

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 26, 2024
Start: 11:14 a.m.
Recess: 2:04 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

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

COUNCIL MEMBERS:

Shaun Abreu
David M. Carr
Kamillah Hanks
Francisco P. Moya
Yusef Salaam
Lynn C. Schulman

OTHER COUNCIL MEMBERS ATTENDING:

Tiffany Cabán
Keith Powers
Erik D. Bottcher
Kristy Marmorato

A P P E A R A N C E S

David Rosenberg, Rosenberg and Estes PC

Stephen Johnson, New York City Department of City Planning

Susan Amron, New York City Department of City Planning

Paul Devlin, Co-Chair of the Clinton Health Kitchen Land Use Committee on Manhattan's Community Board 4

Christine Gorman, President of the West 55th Street Block Association and President of Hell's Kitchen Democrats

Marie Mirvelle-Shahzada

Anthony Batista, Executive Director for the Coney Island Anti-Violence Collaborative

Xueli Zheng

Erica Rambert, President of the Isaiah Whitehead Foundation

Deborah Carter

Jamie Smarr, Chief Executive Officer of the New York City Housing Partnership

Jacqueline Lowry

Sharone Ocean

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

Amanda Trautmann

Emily Simons, Law Office of Emily Simons, PLLC,
and Land Use Counsel for the applicant

Kevin Williams, GZA

Charles Calcagni, architect

Jim Tampakis, applicant

Richard Lobel, Sheldon Lobel PC

Alexia Landesman, Sheldon Lobel PC

Electra Holmes

2 SERGEANT-AT-ARMS: This is a microphone
3 check for the Subcommittee on Zoning and Franchises
4 recorded by Layla Lynch on March 26, 2024, in the
5 Council Chambers.

6 SERGEANT-AT-ARMS: Good morning and
7 welcome to a New York City Council public hearing for
8 the Subcommittee on Zoning and Franchises.

9 At this time, please silence all
10 electronic devices.

11 If you wish to submit testimony, please
12 see myself or one of the Sergeant-at-Arms in the
13 room.

14 Lastly, no one may approach the dais. I
15 repeat, no one may approach the dais.

16 Chair Riley, we are ready to begin.

17 CHAIRPERSON RILEY: [GAVEL] Good morning,
18 everyone, and welcome to a meeting of the
19 Subcommittee on Zoning and Franchises. I am Council
20 Member Kevin Riley, Chair of this Subcommittee. This
21 morning I'm joined by Council Member Moya, Abreu,
22 Bottcher, Marmorato, Schulman, and Carr.

23 Today, we are scheduled to hold three
24 votes and then five hearings, so we have another full
25 agenda today.

2 The first vote concerns LUs 44 and 45,
3 which consists of the 396-400 Avenue X Rezoning
4 proposal. The second vote concerns LUs 37 and 38,
5 which consists of the 30-11 12th Street Rezoning
6 proposal. The third vote concerns LUs 39 and 40,
7 which consists of the 23-01 Steinway Street Rezoning
8 proposal.

9 Switching to the hearings, we will first
10 hear a proposal. We will here first 341 10th Street
11 development proposal in Park Slope Brooklyn, which we
12 heard about on March 12th. This is the second hearing
13 on the project to receive any comments specifically
14 about the proposed special permit. We would then hear
15 a proposal that will allow sites in the city to
16 compete in the state selection process to operate a
17 casino. The third hearing concerns a mixed-use
18 manufacturing and office development in Red Hook,
19 Brooklyn. The fourth hearing concerns a mixed-use
20 residential development in Midwood, Brooklyn. The
21 fifth and final hearing concerns mapping a commercial
22 overlay to legalize businesses along a stretch of
23 Broadway in Elmhurst, Queens.

24 I now turn it over to Subcommittee
25 Counsel to review hearing procedures.

2 COMMITTEE COUNSEL VIDAL: Thank you,
3 Chair. I'm William Vidal, Counsel to the
4 Subcommittee. This meeting is being held in hybrid
5 format. Members of the public who wish to testify may
6 testify in person or via Zoom.

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

13 If you haven't already submitted a
14 speaker card, please make sure you indicate which
15 project you would like to testify regarding and
16 whether you're testifying in opposition or in favor
17 of a project.

18 Members of the public may also view a
19 livestream broadcast of this meeting at the Council's
20 website.

21 When you are called to testify before the
22 Subcommittee, if you are joining us remotely, you
23 will remain muted until recognized by the Chair or
24 myself to speak. When you are recognized, your
25 microphone will be unmuted. Please take a moment to

2 check your device and confirm that your mic is on
3 before you begin speaking.

4 We will limit public testimony to two
5 minutes per witness. If you have additional
6 testimony, you would like the Subcommittee to
7 consider or if you have written testimony you would
8 like to submit instead of appearing before the
9 Subcommittee, please email it to
10 landusetestimony@council.nyc.gov. Please indicate the
11 LU number and/or project name in the subject line of
12 your email.

13 We request that witnesses joining us
14 remotely remain in the meeting until excused by the
15 Chair as Council Members may have questions.

16 Chair Riley will now continue with
17 today's agenda items.

18 CHAIRPERSON RILEY: Thank you, Counsel.

19 Starting with today's votes, the first
20 vote is to approve LUs 44 and 45, which concerns a
21 proposal known as 396-400 Avenue X. This mixed-use
22 residential development proposal, which is located in
23 Council Member Brannan's District in Gravesend,
24 Brooklyn, consists of approximately 45 apartments and
25 ground-floor commercial space. The first proposed

1 action involves rezoning an R4 residential district
2 in the Special Ocean Parkway District to an R7A
3 residential district with a C2-4 commercial overlay.

4 The second proposed action is to map a Mandatory
5 Inclusionary Housing over the rezoning area, which
6 will require the applicant to include affordable
7 housing in the proposed development. The modification
8 is to remove MIH Option 2 and require that the
9 proposed development comply with MIH Option 1. MIH
10 Option 1 requires that 25 percent of the units be
11 provided to households making an average of 60
12 percent AMI or less, which is approximately 60,000
13 for one person. Council Member Brannan supports this
14 proposal as modified.
15

16 The second vote is to approve with
17 modifications LUs 37 and 38 concerning a proposal
18 known as 30-11 12th Street. This mixed-use
19 residential development proposal, which is located in
20 Council Member Caban's District in Astoria, Queens,
21 will have approximately 86 apartments. The first
22 proposed action involves rezoning a residential area
23 comprised of multiple zoning districts to an R6A
24 residential district with a C2-3 commercial overlay.
25 The second proposed action is to map a Mandatory

2 Inclusionary Housing over the rezoning area, which
3 will require the applicants to include affordable
4 housing in the proposed development. The modification
5 is to remove MIH Option 2 and add the Deep
6 Affordability Option. The Deep Affordability Option
7 requires that 20 percent of the units be provided to
8 households making an average of 40 percent AMI or
9 less, which is approximately 40,000 for one person.
10 Council Member Caban supports this proposal as
11 modified.

12 I believe we have Council Member Caban
13 online. Council Member Caban, would you like to give
14 any remarks?

15 COUNCIL MEMBER CABÁN: Thank you, Chair
16 Riley. I will be super brief. Obviously, I asked
17 multiple questions at the last hearing, and the
18 developer was responsive so we're happy to see this
19 project move forward. Thank you.

20 CHAIRPERSON RILEY: Thank you, Council
21 Cabán.

22 The third and final vote is to approve
23 with modifications LUs 39 and 40 concerning a
24 proposal known as 23-01 Steinway Street. This mixed-
25 use residential development proposed, which is also

2 located in Astoria, Queens, in Council Member Cabán's
3 District with approximately 22 apartments. The first
4 proposed action involves rezoning a residential area
5 from an R5D rezoning district to an R6A residential
6 district and mapping a uniform C2-4 commercial
7 overlay. The second proposed action is to map
8 Mandatory Inclusionary Housing over the rezoning
9 area, which will require applicants to include
10 affordable housing in the proposed development. The
11 modification is to remove MIH Option 2 and add the
12 Deep Affordability Option. Council Member Cabán also
13 supports this proposal as modified.

14 Council Member Caban, you want to give
15 remarks about this one?

16 COUNCIL MEMBER CABÁN: Again, similar to
17 the first. Just appreciate that the developer has
18 been responsive to our priorities in the District,
19 and we're happy to see the project move forward.

20 CHAIRPERSON RILEY: Thank you, Council
21 Member Cabán.

22 Members of the Subcommittee who have any
23 questions or remarks about today's item should let me
24 know or use the raise hand button if you're online.

2 Council Members will announce Members in order that
3 hands are raised.

4 I see that we've been joined by Council
5 Member Salaam as well.

6 Counsel, are there any Council Members
7 with questions or remarks at this time?

8 COMMITTEE COUNSEL VIDAL: No, Chair.

9 CHAIRPERSON RILEY: I now call for a vote
10 to approve with modifications LUs 44 and 45 relating
11 to the 396-400 Avenue X Rezoning proposal, LUs 37 and
12 38 relating to the 30-11 12th Street Rezoning
13 proposal, and LUs 39 and 40 relating to the 23-01
14 Steinway Street Rezoning proposal.

15 Counsel, can you please call the roll?

16 COMMITTEE COUNSEL VIDAL: Yes, Chair.

17 Chair Riley?

18 CHAIRPERSON RILEY: Aye on all.

19 COMMITTEE COUNSEL VIDAL: Council Member
20 Moya.

21 COUNCIL MEMBER MOYA: I vote aye.

22 COMMITTEE COUNSEL VIDAL: Council Member
23 Abreu.

24 COUNCIL MEMBER ABREU: Aye.

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2 COMMITTEE COUNSEL VIDAL: Council Member
3 Schulman.

4 COUNCIL MEMBER SCHULMAN: Aye.

5 COMMITTEE COUNSEL VIDAL: Council Member
6 Salaam.

7 COUNCIL MEMBER SALAAM: Aye on all.

8 COMMITTEE COUNSEL VIDAL: Council Member
9 Carr.

10 COUNCIL MEMBER CARR: Aye on all.

11 COMMITTEE COUNSEL VIDAL: Chair, these
12 items are approved and referred to the Land Use
13 Committee by a vote of six, no abstentions, and zero
14 negative votes.

15 CHAIRPERSON RILEY: Thank you. Can I have
16 David Rosenberg see one of the Sergeant-at-Arms to
17 let them know what project they wanted to speak
18 about? Thank you. And Jacqueline Lowry. Thank you.

19 Okay. I will now open the public hearing
20 on LUs relating to 817 Avenue H Rezoning proposal in
21 Council Member Louis' District in Midwood, Brooklyn.
22 The proposal is to develop a mixed-use residential
23 development that will be subject to Mandatory
24 Inclusionary Housing.

25

2 For anyone wishing to testify on these
3 items remotely, if you have not already done so, you
4 must register online and you may do that now by
5 visiting the Council's website at
6 council.nyc.gov/landuse.

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

10 If you would prefer to submit written
11 testimony, you can always do so by emailing it to
12 landusetestimony@council.nyc.gov.

13 I would now like to give the floor to
14 Council Member Louis to give remarks regarding this
15 project.

16 COUNCIL MEMBER LOUIS: Thank you, Chair
17 Riley, for the opportunity to speak on this
18 application. I'm Council Member Farrah Louis. I
19 represent the 45th Council District. The 817 Avenue H
20 Rezoning application seeks to rezone the northern
21 portion of Avenue H between East 8th and East 9th
22 Streets in Midwood. The proposed zoning change is
23 from an existing R5 with a C1-3 commercial overlay to
24 an R7A with a C4 commercial overlay. The project site
25 is located within the Special Ocean Parkway District.

2 The development is proposed as a nine-story mixed-use
3 building with 42 dwelling units, that's 11 affordable
4 under MIH, community facility spaces, retail space,
5 and 20 attendant parking spaces. I have concerns with
6 this application, primarily with the portions of the
7 proposed rezoning area that would include two- to
8 three-story residential homes along East 8th and East
9 9th Streets. Community Board 14 has asked that the
10 existing laundromat, senior center, all be included
11 and continue to exist within the proposed
12 development. I hope the applicant will continue to
13 allow these entities to remain at the site as per the
14 request of the community. Thank you again, Chair
15 Riley, and to all my Colleagues on the Subcommittee.
16 I look forward to hearing from the applicant on this
17 proposal. Thanks.

18 CHAIRPERSON RILEY: Thank you, Council
19 Member Louis.

20 Counsel, can we please call the first
21 panel for this item?

22 COMMITTEE COUNSEL VIDAL: Yes, the first
23 panel consists of David Rosenberg.

24 CHAIRPERSON RILEY: Counsel, can you
25 please administer the affirmation?

2 COMMITTEE COUNSEL VIDAL: Please raise
3 your right hand and state your name for the record.

4 DAVID ROSENBERG: David Rosenberg.

5 COMMITTEE COUNSEL VIDAL: Do you affirm to
6 tell the truth, the whole truth, and nothing but the
7 truth in your testimony and in response to questions
8 by Council Members?

9 DAVID ROSENBERG: I so affirm.

10 CHAIRPERSON RILEY: Thank you. For the
11 viewing public, if you need an accessible version of
12 this presentation, please send an email request to
13 landusetestimony@council.nyc.gov.

14 Now, the applicant may begin. Before you
15 begin, just please restate your name and organization
16 for the record. You may begin.

17 DAVID ROSENBERG: Good morning, Chair
18 Riley. David Rosenberg of Rosenberg and Estes PC on
19 behalf of the applicant, Agudist Council of Greater
20 New York. Next slide, please.

21 The applicant on this project, Agudist
22 Council of Greater New York, is an affiliate of
23 Agudist Israel of America Incorporated, one of the
24 largest umbrella organizations of Orthodox synagogues
25 in the United States. As part of this project, the

1 applicant is seeking to better utilize the existing
2 site on Avenue H in Brooklyn to make sure that we can
3 provide expanded and updated facilities for the
4 existing synagogue on the site as well as the
5 existing senior center to make sure that we can
6 create new community service space and, importantly,
7 to ensure the long-term financial stability of both
8 the synagogue and the senior center on the site,
9 while also meeting what we know is a very strong
10 community need for new housing, new affordable
11 housing, and particularly as it relates to new
12 development, new larger family-sized units. Next
13 slide, please.

14
15 As you can see, the development site is
16 located on the north side of Avenue H in Midwood.
17 located approximately a half mile from the Q station
18 at Avenue H and approximately a half mile from the F
19 station at Avenue I. Next slide, please.

20 You can see the development site
21 highlighted as well as the larger rezoning area and,
22 in this image, you can see some of the additional
23 context for this. The area surrounding this largely
24 is zoned existing R7A and is improved with largely
25

2 six- and seven-story pre-war development buildings.

3 Next slide.

4 You can see some additional context here
5 with the development site on the right side of the
6 existing one-story building and some of the buildings
7 across the street. Next slide, please.

8 Here you can see just from the other side
9 some of the other existing context that exists for
10 this. Skip ahead two slides.

11 Here you can see from the side street
12 some of the existing context of some of the low rise
13 from the existing R5 zoning. Next slide.

14 This slide just shows a larger view of
15 the area with the proposed zoning changes highlighted
16 as well as you can see that most of the existing area
17 is an existing R7A district and with a significant
18 amount of six- and seven-story pre-war multifamily
19 development. Next slide.

20 This slide highlights a little bit more
21 clearly the proposed change to the commercial
22 overlay. The existing site is zoned with a C1-3
23 commercial overlay that extends 150 feet from the
24 center line of the street and encompasses a number of
25 the single-family homes on East 8th and East 9th

2 Street. We are proposing to remove that C1-3 overlay
3 and replace it with a C2-4 overlay that covers just
4 the 100 feet with frontage on Avenue H. Skip ahead
5 three slides, please.

6 You can see what the proposed development
7 looks like as we've seen during the public review
8 process, as Council Member Louis alluded to, we
9 received a lot of feedback from the community about
10 the importance of maintaining the laundromat and so
11 we've reworked the ground floor to make sure that we
12 can find a way to keep them there. We plan on working
13 with the existing tenant and with community groups to
14 make sure that we can bring them back in when the
15 building is complete. You can also see here that on
16 the first floor, we're proposing to retain the
17 existing synagogue in a newer facility and slightly
18 larger facility as well as the second floor of
19 community facility that we plan on using as a shared
20 space between the synagogue and the senior center and
21 above residential units with setbacks as the building
22 goes up to a total of nine stories. Next slide,
23 please.

24 On this slide, you can see an
25 illustrative rendering of the proposed plans. We've

2 taken care to incorporate setbacks on all sides to
3 reduce the visual impact of the building, both on the
4 streetscape and also on the neighbors along the side
5 streets.

6 With that, I'm happy to take questions
7 from the Committee.

8 CHAIRPERSON RILEY: Thank you, Daniel. Why
9 did you select an R7A district specifically?

10 DAVID ROSENBERG: Looking at the area here
11 for context, there is existing R7A both to the east
12 and to the south of this area here, and most of it is
13 built with existing six- and seven-story buildings
14 with a similar bulk to what an R7A district would
15 allow. We wanted to make sure that we were consistent
16 with the area's character and we weren't looking to
17 go significantly larger with, say, an R7D. We felt
18 that an R7A appropriately balances the ability to
19 generate new housing, including permanently
20 affordable housing through MIH with keeping community
21 context.

22 CHAIRPERSON RILEY: Have you had any
23 discussions with the property owners who have
24 adjacent sites?

2 DAVID ROSENBERG: Yes, we've had
3 significant discussions with them. The owner
4 immediately adjacent to the development site is
5 generally in opposition to this project because he
6 doesn't want to see development there. The owner of
7 the other site with frontage on Avenue H has
8 generally been favored towards the rezoning but
9 understands community concerns and hasn't been
10 actively promoting it.

11 CHAIRPERSON RILEY: I see that you're
12 going to allocate the space for the synagogue and the
13 senior center. Are they currently operating right
14 now?

15 DAVID ROSENBERG: Yes. They currently
16 occupy the existing facility and they share the
17 space.

18 CHAIRPERSON RILEY: So when you're doing
19 construction, is there another place that they will
20 be operating in that you're helping them out with? If
21 so, where?

22 DAVID ROSENBERG: Yeah, so we've publicly
23 said that we're going to make sure that they have
24 suitable interim space. It's not just a commitment
25 for us that comes from developers. The applicant here

2 is the largest umbrella organization for Orthodox
3 synagogues. We set up synagogues not just in New
4 York, but around the country. We're not in the
5 business of closing them down, and it's a religious
6 commitment for us as well to make sure that they have
7 a permanent place to be even during construction. The
8 existing senior center is one of our affiliate
9 organizations, and it's part of the corporate charter
10 for the applicant to make sure that we provide those
11 senior services. We have not identified a space yet
12 because we believe we're a little too far out from
13 being able to start construction to be able to talk
14 about exactly where we're going to put them. We've
15 been looking at facilities in the area that are
16 potentially available and, as we think we're closer
17 to starting construction, we will make the
18 arrangements to make sure (INAUDIBLE) but we've been
19 clear that construction will not start if we don't
20 have a location for them.

21 CHAIRPERSON RILEY: Thank you. Last
22 question before I turn over to Council Member Louis.
23 If this rezoning is not approved, what would the
24 applicant do with this site?

2 DAVID ROSENBERG: The most likely scenario
3 is that the existing conditions remain. The existing
4 synagogue and senior center will be there in the
5 existing building, which certainly has seen better
6 days, and it's not entirely clear where the capital
7 funds would come to make the improvements necessary
8 over the long run.

9 CHAIRPERSON RILEY: Thank you. Council
10 Member Louis.

11 COUNCIL MEMBER LOUIS: Thank you, Chair.

12 Can you talk about the community's
13 response to the proposed changes? Have you met with
14 Community Board 14 regarding the updates?

15 DAVID ROSENBERG: We've had extensive
16 public engagement in this process. Community Board 14
17 had their public hearing in early December with a
18 very spirited full Board hearing after that. After
19 some very long discussion, we're very happy to
20 receive unanimous approval from Community Board 14 as
21 well from the Brooklyn Borough President. Beyond
22 that, we've had extensive engagement with the
23 neighbors who live in the immediate area, especially
24 those who are members of the synagogue, including
25 multiple hours of meetings with them about the

2 proposed development, and they have continued to
3 express some concerns about particularly the non-
4 applicant sites that are included in this project but
5 have largely come around to support this development.

6 COUNCIL MEMBER LOUIS: Let's talk about
7 affordability because we know that's a key concern
8 for many of the community members. Can you discuss
9 the breakdown of affordability with the 11 units
10 under the proposed MIH Option 1? What types of
11 bedrooms will be affordable?

12 DAVID ROSENBERG: Yes. We would be looking
13 at, under the current proposal, 11 total affordable
14 units, four of them in the very-low-income range and
15 roughly 31 to 50 percent AMI and seven units at the
16 low income of 51 to 80 percent AMI to balance out at
17 60 percent AMI as required by MIH Option 1. The total
18 number of units would ultimately be subject to the
19 final mix and how many units. We are trying to
20 prioritize, through our discussions with the
21 community, larger family-sized units, which would
22 ultimately reduce the total number, but we feel is
23 still important to have those larger units, and the
24 total breakdown would ultimately be consistent with
25 what the building is. MIH regulations require that

2 the mix of affordable units match the mix of total
3 units.

4 COUNCIL MEMBER LOUIS: Have you
5 participated in any discussions with HPD to find ways
6 to provide more affordability?

7 DAVID ROSENBERG: Yeah, we've had some
8 preliminary conversations. Because the developer is a
9 religious corporation, there's a limit to the HPD
10 programs that we can take advantage of directly but,
11 once we get closer to development, a developer
12 partner may be able to take some advantage, and we've
13 stated that we would give a strong look at any
14 developer partners who are able to use those programs
15 to increase affordability levels.

16 COUNCIL MEMBER LOUIS: Would reducing the
17 rezoning area to remove properties not in support of
18 the rezoning pose as a risk for this development?

19 DAVID ROSENBERG: It would require certain
20 changes to the building envelope. Particularly, there
21 are step-down rules for R7A districts next to R5 that
22 would change a bit of the setbacks that we show in
23 these in the current renderings but, all in all, we
24 think we will still be able to develop the full
25 number of units and floor area.

2 COUNCIL MEMBER LOUIS: Thank you. How will
3 the applicant work with the Community Board and civic
4 associations to address the traffic safety concerns
5 with this new development?

6 DAVID ROSENBERG: Yeah, we've had many
7 discussions as, Council Member, you're aware. We
8 continue to do it and we've been using whatever
9 influence we have with DOT to be able to get that
10 study. The environmental review for this project
11 didn't trigger the level of intersection analysis
12 but, as we've said, we strongly support traffic
13 (INAUDIBLE) measures. We think it's good for the
14 neighborhood. We also think it's good for our
15 development.

16 COUNCIL MEMBER LOUIS: Thank you. Thank
17 you, Chair.

18 CHAIRPERSON RILEY: Thank you, Council
19 Member Louis.

20 Are there any more Council Members with
21 questions for this applicant panel?

22 There being no questions for this
23 applicant panel, this panel is now excused.

2 Counsel, are there any members of the
3 public who wish to testify on 817 Avenue H rezoning
4 proposal remotely or in-person?

5 COMMITTEE COUNSEL VIDAL: No, Chair, there
6 isn't anybody signed up either online or in-person to
7 testify regarding this proposal, and we may proceed
8 to closing the hearing.

9 CHAIRPERSON RILEY: There being no members
10 of the public who wish to testify on the
11 Preconsidered LUs relating to 817 Avenue H rezoning
12 proposal, the public hearing is now closed and the
13 item is laid over.

14 I just want everyone to take a look
15 above. We've been joined by Beacon High School from
16 Hell's Kitchen. Just clap it up for them for joining
17 us today in City Hall.

18 Also, we've been joined by Council Member
19 Keith Powers.

20 Also, I would like to close the vote from
21 the votes that we had earlier officially. Thank you.

22 Council Member Bottcher, did you want to
23 say something to your group of students here?

24 COUNCIL MEMBER BOTTCHEER: I'd like to
25 welcome Beacon High School to City Hall. Thank you so

2 much for coming. We love Beacon and supporting you
3 and everything you do, and we're so proud of you for
4 all your accomplishments. Welcome to City Hall.

5 CHAIRPERSON RILEY: Thank you. I will now
6 open the public hearing on Preconsidered LU relating
7 to the Gaming Facilities Text Amendment. This is a
8 proposal by the Administration to allow casino
9 applicants with sites located in the city to compete
10 in the State-run application process. In 2022, the
11 State authorized the issuance of up to three licenses
12 to operate a gaming facility downstate, including New
13 York City. As a part of this authorization, the State
14 specified a detailed application and review process
15 that includes a mandatory local review. Presently,
16 casinos are not allowed in the city. The proposed
17 text amendment will allow applicants to propose sites
18 in the city for one of the three authorized gaming
19 license and participate in the State selection
20 process. Under this proposed text amendment, only an
21 applicant awarded a gaming license by the State would
22 be able to actually build a casino.

23 For anyone wishing to testify on these
24 items remotely, if you have not already done so, you
25 must register online and you may do that now by

2 visiting the Council's website at
3 council.nyc.gov/landuse.

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

7 If you would prefer to submit written
8 testimony, you can always do so by emailing it to
9 landusetestimony@council.nyc.gov.

10 Counsel, can we please call the first
11 panel for this item?

12 COMMITTEE COUNSEL VIDAL: The first panel
13 consists of Susan Amron and Stephen Johnson.

14 CHAIRPERSON RILEY: Counsel, can we please
15 administer the affirmation?

16 COMMITTEE COUNSEL VIDAL: Yes. Could you
17 please raise your right hand and state your name for
18 the record?

19 STEPHEN JOHNSON: Stephen Johnson.

20 SUSAN AMRON: Susan Amron.

21 COMMITTEE COUNSEL VIDAL: Do you affirm to
22 tell the truth, the whole truth, and nothing but the
23 truth in your testimony today and in response to
24 Council Member questions?

25 STEPHEN JOHNSON: Yes.

2 SUSAN AMRON: Yes.

3 CHAIRPERSON RILEY: Thank you, Counsel.

4 For the viewing public, if you need an
5 accessible version of this presentation, you may
6 please email us at landusetestimony@council.nyc.gov.

7 The applicant team may begin. Panelists,
8 before you begin, just please restate your name and
9 or organization for the record. You may begin.

10 STEPHEN JOHNSON: Thank you and good
11 morning, Council Members. My name is Stephen Johnson.
12 I'm with the New York City Department of City
13 Planning.

14 SUSAN AMRON: My name is Susan Amron. I'm
15 also with the New York City Department of City
16 Planning.

17 STEPHEN JOHNSON: Thank you, again, for
18 letting us present this project to you. Could we go
19 to the next slide, please?

20 The New York City Department of City
21 Planning is proposing a citywide zoning text
22 amendment to the zoning resolution to allow gaming
23 facilities as a permitted use in commercial districts
24 C4 through C8 and M1, M2, and M3 manufacturing
25 districts. Gaming facilities are not currently a

2 legally permitted use in the city. It's not in the
3 zoning resolution anywhere. The text amendment would
4 add the use into the zoning resolution for the first
5 time. What is a gaming facility? A gaming facility is
6 defined by the State, it's a State-defined term,
7 which means the premises approved under a State
8 gaming license, which includes a gaming area and any
9 other non-gaming structure related to the gaming use,
10 and that may include things like hotels, parking
11 structures, restaurants, any other affiliated uses
12 related to the gaming facility so it's a broader term
13 and would encompass more than just a casino. Now, it
14 doesn't have to be all those other things. It could
15 just be a casino, but it could be a broader thing
16 with those other related uses. This text amendment
17 would facilitate the development and operation of up
18 to three gaming facilities, and only three gaming
19 facilities in the New York City area as approved and
20 licensed through a recent State-defined process and
21 the proposed text would deem the gaming facility
22 allowed under the zoning resolution and, if approved,
23 the text amendment would allow New York City to be
24 considered as a possible location for a casino. The
25 text amendment does not approve a casino. Next slide

1 please. This entire process was kicked off by a
2 statewide referendum in 2013 that was approved by New
3 York State voters that authorized up to seven
4 commercial casinos in the state. The first four
5 licenses were awarded in the upstate New York region,
6 and those have been built and they're open and
7 they're in operation. Now, the text amendment is
8 result of a January 2023 announcement by the State to
9 solicit proposals for the remaining three commercial
10 casino licenses, and the New York State Gaming
11 Commission created the New York State Gaming Facility
12 Location Board as the entity that is overseeing the
13 application and licensing process. Now, the Location
14 Board made an announcement, like I mentioned, a
15 little over a year ago and released a document called
16 Request for Applications to Develop and Operate a
17 Gaming Facility, which created a process to review
18 these applications and award a license for these
19 remaining three license in the downstate region,
20 which includes obviously New York City, Long Island,
21 Putnam, Westchester, and Rockland County. They also
22 established a new siting and review process for those
23 three licenses under what's called a Community
24 Advisory Committee, which I will get to in one of the
25

2 later slides so while gaming facilities, casinos, and
3 racetracks are not currently legally permitted in the
4 city, we do have one facility, the Resorts World
5 Aqueduct in South Ozone, Queens, that has automated
6 table games and video lottery. There are no card
7 tables with people dishing out cards to anyone. It's
8 all automated. Of course, the Aqueduct thoroughbred
9 horse racing facility. This site is not subject to
10 local zoning regulations, and that is why they're
11 able to operate within New York City. So New York
12 City also used to have off-track betting. There is
13 still a number of locations in upstate New York. This
14 is where you can make bets on horse racing. The New
15 York City off-track betting subsequently folded in
16 2010. Next slide, please.

17 This is a map of the various facilities
18 that the Gaming Commission oversees in the state.
19 This includes video lottery, horse racing activity,
20 and something they refer to as Indian gaming, and you
21 can see our location in the lower portion of the
22 slide in the New York City area. If you look, it's a
23 little bit hard to see, but I think some of you also
24 have handouts, if you see the orange one and the
25 purple one, that represents Aqueduct and Resorts

2 World in Queens on the State-controlled property. The
3 orange two is the Belmont Racetrack in Elmont, Long
4 Island, and the red one is a video lottery and hotel
5 site in Suffolk. The green five is the Yonkers
6 Raceway in Empire City Casino, which is obviously
7 another fully automated, but they have harness racing
8 at that location. Next slide, please.

9 As I mentioned, the Gaming Facility
10 Location Board outlined a process to review
11 applications for these gaming facilities for up to
12 three licenses, which would be awarded, and they
13 created a new siting and review criteria. Now, the
14 review process is in the form of a local Community
15 Advisory Committee, which must review and approve
16 each proposed application in the specific location of
17 the proposed facility so each CAC has six voting
18 members, including the Governor, the Mayor, the
19 Borough President, the local Senator, the local
20 Assembly Member, the local Council Member, and those
21 are the six representatives on the CAC. Gaming
22 Facility Proposals will submit detailed applications
23 to be reviewed by the CAC, and that also includes the
24 capital investments for each application. The CACs
25 will hold at least two public hearings and solicit

1 public comments and feedback from stakeholders,
2 community groups as well as participation from city
3 agencies. The CAC will then vote on the application,
4 and it must be approved by a two-thirds vote in order
5 for it to move forward. Any applications approved by
6 the CAC will then be forwarded to the Gaming
7 Facilities Location Board who will then review all
8 CAC-approved applications to also ensure that the
9 comply with all local zoning requirements. If the
10 CACs do not approve the application, then it won't be
11 forwarded to the Gaming Facility Location Board, and
12 they won't be considered for the license. Among the
13 factors that the Location Board must consider when
14 reviewing applications is the economic development of
15 each proposal and the number of quality jobs, the
16 degree to which impacts on surrounding neighborhoods
17 are mitigated including transportation impacts, the
18 workforce development plan, energy and resource
19 efficiency agreements with organized labor, and
20 diversity of ownership and employees. One of the key
21 elements of the citywide text amendment is that for
22 any gaming facility application to proceed in the
23 state process, they have to be compliant with all
24 local zoning requirements, and that's the purpose of
25

2 our text amendment. These applications that are
3 reviewed and approved by the CAC and then awarded a
4 gaming facility license, they shall be deemed
5 complying with the zoning resolution. Next slide,
6 please.

7 The proposed text is to facilitate the
8 State's current casino proposal, and enacted by the
9 State Legislature as described in the request for
10 applications within the State's schedule and
11 timeline. To do this, the Department is proposing to
12 add the gaming facility use into the zoning
13 resolution for the first time into use group eight.
14 This will enable the Department to move as quickly
15 and as efficiently within City resources without
16 having to go through a ULURP process and
17 environmental review for each of the nine
18 applications. The gaming facility use is limited to
19 C4 through C8 districts, M1, M2, M3. It's not being
20 proposed for any residential districts, and the
21 amendment is only for a casino license as approved by
22 the State related to the 2022 State budget, which is
23 the three licenses and the gaming facility, of
24 course, may include other related uses. Next slide,
25 please.

2 The text amendment is specific to these
3 available licenses and not any future license that
4 does not currently exist or could be approved five
5 years from now, 10 years, 20 years from now so the
6 text is not applicable to any other gaming facility
7 licenses. It's just these three. If the text
8 amendment is approved, it doesn't mean that a gaming
9 facility has been approved. It just permits the use,
10 and then the CACs will then, during their public
11 review process, review applications and they will
12 have their vote. The text amendment does not cover
13 any future modifications to a gaming facility so, if
14 hypothetically a gaming facility is approved and they
15 have a specific envelope, building height, parking
16 structure, hotel, etc., that's the development. If
17 it's awarded a license and then they're in operation
18 and then 10 years down the road, they're like this is
19 extremely beneficial, we're doing a lot of great
20 business, creating jobs, we want to expand. They
21 can't expand just because they want to expand. They
22 have to come to the City, go through the CPC, City
23 Planning Commission, and get any modifications so if
24 they wanted to add a new 500-space parking garage, a
25 new tower, a new hotel, more keys, something along

those lines, they would have to get approval by the City Planning Commission. Next slide, please.

During the public review process, the Department heard questions and comments from the Commission and from Community Boards about the likelihood of any hypothetical future gaming facilities and the parameters of the proposed text. The Department proposed a modification to the text to include what we colloquially refer to as a sunset provision for the submission of the gaming applications to the Gaming Facilities Location Board. The purpose of the modification is to provide more assurances that the proposed text is only available to the current round of applications. It's not opening the door for gambling on every street corner, any other gaming facility. It's just these three licenses. The Department believes it is highly unlikely this hypothetical situation about where, if the Gaming Facilities Location Board is not able to award more than two licenses so, if there's a license that's still in play, then they could potentially create a new process two or three years down the road and open it up so what we did with the sunset provision is say the applications have to be in place

1 by June 30, 2025, and in a more bureaucratic
2 modification, we added the December 5 referral date
3 to the text. It was placeholder text for that. Next
4 slide, please.

5
6 These are the nine proposals in New York
7 City. Five are in Manhattan, all in Midtown in the
8 Community Districts 4, 5, and 6, there's one in the
9 Bronx at Ferry Point Park and Golf Course, there are
10 two proposals in Queens. One is called Future Queens
11 at Willis Point, and the other is at Resorts World in
12 South Ozone Park, and there's one on Coney Island.

13 One other detail I wanted to mention as I
14 wrap up the presentation is that four of these
15 applications need to go through ULURP this year
16 because what they are proposing to do is outside of
17 the boundaries of the text amendment. The most
18 obvious example of that would be Queens Future or
19 Ferry Point Park. It's mapped park land, so they have
20 to create State legislation for alienation of the
21 park land, and then the City has to map a zoning
22 district so will be going through ULURP for those
23 mapping actions this year so those will be coming to
24 the Community Boards, going through ULURP for those
25 mapping actions. These actions are necessary in order

2 to get to the place where the Community Advisory
3 Committees and the Gaming Facility Location Boards
4 can review the applications. The other three
5 projects, I mentioned Queens, but the other three are
6 Ferry Point Park, Coney Island, and Western Rail
7 Yards.

8 That ends my presentation, and we're
9 happy to take any questions.

10 CHAIRPERSON RILEY: Thank you so much. I
11 have a ton of questions for you, and then I'm going
12 to pass it over to my Colleagues who I'm pretty sure
13 have questions as well.

14 Taking a step back, and I know you
15 repeated a lot of this in your presentation, but I'm
16 going to ask you these questions for the record.

17 Taking a step back, could you please help
18 clarify why this text amendment is needed given that
19 the City already has gaming facilities at Aqueduct
20 Racing Course in Queens?

21 STEPHEN JOHNSON: Aqueduct Resorts World
22 is on State-controlled property so they're not
23 necessarily subject to zoning regulations. That's why
24 that's able to operate there so the reason why we're
25 proposing this zoning text is because, first and

2 foremost, that's the only way to meet the State's
3 timeline for awarding licenses. If the State said
4 we're going to award these licenses five years from
5 now, we might have a different consideration for
6 that, but there's no time, and to efficiently use the
7 City's resources and our different agencies and
8 departments, this is the best way that we can review
9 it and get it out to the CAC process to meet that
10 timeline.

11 CHAIRPERSON RILEY: So if this text
12 amendment is not passed, are you saying that the City
13 will not be able to compete for one of the three new
14 gaming facilities licenses the State has created?

15 STEPHEN JOHNSON: Yes. If the text
16 amendment doesn't pass, the City cannot get through
17 nine massive ULURP applications within the timeframe.

18 CHAIRPERSON RILEY: Why did this
19 Administration propose to pursue this particular
20 approach?

21 STEPHEN JOHNSON: So there's nine
22 applications. If the text amendment passes, five of
23 the applications will meet the text amendment for the
24 gaming applications, and the four are just whittled
25 down to mapping applications so that's why we're

2 proposing this because it's the way that the City can
3 work most efficiently and quickly to meet the State's
4 timeline in the process.

5 CHAIRPERSON RILEY: It is my understanding
6 that even if this text amendment is approved, some
7 anticipated applicants may still need additional
8 ULURP, like you stated, actions and approval from our
9 City Council Members. If correct, can you explain
10 why?

11 STEPHEN JOHNSON: Sure. Three of the
12 projects are de-mappings, and that's not something
13 that we could do outside of the text amendment. The
14 example that I used foremost was Queens and the Bronx
15 Ferry Point. It's on parkland and that could require
16 State legislation to move those forward to de-map,
17 alienate the parkland, and then the City will put in
18 a zoning district in that area, and the de-mappings
19 are not included within the zoning text amendment.

20 CHAIRPERSON RILEY: Which three locations
21 are doing the de-mapping for the record?

22 STEPHEN JOHNSON: That's Coney Island,
23 Bronx Ferry Point, Queens Future, and Western Rail
24 Yards is a different situation. They have a different
25 approved-for plan on that entire site. It's a large

2 project, and they haven't a previous approval and
3 it's a little bit more complicated. They have two
4 different scenarios for that development site.

5 CHAIRPERSON RILEY: So being that some
6 applicants have to seek ULURP, why not have all the
7 applicants seek the ULURP process?

8 STEPHEN JOHNSON: Because we couldn't meet
9 the State's timeframe. So the State just released
10 some information yesterday on their timeline. There
11 was a I think it was a press conference or a meeting
12 that they had it hasn't been approved yet, but they
13 said they expect rewarding of the three licenses by
14 the end of next year and, frankly, the City can't
15 review nine massive ULURP applications within that
16 timeframe.

17 CHAIRPERSON RILEY: What happens if the
18 State decides to authorize additional gaming facility
19 license in the future?

20 STEPHEN JOHNSON: So the process for doing
21 that in the future is that there would be a statewide
22 referendum, New York state voters would have to vote
23 and approve it, including New York City voters,
24 obviously and then, if they approve it, then the City
25 would then decide whether they wanted to be within

2 that game of getting another casino or a casino back
3 in the City, and then we would have to do a whole
4 other text amendment because this text amendment
5 we're talking about today does not cover any future
6 gaming facilities so the City, depending on what the
7 proposal is, we would have to do another text
8 amendment.

9 CHAIRPERSON RILEY: An article was just
10 published that the State has been postponing the
11 application process for the three authorized
12 licenses. What happened if the State delays the
13 process for another two years. Would applicants
14 looking to site a casino in the City still be able to
15 do that, even though circumstances may have changed.

16 STEPHEN JOHNSON: No, because we added the
17 sunset provision of June 30th, is that what it is,
18 2025, so if applications are not submitted by that
19 date.

20 CHAIRPERSON RILEY: Can you describe the
21 sunset provision for those who may not know?

22 STEPHEN JOHNSON: So that was the
23 modification that we put into the text because we
24 heard a lot of feedback and concerns about future
25 gaming facilities so there's a hypothetical situation

2 where everybody submits their gaming application and
3 then for whatever reason, only one, two are awarded,
4 that means there's a still one of them floating
5 around, and then the State could then do a whole new
6 process for who gets that license, and that means it
7 could open it up to areas of the city that we haven't
8 discussed, haven't reviewed, and so that's why we put
9 the sunset provision in. We believe the State wants
10 to award these three licenses because each of them
11 comes with a minimum 500-million-dollar investment,
12 and they're eager to award the licenses so we don't
13 think this is going to happen but, just to provide
14 assurances in case it does, if gaming applications
15 are not submitted by June 30, 2025, then there's no
16 gaming.

17 CHAIRPERSON RILEY: Steven, you spoke
18 about, you could possibly do a gaming casino
19 facility, but there's other possibilities. Could you
20 just clarify what those other possibilities could be?

21 STEPHEN JOHNSON: Sure. So you mean like
22 the different uses, the utility uses? Most of these
23 gaming facilities have hotels, they have a parking
24 garage, and restaurants, they might have a theater,
25 those the type of things, I don't know if any of you

2 have been to Las Vegas, to any of those types of
3 facilities, but there's other affiliated uses with a
4 casino, and it makes sense to have those affiliated
5 uses with those so we're saying if they're following
6 the State's definition of related uses, if they want
7 to do that, they can propose that in the gaming
8 application that they submit. They don't have to do
9 that. For example, we know that a couple of the
10 facilities that are being proposed are restricted by
11 the footprint of their building because they're in
12 existing buildings, this would be Sachs and 1515
13 Broadway, they are existing buildings, so they're not
14 going to be proposing a new tower because they can't
15 put in a new tower, but they'll be posing whatever
16 they can fit into the existing building so you could
17 have just the casino or like some of the other
18 proposals. You can have the casino, hotel, garage,
19 restaurants, maybe a theater, convention center,
20 those types of uses.

21 CHAIRPERSON RILEY: Who will decide what
22 uses are allowed for the particular sites?

23 STEPHEN JOHNSON: So each application will
24 have a detailed description of what they're proposing
25 and what they want to build, and there's going to be

2 an associate with an environmental review of those
3 applications, and that's what the CAC is going to be
4 reviewing, and I can tell you also that as part of
5 the review of those applications City Planning will
6 be reviewing those applications and, from our
7 perspective, I think people will be reviewing these
8 applications with an eye towards the existing zoning
9 regulations and how whatever they're proposing does
10 or doesn't fit in with the existing zoning so the
11 CACs review it, they comment on it, they get feedback
12 at the public hearings with the CACs, get feedback
13 from stakeholders, community groups, and then they
14 vote on it, the CACs vote on it, whether to approve
15 it or not.

16 CHAIRPERSON RILEY: So even though this
17 text amendment would allow an operator who is granted
18 an actual license to build a gaming facility as-of-
19 right without coming back to the City Council, the
20 local community and Council Member will still be
21 involved in the review process?

22 STEPHEN JOHNSON: For the gaming
23 application?

24 CHAIRPERSON RILEY: Correct.

2 STEPHEN JOHNSON: Whoever's on the CAC, so
3 the local Council Member is a vote reviewing and
4 voting and obviously can make pages and pages of
5 comments, get their opinion known, the local Council
6 Member, the Borough President, the Mayor has a seat
7 and, as part of a city agency that's involved with
8 this process, we will also be reviewing applications
9 and giving comments.

10 CHAIRPERSON RILEY: So is an applicant
11 required to submit detailed plans of a proposed
12 gaming facility they would like to build.

13 STEPHEN JOHNSON: Absolutely.

14 CHAIRPERSON RILEY: Does the proposed text
15 amendment place any restrictions on where and how
16 large of a gaming facility can be built?

17 STEPHEN JOHNSON: It doesn't necessarily
18 place any restrictions on that but, as I mentioned
19 earlier, the context is the existing zoning, and
20 they're all very well aware of the existing zoning
21 for their developments so that's the context of what
22 they're building so then, for example, if somebody's
23 proposing, I'm being a bit outrageous here, if
24 they're proposing a 10,000-space parking garage, then
25 everybody would say as-of-right, you would be

2 allowed, whatever, 1,000 spaces, and then they would
3 compare and say why do you think you need those?

4 CHAIRPERSON RILEY: Can you explain
5 further the rationale for not imposing some
6 restrictions on the size of gaming facility an
7 applicant would be able to build?

8 STEPHEN JOHNSON: We can't determine what
9 the proposals are yet because a lot of them are not
10 complete, and a lot of haven't shown us any details
11 of those. That will be up to the CACs, the voting
12 members, which will review the applications. and make
13 a determination on whether they think it's
14 appropriate. It could be a case of if,
15 hypothetically, say there's a 300-foot height limit
16 on a building, and they propose a 305-foot tall
17 building, I don't know if the CAC will vote against
18 it because of that reason, but if there's a 300-foot
19 height limit for a building and they propose a 1,000-
20 foot height limit, I would imagine the CAC would have
21 a lot to say about that.

22 CHAIRPERSON RILEY: What's the next step
23 if this text amendment is approved?

24 STEPHEN JOHNSON: The next step, if it's
25 approved as is, is that we will be working on the

2 four applications that have ULURP actions because the
3 goal is to have those certified by the end of the
4 year in order to meet the State's timeline, those de-
5 mapping actions.

6 CHAIRPERSON RILEY: Thank you. I would now
7 like to call on Council Member Schulman followed by
8 Council Member Abreu followed by Council Member Carr.

9 COUNCIL MEMBER SCHULMAN: Good afternoon.
10 What I want to ask, I'm Council Member Schulman, I
11 represent western and central Queens so, given that
12 the applications will not be subjected to ULURP under
13 this, how do I know the impacts on the local
14 community will be considered, such as traffic by
15 Willets Point given the planned new stadium?

16 STEPHEN JOHNSON: One of the ways that
17 transportation, for example, will be reviewed is
18 through the environmental review process, and this
19 was brought up to me many times during the public
20 review because people are very concerned about
21 congested streets and cars coming in. Each project
22 has their environmental review and has to address any
23 transportation issues associated with the proposal
24 and if they have any parking spaces, proposing a
25 parking a garage, etc., and whatever impacts are on

2 that development site and then, of course, mitigation
3 from those impacts.

4 COUNCIL MEMBER SCHULMAN: So when we do a
5 text amendment like this, it's giving up a lot of our
6 ability to ask a lot of questions about a particular
7 site moving forward so I understand you talked about
8 the environmental review process, but what assurances
9 do we have that other things are going to be
10 considered? There's traffic. There are other issues
11 that can be brought up so just want some assurances
12 there because it's a blank check basically.

13 STEPHEN JOHNSON: Sure. So each applicant,
14 if you look at the State's request for applications,
15 they have 50 pages of what they have to put in their
16 application, and that includes environmental review,
17 mitigation, jobs, economic development, who's
18 controlling what, what they're proposing, so all
19 those elements are in each application once they're
20 submitted. So that's all up for review. For example,
21 Resorts World in Queens has to complete that
22 application, which you would be able to see and make
23 comments on and consult with the community groups and
24 the other people on the CAC in your discussions, and
25 then you could say, hypothetically, you could say, I

2 don't think you're addressing transportation or I
3 don't think you're addressing water impacts, sewage
4 impacts, those types of things. It's all fair game
5 for you and whoever is attending the public hearings
6 with the CACs to bring up, mention, and discuss.

7 COUNCIL MEMBER SCHULMAN: The applications
8 within each of those specific areas are really tied
9 to the Council Member that represents that area so I,
10 sitting here on Zoning and Franchise, am able to have
11 a vote. I will not have a vote, I'll be able to
12 comment, but I won't have a vote so I just wanted to
13 point that out that that's a factor.

14 The other question I want to ask is if
15 the casino facility only occupies part, I'm talking
16 about the Citi Field. If the casino facility only
17 occupies part of the zoned lot, can the applicant
18 build on the rest of the zoned lot?

19 STEPHEN JOHNSON: No, they can only build
20 according to their CAC-approved development so the
21 CAC will review whatever their application is for
22 that specific gaming facility and they review it and
23 say we agree with this, we don't agree with that,
24 let's discuss this, why are you doing this? It's a
25 whole public discussion on the elements of the

2 project, and they can't just start building something
3 that's not approved so that's similar to if they're
4 making any changes to, if they are approved, they
5 would have to go through the City DCP and CPC in
6 order to get any changes to that. Furthermore, for
7 that specific project, that's on parkland so there's
8 going to be a zone, very highly delineated meets and
9 bounds where they can build things because they have
10 to provide compensation, fair market value, all the
11 things related to the parkland that they're building
12 on so that's going to be delineated in their project,
13 the bounds of their development, and they just can't
14 start building anything on some other part of the
15 park.

16 COUNCIL MEMBER SCHULMAN: Okay, so I just
17 want to say one thing for the record so this is the
18 first time we're having this blanket... Can I finish my
19 question, Chair? That we have this blanket text
20 amendment, and so it sets the tone for the future
21 down the road of doing other text amendments for
22 other big projects in the city and everything else
23 and it eventually will whittle away some of the
24 opportunities that we have as City Council Members to
25 really have input on these projects, so I'm not

2 asking for an answer, but I'm just saying in order
3 for us to do this I think you need to come back to us
4 and say because you're doing this is what we're going
5 to be able to put forth to you. That's all. Thank you
6 very much.

7 STEPHEN JOHNSON: Thank you.

8 CHAIRPERSON RILEY: Thank you, Council
9 Member Schulman.

10 Council Member Abreu then Council Member
11 Carr.

12 COUNCIL MEMBER ABREU: Thank you, Chair.
13 Since allowing a casino at any of these locations
14 represents great value to property owners and
15 developers, wouldn't it make sense to require
16 affordable housing for sites that could accommodate
17 housing in addition to a casino?

18 STEPHEN JOHNSON: This is a commercial
19 use, and we did not want any residential development
20 related to it. We just wanted to focus on the
21 commercial.

22 COUNCIL MEMBER ABREU: But if there is
23 space available to for production of affordable
24 housing, good for the economy, good for working-class
25 families who are really struggling to afford to

2 continue living here, why isn't that something that
3 was considered other than it's a commercial use? It
4 seems like a very arbitrary distinction.

5 STEPHEN JOHNSON: Sure. I totally agree
6 with you that affordable housing is a huge issue in
7 the city, and what the City is doing is, you're
8 probably familiar with City of Yes, we have a
9 proposal for housing opportunities that's coming out
10 very soon in order to create more affordable housing.
11 We've also done some things in our previous economic
12 opportunities projects. We're doing a number of
13 things focused on housing in particular, and this one
14 is just focused on one gaming use.

15 COUNCIL MEMBER ABREU: And I don't think
16 it's an either/or. I think we can build City of Yes.
17 Aside from that, you can also consider leveraging
18 open lands or open parks or, take away the parks,
19 areas that are conducive to building. There are a lot
20 of proposals that would lend itself to creating
21 affordable housing, and I think it's something that
22 ought to be considered if the project in fact would
23 allow for that production. Obviously, in places like
24 Manhattan that might be more difficult, but in open
25

2 areas I think it's something that the City ought to
3 consider. Thank you, Chair.

4 CHAIRPERSON RILEY: Thank you, Council
5 Member Abreu.

6 Council Member Carr followed by Council
7 Member Powers.

8 COUNCIL MEMBER CARR: Thank you, Chair.
9 You made it very clear in the presentation and the
10 text that this is about allowing a gaming facility
11 use in particular zoning districts, right, C4 to C8,
12 M1 to M3, but it does nothing to affect the other
13 requirements of those zoning districts, bulk,
14 parking, etc. Any proposal that would come forward,
15 at least for the five that don't have a subsequent
16 mapping action, those proposals would have to conform
17 to those requirements of the particular zoning
18 districts. Am I correct in thinking that?

19 STEPHEN JOHNSON: No, that would be up to
20 the CACs to decide, and what I was stating earlier is
21 that the as-of-right zoning would be like the
22 benchmark as to what you're looking at the proposed
23 gaming facility against so they wouldn't necessarily
24 have to meet those particular zoning regulations.

2 COUNCIL MEMBER CARR: So if the CAC and
3 the State approved an application that otherwise
4 would not meet the zoning requirements, there's no
5 subsequent action required by CPC to approve that
6 because it's not going to conform with, say, for
7 example, the C8 bulk requirements of the proposal.

8 STEPHEN JOHNSON: That's right.

9 COUNCIL MEMBER CARR: Okay, so I guess in
10 terms of the other four, we know going into this
11 discussion and the State knows going into this
12 discussion that if they were to approve said site for
13 a facility license that there would be subsequent
14 work that needs to be done on the City Planning side
15 so I'm just wondering why we have the time to do
16 that, why we're not considering a special permit
17 process for this. Whenever we do large developments
18 like a stadium, we have the special permitting, MSG
19 is subjected to a term of years, it comes back, the
20 community has an opportunity to renegotiate the
21 benefits of said facility, so why wouldn't we
22 envision something like that for this where maybe the
23 communities can feel a little bit more like they have
24 their hand on the wheel and local stakeholders like

2 our local electeds feel like they have more of a hand
3 on the wheel, not only now, but in the future.

4 STEPHEN JOHNSON: Yeah, so the main reason
5 is that we can't meet the State's timeline for
6 awarding licenses. Going through ULURP for the
7 creation of a special permit, whether through a large
8 scale or whatever means, would kick in many other
9 things within the city, tie up City's resources,
10 reviewing these gaming applications when ultimately
11 none of them may be approved.

12 COUNCIL MEMBER CARR: But you're already
13 going to do that for potentially four of the nine,
14 right? Because you have to do a subsequent mapping
15 action? The legislature has to pass legislation so
16 I'm just confused about why the timing is not a
17 factor there, but it is for the others.

18 STEPHEN JOHNSON: It's mainly because the
19 mapping action is smaller in scope than if you
20 included all the envelope and bulk and uses of a
21 proposal, which trigger a whole set of drawings and
22 review within the timeframe that we typically review
23 at City Planning. You've probably heard City Planning
24 sometimes takes a while to review things. We have to
25 go through a standardized process for reviewing

2 things, and we can't meet the timeframe, but the four
3 projects that have to go through ULURP, it's because
4 they're smaller in scope and only have one action, or
5 two actions associated with it, which is the mapping.

6 COUNCIL MEMBER CARR: But, again, just to
7 be clear, if this were to pass as modified, the way
8 it's come from the Commission, the CAC, the State,
9 will be able to put these facilities in the relevant
10 zoning districts without regard to the zoning
11 requirements per se? That's basically what you said
12 earlier, right?

13 STEPHEN JOHNSON: What I said was people
14 will review these applications with an eye towards
15 what the existing zoning is.

16 COUNCIL MEMBER CARR: With an eye towards,
17 but they're not required to comply.

18 STEPHEN JOHNSON: They're not required to,
19 and I'm confident that if somebody proposes a crazy
20 tower somewhere that there shouldn't be a tower that
21 the CACs will be like, please cut that tower down to
22 a size that we approve of.

23 COUNCIL MEMBER CARR: Thank you.

24 STEPHEN JOHNSON: Or the discussion will
25 be had.

2 COUNCIL MEMBER CARR: Thank you.

3 CHAIRPERSON RILEY: Thank you. Council
4 Member Powers followed by Council Member Marmorato.

5 COUNCIL MEMBER POWERS: Thank you. I have
6 a few questions. I just want to pick up on that last
7 question, though, which is it's not a question of
8 whether the CAC will object to that idea of a large-
9 scale tower. I think I'm confident that will happen
10 too. They will look at the proposal, have public
11 hearings, need to get a 2/3rd vote, so that proposal
12 will have to end up in a place if they were to have
13 an appetite for approving it to get to a place where
14 community, Council Member, Borough President, so
15 forth are in support of that. I guess the question is
16 what is the mechanism to enforce that? Zoning,
17 special permits, there's things that are mechanisms
18 to enforce, I think, special permit potential against
19 bad behavior, modernization of community benefits or
20 something like that, but an MSGA may be the right
21 example or something like that to pull from, but I
22 guess the question is once the CAC is involved in
23 this part of it beyond the City Council's approval of
24 the large, sort of the overall concept, what is the
25 mechanism by which the CAC will be able to negotiate

2 and then enforce, if it were to be outside of what is
3 the normal envelope and the normal expectations of
4 zoning because I agree with you. I think the CAC is
5 an extra layer here to ensure that the community, we
6 can meet the deadlines, but also the community can
7 have really essential input. That's why it's there,
8 but I guess that's my question is what is the actual
9 mechanism to ensure that what the CAC negotiates with
10 or discusses with an applicant actually becomes the
11 project that's built.

12 STEPHEN JOHNSON: So whatever the CAC
13 approves is the required development and envelope in
14 bulk of the building so then the Department of
15 Buildings would review approved drawings and see what
16 the requirements are because DOB enforces the zoning
17 resolution, and so that would be the mechanism for
18 enforcing what's being built and then, if there's any
19 changes, that would then come back to City Planning.

20 COUNCIL MEMBER POWERS: Okay. Is it your
21 understanding then that the CAC is established and in
22 a position to negotiate height and bulk and zoning?

23 STEPHEN JOHNSON: Yes.

24 COUNCIL MEMBER POWERS: Okay, so based on
25 the nine that you mentioned, I'll be on two of those

2 CACs, or an appointee of mine will be on two of those
3 appointees, so I just want to go through that one
4 more time. If I have an appointee, let's say, on the
5 CAC, they will be talking to that applicant or
6 hearing from the public or any of the functions in
7 form of that and, at the point where they say,
8 there's that 1,000-foot tower, I hate that 1,000-foot
9 tower, I want that 300-foot tower you talked about
10 earlier. What happens next? That is part of the
11 approval process or it's a kind of a new?

12 STEPHEN JOHNSON: That's part of the
13 approval so that's a two-thirds vote. In the case of
14 using the tower example, I could say what I would do
15 is I would see it permits a 900-foot tower, the
16 zoning permits 900 feet, so if they're proposing
17 1,000 feet, we would check the design, check the
18 build, and we'd say, actually, no, that might be okay
19 the way they put it together, or it'd be like, no,
20 you have to get down to 900 feet, or if the community
21 is up in arms about something related to the height
22 of the building, it's too close to this, too close to
23 that, we want it down to 800 feet, and that's when
24 you would discuss with the applicant team and amongst
25 other members of the CAC the details of the proposal

2 and what other people think about the tower on the
3 CAC.

4 COUNCIL MEMBER POWERS: Okay. I think the
5 concern that I'm raising, although I think it's
6 resolvable, but I think I'm just raising is the idea
7 that you might get to the CAC, and the zoning doesn't
8 apply, and suddenly you believe you approve one
9 proposal and there's kind of freedom to build
10 something else, and it sounds like, you want to add
11 something to that so I'll let you go ahead.

12 SUSAN AMRON: No, I also just wanted to
13 point out that what the CAC approves is what the
14 State can review and license, and so what comes out
15 of the CAC is the only thing that the State can
16 consider so if the CAC approves a building of 500
17 feet or 400 feet, the State can't say we would like
18 something or we're okay with something larger. The
19 CAC will put the limit on what the State can actually
20 license.

21 COUNCIL MEMBER POWERS: Okay. When I look
22 at the State gaming's criteria, economic activity,
23 local siting impact I guess would be kind of a zoning
24 thing, I don't understand what that's reviewing but I
25 thought that was kind of the mission of the CAC here

2 (INAUDIBLE) conditions so just ensuring that those
3 types of things are also going to be included. I
4 understand you're not the Gaming Facility Board
5 either.

6 I just want to ask a couple more
7 questions. Number one is you talked about nine
8 proposals. We are certainly not too late to see
9 another proposal here in the city. Is that correct?

10 STEPHEN JOHNSON: Hypothetically, we could
11 see another proposal. We've met with each of the
12 applicants because they want to all make sure that
13 what the zoning text does is they don't need any
14 actions outside of it, so it would be a very poor
15 business decision to come in at the end with a
16 proposal that nobody's seen or looked at, and I think
17 it would be unlikely. Also...

18 COUNCIL MEMBER POWERS: Unlikely, yeah,
19 but possible but unlikely. There's no statutory...

20 STEPHEN JOHNSON: Yeah, anybody could
21 submit a proposal.

22 COUNCIL MEMBER POWERS: Okay, and then
23 three that need further, there's four I believe that
24 need further zoning actions, some that include
25 parkland alienation or state legislation. Can you

2 sequence those out for me, the timelines of those
3 different actions? Obviously, they're in session now
4 in Albany, they will need to by I suppose the end of
5 June have legislation that authorizes it. I guess
6 they could go into next year theoretically, too,
7 potentially. Do they need that before they need to do
8 the mapping action through City Planning if they're
9 doing a new mapping action, and then how does that
10 all relate to the process that we're going through
11 right now?

12 STEPHEN JOHNSON: They don't need that
13 before the mapping action, but one of the things that
14 the mapping action needs is to understand the
15 boundaries of everything so we're working with those
16 applicant teams to understand where those lines will
17 be and what they're proposing. It can be pretty
18 complicated working with different city agencies and
19 state agencies on where they want to put certain
20 things on their development.

21 COUNCIL MEMBER POWERS: Okay, and the ones
22 that are going through City Planning for further
23 mapping action, I guess the one of the Bronx being
24 one of them, that's happening now and are they on
25 different timelines, is it expected to come to City

2 Council all at once for those different projects, or
3 are they different ULURPs, different timelines?

4 STEPHEN JOHNSON: There are four different
5 projects. Queen's Future scoped in December, Western
6 Rail Yard scoped last week, and the other two
7 projects will be scoping soon so they're all on
8 slightly staggered timelines, but the goal is they
9 all have to certify by the end of the year in order
10 to meet the State's timeline of being through the
11 process by the summer of next year.

12 COUNCIL MEMBER POWERS: Which is a new
13 timeline so we're living in a lot of unknowns here.

14 Just some last questions. If they did go
15 later, the text says June 30, 2025, is the date I
16 believe as like one of the threshold questions here.
17 If the applications get pushed back another six
18 months or three months, we have to come back and
19 amend that date. Is that correct?

20 STEPHEN JOHNSON: If they missed the
21 sunset date, then yeah, it's over with. It's done.

22 COUNCIL MEMBER POWERS: No, no. What I'm
23 saying is if, sorry, my question was confusing. If
24 the State pushes back the deadline further, they've
25 already pushed it back, if they push it back further,

2 the application process didn't even open up until
3 July 1st of next year, all of them would be out of
4 compliance with what we're doing here today.

5 STEPHEN JOHNSON: That's right.

6 COUNCIL MEMBER POWERS: And so there's a
7 question of whether to create a deadline that then
8 the State has to also meet because of our criteria
9 and this sort of City/State relationship, but what
10 happens if the application doesn't even open until
11 July of next year?

12 STEPHEN JOHNSON: Then there would be no
13 application submitted by that sunset provision date.

14 COUNCIL MEMBER POWERS: And so then we
15 would have to do something, another action through
16 the.

17 SUSAN AMRON: I just note in the schedule
18 that the State was talking about yesterday, they're
19 expecting a deadline for applications in the first
20 quarter of 2025, which would give some leeway with
21 our June 30, 2025, date for sunseting.

22 COUNCIL MEMBER POWERS: For sure, if they
23 meet that, which has not been the case to date by
24 any...

2 SUSAN AMRON: When they made that
3 announcement yesterday, they were aware of our date
4 because that's now out in public so, yes, I'm hoping
5 that they would not do something that would upset the
6 text amendment.

7 COUNCIL MEMBER POWERS: Okay. I appreciate
8 it. Thank you.

9 CHAIRPERSON RILEY: Thank you, Council
10 Member Powers.

11 Council Member Marmorato followed by
12 Council Member Bottcher and and just wanted to
13 announce we've been joined by Council Member Hanks
14 remotely.

15 COUNCIL MEMBER MARMORATO: Thank you,
16 Chair. Council Member Powers asked a lot of my
17 questions. Thank you.

18 I just wanted to confirm that the
19 parkland alienation process has to be completely done
20 within the first quarter of 2025 for the three
21 proposed sites?

22 SUSAN AMRON: The parkland alienation
23 process, I believe, needs to be done by the deadline
24 which will be after applications are due for getting
25 all local zoning approvals or local land use

2 approvals so the State hasn't precisely said when
3 that is, but that's probably in July of 2025,
4 somewhere in that date, and then, of course, the
5 legislature will only be in session, I don't know
6 what their date is, but they won't be in session over
7 the summer of next year so it would have to be done
8 by the end of the session.

9 COUNCIL MEMBER MARMORATO: Okay, and how
10 long does the typical process take besides the text
11 amendment? If we didn't create this, how long would
12 each application take to process?

13 STEPHEN JOHNSON: So it depends on each
14 application and how difficult it would be so, for
15 example, I mentioned the two existing buildings that
16 are already up in midtown. Those would probably take
17 less time because it's already got an envelope. It's
18 already in existence so typically a very difficult
19 project that goes through scoping takes three years.

20 COUNCIL MEMBER MARMORATO: Three years?

21 STEPHEN JOHNSON: Yeah.

22 COUNCIL MEMBER MARMORATO: Wow. Okay. Also
23 as far as does DCP have any issue with removing this
24 much discretion and power from the local stakeholder
25

2 holders for the sake of speeding up the process being
3 it's something so permanent.

4 STEPHEN JOHNSON: So we totally understand
5 the concern. We heard this many times in the public
6 review process and so we totally acknowledge that
7 but, in order to meet this timeframe just to add the
8 use into the zoning text, this is the best way we can
9 do it, and we think that the CAC process is a public
10 review process that has many of the same elements as
11 ULURP does. It's going to have public hearings, it's
12 going to have up to two public hearings. City
13 Planning only has one public hearing. It has the
14 Borough President in the CAC, the Borough President,
15 goes through ULURP and comments on ULURP, and the
16 community boards can be involved, attend the
17 hearings, make comments, the local City Council
18 Member is on the CAC so they have local City Council
19 Member review of the applications so a lot of these
20 elements are very similar to ULURP so we think it's
21 somewhat duplicative to have both processes, and the
22 City Planning Commission approved it last week.

23 COUNCIL MEMBER MARMORATO: When does the
24 environmental review process actually take place in
25 this entire process once it gets to the CAC?

2 STEPHEN JOHNSON: So this one is a little
3 bit complicated because the four projects that are
4 going through ULURP have their own environmental
5 reviews now.

6 COUNCIL MEMBER MARMORATO: Yes.

7 STEPHEN JOHNSON: The other projects,
8 their environmental review is through the State
9 environmental review process so they need to be, we
10 assume that they're starting their review of the
11 impacts, going through the list of issues related to
12 their development and the State is handling those
13 applications, and I don't know if there's a
14 completion date for when those have to be done for
15 the State process.

16 SUSAN AMRON: Yeah, the State hasn't
17 announced or said when the reviews that are being
18 under the State umbrella will be proceeding, but I
19 think they are all are at least beginning around now,
20 if they haven't already started?

21 COUNCIL MEMBER MARMORATO: As far as the
22 Bronx site is concerned, there is a lot of
23 environmental concerns between traffic being it was a
24 landfill at one point. How can I be involved in that
25 process of the environmental review, or how can I be

2 involved with receiving the information as it's going
3 on?

4 STEPHEN JOHNSON: Sure. The applicant
5 team, I'm hoping, has been in contact with you, and
6 they've had some discussions with that. The
7 application for the de-mapping, so the alienation
8 legislation is going to the State now, so there's a
9 public record of that, and the mapping action is
10 going to go through ULURP this year, and that's going
11 to be coming out to the Community Board so you're
12 highly involved with that.

13 COUNCIL MEMBER MARMORATO: I just have one
14 more question. My concern is they're doing an
15 environmental review, especially on a traffic study,
16 but we have an Amazon facility that's not even used.
17 It's like a 30,000-square-foot facility that's not
18 even used to the fullest capacity. How could you do
19 an environmental or traffic review on something
20 that's not even complete, and it's literally less
21 than a mile away from there, and it's all one-way in,
22 one-way out.

23 STEPHEN JOHNSON: That could be an
24 excellent point if it's not being looked at. I'm
25 assuming it would be looked at in the environmental

2 review and, if it's not looked at, that would be my
3 first question to them, why aren't you looking at
4 this?

5 COUNCIL MEMBER MARMORATO: So I need to
6 contact Bally's to get all of this information as
7 they're doing it. Okay.

8 STEPHEN JOHNSON: Absolutely.

9 COUNCIL MEMBER MARMORATO: Okay. Thank you
10 so much.

11 CHAIRPERSON RILEY: Thank you. Council
12 Member Bottcher.

13 COUNCIL MEMBER BOTTCHEER: What's being
14 proposed with this zoning text amendment is
15 essentially that instead of having both an individual
16 ULURP for each application and a Community Advisory
17 Committee for each application, there will be just
18 Community Advisory Committee for each application. Is
19 that another way of understanding it, stating it?

20 STEPHEN JOHNSON: There will be nine
21 Community Advisory Committees for each application,
22 and four of the projects will go through ULURP for
23 their actions that are outside of the text amendment.

24 COUNCIL MEMBER BOTTCHEER: Under a ULURP,
25 each ULURP involves an individual environmental

2 review process. Will there be an individual
3 environmental review process for each project under
4 the Community Advisory Committees?

5 STEPHEN JOHNSON: Yes.

6 COUNCIL MEMBER BOTTCHER: And under a
7 ULURP, prior to the individual ULURP beginning, as
8 part of the environmental review process, there's a
9 public scoping meeting to solicit comments on the
10 draft scope from all affected and interested parties.
11 Would that happen under the Community Advisory
12 Committees?

13 SUSAN AMRON: Yes, because those
14 environmental reviews will be done under the State
15 process, and the State process also has scoping
16 requirements.

17 COUNCIL MEMBER BOTTCHER: Under a ULURP,
18 the Community Boards play an important role, it's an
19 advisory role but it's an important role, and
20 Community Boards have a defined period of time within
21 the ULURP process to develop and submit
22 recommendations. What is the role of a Community
23 Board in the Community Advisory Committee process?

24 STEPHEN JOHNSON: So the State is
25 committed to have two public hearings, minimum two

2 public hearings, and they'll be soliciting feedback
3 from stakeholders and from the community for each of
4 the applications, so that's where the Community
5 Boards and neighborhoods can voice their opinion, and
6 they'll talk to their local City Council Member and
7 give their opinion to the Council Member and the
8 Borough President and the local Assembly Member and
9 local House Representative Member.

10 COUNCIL MEMBER BOTTCHE: When you say a
11 minimum of two public meetings, who decides if
12 there's a fuller process, if there's more public
13 meetings, if there's more opportunity for people to
14 give feedback.

15 STEPHEN JOHNSON: So I can't confirm this
16 because it's a State process but, for example, if the
17 CAC held two public hearings and felt that wasn't
18 sufficient amount of public review, I would imagine
19 they could control the CAC and say we want to have
20 another public hearing on this one issue or on these
21 three issues or we want to have a public hearing to
22 discuss mitigation or they might have those just with
23 the CAC with the applicant team, but I believe the
24 CAC could request things and make demands of an
25 applicant team because the applicant team wants an

2 approval from the CAC so, if the CACs want another
3 public hearing, we want you to send these documents
4 out, this is what we want in order for the approval.

5 COUNCIL MEMBER BOTTCHEER: Ostensibly, the
6 elected officials that make appointments to the CACs,
7 they'd have the ability to decide how many public
8 meetings, what kind of public process there is in a
9 way?

10 STEPHEN JOHNSON: I think they have the
11 ability to shape that. For example, a CAC in Midtown
12 Manhattan might have different issues with a CAC in
13 Coney Island. They would be emphasizing one thing
14 over another, perhaps, and then the one in Manhattan
15 would be emphasizing what the Community Board wants
16 to see on the development site or what they don't
17 want to see on the development site.

18 COUNCIL MEMBER BOTTCHEER: Will the
19 Community Advisory Committees have the ability to
20 mandate things like union employment in a way that we
21 can in a ULURP?

22 SUSAN AMRON: I think we're not entirely
23 sure with that specific question, and I think we need
24 to get guidelines from the State. I do know that one
25 of the criteria that the State Siting Board needs to

2 look at is labor agreements between the gaming
3 facility and labor and that's part of the application
4 process so there's a fair amount of criteria related
5 to local hiring, training, labor agreements, and
6 similar types of employment-related criteria.

7 COUNCIL MEMBER BOTTCHEER: In a ULURP, the
8 size, the bulk of buildings, the look of buildings,
9 the materials used in the buildings, the kind of
10 lighting used in the buildings, those could all be
11 written into the final agreement of a ULURP. Is all
12 that included in the purview of a Community Advisory
13 Committee?

14 STEPHEN JOHNSON: It's my understanding
15 that it is because those are the details that the
16 CACs will be discussing. They'll be discussing
17 whether you want brick, glass, etc., how the setback
18 is, how many parking spaces, so those are all the
19 discussion details for the CAC, and it's my
20 understanding that those would be something that
21 would be negotiated.

22 COUNCIL MEMBER BOTTCHEER: Is there
23 anything that a ULURP process could mandate that a
24 Community Advisory Committee won't be able to
25 mandate?

2 STEPHEN JOHNSON: That's a good question.

3 STEPHEN JOHNSON: There is a CPC report
4 that's submitted with the ULURP process, which is the
5 official document that has the details in it, but
6 there will be official documents with, I can't think
7 of anything that would be substantially different.

8 COUNCIL MEMBER BOTTCHEER: Very important
9 for us to be exact before we consider advancing this.
10 It's so important that we get all the very specific
11 answers to these questions. Is there anything in a
12 Community Advisory Committee process that can be
13 mandated, negotiated, that a ULURP could not involve?

14 STEPHEN JOHNSON: I think, speaking as a
15 City employee, the City, when we review projects, we
16 do things in relationship to the rationale and what's
17 permitted through the regulatory framework that we
18 work within, and the City Council has somewhat
19 different ability to negotiate terms, and I believe
20 that would be apparent with the CAC than the City
21 Planning, but I think this is something that we'll
22 get back to you on as to if it differs and how it
23 differs specifically as to what the difference is
24 between what a ULURP could mandate and the CAC could
25 mandate within their purview.

2 COUNCIL MEMBER BOTTCHEER: One difference
3 I've come to understand, that I've been told is that
4 in a ULURP we can't say to an applicant, we want you
5 to write a check to this local nonprofit and, is it
6 your understanding that under a Community Advisor
7 Committee we could say we want you to write a check
8 to this non-profit or that non-profit?

9 SUSAN AMRON: We will have to get back.
10 Part of the process is to make sure the applicant is
11 benefiting the community. Whether it reaches that
12 level of specificity, I don't think we can say now.

13 COUNCIL MEMBER BOTTCHEER: And we'll be
14 getting the answers to these followup questions in
15 writing? How will we be getting the answers to these
16 followup questions?

17 STEPHEN JOHNSON: Do you want them in
18 writing? We'll give them to you in writing.

19 COUNCIL MEMBER BOTTCHEER: Thank you.

20 CHAIRPERSON RILEY: Thank you, Council
21 Member Bottcher.

22 Counsel, are there any more Council
23 Member questions for this applicant panel?

24 COMMITTEE COUNSEL VIDAL: Not that I'm
25 aware of, Chair.

2 CHAIRPERSON RILEY: There being no future
3 questions for this applicant panel, you are now
4 excused. Thank you so much for presenting, and please
5 provide those answers in writing to the Council
6 whenever you have.

7 Counsel, are there any members of the
8 public who wish to testify on the gaming facility
9 text amendment remotely or in person?

10 COMMITTEE COUNSEL VIDAL: Yes, so we have
11 three people signed up remotely to testify, and we
12 have about nine to ten people in-person also who
13 would like to testify.

14 As our normal procedure is, we will be
15 starting with people in opposition. The people in
16 opposition happen to be online so we're going to be
17 starting with an online panel in opposition, which
18 you may call now, Chair.

19 CHAIRPERSON RILEY: Thank you.

20 Members of the public will be given two
21 minutes to speak. Please do not begin until the
22 Sergeant-at-Arms has started the clock.

23 We are going to start with our online
24 panelists. This panel includes Paul Devlin, Christine
25 Gorman, and Layla Law-Gisiko.

2 We're going to start with Paul Devlin.

3 Paul, you may begin after Sergeant-at-Arms has
4 started the clock.

5 SERGEANT-AT-ARMS: You may begin.

6 PAUL DEVLIN: Thank you, everyone. Hello.

7 My name is Paul Devlin. I'm Co-Chair of the Clinton
8 Health Kitchen Land Use Committee on Manhattan's
9 Community Board 4. In January of this year, we voted
10 unanimously against this zoning text amendment. This
11 text amendment removes gaming facilities from ULURP,
12 therefore bypassing New York City's standard public
13 review process and eliminating City oversight for
14 zoning compliance of gaming facilities. The New York
15 City Charter requires transparent public review with
16 a predictable mandated time clock for large scale
17 developments. This thorough process through ULURP
18 ensures full technical analysis by the impacted
19 communities. Removing gaming facilities from the
20 ULURP process eliminates the opportunity for full
21 community input and review. This zoning text, as
22 admitted by DCP testimony today, also means that the
23 City's professional planning staff would be
24 technically removed from the planning of these sites.
25 Let's be clear, casinos can gain approval under the

2 current structure following standard ULURP
3 procedures, but DCP contends that an individual ULURP
4 process for each site would be overly time consuming
5 and delay the New York State license approval.

6 Perhaps we could use some of the million-dollar
7 application fees to fund more resources for DCP to
8 adequately review the applications. I ask those of
9 you who represent parts of the city that don't have
10 proposed gaming facility sites, if you would want
11 your constituent voices taken away if the State
12 decided they want to put in something like a NASCAR
13 racetrack or a sports stadium and proposed bypassing
14 the ULURP process. Would you be happy to tell your
15 Community Boards that their voices weren't needed to
16 analyze the impact of large-scale developments in
17 your neighborhoods? Our Board has asked that instead
18 of bypassing the ULURP process, New York State extend
19 its casino siting timeline so that each proposed site
20 go through an appropriate review. As Chair Riley
21 noted, and based on recent news coverage, it seems
22 the State has already adjusted the timeline and won't
23 be ready to approve licenses until later in 2025 and,
24 to echo Council Member Schulman's comments, the City
25 should not set a precedent of adopting a text

2 amendment to bypass the standard review public
3 process to accommodate an uncertain and undefined
4 state timeline. I urge you all to vote no. Please
5 don't usurp the ULURP. Thank you.

6 CHAIRPERSON RILEY: Thank you, Paul.

7 Next, we will have Christine Gorman. Our
8 timer isn't working so I'll be timing you, Christine,
9 and I will let you know when your time is up. You may
10 begin.

11 CHRISTINE GORMAN: Thank you. My name is
12 Christine Gorman, and I live in Hell's Kitchen. I'm
13 the President of the West 55th Street Block
14 Association as well as President of Hell's Kitchen
15 Democrats. My neighbors and I are opposed to the
16 gaming facility text amendment submitted by the New
17 York City Department of Planning. I will make two
18 points right at the outset, and they're really
19 simple. If the State's timeline is too tight, then
20 the State should adjust its timeline. It's as simple
21 as that. Secondly, you can make casinos legally
22 permitted in New York City without giving away
23 traditional community review of whatever gets built.
24 This application represents a cynical land and power
25 grab on behalf of one industry. The City is trying to

2 do an end run around the public input process that
3 has existed since 1975 for neighborhood development.
4 DCP contends that an individual ULURP process for
5 each site would be time-consuming and delay the New
6 York State license approval. By this rationale, any
7 and all public review of Land Use applications might
8 be considered time-consuming and simply eliminated,
9 eroding the democratic participation of citizens in
10 planning the future of their communities. Why even
11 bother with elections when it comes right down to it?
12 So messy, expensive, and time-consuming. Are you
13 really going to vote against a transparent and
14 democratic process that has, for all its flaws, since
15 1975, served to navigate the competing interests and
16 adjudicate the development needs of our various
17 communities? This has nothing to do with whether you
18 are for or against casinos in any particular area.
19 The gaming facilities as defined in this text
20 amendment would include parking garages, hotels,
21 theaters, convention centers, restaurants, bars, and
22 other non-gaming uses related to gaming. That's a
23 loophole...

24 CHAIRPERSON RILEY: Christin, your time is
25 up so you can wrap up.

2 CHRISTINE GORMAN: Okay, so it's a big
3 loophole, and I would say I would urge you not to
4 bargain our voice away. Please don't be bamboozled.
5 Please vote against the Gaming Facility Text
6 Amendment application number N240179ZRY. Thank you.

7 CHAIRPERSON RILEY: Thank you, Christine.

8 Next, we will have Layla Law-Gisiko.

9 Layla, if you can hear me, you may begin.

10 Layla, if you can hear me, you may begin.

11 LAYLA LAW-GISIKO: Yes, thanks.

12 CHAIRPERSON RILEY: Yes, we can hear you.

13 Miss Gisiko, you're breaking up. Miss Gisiko, you're
14 breaking up. Can you hear me? Okay, Miss Gisiko,
15 you're breaking up. We're going to try to come back
16 to you. We're going to go to in-person. If you cannot
17 testify, you could also submit your opposition online
18 to us at landusetestimony@council.nyc.gov. Okay,
19 thank you.

20 Okay. All right. So we're going to go to
21 in-person.

22 I'm going to start with Keith Suber.

23 I'm sorry. Before we go in person, do any
24 Council Members have any questions for this applicant
25 panel? Okay. Thank you.

2 I'm going to go to Keith Suber, Xueli
3 Zheng, Marie Mirvelle-Shahzada, and Anthony Batista.
4 If I butchered your name, please forgive me.

5 I'm going to call the names one more
6 time, okay? Anthony Batista, Marie Shahzada, Xueli
7 Zheng, and Keith Suber. Once again, if I butchered
8 your names, please forgive me.

9 We will start with Keith Suber.

10 KEITH SUBER: Good morning, everyone.

11 CHAIRPERSON RILEY: Good morning.

12 KEITH SUBER: My name is Keith Suber. I'm
13 a longtime community resident of Coney Island,
14 Brooklyn, and I am in favor of the tax amendment
15 because, for one, it can strengthen the economy for
16 our entire city and, for two, it can strengthen the
17 economy for Coney Island, Brooklyn. I've worked with
18 the developers in the past. They delivered on what
19 they said they would do. They gave me free space to
20 do an apprenticeship program. I've worked with the
21 Chickasaw Nation in Schenectady, New York when they
22 built that so I'm very much aware of what jobs can do
23 to change our community when there's a lot of
24 individuals that don't have anything. As a proud
25 union member, I can say, retired, that Local 79 has

1 changed my life. It took me off the streets and put
2 me in a position where I could take care of my
3 family, and I'm just hoping that my testimony and
4 others will be able to resonate and let the people
5 know there's something that the Coney Island
6 community needs because we are dormant during the
7 winter months. There's nothing going on there so we
8 would like to see the progress of this move forward.
9 Like I said, the main thing union jobs, my focus,
10 something very, very dear to my heart because it can
11 change your life because it's changed mine. The
12 senior centers, I'm quite sure the developer is
13 willing to sit down with the community residents and
14 work out issues like traffic and different things.
15 The boardwalk needs to be repaired and then we have
16 some flooding issues, and I think that the casino
17 would bring some revenue to our community to have
18 those things built up, especially with the flooding
19 again, with the senior centers. There's a lot of non-
20 profit organizations out there, football teams,
21 basketball teams, where the children need help, and I
22 say the more we go, the more we grow. Thank you.

23
24 CHAIRPERSON RILEY: Thank you, Keith.

2 Next, we'll have Ms. Marie. Yes, ma'am.
3 You can use the one in front of you.

4 MARIE MIRVELLE-SHAHZADA: Good afternoon.
5 I'm 100 percent in favor of the Gaming Facility Text
6 Amendment. Why? First let me introduce myself. My
7 name is Marie Merville-Shahzada. I am born and raised
8 in New York City in the best borough, Brooklyn.
9 sorry, guys. I am not only a city resident, but I'm
10 also a New York City Department of Education
11 employee, a business owner in Coney Island, a
12 community advocate in Coney Island. I don't look at
13 this in one level. I look at this as a whole. Passing
14 the Gaming Facility Text Amendment that proposes a
15 citywide zoning text amendment to allow gaming
16 facilities will allow for casinos to be built and
17 established in New York City. This would open the
18 floodgates of investment and revenue back into our
19 city. It would add a stream of tourism and commerce
20 which the city has lost in recent years. Moreover,
21 approving the casino in Coney Island, South Brooklyn,
22 would not only help the city, but Coney Island
23 itself. As my partner has said, there's so much going
24 on in Coney Island. It is not like Hell's Kitchen.
25 It's not like the other parts of the borough. Coney

2 Island is in need. We have a community out there that
3 only is booming two months out of the year. The other
4 ten months it's an economic desert. We right now have
5 Coney Island Brewery, which is on West 17th, closed,
6 Rite Aid on 3001 Mermaid Avenue, closed, The Juice
7 Bar on Mermaid Avenue on West 19th also just closed,
8 Boost Mobile on West 15th also closed as well as so
9 many other businesses closing. Our business owners
10 are suffering. They do not make ends meet from day to
11 day on those 10 months out of the year so those two
12 months, great, but we need more.

13 CHAIRPERSON RILEY: Thank you.

14 Next, we'll have Anthony Batista.

15 ANTHONY BATISTA: Good afternoon. To
16 piggyback off of the residents that I share Coney
17 Island with, in the beginning I was against the
18 casino, the initial, and say, you say a casino, I'm
19 thinking about my kids. I'm like, the crime, but then
20 you sit back and you realize for one, the location is
21 not a high crime neighborhood, it's not a high crime
22 area. Number two, the economic growth, we need it.
23 I'm the Executive Director for the Coney Island Anti-
24 Violence Collaborative. I have 32 kids at a time
25 during the week. They have nothing to do. I can't

2 speak for the other developers that's trying to bring
3 a casino, but I can speak on the ones that's coming
4 to us, and they've been, since the beginning, trying
5 and trying to establish their own board of community
6 members to see what do we want and how can they help
7 the community, and that's what helped me put myself
8 in a position where I can understand, okay, this is
9 going to be good for the community. The kids are
10 going to have somewhere to go. That's going to be
11 work. In Coney Island, I don't know if anybody knows,
12 but in Coney Island, like the majority of the people
13 in Coney Island, I was looking at a census last
14 night, make between 10,000 to 19,000 a year. That's a
15 joke. Then let's add the fact that they have to take
16 transit, take away that almost 3 dollars, that's
17 almost 6 dollars round trip. A casino. They're going
18 to be able to just walk on in. There goes the
19 transit. They make more money. We've been talking
20 about unions. We've been speaking about moving the
21 storefronts. People are scared that the local
22 community, the local stores and businesses are going
23 to lose business, but we're trying to implement with
24 working with the developers to move them from where
25 they're at to be in a storefront so there's an open

2 line of communication so the developers are actually
3 trying to work with the community. That's what I can
4 speak on.

5 CHAIRPERSON RILEY: Thank you.

6 Lastly, Xueli Zheng.

7 XUELI ZHENG: Hello. My name is Xueli
8 Zheng. I live in Queens. I'm a union member since
9 1998. I'm currently a (INAUDIBLE) attendant in Resort
10 World New York City in Queens. As a father of three
11 kids, my life is not that easy, but I can feel
12 relieved knowing that union can provide me lots
13 benefits, like decent living wage, healthcare, even
14 pension plans. I'm happy that with union benefit, I
15 can make better life. I can give my kids better
16 education. Casino jobs are union jobs which can
17 benefit many people, many workers just like me so we
18 support a casino. Thank you.

19 CHAIRPERSON RILEY: Thank you. I have a
20 question for Mr. Batista. Mr Batista, in the
21 beginning, you said you were totally against it. I
22 think you alluded to you believed it would bring
23 crime to the area, and now you support it so can you
24 just explain that a little bit more? Why were you
25 against in the beginning? What did the developers do

2 specifically that made you feel like I can start
3 supporting this project now.

4 ANTHONY BATISTA: In the beginning, yes, I
5 was against it because of the crime. That's the
6 initial thing you start thinking people are going to
7 start robbing. Come on, we're going to be honest.
8 It's poverty in Coney Island. People see casinos,
9 people see people making money. They're going to
10 think that they're going to try to rob them but,
11 number one, where the location of the casino is,
12 that's not where the crime is happening. The crime is
13 happening in the West End. If anybody knows anything
14 about Coney Island, the West End are the high
15 numbers. Where the casino is coming, it's the low
16 numbers. That's number one. To change my mind, they
17 didn't really do anything to change my mind. To be
18 honest, it was my daughter, my 13-year-old daughter
19 that told me dad, you're saying that people have a
20 habit or are going to do things. If people are messed
21 up, they're going to do it anyway. They need help. So
22 a casino is not going to stop it. They're going to
23 rob, whether they're going to rob you in front of a
24 casino, they're going to rob you coming out of the
25 apartment. It was my 13-year-old daughter that told

2 me this, which led me to go sit down with them so
3 it's not like they necessarily did anything. They
4 were open to communicate with me. They were open to
5 see how can we stop that, and we spoke about a lot of
6 things. We spoke about working with the security,
7 getting fellow veterans like myself to get on the
8 task force for the security, we spoke about them
9 giving back to the community, to non-profits like
10 mine that we are anti-violence because once the
11 community starts seeing that, okay, hey look, they're
12 actually helping the non-profits assist the kids.
13 That's a big deterrent. Parents are going to jump in,
14 hey, you guys better not mess with those people. This
15 is where, they're helping us with this, they're
16 helping us with A, B, and C so it's not necessarily
17 that they did anything. It's just the open line of
18 communication.

19 CHAIRPERSON RILEY: Okay. Thank you.

20 ANTHONY BATISTA: No problem.

21 CHAIRPERSON RILEY: Council Member Salaam,
22 do you have any questions?

23 All right. Thank you. This applicant
24 panel is excused.

2 I'm going to call on Ericka Rambert,
3 Deborah Carter, Jamie Smarr, Sharone Ocean, and
4 Jacqueline Lowry.

5 ERICA RAMBERT: Good afternoon. My name is
6 Erica Rambert, and I'm a long-time resident of Coney
7 Island, and I'm also the President of the Isaiah
8 Whitehead Foundation, a not-for-profit organization
9 dedicated to enhancing the lives of children in
10 disadvantaged and marginalized communities like Coney
11 Island through fostering education, promoting health,
12 and developing skills. I urge the City Council in the
13 strongest terms possible to follow the City Planning
14 Commission's lead in passing the important Gaming
15 Facility Text Amendment change and make sure each of
16 the proposals are on equal footing to compete with
17 one of New York City's casino licenses. I have lived
18 and raised my family in Coney Island and have been
19 fortunate enough to also be able to position myself
20 to give back to the community I love because my
21 because of my son's successful professional
22 basketball career. Excuse me. I have a cold. I'm
23 sorry. I see every day what families go through to
24 survive. This community has floundered from neglect
25 of all levels of government and needs a full-time

2 year-round economic development and investment. That
3 is what the casino proposal will do. We shouldn't
4 miss out on the opportunity to bring much-needed
5 economic investments to our communities, career-
6 building union jobs to those who need them the most,
7 and support for youth and families in terms of
8 funding for needed facilities, arts, sports, and
9 educational programs. Hearing about proposals like
10 Coney Island's that will partner with local
11 educational institutions to train and educate our
12 young people for careers that sustain families in an
13 opportunity is too important to pass up. Families
14 want to be able to stay and raise their families in
15 Coney Island. By getting this right, we can do that
16 with your help and support.

17 CHAIRPERSON RILEY: Thank you.

18 Deborah Carter.

19 DEBORAH CARTER: Good afternoon. I'm
20 Deborah Carter. I'm a longstanding resident of 60-
21 plus years in Coney Island. All my life, I lived out
22 there in Coney Island. I've seen some things that
23 come through, but I am for the casino because I
24 believe in my heart that it would bring jobs for all
25 residents in Coney Island. I dealt with a lot of

2 residents in my time, in my 47 years of being the
3 President for Gravesend Houses and also being the
4 Vice President for the Brooklyn South Council of
5 Presidents, which held 21 developments as well as far
6 as Coney Island for the whole Brooklyn South. I
7 believe that there should be programs to offer these
8 young people or people of all kinds for these
9 positions to teach them how these jobs work, they
10 operate, and continue to keep those jobs in our
11 community so far so long that we have had some to
12 come in our communities and offer them jobs but also
13 took jobs away from them. I believe that there should
14 be apprenticeship program to show them how to really
15 operate in these positions, to keep these positions,
16 they need to pay their bills, their schooling,
17 daycare, jobs, even to have a meal to eat in our
18 Coney Island area of Brooklyn South, and I do believe
19 that if someone will come in, if this casino will
20 come in and provide jobs for the residents, for the
21 people that live in the Coney Island area, we can
22 bring our community together as a whole and build in
23 the community and make our community a stronger
24 community.

25 CHAIRPERSON RILEY: Thank you, Ms. Carter.

2 Next, Jamie Smarr.

3 JAMIE SMARR: Hello, my name is Jamie
4 Smarr. I serve as the CEO of the New York City
5 Housing Partnership, a non-profit and public private
6 intermediary created by Edward Koch and David
7 Rockefeller in 1983. Since our establishment, The
8 Housing Partnership has created or preserved more
9 than 83,000 units of affordable housing in the five
10 boroughs. Today, I urge your thoughtful consideration
11 of the housing crisis as you deliberate on the
12 proposed zoning text amendment for gaming. In
13 exchange for these gaming licenses, everyday New
14 Yorkers should be gaining as many benefits as
15 possible. The zoning text proposal before you removes
16 zoning barriers to the creation of casinos, and I
17 would ask that benefits like affordable housing that
18 come as part of these proposals receive the same
19 treatment. Again, every large-scale development
20 opportunity like mixed-use casino development should
21 also bring with it affordable housing. It is evident
22 that we are facing a crisis of monumental proportions
23 when it comes to housing in New York City. I am aware
24 of the ambitious housing goals set forth by our State
25 and our City including the Governor's aim for 100,000

2 new units statewide and the Mayor's vision for
3 500,000 new units in the city and the framework
4 established by the Speaker for shared responsibility
5 in housing creation. Many of you echoed similar
6 commitments to addressing our housing shortage. As we
7 deliberate on the proposed zoning text amendment, we
8 must seize the opportunity to leverage substantial
9 investment and affordable housing in exchange for
10 these gaming licenses. I commend those who have heard
11 our calls and recognize the importance of housing,
12 including it as a component of their proposal. Their
13 acknowledgement of this responsibility and
14 responsiveness to the calls from elected officials at
15 all levels should be encouraged. Thank you.

16 CHAIRPERSON RILEY: Thank you.

17 Jacqueline Lowry.

18 JACQUELINE LOWRY: Hi, my name is
19 Jacqueline Lowry. I'm a resident of Community Board 4
20 in Hell's Kitchen. I would like to just add to the
21 wonderful, eloquent comments made by Paul Devlin and
22 Christine Gorman that the idea of taking away our
23 community voice is very troublesome to me. I don't
24 see why that would happen, why some of these
25 proposals would have the ULURP process and then

2 others wouldn't. To lump us all together in one ULURP
3 process takes away the difference between the
4 different proposals and the different neighborhoods.
5 As many of my fellow New Yorkers have said, their
6 neighborhood may benefit from a casino, and they may
7 have very little opposition to it. That's not true
8 where I live, and I think the man who works for the
9 city said it would be more efficient, but his
10 efficiency takes away my community voice, and so I
11 would say I'm in opposition to this text amendment
12 and let each proposal have its own ULURP process.

13 CHAIRPERSON RILEY: Thank you.

14 Lastly, Sharone Ocean.

15 SHARONE OCEAN: Good morning, Council.

16 Good morning. Thank you everybody for allowing me to
17 speak. My name is Sharone Ocean. I am currently a
18 resident in Coney Island. I am a longtime
19 generational family member of Coney Island. My family
20 go back in Coney Island at least 60-plus years. I do
21 see that there may be some concerns to how things may
22 be done politically and all the policies and stuff
23 like that, but I am a resident of Coney Island and
24 I've been coming back and forth from Coney Island for
25 many years and I say in support of the text amendment

2 zoning because there's a lot of things that's
3 happening in Coney Island that a lot of youth are
4 economically deprived. They don't have a lot of
5 opportunities to, just resources that can help them
6 elevate and become something or even extend their
7 dreams beyond Coney Island. There are individuals in
8 Coney Island that have done well with themselves and
9 their families and things of that nature, but there's
10 far too many that hasn't and, being a citizen and a
11 resident of New York Brooklyn all of my life, I have
12 seen some of the trials and tribulations that some of
13 the youth have experienced so, if there's some type
14 of business infrastructure that may be able to come
15 into or already landmark type of revenue already
16 landmark existing revenue industry that can help the
17 community, I will be for it, and I'll stop there.

18 CHAIRPERSON RILEY: Thank you, Mr. Ocean.

19 There being no questions for this
20 applicant panel, thank you so much for your
21 testimonies here today.

22 Counsel, are there any more members of
23 the public who wish to testify on this application?
24
25

2 COMMITTEE COUNSEL VIDAL: No, Chair, at
3 this time there are no other members here in Chambers
4 signed up to testify nor online.

5 CHAIRPERSON RILEY: Thank you. There being
6 no members of the public who wish to testify on
7 Preconsidered LU relating to the Gaming Facility Text
8 Amendment, the public hearing is now closed and the
9 item is laid over.

10 I will now open the public hearing on LUs
11 46 and 47 related to 341 10th Street Special Permit
12 Proposal in Council Member Avilés' District, this
13 proposal consists also of LUs 41, 42, and 43, and we
14 held a public hearing about the entirety of the
15 project on March 12, 2024. We are holding a second
16 hearing specifically about the special permits that
17 applicant is seeking because the application for the
18 special permit were not yet called up by the City
19 Council when we held our first hearing on March 12th.

20 Given that we already heard the applicant
21 team at the first hearing, I would directly open this
22 hearing for public testimony.

23 Counsel, are there any members of the
24 public who wish to testify regarding the special
25

2 permit application related to the 341 10th Street
3 proposal remotely or in-person?

4 COMMITTEE COUNSEL VIDAL: Yes, Chair, we
5 have two people signed up in-person, and we are
6 currently checking if anybody has signed up online.

7 CHAIRPERSON RILEY: I would like to call
8 Amanda Trautmann and Ravi Sharma to the podium.

9 Is Ravi Sharma here?

10 AMANDA TRAUTMANN: He was here. He might
11 literally have run to the bathroom. He was here
12 waiting for these last couple hours.

13 CHAIRPERSON RILEY: Okay, you may begin.

14 AMANDA TRAUTMANN: Yeah, I can go first.

15 Okay. I live on 9th Street with my husband, three
16 kids, and our rent-stabilized tenant who is 80 years
17 old and pays 500 a month for her one bedroom. We are
18 against this project along with all of our neighbors
19 on 9th and 10th Street. I've testified at all of
20 these different meetings, and today I wanted to not
21 repeat myself but just emphasize that Stellar is
22 trying to erect 40-foot trusses literally on top of
23 us in the backyards of 13 multi-family buildings.
24 It's not something that they've emphasized, how tight
25 the space is between the building where they want to

1 build and, in some places, it's inches to buildings
2 that are there. This is a doctor's office. This is
3 another house. It just is physically impossible to do
4 what they're wanting to do without destroying these
5 buildings all along street there. We gave you a
6 packet of articles at the last hearing. That was a
7 tiny sampling of the countless articles published
8 against Stellar because they have a pattern and even
9 a business model, as they've explained on their own
10 website, of getting permission and rezoning permits
11 from City Councils by saying they will build
12 affordable housing only then to find ways to inflict
13 massive rent hikes and eviction notices on tenants.
14 The last time I was here, the Council heard a few
15 tenants Stellar had handpicked and brought with them
16 to testify that all was well under their leadership
17 at 341 10th Street. Who knows how they incentivized
18 them, but we need you to know the truth that at every
19 level of meeting until this project got to this
20 Council, neighbors on 9th and 10th Street have been
21 testifying arm-in-arm with dozens of tenants from 3
22 41 10th Street who organized themselves to appear
23 holding signs, which I will email you, testifying how
24 consistently horrible their management of the
25

2 building has been for years. They are not truthful,
3 and they have a pattern of bamboozling Council
4 Members and neighborhoods. Please protect us from
5 them. Please vote no or at least require complete
6 plans, not just proposals, before you say okay.
7 Please, please.

8 CHAIRPERSON RILEY: Thank you, Miss
9 Trautmann.

10 Is it possible, Sergeant, can we check
11 the bathroom to see if Ravi is available?

12 Miss Trautmann, how far do you live from
13 the development that Stellar manages that they had
14 the other residents here from.

15 AMANDA TRAUTMANN: Yeah, I could throw a
16 ball at it. I live, 10 feet though from where my kids
17 play is where they want to erect these trusses so
18 literally in that yard, that's taken from my yard,
19 those photos that you have there.

20 CHAIRPERSON RILEY: Okay, thank you.

21 AMANDA TRAUTMANN: Yeah.

22 CHAIRPERSON RILEY: It looks like we lost
23 Ravi Sharma. So Ravi, if you are watching this, you
24 can also submit your testimony to
25 landusetestimony@council.nyc.gov.

2 There being no questions, this applicant
3 panel is excused. Thank you so much.

4 AMANDA TRAUTMANN: Thank you so much.

5 CHAIRPERSON RILEY: There being no members
6 of the public who wish to testify on LUs 46 and 47
7 regarding the special permit application relating to
8 the 341 10th Street proposal, the public hearing is
9 now closed and the item is laid over.

10 I will now open the public hearing on
11 Preconsidered LU relating to the 41 Richard Street
12 Rezoning proposal located in Council Member Avilés'
13 District in Red Hook, Brooklyn. The proposal consists
14 of a mixed-use development containing light
15 manufacturing uses, commercial office space, and some
16 ground floor commercial retail.

17 For anyone wishing to testify on these
18 items remotely, if you have not already done so, you
19 must register online, and you may do that now by
20 visiting the Council's website at
21 council.nyc.gov/landuse.

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

2 If you would prefer to submit written
3 testimony, you can always do so by emailing it to
4 landusetestimony@council.nyc.gov.

5 Counsel, can we please call the first
6 panel for this item?

7 COMMITTEE COUNSEL VIDAL: The first panel
8 consists of Kevin Williams, Charles Calcagni, Jim
9 Tampakis, please excuse me if I just butchered your
10 name, and Emily Simons.

11 CHAIRPERSON RILEY: Counsel, can we please
12 administer the affirmation?

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

16 All of you, please. Could you please
17 raise your right hand?

18 Oh, please excuse us for a second.

19 Okay. Could you please state your name
20 for the record?

21 JIM TAMPAKIS: Jim Tampakis.

22 KEVIN WILLIAMS: Kevin Williams.

23 EMILY SIMONS: Emily Simons.

24 CHARLES CALCAGNI: Charles Calcagni.

25

2 COMMITTEE COUNSEL VIDAL: Thank you. I'll
3 administer the oath and then I'll ask my question.

4 Do you swear to tell the truth and
5 nothing but the truth in response to Council Member
6 questions and in your statement?

7 JIM TAMPAKIS: I do.

8 KEVIN WILLIAMS: I do.

9 CHARLES CALCAGNI: I do.

10 EMILY SIMONS: I do.

11 COMMITTEE COUNSEL VIDAL: Okay. Let me
12 just clarify, Chair. You're all presenting on behalf
13 of the applicant, correct?

14 PANEL: (INAUDIBLE)

15 COMMITTEE COUNSEL VIDAL: Okay. Thank you.

16 CHAIRPERSON RILEY: Thank you.

17 For the viewing public, if you need an
18 accessible version of this presentation, please send
19 an email request to landusetestimony@council.nyc.gov.

20 Now, the applicant team may begin.
21 Panelists, as you begin, I just ask that you please
22 restate your name and organization for the record.
23 You may begin.

24 EMILY SIMONS: Good morning, Chair Riley
25 and Subcommittee Members. I'm Emily Simons from the

Law Office of Emily Simons, PLLC, and Land Use Counsel for the applicant, 54 Richard Street, LLC.

With me today are Jim Tampakis, the applicant, Kevin Williams, the environmental consultant, and Charles Calcagni, our architect. The action before you is a proposed rezoning from M1-1 to M1-5 of four parcels consisting of lots 13, 20, 22, and 25 on block 512 in the Red Hook community of Brooklyn. The rezoning would extend 125 feet from the west side of Richard Street between Commerce and Sebring Streets. Lot 13 and 20 are the proposed development site. Lot 22 is the Firehouse Engine Company 202 and part of lot 25 is the Lodge Red Hook, a transient hotel. The rezoning is being proposed in order to facilitate an 82,226-square-foot, seven-story plus cellar, mixed-use building consisting of light manufacturing, related commercial uses, and supporting retail uses, 41 accessory parking spaces are also being proposed. Directly surrounding the proposed development to the North, South, East, and West is an M1-1 manufacturing district with one-, two-, and three-story buildings. Southeast of the M1-1 district is an R5 district consisting of residential and community facility uses.

2 To the east of the R5 is an R6 district
3 that contains the 19 Red Hook houses. Red Hook was
4 once a flourishing manufacturing community. Today,
5 little manufacturing goes on in the existing
6 buildings that are now obsolete due to small floor
7 plates, low ceilings, and numerous floor columns.
8 There's insufficient space within these buildings to
9 accommodate necessary loading docks and freight
10 elevators.

11 COMMITTEE COUNSEL VIDAL: I'm sorry just
12 to interrupt you, but we also have your slides up and
13 we're not quite sure if you would want.

14 KEVIN WILLIAMS: (INAUDIBLE)

15 COMMITTEE COUNSEL VIDAL: Okay, just for
16 our Zoom team, you can keep this slide deck as it is.

17 EMILY SIMONS: I'm sorry.

18 KEVIN WILLIAMS: That's fine. Emily,
19 that's fine.

20 EMILY SIMONS: I'm just going to go
21 through sort of an introduction and then Kevin will
22 be working the PowerPoint.

23 There is insufficient space within these
24 buildings to accommodate necessary loading docks and
25 freight elevators. This has led to the disappearance

2 of a robust manufacturing district that was once the
3 economic base of Red Hook. The applicant is seeking
4 to bring light manufacturing along with supporting
5 commercial use and retail use consisting of pop-up
6 stores that will showcase products manufactured in
7 the building. A proposed deli or cafe will cater to
8 the building's tenants. Light manufacturing artisanal
9 entrepreneurs, startups, and incubator businesses
10 along with traditional light manufacturing specialty
11 uses are envisioned at 41 Richard Street. Light
12 manufacturing uses such as woodworking, production of
13 bakery goods, custom apparel, and graphic arts are
14 examples of the kind of uses anticipated at 41
15 Richard Street.

16 In closing, the proposed rezoning would
17 revitalize this lifeless and unproductive sector and
18 would begin to address the growing need for light
19 manufacturing in Red Hook. Thank you.

20 KEVIN WILLIAMS: If we just advance
21 through the slides quickly, I'll be very brief. If
22 you have any questions, Commissioner Riley, I'll
23 allow you to ask me about, keep going to the next
24 slide, please.

2 This just shows the context in Red Hook.

3 Go to the next slide. Just a little bit more. Keep on
4 going. A lot of these were already discussed.

5 This shows you the manufacturing
6 environment basically in purple surrounding the site
7 location. Next slide.

8 Again, hard to read from this point, but
9 it shows you the M1-1 in which the context of the
10 rezoning is proposed. Next slide.

11 And there's a visual aerial. Next slide.

12 And there's some street views. You can
13 see the context of the areas, warehousing,
14 manufacturing uses. Next slide. Keep on going. Keep
15 on going.

16 At this point, I'd like to hand it off to
17 Jim Tampakis just to make a brief statement about the
18 intent for the site. He's a long-term operator and
19 owner of the site and the neighborhood.

20 JIM TAMPAKIS: Good afternoon. My name is
21 Jim Tampakis. I run a machine shop. We're an old ship
22 repair company. We've been right across the street
23 and in this one building for approximately 50 years.
24 When I was growing up, Red Hook was all
25 manufacturing. We used to bring in ships, we used to

2 fabricate specialty items, etc., etc., and they've
3 vanished. When we had ships coming in, we used to
4 just, we never had to go three blocks away to take
5 care of all of our needs, of all of our repairs, etc.
6 Today, I want to try and I'm pushing manufacturing
7 and that's what I grew up with. We have a machine
8 shop. We still have, which is across the street, and
9 we have lathes and metal working things, and I'm just
10 trying to pursue the type of work that we did for the
11 last 50 years in the neighborhood, and I really feel
12 strongly about it. My wife is a baker. She once had a
13 bakery there. She closed down with COVID, but we're
14 going to be bringing things like that back, and it's
15 going to be a specialty building. We're building
16 ground up. We're in the flood zone. We got killed
17 with Sandy. That's basically my thing. Thank you.

18 CHARLES CALCAGNI: Next slide. Next slide,
19 please. Keep on going. Yeah, keep going.

20 Hi, I'm Chip Calcagni. I'm architect for
21 the group here. This is, as it says here, 16,500-
22 square-foot site size, and we're looking at building
23 a building of about 113,000 square feet. That's the
24 total volume. The first two floors are parking and a
25

2 small lobby and then some small commercial spaces as
3 well. Next slide, please.

4 Those, as you can see in the white,
5 basically are the parking spaces. In fact, the entire
6 building is based around the parking spaces.
7 Structurally, it's the most efficient use where we
8 can have a heavyweight structure for manufacturing
9 and the kind of uses that we foresee here. The yellow
10 spaces you see along the top are small storefronts.
11 They may also be educational spaces as well for
12 training of trades. It's use is fungible and it's a
13 flex-use space that's built for flooding as well. So
14 what's fascinating about this project, at least for
15 me as an architect, is that this space is built to
16 flood. It's almost like a Venetian project in the
17 sense that Venice floods every year. The buildings
18 there accommodate that and this does as well. There's
19 dry waterproofing around all the first-floor spaces
20 and then some support spaces up on the second floor.
21 All of the plumbing, electrical, and support
22 structures are all lifted off the first floor.
23 Typically, you'd see those in a basement or a first-
24 floor location. These will all be for doing that so
25 actually, dealing with evacuating the building under

2 flood conditions is part of the fascinating solution
3 of this. How do you deal with water levels that could
4 be shifting? So all of these have been taken into
5 account with the design of the building. Next slide,
6 please.

7 And then there's a mixed-use here. Zoning
8 wanted us to look at having office space within the
9 space. I think that manufacturing use is going to
10 have associated office space with it. The office
11 space is currently shown in yellow, and the
12 manufacturing is shown in blue, but these would be
13 divided through the building throughout, and there's
14 a certain percentage allotted for each of these uses
15 should they be necessary. What's great, I think,
16 about it is the setbacks are actually lower than are
17 required by the zoning that we're asking to be done.
18 This is part of Jim's concern about not creating a
19 hugely impactful building on the site, but actually
20 working contextually within there. Next slide,
21 please.

22 You can see the parking is on the lower
23 level and the bulk of the building now is up above.
24 Next slide.

2 The basic design of the building is a is
3 a high-tech building, but because of befitting the
4 kind of uses that are in it, there'll be flexible
5 planning, allowing for all sorts of different
6 mechanical systems to be threaded through the
7 building to support the uses that are there,
8 including water storage and other aspects just to
9 deal with effluent from the manufacturing and the
10 design party is basically taking elements from the
11 local area and applying them as a façade element to
12 ameliorate between the newness of the building and
13 also tying back into the past. That's it.

14 CHAIRPERSON RILEY: Is that the end of the
15 presentation? All right. Thank you so much.

16 I have a few questions, and I'm going to
17 ask some questions on behalf of Council Member
18 Avilés. So this proposal is a bit unusual in that you
19 are proposing to have more manufacturing space than
20 office space under the proposed M1-5, which is
21 encouraging because we do need more manufacturing
22 jobs. Can you speak more on how you arrived at this
23 particular mix of uses?

24 JIM TAMPAKIS: So you're asking about the
25 office space.

2 CHAIRPERSON RILEY: No, I'm asking about
3 your proposing more manufacturing space.

4 JIM TAMPAKIS: So the office space is
5 going to be complimentary towards the manufacturing.
6 It's going to be basically marketing, accounting,
7 those type of facilities that I think that are going
8 to be required for these small businesses. There's a
9 lot of demand. The neighborhood still has some
10 manufacturing, there's chocolate manufacturers,
11 there's caviar manufacturers, there's fish companies
12 there's a lot of bakeries, this is within Red Hook,
13 they've scattered, and we're looking to put up
14 something that's going to go up, that's going to be
15 out of the floodplain. My machine shop got killed
16 during Sandy. We had 42 to 48 inches of water in the
17 street, and the DDC is in the process, I'm very
18 involved with the neighborhood, the DDC is in the
19 process of trying to flood proof everything, but
20 still we need all our backups because we don't want
21 to have the same kind of disasters that we had the
22 last time around but, again, from the manufacturers'
23 point of view, I want to focus on manufacturing and
24 City Planning was pushing us also to put in some

2 offices so that this way we would be able to
3 complement the manufacturing.

4 CHAIRPERSON RILEY: Thank you. Can you
5 speak about why you included 41 parking spots,
6 although it was not included and whoever who will
7 have access to this parking?

8 JIM TAMPAKIS: I'm down there 50 years.
9 The last 10, 15 years, parking is horrible. You drive
10 around and around and around. If we have all of these
11 new businesses coming in and people are coming either
12 to work or trying to, the new businesses that are
13 going to be coming in want to bring in clientele. We
14 want to be able to have them come in and not have to
15 spend a half hour driving around the neighborhood.
16 It's something that wasn't required, but I really
17 feel strongly that parking is a great incentive for
18 the businesses to have them flow and survive and,
19 like I said, the people that are working in the
20 business, they'll have some spots as well s, people
21 that are going to be visiting all of these different
22 facilities for work.

23 CHAIRPERSON RILEY: Do you have a tenant
24 for the retail space?

2 JIM TAMPAKIS: No. The retail space is
3 2,700 square feet so it's really minuscule, and the
4 thought on the retail space, again, City Planning
5 wanted us to beautify the neighborhood and put some
6 retail space. We're looking at possibly putting in
7 one or two businesses that are going to be fixed
8 businesses and then the rest, let them be pop-ups for
9 the manufacturers upstairs. Give them two, three
10 months out of the year. Let them come downstairs. Let
11 them just basically showcase their items and try and
12 bring people in. I think that would be a good idea,
13 whether they're manufacturing, wood manufacturers, if
14 they're machine shops, or whatever the case is, and
15 the other thing is that we have NYCHA nearby. I've
16 been in contact with the President of NYCHA. We're
17 talking about possibly creating a lot of jobs for the
18 locals. I think it's just a win-win situation for
19 everybody to do this kind of project.

20 CHAIRPERSON RILEY: Thank you. I will now
21 ask four questions from Council Member Avilés, whose
22 District this represents.

23 What aspects of this proposed development
24 will enhance and amplify the neighborhood's character
25 in Red Hook?

2 JIM TAMPAKIS: We're looking at bringing
3 in approximately 140 to 150 new jobs, and our first
4 step is going to be to bring in employees from within
5 the neighborhood so I think we're going to beautify,
6 the buildings are currently horrible, looking the one
7 building 41 Richard Street, it's a 12,500-square-foot
8 space. It was an old machine shop that was there
9 since World War II and on the 12,500-square-foot
10 site, it's a 4,500-square-foot facility. Again, it
11 got crushed during Sandy, and it's going to be a big
12 upgrade for the neighborhood.

13 KEVIN WILLIAMS: Jim, let me maybe,
14 Commissioner Riley, if I may respond to that. In
15 terms of neighborhood character, it is something we
16 evaluate in the environmental assessment and, here,
17 the main purpose of the rezoning was to make a
18 resilient building, one that could withstand the
19 elements. The second one is to make a modern
20 manufacturing building that embodied the challenge
21 from a neighborhood redevelopment challenge that Mr.
22 Tampakis entered into that was fostered by Economic
23 Development Corporation, and part of that was to
24 directly respond to these neighborhood character
25 components. There's been a reduction in manufacturing

1 space, which has long been the character of this sort
2 of coastal manufacturing environment despite a demand
3 for stable and affordable space. It responds to need
4 for smaller, flexible manufacturing spaces with high-
5 quality amenities, not just the grab bag, very old,
6 dilapidated buildings that are serving the
7 manufacturing economy right now and do not meet the
8 needs of modern manufacturing in the area. It
9 provides advantages of Red Hook in terms of the
10 business location adjacent to trucking routes,
11 shipping locations, coastal access, improved bus and
12 ferry service, and high-quality commercial districts
13 that are close by. In addition, by supporting a
14 walkable street here by putting a little bit of local
15 retail on it, you invigorate what is pretty much a
16 street dead zone as well as a part of this project,
17 they'll have to put in street trees, they'll have to
18 repair the sidewalk associated with these that have
19 long been damaged by manufacturing uses over the many
20 decades. I think in that way the idea is to restore
21 what Red Hook once was and to reinvigorate this
22 section of Richard Street that, as you can see,
23 there's been a lot of work going on in Red Hook in
24 general.
25

2 CHAIRPERSON RILEY: Thank you, Kevin. The
3 proposed M1-5 zone allows a flexible mix of non-
4 residential uses with no requirements to include
5 space for any industrial businesses. Can the
6 community be confident that this development will
7 maintain the industrial character of Red Hook?

8 JIM TAMPAKIS: We're looking to blend.
9 Like I said, I've been in the neighborhood for 50
10 years, and I feel for everybody in the area and we're
11 looking to cater to the neighborhood and what we
12 always were in the neighborhood.

13 CHAIRPERSON RILEY: In the Land Use
14 application, you refer to the light industrial use as
15 boutique manufacturing. Can you explain what that
16 means and how it will look here at the proposed
17 development?

18 JIM TAMPAKIS: We're looking to go after
19 startups as well so we want some smaller bakeries, we
20 want food manufacturers to come in, we want specialty
21 manufacturers. I have a tenant now that's across the
22 street who does like gift things where he has little
23 CNC machines and he makes different things. There's
24 just so many things. I have approximately 15 tenants.
25 I have upholstery companies. I have a bakery. I see

1 what the needs are in the neighborhood, and I really
2 want to try and pursue and bring them in. I've been
3 working with SBIDC, Southwest Brooklyn Industrial
4 Development. We're trying to create all of the
5 incentive packages and programs for all of these
6 small businesses that are going to be coming into the
7 neighborhood so that this way we can lay them out, we
8 can give them discounts on their electric, on their
9 gas, on all their utilities, etc., etc. I'm really
10 working. Last week we were at the Makerspace, at the
11 Army Terminal. I'm going over to the Greenpoint
12 Manufacturing District. Really, we're putting a
13 package together that will be successful, and
14 hopefully this will be the first project that will be
15 a sample and then I'm going to pursue doing two or
16 three or more of these after we become successful.

18 EMILY SIMONS: Okay, I'd just like to add
19 that boutique manufacturing is a new niche for
20 manufacturing use that is basically all light
21 manufacturing. There's a couple of others in the
22 city, and they bring specialty and entrepreneurs to
23 the Red Hook neighborhood, but all of them have
24 basically light manufacturing specialty uses and

2 cater to artisanal entrepreneurs, startups, and
3 incubator businesses.

4 CHAIRPERSON RILEY: Thank you. The last
5 question, the application also states that
6 distributor representative firms are a critical
7 business use in the proposed development. Can you
8 speak about that and how the representative teamwork
9 will work?

10 JIM TAMPAKIS: I'm sorry. Can you...

11 CHAIRPERSON RILEY: I'm going to ask the
12 question one more time, and I'm going to give some
13 context for it.

14 The application also states that the
15 distributor representative firms are a critical
16 business use in the proposed development. Can you
17 speak about that and how the representative team will
18 work? To give context, a critical business use group
19 office use as the proposed development will be what
20 is known as a distributive representative firm. More
21 and more producers are relying on industrial
22 distributors to serve key markets. These firms will
23 represent local manufacturers and companies within
24 and without the development site buildings.
25 Industrial distributor reps take a lead role in the

2 sale and distributions of the products of a
3 particular manufacturer, company, or industry. These
4 distributors are independent firms, usually
5 consisting of one to four sales and support workers.
6 There is a need for distributors for the following
7 manufacturing uses, industrial, electrical, power
8 transmission, (INAUDIBLE) HVAC, plumbing, industrial
9 PFV, building materials, and construction
10 electronics, and you guys pretty much get that. An
11 individual distributor representative or distributor
12 representative firm may represent one manufacturer,
13 company, or industrial, several manufacturers,
14 companies, or industrial in the same field of a
15 combination of different manufacturer, companies, or
16 industry so I'm asking the question one more time.
17 That was a lot of context that Council Member Avilés
18 gave, but the application also states that
19 distributor representative firms are a critical
20 business use in the proposed development. Can you
21 speak about that and how the representative team will
22 work?

23 KEVIN WILLIAMS: Commissioner Riley, I'll
24 try to provide some context. I think this is one of
25 the many types of uses that was proposed. My wife,

2 who's actually a manufacturer's representative and
3 does this sort of distribution work for Amazon and
4 similar online distributors. Listen, the uses that
5 are allowed under an M1-5 are like an M1-1. They're
6 incredibly broad. Now, in terms of distribution or
7 logistics, management practice, which could either
8 could be any of these types of industries that you
9 discuss actually would be, of course, welcomed in the
10 building and work comprehensively with the actual
11 standard manufacturing that is seen as the base of
12 the building. Now, I think any type of use that is
13 going to support a demand for jobs and a need for
14 these types of services would be supported in the
15 building and was contemplated in terms of these
16 additional office uses, but I think, regardless of
17 what that mix occurs to be, the intent is to make a
18 manufacturing hub to incubate businesses and to grow
19 them and, if they're supportive distribution
20 businesses for any of the lines that you identified,
21 you know that would be supported and encouraged in
22 this building.

23 JIM TAMPAKIS: Personally, I thought
24 about, like you just said, with the distributors, and
25 I have distributors coming to me every day because

2 we're also city contractors and we do mechanical work
3 and we have pump manufacturers that come and visit us
4 and they have all these different lines and bearing
5 manufacturers and all of the different components
6 that you were saying so we will reach out and we will
7 see whether or not there's a need depending on the
8 tenants that we have for the different types of
9 distributors that we need to bring in to represent
10 them.

11 CHARLES CALCAGNI: The building design
12 itself is based on being as flexible as possible so
13 any number of support facilities or types would be
14 accommodated or can be accommodated within that
15 building type. What we find in the other locations is
16 that this gives us certain floor plate sizes that
17 we're just not capable of getting with smaller
18 building types, single-story building types so any of
19 those uses are intended as the use for the building.

20 CHAIRPERSON RILEY: Thank you. I have no
21 more questions for you.

22 I would just ask that if Council Member
23 Avilés is watching this, if she does reach out, that
24 you'd be able to answer any further questions that
25 she has.

2 There being no other questions, this
3 applicant panel is excused.

4 Counsel, are there any members of the
5 public who wish to testify on 41 Richard Street?

6 COMMITTEE COUNSEL VIDAL: No, Chair. No
7 one online and no one else in person.

8 CHAIRPERSON RILEY: There being no members
9 of the public who wish to testify on Preconsidered LU
10 relating to the 41 Richard Street Rezoning proposal,
11 the public hearing is now closed and the item is laid
12 over.

13 I'll now open the fifth and last public
14 hearing on Preconsidered LU relating to the 80-01
15 Broadway commercial overlay proposal in Council
16 Member Krishnan's District located in Elmhurst,
17 Queens. This is a proposal to legalize existing
18 commercial use along a section of Broadway that is a
19 commercial corridor.

20 For anyone wishing to testify on these
21 items remotely, if you have not already done so, you
22 must register online and you may do that now by
23 visiting the Council's website at
24 council.nyc.gov/landuse.

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

5 If you would prefer to submit written
6 testimony, you can do so by emailing it to
7 landusetestimony@council.nyc.gov.

8 Counsel, can we please call the first
9 panel for this item?

10 COMMITTEE COUNSEL VIDAL: Yes. The first
11 panel consists of Alexia Landesman, go ahead.

12 ALEXIA LANDESMAN: Good afternoon. I
13 believe Richard Lobel should be online.

14 COMMITTEE COUNSEL VIDAL: Oh, let me
15 confirm that.

16 ALEXIA LANDESMAN: We're here on standby
17 in case there's any technical difficulties.

18 COMMITTEE COUNSEL VIDAL: And Kevin
19 Williams.

20 KEVIN WILLIAMS: Yeah, I was supposed to
21 be online, but since I'm here.

22 COMMITTEE COUNSEL VIDAL: Okay, so let me.

23 RICHARD LOBEL: Are you able to hear me?

24 COMMITTEE COUNSEL VIDAL: Hello. Richard.
25 Okay.

2 RICHARD LOBEL: Hello. Thank you. Who will
3 be presenting?

4 RICHARD LOBEL: I'll present.

5 COMMITTEE COUNSEL VIDAL: Okay, so why
6 don't we first have all three panelists raise their
7 right hand and state their name for the record,
8 please?

9 RICHARD LOBEL: Richard Lobel of Sheldon
10 Lobel PC.

11 ALEXIA LANDESMAN: Alexia Landesman from
12 Sheldon Lobel PC.

13 KEVIN WILLIAMS: Kevin Williams from GZA.

14 COMMITTEE COUNSEL VIDAL: Thank you, and
15 do you swear to tell the truth and nothing but the
16 truth in response to Council Member questions and in
17 your statement?

18 RICHARD LOBEL: I do.

19 ALEXIA LANDESMAN: I do.

20 COMMITTEE COUNSEL VIDAL: Mr. Williams.

21 KEVIN WILLIAMS: I do.

22 COMMITTEE COUNSEL VIDAL: Thank you.

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

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

4 Now, the applicant team may begin.

5 Panelists, before you begin, just please restate your
6 name and organization for the record. You may begin.

7 RICHARD LOBEL: Richard Lobel with Sheldon
8 Lobel PC. Chair Riley, Council Members, thank you for
9 hearing us today on what is a very straightforward
10 application, the 80-01 Broadway commercial overlay.
11 Next slide.

12 So what this application seeks to do is
13 merely to place a C2-4 commercial overlay, which
14 would have the effect of legalizing existing
15 longstanding commercial uses at the site. There are
16 two lots which are primarily covered by this and one
17 portion of another lot, and what this would do would
18 be to allow again these nonconformed commercial
19 properties to come to conformance. Many of these
20 commercial uses date back to the 1940s so we have
21 uses here that have been commercial along this block
22 since 1947, and this would allow them to come into
23 conformance and would allow for the zoning map to
24 reflect what's actually on the ground. Next slide.

1 The next slide demonstrates the existing
2 zoning along Broadway. As you can see, as Broadway
3 bends down to the right, there is an R7A district,
4 but there are a number of commercial overlay
5 districts to the northwest and southeast. This is
6 undoubtedly a commercial area. However, commercial
7 overlay has not been placed on the site. The site has
8 had residential zoning since 1961. Despite that,
9 commercial uses at the site have thrived, and we can
10 talk a little bit about that in the coming slides.

11 The next slide is a tax map, which
12 demonstrates the sole purpose of the rezoning again.
13 You can see the area of the C2-4 commercial overlay.
14 The area highlighted in red, the development site, is
15 the applicant's current site, roughly 18,125 square
16 feet with 17,000 square feet-plus of commercial uses.
17 The adjacent lot along Broadway would be included in
18 this as well.

19 The next slide is the area map, and I
20 think best demonstrates why a commercial overlay
21 district here is most appropriate. Again, you can see
22 the commercial overlay districts immediately to the
23 east of the subject site as well as along Broadway as
24 it goes to the south. In addition, commercial uses,
25

1 regardless of the overlay, abound along this area of
2 Broadway. In addition, Broadway itself, a commercial
3 thoroughfare, sits here at a minimum of 80 feet wide.
4 It is a wide street per zoning, well able to handle
5 the additional, if any, cars and pedestrian traffic
6 that would be caused by a commercial overlay here,
7 and the site is on a corner on Baxter Avenue and
8 Broadway. Baxter itself has a significant amount of
9 traffic, and so there's excellent access to the site.
10 There are a minimum of three subways which exist
11 within 400 feet, the Elmhurst Avenue station roughly
12 400 feet to the southeast of the site so the site
13 really is well-developed and well-fitted for
14 commercial uses, and this is evidenced by the long
15 commercial history here.
16

17 The next slide is the zoning change map.
18 Again, showing to the left the existing zoning
19 district and R7A and to the right with a commercial
20 overlay. We note, importantly, that the R7A district
21 here still would govern the size of the buildings.
22 This is not a rezoning about bulk. The R7A here would
23 permit 6- to 8-story buildings as already exists
24 around this area on Broadway to the south and to the
25 north, and this merely would be to allow for these

2 grandfathered uses to remain as commercial conforming
3 uses and, in addition, would allow commercial uses
4 here to come back to the extent any of these
5 businesses close so right now, if anyone wishes to
6 make any changes to stores or layouts as well as to
7 uses at the site, they would need to go through an
8 arduous process at DOB whereas once the commercial
9 overlay is placed here, these would be as-of-right
10 applications and they would no longer worry about
11 established commercial use.

12 The next several slides show pictures of
13 the site as well as the surrounding area. I would
14 note that the commercial uses abound here on the
15 ground floor. There is a community facility use on
16 the second floor. This is a roughly 4,000-square-foot
17 childhood care center. This was established by the
18 applicant himself dating back to the early 2000s so
19 the applicant here has really done well in terms of
20 allowing for businesses to thrive here that service
21 the local community. There's a surgical supply store.
22 There are restaurants, child care. Importantly,
23 there's a 2,900-square-foot post office, which is
24 heavily utilized by the surrounding area. This would
25 not be conforming within the existing R7A district,

1 but with the new district, the C2-4 overlay district,
2 the post office would be able to come back in should
3 anything happen to the existing building so, again,
4 we are merely servicing the surrounding area, C2
5 districts themselves, service local residential areas
6 as is established by zoning, and the last thing I
7 would note is to the west of the site sits Elmhurst
8 Hospital at 11 stories, dominates most of the block,
9 and the commercial uses here are heavily utilized by
10 doctors, nurses, and staff at the hospital so it
11 really would be a shame if anything were to happen to
12 these existing commercial uses.
13

14 If you want to page through the remaining
15 photos, then you are merely presented with a copy of
16 the existing cellar, first-, and second-floor plans,
17 again, merely demonstrating the existing cellar
18 floor, primarily for storage, the first floor, the
19 next slide, showing the range of commercial uses,
20 including grocery, deli's, subway store, and a post
21 office and other commercial uses, and the second
22 story, on the next slide, which demonstrates the
23 existing childhood care center.

24 With that, the applicant team is happy to
25 answer any questions.

2 CHAIRPERSON RILEY: Thank you, Richard.

3 Just two questions. How long have the businesses been
4 operating on the applicant's property? And can you
5 clarify why you have not sought to legalize your
6 businesses until now?

7 RICHARD LOBEL: Sure. Thank you, Chair.

8 Commercial uses have been at the property since 1947.

9 It dates back to an early bowling alley, which
10 existed on the site as well as other commercial uses
11 between 1947 and 1961 when they became grandfathered
12 uses so the existing buildings at the site, roughly
13 17,500 square feet of commercial uses have all
14 existed since 1961. The applicant looks forward in
15 terms of what happens to these properties in the next
16 several years so the leases on the properties in
17 terms of the commercial leases, they last right now
18 through 2029 but, beyond that, allowing for
19 commercial overlay here would allow these businesses
20 to remain despite any redevelopment that would happen
21 at the site so, in essence, it was really unnecessary
22 to come in prior to this time but, as the applicant
23 gets older and looks forward to what might happen to
24 the property in the future, he'd like to ensure these
25 businesses can remain, particularly the post office,

2 which has been here since at a minimum 1981 so for
3 40-plus years and would not be allowed to relocate
4 here if a commercial overlay was not on the site and
5 the applicant did redevelop the property so really
6 all we're seeking to do is to allow these local
7 businesses to remain in perpetuity.

8 CHAIRPERSON RILEY: Thank you so much.

9 There being no questions for this
10 applicant panel, this panel is now excused.

11 I see we have one member of the public
12 who wants to testify on this panel.

13 You guys are excused. Thank you so much

14 May I call Electra Holmes?

15 ELECTRA HOLMES: All right, good
16 afternoon.

17 CHAIRPERSON RILEY: Good afternoon.

18 ELECTRA HOLMES: First of all, my name is
19 pronounced Electra, like the Greek tragedy. Based on
20 my initial experience being here because I've never
21 been here before, as it pertains to these new
22 rezoning provisions and regulations that you guys are
23 putting in place and the allowances that you are
24 having, I just would like for the outcome to work
25 towards a better New York City so overall, whatever

2 decision that you do make, I would like for it to
3 work in the best interest of New York City,
4 considering the mess that it did make earlier when
5 this was put together in sectioning and changing
6 voting areas and just creating a whole mess of the
7 city, and early voting is today for those that don't
8 know, the lack of consideration for communities and
9 those who dwell within them and the elimination of
10 the culture that was already established within them
11 being spread out in different areas so I would only
12 hope for the best interest of these communities to be
13 a positive progression and while continuing to be
14 afforded the space for continuing to nurture and
15 cultivate and to bring forth a better New York City
16 again and just make sure that everything is in its
17 place and not so economically friendly. Thank you.

18 CHAIRPERSON RILEY: Thank you so much,
19 Electra, Electra, Electra. Just want to confirm, are
20 you testifying on behalf of this project or are you
21 just giving a general testimony?

22 ELECTRA HOLMES: I'm just giving a general
23 testimony based on my experience being here today. I
24 am a public administrations major from Medgar Evers
25 College, and this is my first time here in this

2 building and, given the opportunity to speak, this is
3 what I wanted to share with Council.

4 CHAIRPERSON RILEY: Thank you so much for
5 sharing. You're always welcome to come back.

6 ELECTRA HOLMES: Thank you for having me.

7 CHAIRPERSON RILEY: There being no other
8 members of the public who wish to testify regarding
9 80-01 Broadway Commercial Overlay Proposal remotely...
10 I'm sorry. Excuse me.

11 COMMITTEE COUNSEL VIDAL: That's correct,
12 Chair. There is no one remotely wanting to testify.

13 CHAIRPERSON RILEY: There being no other
14 members of the public who wish to testify on
15 Preconsidered LUs relating to 80-01 Broadway
16 Commercial Overlay Proposal, the public hearing is
17 now closed and the item is laid over.

18 That concludes today's business. I would
19 like to thank the members of the public, my
20 Colleagues, Subcommittee Counsel, Land Use and
21 Council Staff, and the Sergeant-at-Arms for
22 participating in today's meeting. This meeting is
23 hereby adjourned. Thank you. [GAVEL]

C E R T I F I C A T E

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



Date May 1, 2024