 according to the apartment size, (INAUDIBLE) between
17 23 and 28 most likely apartments. That would be the
18 difference.

19 CHAIRPERSON RILEY: Thank you. The
20 Community Board also recommended cutting back the
21 rezoning area not to include the school. Why was the
22 school included in the rezoning?

23 RICHARD LOBEL: Chair, the school has an
24 existing floor area ratio of 1.5. That 1.5 is
25 contextual with the existing R3-2 zoning district as

2 well as with the proposed R6B district so it largely
3 was done, as is often the case with City Planning,
4 with a view towards the context of the surrounding
5 area and that it would be appropriate to include both
6 block frontages in the rezoning. Isaiah has no
7 interest in the property to the north, and, again,
8 there have been community discussions with regards to
9 that property. The Council, I know, is well-aware of
10 its authority to alter the scope of a rezoning in
11 terms of geographic area, but basically the
12 Commission and the applicant together in developing a
13 land use rationale felt that including those two
14 blocks was appropriate given the similarity of land
15 use in the area, given the similarity of street
16 frontages, and the similarity in terms of the
17 surrounding context.

18 CHAIRPERSON RILEY: Okay. Is this site
19 vulnerable to storm surge or other types of flooding,
20 and what resiliency design measures are you
21 incorporating?

22 ISAIAH MOULTRIE: I can answer that.

23 RICHARD LOBEL: Oh, please.

24 ISAIAH MOULTRIE: No, it's not subject to,
25 I'm sorry, you said the...

2 CHAIRPERSON RILEY: Storm surge or other
3 types of flooding?

4 ISAIAH MOULTRIE: No, it's not in a
5 flooding area. As we have underground parking, there
6 would be pumps put in place if there ever was a
7 situation where water would occur to constantly de-
8 water the premises, but it's not in a flood zone at
9 all.

10 CHAIRPERSON RILEY: What about regarding
11 the community around for the homeowners?

12 ISAIAH MOULTRIE: We would be putting in
13 new drainage all around the property so it would be
14 better than it actually is now so there would be less
15 possibility for any storm surge or anything. If that
16 was to happen, there would be less with the new
17 drainage. We'd be putting in dry wells, different
18 things would be put in to absorb the water.

19 CHAIRPERSON RILEY: Do you anticipate this
20 area to be in a storm surge or a type of flooding
21 area in the future?

22 ISAIAH MOULTRIE: No, we don't. This area
23 all through Super Storm Sandy, which was the last
24 major storm that was there, it was dry. The level of
25

2 ground elevation would not put it in the path of
3 anything that would storm surge.

4 RICHARD LOBEL: Chair, if I may add,
5 again, as submitted with the LR item 3, with
6 specificity of the flood mitigation measures, the
7 proposed development is not in a flood zone, but the
8 applicant intends to provide flood mitigation
9 measures including cellar walls and flooring
10 constructed of concrete or CMU, cellar level outlets
11 would be elevated, cellar level parking will allow
12 for automatic entry and exit of floodwaters by means
13 of breakaway enclosures, elevator pits would
14 incorporate waterproofing and some pumps and flood
15 alarms so many of the items which Isaiah had
16 mentioned in detail are included in materials, but
17 these would be enacted at the property.

18 CHAIRPERSON RILEY: Thank you. How many
19 parking spots do you anticipate for this property?

20 ISAIAH MOULTRIE: As it stands with R5D,
21 on one level, we can easily provide 22 to 24 parking
22 spaces. If necessary, we can go down a little deeper
23 and stack the cars and provide up to, it'd be a
24 greater expense, but provide up to 48 spaces by
25

2 stacking the vehicles and having an automated system
3 put in.

4 CHAIRPERSON RILEY: Are there any major
5 transportation options close by this area?

6 ISAIAH MOULTRIE: Yes, we have the A-train
7 which within the block. It's on the same block as the
8 A-train. I don't think it's even 200 feet away.

9 CHAIRPERSON RILEY: Okay. The plans you
10 presented include car elevators to access below-grade
11 parking. Is that the only feasible way to incorporate
12 on-site parking, and what is the cost of these
13 elevators compared to more typical ramps?

14 ISAIAH MOULTRIE: There's a greater cost.
15 If we're going with the R5D, we would not use
16 elevators. We'd use ramps. We'd use a ramp to provide
17 up to 24 parking spaces on one level, and that would
18 allow us, coming off the street of Far Rockaway
19 Boulevard at about 30 feet so we wouldn't need
20 elevators if we were going to go with the R5D zoning.

21 CHAIRPERSON RILEY: Thank you. I would now
22 like to turn it over to Majority Whip Brooks-Powers
23 to ask her questions.

24 MAJORITY WHIP BROOKS-POWERS: Thank you,
25 Chair, and thank you for those questions. I know

2 recently we had Winter Storm Elliot, and in that area
3 and that vicinity there was some flooding that
4 happened so I am glad that you're considering what
5 that sewage is going to look like.

6 The Community Board and other local
7 stakeholders support development at this site under
8 R5D zoning, which is one story lower and slightly
9 less density compared to R6B. Is it feasible to
10 develop under R5D zoning?

11 ISAIAH MOULTRIE: yes.

12 MAJORITY WHIP BROOKS-POWERS: Do you have
13 today the financial access to capital to ensure that
14 this project happens?

15 ISAIAH MOULTRIE: Yes, we do.

16 MAJORITY WHIP BROOKS-POWERS: The
17 community has also expressed interest in adding some
18 kind of community-serving space to this proposal.
19 Would the developer consider setting aside a portion
20 of the ground floor for a multipurpose community room
21 accessible to the public for small events and
22 community meetings?

23 ISAIAH MOULTRIE: At the R5D level, that's
24 very difficult because we're restricted to the amount
25 of apartments we can have and the height of the

2 building. At the R6B level, we could do that. We
3 could put in a community facility on the first floor
4 and then compensate with the necessary number of
5 apartments on higher floors. It's very difficult to
6 imagine that at an R5D level.

7 MAJORITY WHIP BROOKS-POWERS: So at an
8 R5D, is the answer no?

9 ISAIAH MOULTRIE: It would be difficult.

10 MAJORITY WHIP BROOKS-POWERS: I need a
11 clear answer.

12 ISAIAH MOULTRIE: I think the answer would
13 be no at an R5D level.

14 MAJORITY WHIP BROOKS-POWERS: What is your
15 plan to ensure local hiring and M/WBE participation?

16 ISAIAH MOULTRIE: We would be hiring
17 M/WBE-certified companies to work...

18 MAJORITY WHIP BROOKS-POWERS: What
19 percentage?

20 ISAIAH MOULTRIE: My partner (INAUDIBLE)
21 she's an M/WBE too so it'd most likely be 100
22 percent. The electricians from their neighborhood are
23 certified M/WBE, the plumbers. It would be 100
24 percent.

2 RICHARD LOBEL: I'd like to qualify that.
3 Going through the ULURP process, the Queens Borough
4 President often weighs in on these matters and
5 discusses minimum M/WBE hiring standards, which
6 talking about those with Isaiah we're clearly going
7 to meet, which are something in the neighborhood of
8 25 to 30 percent, and I think that that's a very
9 comfortable number.

10 MAJORITY WHIP BROOKS-POWERS: Can you
11 commit to at least 50 percent?

12 ISAIAH MOULTRIE: Yes.

13 MAJORITY WHIP BROOKS-POWERS: Okay. Will
14 this development have good jobs for building service
15 workers?

16 ISAIAH MOULTRIE: Yes.

17 MAJORITY WHIP BROOKS-POWERS: Neighbors
18 have expressed concern about the impacts of
19 construction. What are your plans for mitigating
20 pests and other nuisances generated by construction?
21 Can you commit, also, to address any such issues and
22 to update the Community Board on construction
23 progress and mitigation plans throughout the life of
24 the construction?

2 ISAIAH MOULTRIE: Yes, we can, and we've
3 already started addressing the pest situation, and we
4 will do that throughout the life of the construction
5 project.

6 MAJORITY WHIP BROOKS-POWERS: Just wanting
7 again to have on record, in terms of Challenge
8 Charter School, recognizing the community does not
9 want that school within the application nor does the
10 school want to be included in the application, it's
11 my understanding that you are okay as well with the
12 removal of them?

13 RICHARD LOBEL: Our application includes
14 the adjacent parcel. We included it in the
15 application because we had to make a land use
16 rationale at City Planning. To the extent that that
17 is removed from the rezoning, we have no interest,
18 financial or otherwise, in that parcel, and we feel
19 that our application has merit and satisfies a land
20 use rationale even without that parcel so I don't
21 want to say that we are encouraging that, but, to the
22 extent that it is removed, it would not have a
23 material adverse effect on our application.

24 MAJORITY WHIP BROOKS-POWERS: Okay, I
25 wonder why it was added then if that's the case.

2 ISAIAH MOULTRIE: Can I just say one
3 thing?

4 MAJORITY WHIP BROOKS-POWERS: Sure.

5 ISAIAH MOULTRIE: I didn't add it.

6 MAJORITY WHIP BROOKS-POWERS: Well, it's
7 in your application.

8 ISAIAH MOULTRIE: This application
9 probably was seven years ago, in 2017, six years ago,
10 and at the time I think the rationale might have been
11 different but I never requested or never asked for it
12 to be added. I've spoken with Pastor Mullings and
13 fully support his line of thinking of not wanting it
14 involved.

15 MAJORITY WHIP BROOKS-POWERS: In terms of
16 the community benefits, I know you've been having a
17 lot of conversation with members of the community in
18 terms of your commitments. Can you give me a readout
19 of where you are with commitments to my community
20 members?

21 ISAIAH MOULTRIE: When last we spoke,
22 there were several things we were going to be
23 involved in. We've come up with a design I think
24 that's favorable to all of us and gives me the
25 ability to build the building, a nice building. The

2 green area, the building having solar in it, the
3 building having a large green area, local hiring,
4 doing workforce hiring, we taking at-risk youth,
5 people that ordinarily would not be able to find jobs
6 in this nature, we're training them in each aspect of
7 trade line of this particular job so I've had several
8 meetings with them. I've actually started to enjoy
9 it. We're coming up with things together of how we
10 can make this a better site to work for them, that's
11 comfortable for everyone, and they can feel
12 comfortable with it coming in their neighborhood so I
13 think it's going to be something that you'll see
14 long-term turned out very well.

15 MAJORITY WHIP BROOKS-POWERS: What's the
16 timeline if this application is approved for this
17 construction?

18 ISAIAH MOULTRIE: Within 14 to 16 months.

19 MAJORITY WHIP BROOKS-POWERS: To have
20 shovel in the ground?

21 ISAIAH MOULTRIE: No. We'll have shovel in
22 the ground, assuming this would be approved somewhere
23 around May, we'd probably be demoing June or July and
24 within 16 months after that be completed, God
25 willing.

2 MAJORITY WHIP BROOKS-POWERS: What's your
3 commitment in terms of outreach for potential
4 renters?

5 ISAIAH MOULTRIE: We are using local
6 brokers in the area to acquire tenancy. We will be
7 advertising. This will be a fully market-rate
8 building, I believe, because they'll be no
9 affordability so we're making a preference to try and
10 get first responders, law enforcement, we'll be
11 catering to try and have that in the building,
12 teachers.

13 MAJORITY WHIP BROOKS-POWERS: You'll
14 advertise in the local papers, the Wave, the Rockaway
15 Times?

16 ISAIAH MOULTRIE: Yes, the Wave, the
17 Rockaway Times, we'll be advertising in all those
18 papers, yes we will.

19 MAJORITY WHIP BROOKS-POWERS: What's the
20 composition of the apartments at this point?

21 ISAIAH MOULTRIE: At this point, one and
22 two bedrooms.

23 MAJORITY WHIP BROOKS-POWERS: No three?

24 ISAIAH MOULTRIE: No threes. The community
25 expressed they desired threes to be a part of that.

2 MAJORITY WHIP BROOKS-POWERS: Parking, I
3 know when we spoke early, we spoke about one-to-one.

4 ISAIAH MOULTRIE: Yes.

5 MAJORITY WHIP BROOKS-POWERS: Is that
6 still the case?

7 ISAIAH MOULTRIE: That still will be the
8 case. At the R5D level, I think we max out at decent-
9 sized apartments at 28 so we can fit 22 to 24 on one
10 level so, if worse comes to worse, we have to maybe
11 have one stackable or two stackable units for four
12 extra vehicles?

13 MAJORITY WHIP BROOKS-POWERS: Will there
14 be a super that resides there?

15 ISAIAH MOULTRIE: Yes, there will be.

16 MAJORITY WHIP BROOKS-POWERS: Will that
17 person be locally hired?

18 ISAIAH MOULTRIE: Yes, he will be or she.

19 MAJORITY WHIP BROOKS-POWERS: In terms of
20 the maintenance and upkeep of the ground...

21 ISAIAH MOULTRIE: That super will be
22 responsible for it, but we will have a landscaping
23 company. I've tried to do a much better job over the
24 last month or so when they addressed their concerns,

2 and I do apologize for that in the past. There were
3 several reasons, but we've corrected that.

4 MAJORITY WHIP BROOKS-POWERS: I know in
5 the statement I read on behalf of the constituents,
6 they talked about like noise mitigation too so I just
7 want to emphasize that in addition to the pest
8 mitigation as well.

9 In terms of the community space because I
10 think that is important. I think we have some time
11 left. I would like you to revisit that, even if it's
12 1,000 square feet, something that the community can
13 be able to utilize as a community space.

14 ISAIAH MOULTRIE: Is that allowed under
15 the R5?

16 RICHARD LOBEL: (INAUDIBLE)

17 ISAIAH MOULTRIE: Okay, we'll address it.

18 MAJORITY WHIP BROOKS-POWERS: Thank you,
19 Chair.

20 CHAIRPERSON RILEY: Thank you, Majority
21 Whip. There being no questions for this applicant
22 panel, you are now excused.

23 Counsel, are there any members of the
24 public who wish to testify on 25-46 Far Rockaway
25 Boulevard Rezoning Proposal remotely or in-person?

2 COMMITTEE COUNSEL VIDAL: Chair Riley,
3 there is one member of the public who has signed up
4 to speak remotely. This is Delores Orr.

5 CHAIRPERSON RILEY: Members of the public
6 will be given two minutes to speak. Please do not
7 begin until the Sergeant-at-Arms has started the
8 clock.

9 SERGEANT-AT-ARMS: You may begin.

10 CHAIRPERSON RILEY: Delores.

11 COMMITTEE COUNSEL VIDAL: One minute,
12 Chair Riley. We are confirming whether Miss Delores
13 is still on.

14 CHAIRPERSON RILEY: Miss Delores, you may
15 begin.

16 DELORES ORR: Thank you, yes. They just
17 added me to the panel so I'm ready to begin.

18 My name is Delores Orr. I'm Chair of
19 Community Board 14, and, as has been stated, the
20 Community Board does oppose the upzoning to the R6B,
21 and the reason for that is the height is not in
22 context with the surrounding community. Testimony
23 from the residents expressed concerns about the
24 height, shadows, parking, not enough (INAUDIBLE), and
25 the property owner has been negligent in maintaining

1 the property despite numerous residents requesting it
2 so we're very happy to hear that that has been
3 corrected. Community Board 14 already has 12,000
4 units of affordable housing that's planned or
5 completed in the ZIP code. Additionally, Community
6 Board 14 opposes City Planning upzoning of the
7 adjacent lot at Challenge Prep, and City Planning did
8 this without any notification or discussion with
9 Reverend Mullings, and he only learned about it when
10 the neighbors started coming and objecting to the
11 school being upzoned. Our motion did pass in which
12 that based on feedback from the residents and
13 discussion by the Board that we would support R5D and
14 continue to oppose the R6B. As of June of this year,
15 Community Board 14 has a moratorium, we passed a
16 unanimous motion that there's a moratorium on any
17 upzoning R6 and above. OEM has yet to give us an
18 evacuation plan. The entire peninsula is in an M1
19 flood zone, which is the highest flood zone, and that
20 remains a concern to us. We support this project
21 based on the resident feedback and negotiation with
22 the developer, and we'd like to be kept apprised of
23 advances on that. Thank you.

2 CHAIRPERSON RILEY: Thank you, Miss
3 Delores.

4 DELORES ORR: Can I just say we're
5 thrilled about nearly 100 percent parking. You're
6 probably the second developer on the Rockaway
7 Peninsula that has given 100 percent parking so thank
8 you for that.

9 CHAIRPERSON RILEY: That's something.

10 COMMITTEE COUNSEL VIDAL: If there are any
11 members of the public who wish to testify at this
12 point on 25-46 Far Rockaway Rezoning Proposal
13 remotely, please press the raise hand button now, or
14 if in person please identify yourself to the one of
15 the Sergeants.

16 The meeting will stand at ease while we
17 check for any newly registered members of the public.

18 CHAIRPERSON RILEY: There being no other
19 members of the public who wish to testify on
20 Preconsidered LUs relating to ULURPs number C 200232
21 ZMQ and N 220330 ZRQ relating to the 25-46 Far
22 Rockaway Boulevard Rezoning Proposal, the public
23 hearing is now closed and the items are laid over.

24 That concludes today's business. I would
25 like to thank the members of the public, my

2 Colleagues, Subcommittee Counsel, Land Use and other
3 Council Staff, and the Sergeant-at-Arms for
4 participating in today's meeting.

5 This meeting is hereby adjourned. Thank
6 you. [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 30, 2023