

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 19, 2019
Start: 9:57 a.m.
Recess: 12:30 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: FRANCISCO P. MOYA
Chairperson

COUNCIL MEMBERS: Costa G. Constantindies
Barry S. Grodenchik
Rory I. Lancman
Stephen T. Levin
Antonio Reynoso
Donovan J. Richards
Carlina Rivera
Ritchie J. Torres

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

Jay Goldstein, Appearing on behalf of 245 East 53rd
Street Realty, LLC

Gary Vombaytel, Owner, 245 East 53rd Street Realty,
LLC

Dan Eggers, Land Use Attorney, Greenberg Traurig

Harry Sotomer, Vice President, SL Green Realty Corp.

Morgan Pearlman, Association for a Better New York,
ABNY

Avi Leshes, Director of Economic Development
Brooklyn Chamber of Commerce

Madeleine McGrory, Real Estate Board of New York,
REBNY

Richard Iorio, East River Housing Coop. Worker and
32BJ Member

Nick Labaras (sp?)

Chuck Ruben

Charles Kruger

Eric Palatnick, Eric Palatnik, PC

Emanuel D'Amore, Aufgang Architects

Ian Rassmussen Principal, Urban Cardtographics and
Certified Planner

Hiram Rothkrug, Environmental Studies Corporation

Craig Livingston, Chairman of the Board of the New York Real Estate Chamber

John Bonizio, Chairman, Westchester Square Business Improvement District, BID

Yasmin Cruz, Executive Director, Westchester Square Business Improvement District

Lara Brooks, Throggs Neck Houses, Member of Throggs Neck Resident Council

Carlos Sarino, Commercial Property Owner

Jose Rosado, Restaurant Owner at 123 Washington Square

Brett Schumacher, General Manager, Metro Optics Washington Square

Al Varoni, Blondell Avenue Resident, and former business in Washington Square

Eddie Rivera, Manager, Bruce Mobile Store, Westchester Square

Ron Clarke, Owner, Clarke & Son Signs, Washington Square

Deborah Ann Jaffe

Carl Anderson, Physician and Blondell Avenue Resident

Deborah Ann Jaffe

Dorothy Kanicky. Westchester Square's Zerega Improvement Organization

George Callie, Bronx resident

Danny Hernandez, 32BJ Member

Lou Rocco, President of Westchester Square

2 [sound check] [pause] [gavel]

3 CHAIRPERSON MOYA: Good-good morning and
4 welcome to the meeting of the Subcommittee on Zoning
5 and Franchises. I'm Council Member Francisco Moya
6 the Chairperson of this subcommittee, and we are here
7 today to take on a couple of items that are on our
8 agenda. If you are here to testify on the
9 application for which the record is not already
10 closed, please fill out a white speaker slip with the
11 sergeant-at-arms, and indicate the name and/or LU
12 number of the application you wish to testify on that
13 slip. First, we will be laying over Resolution 748
14 and authorizing Resolution pursuant to Section 363 of
15 the City Charter also known as the Staten Island Bus
16 Franchising Resolution. We are also [pause] but
17 before we begin our first public hearing, I'd like to
18 welcome former Council Member and Chair of the Land
19 Use Committee former Council Member David Greenfield
20 is here, and he is here with his Brooklyn law
21 students. Welcome to the City Council and welcome to
22 this committee. Thank you for always being here with
23 us. Okay, our first public hearing for today is on
24 LU 359 an application by Thess--Thessabul, LLC for a
25 revocable consent for the renewal-renewable of an

1 enclosed—an unenclosed sidewalk café located at 250
2 Park Avenue South in Manhattan in Council Member
3 Rivera's district. I now open up the public hearing
4 on this application. Do we anybody? [background
5 comments/pause] Councilwoman Rivera is not here at
6 the moment, but she asked us to read this letter of
7 agreement. It says, Dear Council Member Rivera: As
8 you are aware, this office represents the above-
9 referenced restaurant in the application for a
10 sidewalk café. Your office and I have been reviewing
11 the application, and have reached a mutual agreeable
12 compromise as follows: The application will be
13 reduced in size from its current 12-table to 31
14 seats—and 31 seats as approved by DCA to 6 tables and
15 21 seats. Specifically, all of the tables on 20th
16 Street will be eliminated, and the tables on Park
17 Avenue South will be reduced to a total of 3 tables
18 on either side of the entrance as shown on the
19 attached revised plan. The closing hours of the café
20 will be 11:00 p.m. on Friday and Saturday and 10:00
21 p.m. for all other nights. All the planters will be
22 removed from Park Avenue South at all time during the
23 café session when the sidewalk café is in operation.
24 Thank you for working with this restaurant operator,
25

1 a long-time member of this community. They are very-
2 these are very tough economic times for restaurants,
3 and the addition of a café will be welcomed indeed.

4 Yours truly, Robert Bookman. Are there any members

5 of the public who wish to testify? Seeing none, I

6 now close the public hearing on this application, and

7 we are going to our next-our first public hearing is

8 on the Preconsidered LUs for the 245 East 53rd Street

9 Rezoning for property in Council Member Powers'

10 district in Manhattan. The applicant seeks approval

11 of zoning map amendment to establish a new C2-5

12 commercial overlay district within an existing R8-B

13 district, which would affect 27 lots along the north

14 and south sides of East 53rd Street between Second

15 and Third Avenues. This action would permit

16 commercial ground floor use in a-an new 6-story

17 building on the north side of the street as well as

18 bringing into conformance 25 lots, which currently

19 have existing commercial use. I now open the public

20 hearing on this application, and call up Jay

21 Goldstein and Gary Vinbaytel. Alright, close? Close

22 enough. Alright, Counsel, would you please swear in

23 the panel?

2 LEGAL COUNSEL: Do you swear or affirm
3 that the testimony you're about to give will be the
4 truth, the whole truth, and nothing but the truth,
5 and you will answer all questions truthfully?

6 JAY GOLDSTEIN: Yes.

7 LEGAL COUNSEL: Please state your name
8 for the record.

9 JAY GOLDSTEIN: [off mic] Jay Goldstein.

10 GARY VINBAYTEL: Gary Vinbaytel, the
11 Owner.

12 JAY GOLDSTEIN: Okay. Good morning,
13 Council Member. Thank you for having us this
14 morning. My name is Jay Goldstein and I'm here on
15 behalf of 245 East 53rd Street Realty, LLC. With me
16 is my client Gary Vinbaytel, who's the owner of this
17 site, the development site that will be discussed
18 within our presentation. The purpose today is to
19 recreate a-is for a zoning map amendment to create a
20 commercial overlay along a portion of East 53rd
21 Street between Second and Third Avenue. The proposed
22 zoning map amendment would create a C2-5 commercial
23 overlay within the existing R8-B zoning district.
24 The project area bounded by the yellow dots has 27
25 properties on the development site, which is

1 highlighted in yellow is only controlled by my-by my
2 client. The rezoning itself would map a C2-5
3 commercial overlay 100 feet from Second Avenue and
4 150 feet from Third Avenue. The proposal would allow
5 for a 2FAR commercial, and it would change the
6 residential or community facility bulk to the area.
7 As can be seen from the area map and the land use map
8 of the-of the 27 tax lots within the area, 23 or them
9 already have commercial uses at the ground floor and
10 the basement. These are grandfathered uses, and we
11 would bring those into compliance with current zoning
12 as well as to allow for commercial use at the ground
13 floor of our newly developed building. Here's a
14 picture of our building, which was recently developed
15 as approved as a 6-story commercial-sorry,
16 residential and community facility building,
17 community facility at the ground floor with one-one
18 unit residential above. The building is currently
19 built and awaiting the C of O for the current
20 approved uses. Here you could see pictures of the
21 state of the street. The ground floor is
22 predominantly commercial, and the basement level is
23 predominantly commercial with residential above.
24 While most of them have C of Os, they predate the
25

2 current zoning and the current zoning of the R8-B
3 doesn't reflect the state of the street. Here are
4 some additional pictures of the state of the street.
5 City Planning and the Borough President's office and
6 the city Plan—and the—the community board all
7 supported the application as being something that
8 recognizes the current make-up of the street and the
9 current uses of the—of the buildings along the
10 rezoning area. You could see from this chart the
11 areas in pink are all areas that are already
12 commercial or already commercial uses with
13 residential above. The four areas not including our
14 site are community facility buildings, and our
15 property, which is built as a community facility and
16 residential would be converted ground floor to
17 commercial. If there are any questions I'm happy to
18 answer them.

19 CHAIRPERSON MOYA: [coughs] One quick
20 question. What are some of the existing uses that are
21 being brought into compliance with the—the commercial
22 overlay?

23 JAY GOLDSTEIN: It's almost entirely
24 restaurants.

2 CHAIRPERSON MOYA: Got it. Okay. Thank
3 you. [background comments]

4 JAY GOLDSTEIN: Thank you.

5 GARY VINBAYTEL: Thank you.

6 CHAIRPERSON MOYA: Are there any other
7 members of the public who wish to testify? See none,
8 I now close the public hearing on this application,
9 and it will be laid over. [pause] Our next public
10 hearing for today is on Preconsidered LUs for 1640
11 Flatbush Avenue Rezoning for property in Council
12 District 45 in Brooklyn. The applicant seeks approval
13 of a zoning map amendment to rezone the developed
14 site from a C8-2 to R6 district C4-4D district, and
15 other portions of the rezoning area from a C8-2
16 district to an R6 district. A related zoning text
17 amendment application seeks to establish a proposed
18 C4-4D district as a Mandatory Inclusionary Housing
19 area utilizing Option 2. As proposed, these actions
20 would facilitate the development of a new 13-story
21 mixed-use building including retail use on the ground
22 and second floors, and approximately 114 total
23 dwelling units including 34 affordable units and 40
24 below-grade accessory parking spaces I now open the
25 public hearing on this application, and we call up

2 Dan Eggers and Harry—I'm sorry. I can't really read
3 you handwriting, but it says Sitam Seymour.

4 HARRY SOTOMER: [off mic] Sartomer.

5 CHAIRPERSON MOYA: Sartomer. Got it.

6 Harry and Dan. Counsel, if you could please swear in
7 the panel.

8 LEGAL COUNSEL: As part of your response,
9 please state your name for the record. Do you swear
10 or affirm that the testimony you're about to give
11 will be the truth, the whole truth, and nothing but
12 the truth, and that you will answer all questions
13 truthfully? [pause]

14 DAN EGGERS: Good morning, Chair Moya.
15 Dan Eggers, Land Use Attorney at Greenberg Traurig
16 representing the owner of 1640 Flatbush Avenue.
17 We're before you today for a rezoning application
18 that will facilitate the development of a 13-story
19 plus cellar building with commercial use on the first
20 and second floors, and residential above that include
21 up to approximately 34 units or permanently
22 affordable housing. I'm joined by Harry Satomer
23 Representing the developer. Also here to answer any
24 questions you may Hike Aristemian of S9 Architecture
25 and Lisa Lau of AKRF. Before I present their

2 application I turn to Harry to say a few words.

3 Harry.

4 HARRY SOTOMER: [off mic] My name is Harry
5 Sotomer.

6 CHAIRPERSON MOYA: [interposing] I you
7 can please press the button to turn on your mic.

8 HARRY SOTOMER: There we go. My name is
9 Harry Sotomer. I represent the developer SL Green
10 This is a project that we've been working on for
11 close to four years now. It's something that we're
12 very excited to present to you today. We think we've
13 assembled a great team, and I want to reiterate our
14 commitment to getting this project done. So, I'd
15 like to turn it back to Dan, and I'm available to
16 answer any questions at the end.

17 DAN EGGERS: Thank you Harry. The site
18 is on the west side of Flatbush Avenue at Aurelia
19 Court next to the Triangle Junction Shopping Center.
20 Until 2017, it was occupied by BP gas station. The
21 site is approximately 18,000 square feet. About
22 15,000 square feet is a C8-2 zoning district that
23 does not allow residential use. The remaining 3,000
24 square feet is in an R6 district that permits
25 residential use. These districts allow a maximum of

4.8 FAR and have no maximum building height limit.

Our application would rezone the entire develop site

to a C4-4D zoning district subject to Mandatory

Inclusionary Housing. So, residential use would be

permitted on the entirety of the site. That's an R8-

A residential equivalent. Also, at the request of

the Department of City Planning, the remainder of the

C8-2 District on two adjacent residential properties

to the west will be rezoned to an R6 district.

That's the tail portion you see on the tax map. So

that those properties would be uniformly R6 and their

uses would conform to zoning. The C4-4D district

allows 7.2 FAR, 2.4 FAR more than the 4.8 FAR

currently allowed and has 145-foot or 14-story

maximum building height for buildings with on-site

affordable housing and a qualifying ground floor.

Since the site is about 18,000 square feet

approximately 130,000 feet of floor area would be

allowed. If the rezoning were approved, our client

will develop a 13-story plus cellar approximately

130,000 square foot 7.2 FAR building with 30,000

square feet of commercial use on the ground and

second floors. That's about 1.7 FAR. 3.4 FAR

commercial use is permitted, and 100,000 square feet

of residential floor area. That's about 5.5 FAR.

The ULURP application proposes that the residential floor area equaling approximately 30% would be

permanently affordable consistent with Option 2 of

the Mandatory Inclusionary Housing program. As there

are approximately 114 total units so under Option 2

there would be approximately 80 market rate and 34

affordable units. Based on conversations with then

Council Member Williams the Department of City

Planning, the 13-story portion of the building has

been massed along Flatbush Avenue to be in context

with the 20-story Phil Power Department across

Flatbush Avenue, and you can see those in the

background of that rendering. Here is a rendering of

the building from Flatbush Avenue. As you can see,

the 13-story portion is massed along Flatbush.

There's a shallow 7-story portion along the Aurelia

Court, which is intended to provide the transition

from the medium rise 6-story plus basement buildings

adjacent thereto including 3111 Aurelia Court

adjacent to the west. The 7-story portion as shown

on the Site Plan is only approximately 35 feet deep.

The rest of the building along its western lot line

is only one or two stories and the 13-story portion

1 is at least 30 feet from the lot line, and this
2 distances increases due to the angled configuration
3 that you see there. The building would fully comply
4 with the C4-4D district regulations. The 7-story 84-
5 foot base site would comply with the 60-foot minimum
6 and 105-foot maximum base sites. The required 15-foot
7 setback from Aurelia court and 10-foot setback from
8 Flatbush Avenue, a wide street, would be provided,
9 and the building would rise to a total height of 13
10 stories or 142 feet in compliance with the 14-story
11 145-foot height limit. The zoning requires that
12 parking spaces be provided for 50% of the market rate
13 units, and no spaces are required for the affordable
14 units since the site is in a transit zone. One space
15 must be provided for each 1,000 square feet of floor
16 area for retail use, but this requirement is waived
17 if no more than 40 spaces are required. If there are
18 approximately 80 market rate units and 34 affordable
19 units, 40 residential spaces would be required and
20 since there would be about 30,000 square feet of
21 retail use, the parking requirement for retail uses
22 would be waived. The 40 required parking spaces
23 would be provided below grade on a single level on
24 stackers that would attended parking. We know this
25

2 community is underserved by parks and open space.
3 The building will include about 2,800 square feet of
4 recreation space accessible to all building
5 residents. We believe there's a sound land use
6 rationale for the rezoning in view of the surrounding
7 residential use, access to mass transit and need for
8 housing. This site is suited for residential use,
9 and given its location on Flatbush Avenue, this is a
10 site where added density is appropriate. The 7.2 FAR
11 would be 2.4 FAR or more than the 4.0 FAR currently
12 permitted and it would be more in line with the 6.5
13 FAR currently allowed in the CA-4 district
14 immediately to the north, and the building would be
15 in context as it's 13-story height would less than
16 the 20 stories of the Phil Power Departments. We
17 respectfully request your approval and welcome any
18 questions.

19 CHAIRPERSON MOYA: Thank you. Just a
20 couple of questions. Do you have a Local Hiring
21 Plan?

22 DAN EGGERS: So, yes. We have considered
23 this, and as part of what we have discussed with the
24 borough president, there are company wide goals
25 regarding the participation of MWBEs and LBES, and

2 we'll use commercially reasonable efforts to pursue
3 the hiring of and prioritize retaining LBEs as
4 subcontractors especially those that are designated
5 as MWBEs and we hope to meet or exceed the standards
6 of Local Law 1 of 2013, which is a 20% target.

7 CHAIRPERSON MOYA: Right, and--

8 DAN EGGERS: [interposing] Oh, and I
9 started to say that. I believe they're here to
10 testify, but we've reached an agreement with 32BJ to
11 use their services in the building.

12 CHAIRPERSON MOYA: Okay, you answered my
13 second question. So, why did you choose to map MIH
14 Option 2 over Option 1 since Option 1 was a request
15 of then Council Member Williams since the beginning
16 of this project?

17 DAN EGGERS: So, Harry, I'm going to let--
18 let you address that.

19 HARRY SOTOMER: Yes. So, we understand
20 and respect the Council Member's request. We
21 certainly will continue to dialogue with the Council.
22 The project does make more sense from us from and
23 efficiency standpoint to do Option 2, but we are, of
24 course, always open to conversation with the Council.

2 CHAIRPERSON MOYA: Just—just so you know
3 that, you know, we—we see this constantly come up
4 that this is targeting the higher level incomes that
5 would be able to—to come into these buildings when
6 Option 1 would give more affordability to people that
7 actually live in that community, and I think that is
8 a real concern not just for Council Member Williams
9 or former Council Member Williams, but I think for
10 all of us that sits on this committee is that we want
11 to see that when projects like this come up in our
12 communities, we want to make sure that the options
13 that are being given before approval are those that
14 are reflective of the incomes in that area. So that
15 folks aren't being priced out of the area that they
16 live in. What will the commercial use be for?

17 HARRY SOTOMER: We've—so there will be
18 two levels of commercial use plus the lower level
19 parking. We have had conversations with plenty of
20 local retailers as well as some larger brands like
21 the companies that you see at the target junction. I
22 would say that it is a little too early in the
23 project to certainly line up a retailer at this
24 point. It's hard enough in this retail climate to
25 get retailers signed up with the building built here.

2 We have to get through (a) getting approval and (b)
3 actually building the building, but we certainly are
4 committed to signing up retailers that will benefit
5 both the project as well as the local area, and the
6 residents that will be living in the building.

7 CHAIRPERSON MOYA: Okay, thank you.

8 Thank you for your testimony today.

9 DAN EGGERS: Thank you.

10 HARRY SOTOMER: Thank you.

11 CHAIRPERSON MOYA: I'd like to call up
12 the next panel. Avi Leshes and Madeleine McGrory and
13 Morgan Pearlman. [pause] And we also have been joined
14 by Council Member Grodenchik and Council Member
15 Gjonaj. Alright, you may begin. Once you've
16 introduced yourself, you may begin your testimony.

17 MORGAN PEARLMAN: Okay. Good morning.

18 My name is Morgan Pearlman, and I'm here representing
19 the Association for a Better New York. We're a 47-
20 year-old civic organization that promotes the
21 effective cooperation of public and private sectors
22 to improve the quality of life for all New Yorkers.
23 On behalf of ABNY, thank you for the opportunity to
24 express our support of the proposed redevelopment of
25 1640 Flatbush as proposed by SL Green. The project

proposes a mixed-use project including retail, 34 units of permanently affordable housing, and a community-oriented use to be determined in partnership with the community. In addition to the transit-oriented development nature of the project that fits within the city-city's overall plan for smart growth, we believe the proposal provides significant improvements to the immediate vicinity.

By replacing a gas station with a mixed-use development, the project would provide continuous street level use and would add activity to what is currently a gas station, a use that creates heavy-heavy intersections between pedestrians and automobiles on a main Brooklyn thoroughfare.

Although there is a borough wide concern to maintain the number of gas stations within accessible distance to drivers, the neighborhood will have many viable alternatives. The proposed development will also match the immediately adjacent uses at Triangle Junction while providing a transition to residential buildings surround the site. To help with the affordability crisis we are facing in our city, we need to continue to create capacity for housing development in all areas of our city for all income

1 levels. However, given the congestion and stains on
2 our infrastructure we see today in addition to the
3 anticipated demand we expect by the over 9 million
4 New Yorkers by 2040, it becomes imperative to focus
5 on and promote reasonable and contextual growth in
6 are areas that are well served by public transit as
7 is this area on Flatbush Avenue. The 1640 Flatbush
8 Proposal is sensitive to the surrounding buildings,
9 and it's architecturally coherent with the existing
10 buildings in the area. We urge the committee to
11 approve this mixed use proposal. Thank you again,
12 and I appreciate the opportunity to testify this
13 morning.
14

15 AVI LESHES: Good morning Chairperson

16 Moya, members of the Committee and guests. My name
17 is Avi Leshes and I am the Director of Economic
18 Development at the Brooklyn Chamber of Commerce. The
19 Brooklyn Chamber is the borough's leading voice of
20 Brooklyn's business community. We promote economic
21 development across the borough of Brooklyn and well
22 as advocate for and on behalf of our member
23 businesses. We are pleased to be here today to
24 support the development of a residential and
25 commercial building at 1640 Flatbush Avenue by SL

2 Green. The project will provide affordable housing of
3 which 34 of these units will be permanently
4 affordable. The affordable housing component of this
5 project will be overseen by a local Brooklyn based
6 organization. In addition, SL Green will work
7 directly with the community in its application to
8 ensure that the neighborhood stays affordable for its
9 current residents. In regard to the streets given
10 context design, there will be a retail on the first
11 floor and second floors that will in turn provide a
12 lavish streetscape that can continue to provide the
13 overall area. In addition, SL Green will seek to
14 fill the retail space based on the needs of that are
15 identified by the community. Possible tenants could
16 include a grocery store or an urgent care for
17 example. The current space is an empty gas station,
18 and this proposed project will reinvigorate the area
19 while also increasing the safety of the area as well.
20 The location of the project will also help to attract
21 folks to the neighborhood since proposed project is
22 near the Flatbush Junction Transit Hub. Lastly, the
23 architect who has been hired for this project has
24 worked to create a design that is complementary of
25 the neighborhood. It is imperative as a borough that

2 we manage growth carefully. Considering all the
3 public benefits of this project. 1640 Flatbush Avenue
4 is an example of the smart development we need.
5 Therefore, the Brooklyn Chamber is here today to
6 express support for this project and we urge you to
7 do so as well. Thank you for your—thank you for the
8 opportunity to testify.

9 MADELEINE MCGRORY: [coughs] Madeleine
10 McGrory the Real Estate Board of New York. The Real
11 Estate Board strongly supports the approval of the
12 rezoning and related text amendment to apply
13 Mandatory Inclusionary Housing for the property
14 located at 1640 Flatbush Avenue in the Borough of
15 Brooklyn. The applicant proposes and amendment to
16 the zoning text and to Appendix at Zoning Resolution
17 to change the development site from C8-2 and R6
18 districts to C4-4D or R-8 equivalent--by A
19 equivalent. This will regularize the zoning rules
20 for an irregular shaped lot, and facilitate the
21 development of a 13-story mixed-use building
22 containing 144—114 dwelling units, of which
23 approximately 34 units will be permanently affordable
24 at an average of 80% of AMI. The proposed changes
25 advances the city's affordable housing goals on a

1 privately owned site. In addition to the provision
2 of permanently affordable housing, building service
3 jobs and jobs related to the provision of 30,000
4 square feet of commercial space on the first and
5 second floors of the building will be added to the
6 neighborhood. These jobs will be in close proximity
7 to transit hubs, which has been shown to reduce a
8 neighborhood's carbon footprint. The ground floor
9 retail space will also help to enliven the
10 streetscape. Currently, the street is considered
11 unsafe and unsightly by the empty hazardous gas
12 station that occupies the frontage along Flatbush
13 Avenue and Aurelia Court. The applicant has also
14 been responsive throughout the community engagement
15 process. SL Green will uphold their commitment to
16 the community by seeking to fill the first floor
17 retail area with businesses aligned with the needs of
18 the community such as healthcare provider community
19 facility and a grocery store. [coughs] When
20 considering the appropriateness of zoning map
21 changes, the Commission is charged with judging
22 whether the changes meet the goals of the city, and
23 the text amendments consistent with the zoning
24 resolution's framework. This proposal adds density
25

2 to a site well served by transit and advances other
3 important policy goals. The provision of permanently
4 affordable housing meets a central tenet of the
5 Mayor's Housing New York Plan, and the change to the
6 Zoning Text is consistent with other similar
7 proposals that have come through ULURP. We,
8 therefore, urge the Zoning Subcommittee to approve
9 the actions under consideration.

10 CHAIRPERSON MOYA: Thank you. Thank your
11 for your testimony today. [pause] Rich.

12 RICH IORIO: Hi.

13 CHAIRPERSON MOYA: Iorio? Okay and I
14 have Isaiah. Is it? Yeah, and Isaiah, can you just
15 state your full name? Because I just have—Okay.
16 When you get there just state your full name. Thank
17 you. Rich, we'll start with you.

18 RICH [off mic] Thanks for allowing me to
19 testify. My name is Rich Iorio. [on mic] Sorry.
20 Good morning, Chair—Chair Moya and members of the
21 Subcommittee. My name's Richard Iorio. I work at
22 East River Housing Coop, and I've been a member of
23 32BJ for over nine years. I'm here today on behalf
24 of my union to express our support for the project
25 1640 Flatbush. As you know, 32BJ is the largest

1 property service union in the country. We represent
2 over 80,000 members across New York City. Members
3 like me clean and maintain buildings like the one
4 being discussed today. 32BJ and SL Green have a
5 strong relationship and track record our partnership
6 with buildings across New York City. We're happy to
7 report that SL Green has made a credible commitment
8 to providing good jobs that pay families sustaining
9 wages to future building service workers at this
10 site. Having a prevailing wage job is life altering.
11 Before I worked in—before I started working in my
12 building where I'm paid a prevailing wage, I had to
13 choose between health benefits and wage. With my
14 prevailing wage job, I know that my wages include
15 benefits and annual raises. They are the kind of
16 jobs that allow New Yorkers and their families to
17 breathe and live with dignity in New York City. We
18 estimate that the project plan for 1640 Flatbush will
19 generate six new building service workers' jobs, and
20 we believe that they could provide important economic
21 opportunities for our members in the supporting
22 community. We urge the approval of this project.
23 Thank you.

IZAIH THOMPSON: Good morning. My name is Izaih Thompson. I'm the Policy Research and Aaron Budding Fellow (sic) at the New York Building Congress. Thank you for your time this morning. On behalf of the Building Congress, I would like to express our organization's strong support for SL Green and their project at 1645 Bush. New Yorker Building Congress has for almost a hundred years advocated for investment in infrastructure, pursue job creation and promote an ambitious public-private partnerships in the New York City area. Our association is made up of over 500 organizations comprised with more than 250,000 professionals. With our members advance in various committees, we seek to address the critical issues of the construction industry and consistently promote economic and social advancement of our city. 1640 Flatbush Avenue sets an important precedent for responsible development, and SL Green have demonstrated that that they are an accountable steward suitable to carry out the project. Downtown Brooklyn has witnessed a remarkable transformation over the past few years. We strongly believe that 1640 Flatbush Avenue continues the growth development in the area while

2 ensuring that the lives of local residents are
3 enhanced concurrently. The project will have
4 tremendous positive impact on the immediate
5 neighborhood and borough more broadly, bring many
6 local construction jobs to the area especially the SL
7 Green's deal with the 32BJ union to provide good
8 living wage jobs in the community. We are proud of
9 SL Green's efforts to increase the affordable housing
10 in the city, and their partnership with the local
11 Brooklyn non-profit Reese Builders. Transformation
12 of 1640 Flatbush from a gas station to a convenience-
13 a convenience store to a beautiful and affordable
14 property is a type of sustainable urban development
15 we love to see and thank you again for your time. We
16 support this project, and encourage you to do the
17 same.

18 CHAIRPERSON MOYA: Thank you. Thank you
19 for your testimony today. Are there any other
20 members of the public who wish to testify? Seeing
21 none, I now close the public hearing on this
22 application and-and it will be laid over. I also
23 want to acknowledge that we are joined by Council
24 Member Reynoso. Thank you for being here. [pause]
25 So, we're going to take a brief pause and resume in-

2 in a few minutes. Thank you. [pause] We are—we have
3 been joined by Council Member Rory Lancman and
4 Council Member Carlina Rivera. We are—we are also
5 now laying over LUs 360 and 361 for the former
6 Parkway Hospital rezoning in Queens. We will now
7 hold our votes. In addition to voting to approve LUs
8 359, the Thessabul, LLC sidewalk café application,
9 which we heard today, we will also vote to file LUs
10 376, and Article XI tax exemption application, which
11 is being withdrawn from the package of related
12 applications from the Blondell Commons Proposal. Are
13 there any questions from the Subcommittee members on
14 this item—on these items? Seeing none, I now call
15 for a vote to approve LU 359, Thessabul Café sidewalk
16 application and to file LUs 376 an Article XI tax
17 exemption request being withdrawn from the package of
18 related applications for the Blondell Commons
19 Rezoning. Counsel, please call the roll

20 LEGAL COUNSEL: Chair Moya.

21 CHAIRPERSON MOYA: Aye on all.

22 LEGAL COUNSEL: Council Member Lancman.

23 COUNCIL MEMBER LANCMAN: Aye.

24 LEGAL COUNSEL: Council Member Levin.

25 COUNCIL MEMBER LEVIN: Aye.

2 LEGAL COUNSEL: Council Member Reynoso.

3 COUNCIL MEMBER REYNOSO: Aye.

4 LEGAL COUNSEL: Council Member Rivera.

5 COUNCIL MEMBER RIVERA: With thanks to
6 the applicant for working with CB5 and our office to
7 address concerns, I vote aye on all.

8 LEGAL COUNSEL: Council Member
9 Grodenchik.

10 COUNCIL MEMBER GRODENCHIK: Aye.

11 LEGAL COUNSEL: By a vote of 6 in the
12 affirmative, 0 in opposition and 0 abstaining, the
13 Land Use items are approved, and referred to the full
14 Land Use Committee.

15 CHAIRPERSON MOYA: We're going to keep
16 the rolls open for a few more minutes, and then we
17 will return to our public hearings. [pause] Our
18 next hearing is on LUs 370, 371, 372, and the 103
19 North 13th Street Tax Amendments and related Special
20 Permit Application for property in Council Member
21 Levin's district in Brooklyn. The applicant seeks
22 approval for a Zoning Text Amendment to include the
23 subject block bounded by White Avenue, North 14th
24 Street, Barry Street and North 13th Street within the
25 Industrial Business Incentive area, and a related

2 Special Permit that if approved would allow an
3 increase in the maximum permitted floor area for
4 specific industrial and commercial uses, modify
5 height and setback regulations and reduce the
6 applicable parking and loading requirements. Approval
7 of the Special Permit would facilitate the
8 development of a 7-story building with approximately
9 10,000 square feet of retail space, 4,000 square feet
10 of office space and 10,000 square feet of light
11 industrial space. I now open the public hearing on
12 this application, and I want to turn it over to
13 Council member Levin for some remarks.

14 COUNCIL MEMBER LEVIN: Thank you, Chair.
15 I look forward to seeing the implementation of the
16 projects today. I want to thank the applicant as
17 well as community members, the community board,
18 Borough President for-for considering this
19 application, and we appreciate the work of the Land
20 Use staff here at the Council and the City Planning
21 Commission for preparing for today's hearing and we
22 look forward to seeing the presentation. We'll ask
23 then. Thanks.

24 CHAIRPERSON MOYA: I'd-I'd like-I'd like
25 now to call up-let's see, Fyayne Betan (sp?) Charles

2 Treyyer, Chuck Ruben, and Nick Labaras (sp?) [pause]

3 When you're ready to begin, please make sure that the
4 red button is on so that we know that the microphone
5 is on, and can capture your testimony. Thank you.

6 [pause]

7 LEGAL COUNSEL: As part of your response,
8 please state your name for the record. Do you swear
9 or affirm that the testimony you're about to give
10 will be the truth, the whole truth, and nothing but
11 the truth, and you will answer all questions
12 truthfully?

13 FAYANNE BETAN: I will Fayanne Betan.

14 NICK LIBARAS: Nick Labaras. Yes, I
15 will.

16 CHUCK RUBEN: Chuck Ruben. Yes.

17 CHARLES KRUGER: I will. Charles Kruger.

18 FAYANNE BETAN: Okay. Good morning Thank
19 you Chair Moya and Council Members. We are here
20 today to discuss the proposed development at 103
21 North 13th Street supported by the City Planning
22 Commission and conditionally supported by the local
23 community board and the Brooklyn Borough President's
24 Office. The proposed development requires text
25 amending to the Zoning Resolution as well as two

1 special permits. Specifically, this application
2 requires the following: An amendment to the IDIA,
3 which is the Industrial Business Incentive Area, the-
4 a Special Permit Section—a Special Permit pursuant to
5 Section 74-962 for FAR and bulk and a Special Permit
6 pursuant to Section 74-963 of for the reduction of
7 parking and loading berth. As you may recall, this
8 case is similar to and following in the footsteps of
9 25 Kent, and 12 Franklin Street. However, you'll see
10 this is actually a much smaller project. The actions
11 are produced in almost—almost 60,000 square foot 7-
12 story building approximately measuring 90 feet to the
13 top of the roof and 109 feet to the bulkhead, and
14 then we could go through quickly. You could see here
15 on the Land Use Map, right our site is in the—in the
16 shaded gray area right over here in the 1-M1-2 Zoning
17 District of the original IBIA, which was then later
18 reduced. We're—the proposal expanding the text to
19 allow for our site to be included in the IBIA Special
20 District. The proposed project includes four full
21 tax lots and two partial tax lots and two partial tax
22 lots and you could see—you could further see this in
23 the tax map. It's the development of the proposed
24 development site is highlighted—is highlighted in
25

1 red. As you can see some photos of the area. History
2 of the site, you know, this was formerly a one-story
3 warehouse with a—it was a fruit distribution center
4 on the site. It was taken down. Hazardous material
5 removed and remediated, and the applicant now seeks
6 approvals for the Special Permit. This building
7 would—Nick could talk about this more in detail in a
8 second. It's a 7-story building, retail on the
9 ground floor. The second floor would have the
10 required industrial space and the rest of the
11 building would mainly have office space. So, I'm
12 going to hand it over to Nick.

14 NICK LIBARAS: I'll turn this off here.

15 FAYANNE BATEN: Okay.

16 NICK LIBARAS: Okay. So the building you
17 could see over here, 7 stories with this bulkhead
18 structure that's up on—on—on the top. The—the impetus
19 was three—threefold. One was to keep light coming
20 down—down to the street. We see with all the—with
21 all the development coming in that there's a lot of
22 encouragement on the—the—the—the sky. So, we'd like
23 to keep as much skylight as we can coming down to the
24 streets. The second is to increase the quality of
25 the urban streetscape. The Zoning Text requires that

2 we have a-a-like a sidewalk blinding line over here
3 so we have to set-set the building back a little bit.
4 This is at the terminus of the access leading
5 underneath the building (sic) veil through
6 public/private plaza. So it's a significant addition
7 to the streetscape of this area, and the-the third
8 aim was to prominently show this-this typical use of
9 this area, which is the light manufacturing use of
10 the second floor. So, we have it prominently at the
11 second floor over here. It also becomes part of the
12 streetscape, and then up above we have five floors
13 of-of-sorry four-four floors-five floors, sorry, of
14 very normative office use, and I think I'm going to
15 pass this back. [background comments/pause]

16 FAYANNE BATEN: I'll just-Okay. No, I
17 understand that question. We'll be forthcoming. Just
18 to put this project in context, while 25 Kent is
19 almost complete, 12 Franklin just recently passed a
20 few months ago, and the project is, you know, this
21 project is much smaller in fill. For example, 25
22 Kent is around 380 square feet of floor area, 12
23 Franklin was approximately 134,000 square feet and
24 this project is approximately 60,000 square feet.
25 You know, like the other applications, the applicant

1 will propose a flexible floor plate. You know, and I
2 mentioned both the community board and the Brooklyn
3 Borough President's Office conditionally favored this
4 application. We understand that the Special Permit
5 and the IBA, which are still, you know, are still
6 experimental in nature since none are online yet, but
7 we think it's important to note that the City
8 Planning Commission noted that there has been limited
9 new office and industrial development in North
10 Brooklyn's M-11 and M-12 Zoning Districts partly
11 because these zoning districts allow limit FAR and
12 have a high parking and loading requirement. So,
13 this special permit provides flexibility to encourage
14 new commercial and light industrial development,
15 which cannot be built under the existing zoning
16 requirements. It provides this walk to work
17 atmosphere, and utilizes, well, these very
18 underutilized lots. So, that concludes our
19 presentation. We're open to questions.

21 CHAIRPERSON MOYA: Thank you. I'm going
22 to turn it over to Council Member Levin now for some
23 questions.

24 COUNCIL MEMBER LEVIN: I'll ask regarding
25 Community Board 1's recommendations. So, they

2 approved with conditions unanimously, and those
3 conditions are that the accessory retail not be
4 counted as industrial space and cannot be located in
5 the area earmarked as industrial space. Is that
6 something that you're willing to agree to?

7 FAYANNE BATEN: I mean so I know with
8 like the--the community board and for the Brooklyn
9 Borough President's Office there have been these sort
10 of requirements to--and limitations to the accessory
11 space for the required industrial space, and the
12 Department of Buildings that's for criteria for these
13 groups and accessory space for the--Use Groups 16
14 through 18. So, you know, there are concerns, and the
15 goal--the goal is to have--provide us a flexible
16 special permit and including running high quality
17 industrial space, which we will be doing. So, limits
18 on--limitations on this kind of go beyond right now
19 the Department of Buildings, and commendations and
20 Nick is gong to--

21 NICK LIBARAS: Yeah, I think, too, I'd
22 like to kind of allay some of their--their--their
23 fears. I think it would be a very tough to actually
24 get up to the second floor space and--and like use it
25 as like a proper space for retail just because you

1 have to go through the office course. So, it's not
2 as if you could—could really traffic a bunch of
3 retail up there. It's not—it's not really well—well
4 set up and there's no—there's chance that we would
5 ever supplant that—that—that second floor light—light
6 manufacturing with—with the retail at the—at the
7 first floor. So, I think it would be really—it would
8 be difficult to do that. You have a whole, like a
9 whole floor basically which we—which would meet the
10 FAR requirements, and you really can't use it as, as
11 retail. So, I think that they're like safe.

13 COUNCIL MEMBER LEVIN: Fair enough, yeah.
14 They also recommended or their conditions were that
15 the industrial space be rented at 20% below market
16 rate for industrial manufacturing spaces. Is that
17 something that you're considering or have you been
18 exploring who that light manufacturing tenant could
19 be? [pause]

20 CHUCK RUBEN: So, we've been exploring
21 various manufacturing tenants. We've spoken to an
22 artisan baker in the neighborhood, and there was
23 someone who does leather, leather work.

24 COUNCIL MEMBER LEVIN: Uh-hm.
25

2 CHUCK RUBEN: We—in regards to this 20%
3 discount on the light manufacturing space, we—we
4 really haven't seen exactly what the rent is coming
5 in as the building is not built, but we do know that
6 these rents are going to be substantially lower than
7 we're going to be getting for the office space. A
8 20% discount—it's not—I—I can't—and I'm not saying
9 that we're going to guarantee that we're going to
10 accept such a number, but, you know, that—they will—
11 they will be significantly cheaper the rents than the
12 rest of the building and we're open to various
13 different tenants at—at a—at a discounted rate.

14 FAYANNE BATEN: Just to add that, you
15 know, it's still, you know, the other projects are
16 offline, and with the onset of 25 Kent, we'll have a
17 better idea of the types of rents in the area, and
18 it's a case-by-case, and we did meet with Evergreen
19 before, and we know that there are some potential
20 tenants so--

21 COUNCIL MEMBER LEVIN: Okay. Can you
22 speak a little bit about any of the kind of
23 resiliency measures that might be incorporated as
24 part of this building?

2 CHUCK RUBEN: We're-we're out of the
3 flood zone over here. We're about six inches up. So,
4 we don't really need it. We don't have to meet
5 anything over there. With that-that being said, the-
6 the way that the retail has been set up, it's, you
7 know, it could be flood-proofed in the future. We
8 have an expensive green roof planting thing up on
9 top, you know, which we're also using to retain
10 water. So, we're not going to contribute to any
11 problem, but beyond that, I mean it-it would be
12 future proving that the future tenants would have to
13 take on.

14 COUNCIL MEMBER LEVIN: But they'll be a
15 green roof as part of this?

16 CHUCK RUBEN: Yeah.

17 COUNCIL MEMBER LEVIN: Uh-hm. And then in
18 terms of Passive House Design or, you know, LEAD
19 certified or anything-any of those measures, is-is
20 there any proposal set forth to do that?

21 CHUCK RUBEN: We're not doing LEAD. As
22 you know, the new deal basically with all the energy
23 codes makes it very, very difficult for us to do
24 anything but something, which is-which is very
25 restrictive when it comes to the energy codes. You

2 know we have a very, very robust class. We have a
3 lot of insulation everywhere. So to meet these
4 energy codes, I'd say it's not near-It's not near
5 passive house, but it's really not that-not that far
6 off either.

7 COUNCIL MEMBER LEVIN: Okay. In terms of
8 parking requirements, I'm all in favor of eliminating
9 parking requirements, and so in this instance I'm-
10 I'm-I'm of the opinion that the less parking the
11 better. That say, you-you-you believe that anybody
12 that does drive to work can find parking at the
13 William Bale. Is that correct?

14 CHUCK RUBEN: Yes, we've done three or
15 four parking studies. We've show that there's ample
16 overage within four-four different properties within
17 three blocks of the site, and this was something that
18 we presented to the Community Board to their
19 satisfaction and that they-the signed up on.

20 COUNCIL MEMBER LEVIN: And in terms of-of
21 contracting, and I've-I've gotten some concerns
22 about-about contracting practices. With this project
23 will you-is there an agreement to under the Brooklyn
24 Borough President's recommendation that the retention
25 of Brooklyn based contractors and subcontractors,

2 especially those estimated as LBEs consistent with
3 the city Administrative Code and MWBEs as a means to
4 meet or exceed standards per Local Law 1. Are you
5 considering any of those measures and then also with-
6 with building service workers is there an agreement
7 to-to pay building service workers a prevailing wage?

8 CHUCK RUBEN: So, in regards to local-
9 Brooklyn based contractors, we-this building is-we've
10 -we've done a number of buildings in the last couple
11 of years, and most of us have contractors that are
12 Brooklyn based. I can go through on a couple of
13 names. Our window installer which has done millions
14 of dollars of work with him in the last couple of
15 years is a MWBE based business and we are open to
16 meeting additional businesses like this, and I would
17 say that about 60 to 70% of our subcontractors we've
18 signed contracts with are Brooklyn based. In regards
19 to prevailing wages, whatever the requirements are
20 for prevailing wages and our properties we negotiate
21 by those requirements and I believe some of our
22 buildings have prevailing requirements regarding 421-
23 A. I don't-I'm not-I'm not familiar right now the
24 ICAP requirements on this building. We did file for
25 ICAP but if there are requirements [coughs] excuse

2 me—if there are requirements on the ICAP to hire
3 prevailing wage employees then, of course, we will
4 abide by that, and do everything that we need to do
5 to gets this going.

6 COUNCIL MEMBER LEVIN: Okay. I think we
7 can continue that conversation. That would be—that
8 would be great because I—I've seen the letter to the
9 community board, you know, outlining some concerns.
10 So, we'll continue to have that conversation. Why
11 did you pursue—why are you pursuing the Special
12 Permit to post and as-of right development? Is
13 there--?

14 CHUCK RUBEN: For and as-of-right
15 development would have restricted us to community
16 facility tenants, which would have really would have
17 limited us to the amount of—to the amount of tenants
18 that would have been able to occupy the space. We
19 have had as we developed the projects, we had--

20 CHAIRPERSON MOYA: interposing] Could you
21 just speak up a little louder into the microphone.

22 CHUCK RUBEN: Yeah, the—as-of-right—as-of
23 right zoning would have restricted us to only
24 community-on community facility tenants, which would
25 have restricted us to our base of tenants we could

2 bring into the building and it would have—it would
3 have been a bit of a hardship bringing tenants into
4 the building, filling up—filling up the building. We
5 also incurred tremendous costs in remediating the
6 property. As we started excavation, we realized that
7 this was, you know, a lot of hazardous material, and
8 we submitted this property into the State Brownfield
9 Program incurring us almost over \$4 million in
10 hazardous material remediation. So, in order for us
11 to make this project profitable--

12 COUNCIL MEMBER LEVIN: Uh-hm.

13 CHUCK RUBEN: --we had to go through this
14 rezoning process of going for the Special Permit to
15 actually see numbers in favor of—of us developing
16 this project.

17 COUNCIL MEMBER LEVIN: Is the Borough
18 President raising the issue around with going back to
19 the accessory retail taking it to make too much space
20 and also the—the idea that—that like quote/unquote
21 “digital manufacturing” may be used to accomplish the
22 intent of the Special Permit. As somebody that has
23 worked on a number of projects with the Special
24 Permit, you know, I—I—I’m concerned that—that it’s—it
25 won’t be seeing the type of light industrial uses

2 that I think that the Special Permit was intended.

3 Have you—have you looked at what type of light

4 manufacturing uses you might establish here. Is it

5 with—with the tenancy, and have you reached out to

6 any of the local organizations that work with

7 industrial businesses? So, I can name two: Evergreen

8 and GMDCl, which have, you know, a large membership

9 of industrial businesses to—to ascertain whether any

10 of their members might be interested in this space?

11 CHUCK RUBEN: And so, we've reached out

12 and I am I'm going to turn this over to Nick. We've

13 had conversations with various—we've-met with

14 Evergreen and Nick will—can give you more details

15 regrading these

16 NICK LIBARAS: Yes. Sure so, we-we

17 actually have a very open dialogue with them. We go

18 back and forth with them a lot because we have other

19 Special Permit projects that are available to work

20 on. So, and this purely anecdotal at this point

21 because you—you can't really commit to anything to

22 anything until—until like somebody signs a lease, but

23 we have—we have six—six tenants that were in this

24 area that have been in this area for some time.

25 There's a watch maker, there's a motorcycle guy. He—

2 he like fabricates a small-small motorcycle parts.
3 There's kitchen cabinet maker. There's--there's a
4 baker. There's two-two-two other prospective tenants
5 and it's a--it's a mix. We can't really comment on
6 who will be coming in ultimately, but there is--there
7 are different people that have been there
8 historically that are still in this mix, you know,
9 that we have live projects with.

10 COUNCIL MEMBER LEVIN: [interposing] Not,
11 not just digital. I mean quote/unquote digital
12 manufacturing.

13 NICK LIBARAS: Huh?

14 COUNCIL MEMBER LEVIN: Not quote/unquote
15 digital, the real manufacturing.

16 NICK LIBARAS: Real, yeah, but I mean
17 there--there is--there is always a possibility that
18 that does come in and I don't know how--how like how--
19 how we could speak in any kind of intelligible way
20 just because we don't know--

21 COUNCIL MEMBER LEVIN: Right.

22 NICK LIBARAS: --if we'll be serving for
23 that.

24

25

2 COUNCIL MEMBER LEVIN: Understood. Oh,
3 okay, alright. I appreciate it very much. I'll turn
4 it back to the Chair. Thank you.

5 CHAIRPERSON MOYA: Thank you, Council
6 Member Levin. Thank you very much to the panel for
7 coming in and-and testifying today. You are
8 dismissed. Are there any other members of the public
9 who wish to testify on this item? Seeing none, I now
10 close the hearing on this application, and it will be
11 laid over. Our last hearing of the day is on LUs
12 373, 374 and 375 for the Blondell-Blondell Commons
13 rezoning for property in Council Member Gjonaj's
14 district in the Bronx. The applicant seeks approval
15 for three actions, a zoning map amendment to rezone
16 an M1-1 district to and R7-A C2-4 District, a related
17 zoning text amendment to map the project area as a
18 Mandatory Inclusionary Housing area utilizing options
19 1 and 2 and de-mapping a portion of Fink Avenue
20 between Blondell Avenue and Waters Avenue. These
21 actions would facilitate the development of a 9-story
22 mixed-use building with approximately 227 dwelling
23 units plus one superintendent's unit, ground floor
24 retail space, community facility space and 225-
25 [background comments] thank you-225 accessory parking

2 spaces. The application originally included a fourth
3 action seeking the Article XI tax exemption, which
4 has been—which has been withdrawn. I now open the
5 public hearing on this application, and I want to
6 turn it over to Council Member Gjonaj for his
7 remarks.

8 COUNCIL MEMBER GJONAJ: Thank you.

9 [pause] Thank you Chair. We've been hearing very
10 real community concerns throughout the ULURP process
11 and I want to be clear that I share many of those
12 concerns, concerns about over-development, height,
13 density, affordability, congestion, school
14 overcrowding, parking and many other issues. I'm
15 going to continue to listen to those concerns. In
16 fact, this public hearing is designed explicitly to
17 listen to those concerns and voice to the local
18 residents who know the area best, and who care so
19 much about their communities and are vested in our
20 community. There's a very—this is a very large
21 project and with many issues that still need to be
22 addressed, and I'm committed to working with the
23 community, with the Administration and with the
24 Development team to address those concerns and shape
25 this proposal into a project that I feel comfortable

2 with supporting and that will benefit the community
3 as a whole. There's still a lot of work to do on the
4 height, on the affordability, on school overcrowding,
5 and we're not there yet. But I'm committed to keep
6 working, to keep listening and to keep discussing
7 until we get there. Thank you, Chairman.

8 CHAIRPERSON MOYA: Thank you, Council
9 Member Gjonaj. I'd now like to call up the Eric
10 Palatnik, and Ian Rasmussen (sp?) Hiram Rothkrug,
11 Emanuel D'amore, and Craig Livingston. Counsel, if
12 you could please swear in the panel.

13 LEGAL COUNSEL: As part of your response,
14 please state your name for the record. Do you swear
15 or affirm that the testimony you're about to give
16 will be the truth, the whole truth, and nothing but
17 the truth, and you will answer all questions
18 truthfully?

19 ERIC PALATNIK: I do. Thank you. Thank
20 you for hearing us this afternoon.

21 LEGAL COUNSEL: Please state your name
22 for the record.

23 ERIC PALATNIK: Oh, sorry. Eric Palatnik.

24 ERIC PALATNIK: Hello Good afternoon or
25 late good morning, Eric Palatnik. Thank you and

1 thank you to Councilman Gjonaj for all your time and
2 your input on this application. I know that it's
3 caused a lot of sleepless nights for everybody
4 involved and there's been a lot of discussions on it,
5 and I thank you for your vigorous involvement in it.
6 I'd also like to thank Community Board 10 and
7 Community Board 11. For those who are not familiar
8 with the history of this application, the rezoning
9 sits on the border of two zoning districts. It sits
10 properly—it resides properly within Community Board
11 11's boundaries, and that is if you're looking at the
12 photograph it's up on the map, on the screens in
13 front of you. That is the area that's in yellow.
14 Community Board 10 is on the other side of the
15 street. That street that's running down the middle
16 is Blondell Avenue. We are asking your permission
17 here today to rezone Blondell from a manufacturing—
18 this portion of Blondell Avenue—-from a
19 manufacturing zoning district to an R7-A zoning
20 district with a C2-4 overlay. The project is
21 transformative. It's taking a parcel of land that's
22 been historically underutilized, and utilized for
23 less than idyllic uses as car auto parts, and auto
24 wrecking in an area of the Bronx that historically
25

1 has straddled Westchester, has caused streets to be
2 unowned, so to speak, which are the streets that go
3 to the right of us--and I'll go through those in a
4 second--to sort of in this area that sorts of has been
5 in a twilight zone of development for lack of a
6 better term for the last decade--for the last century.
7 Our application, which is a rezoning, checks all the
8 boxes I think for good development. It's next to
9 Westchester Square, which is a thriving, thriving
10 commercial area that's a beautiful, beautiful
11 community that has mosques and churches and schools
12 and hospitals and parkland and ballfields. I counted
13 nine ball field around there this morning Council
14 Member when I was looking at the aerial maps, and
15 I'll point those out. So, although we're asking you
16 for a zoning change from the manufacturing to the
17 commercial--to the residential zoning, it's really a
18 misnomer here because this block is the one that was
19 up against the railroad yards. It's up against the
20 tracks historically and in New York City for the past
21 100 years we didn't develop against the tracks. It's
22 only a very recent thing that we started to create
23 housing up against the tracks, and we could do that
24 because we have the technology now that can do it.

2 We have a soundproofing technology. We have the
3 construction techniques and we have the environmental
4 ability to address Brownfield sties such as this so
5 that they're remediated properly. I sat at many of
6 the community board meetings and I know the
7 Councilman was there with us at many of them, and
8 there were some very well spoken reasons why this
9 application should be approved because we met with
10 Community Board 11 on multiple occasions before we
11 got to the final vote and there was--there was a lot
12 of support and there was--there's a lot of support for
13 it, and even the vote at the Land Use Committee was 7
14 in favor. And there also are some well spoken
15 reasons why it should not be approved, but I believe
16 the reasons why it shouldn't be approved really speak
17 to a fear of--of bringing more people into the
18 neighborhood, and creating density in the
19 neighborhood. I--and I can understand, but I think
20 we're well suited up against the train tracks on a
21 block that is across the street from an R6 zoning
22 district that we could handle the density, and I'll
23 go through with you a little bit up here to show you
24 what I'm talking about. This map shows you the
25 proposed zoning designation and if you could see the

1 map on the right side it says R7-A. That's our
2 proposed zoning district. On the left side of the map
3 where it says the number 170, that whole side of the
4 street is R6. So, you can see if you look at the
5 R7-A and you look on the right side, you could see
6 that we're surrounded by R6 both to the south of us
7 and to the left of us. So, we're really following a
8 nice and proper land use rationale here where we're
9 extending what's already an R6 zoning district into
10 our property, and by covering our property I should
11 mention we're—we're proposing a very deep
12 affordability level, and I know there's been a lot of
13 conversation with that with HPD. The project is
14 proposed to be an ELLA development and the ELLA
15 developments will average all of the AMIs at
16 approximately 73% AMI, and it will also include
17 formerly homeless at a rate of 15% within the entire
18 development, and at no point will anybody that's
19 formerly homeless pay more than 30% of their maximum
20 income. So, the project is—is creating a housing
21 scenario where you'll have plenty of opportunity for
22 people that are in the community and as well within
23 the greater New York City area to provide affordable
24 housing on this block front. As I walk you through a
25

1 little bity on the maps here, I could give you a
2 little bit of a perspective what the building will
3 look like. This is the idea that will be a 9-story
4 building, which is what's permitted in the R7-A
5 district. There will be some dormer areas, each of
6 those little setbacks you see in the—that's sort of
7 the reddish brick. Those will rise to a height of 75
8 feet. Looking at this illustration there will be a
9 parking garage. It's on the left side that have
10 underground stairs to 228 parking spaces or 225
11 parking spaces. We are grossly over-parked. We're
12 only required to have a total of 54 parking spaces,
13 and as I said before, we're proposing 225 parking
14 spaces and the reason for that is we've been working
15 very closely with the Westchester BID and Business
16 Improvement—Improvement District, and they've been
17 expressing to us that there is a parking problem as
18 was noted a moment ago in the area and they—they are
19 always looking for creative ways to provide parking.
20 So, one of the facets of this application will be
21 provide and abundance of parking, not just for the
22 retail uses that are on this property, which will be
23 about 20,000 square feet at the ground floor, but
24 also to service the Westchester Business Improvement
25

2 District and all the merchants that are there and we
3 have yet to be created a business arrangement that we
4 will enter into them to provide parking or their
5 patrons. The application also has a companion de-
6 mapping application, which I'm looking for the maps
7 right now to show you that up here on the imaging. I
8 don't know if it made it in here, but there are two
9 streets that are not shown. As I mentioned before,
10 this map shows that but it doesn't call it out.

11 MALE SPEAKER: [off mic] It's the one
12 before that.

13 ERIC PALATNIK: The one before that, but
14 it doesn't call it out.

15 MALE SPEAKER: It's the one before that.

16 ERIC PALATNIK: The one before this. No,
17 it doesn't show it here, and that map didn't make it
18 into the imagery here, but it's best shown on-on this
19 map here. The street where it seems to be de-mapped
20 is Fink Avenue. Fink is the area that says in white:
21 Area of Street to be de-mapped. So the Rezoning
22 Application includes the de-mapping of that Fink
23 Avenue, which you could see on the left side extends
24 into Westchester Square. On our property it extends—
25 on our property it extends to the back where the

1 world "area" is. That is the property that's proposed
2 to be developed, and in front of that is another
3 property owner where there's a church and that
4 building is in the area that we're proposing to de-
5 map as well. Emanuel is here. He's the project
6 architect and he's going to walk you through when it
7 gets to him in a moment, the building itself. So, I
8 don't spend too much time going through the
9 architecture. I'd be happy to answer any questions
10 you may have about the application or if not, you can
11 move onto any of the other panels. Thank you.

13 EMANUEL D'AMORE: Good morning. Emanuel
14 D'Amore from Aufgang Architects. So the façade was
15 intended to mix of materials and colors that we find
16 elsewhere in the—in the community. So, it will fit
17 within the context, and as we mentioned before, we're
18 proposing 228 dwelling units. There is—if we could
19 walk through the floor plans on the cellar. The next
20 page maybe. There you go. So, the cellar we
21 intended to provide and attended parking spaces for
22 the 225 spaces. There is a huge difference of about a
23 story between Blondell and Cooper. So there was some
24 concerns to active—to, you know, to provide less
25 traffic on Blondell. So, we're working with City

2 Planning to provide another entrance to the parking
3 lot on Cooper since there's such a, you know,
4 difference in height. From Cooper we could provide
5 access, you know, the cellar parking lot on Gray.
6 Then the rest of the parking lot it will used for
7 storage. On the first floor, we see there is 20,000
8 square feet of retail space, and then the residential
9 entrance, and ten dwelling units without the
10 recreation areas as well as a 2,00-square feet
11 community facility that it's all the way to the
12 right. Then on the upper floors we're providing all
13 the residential units. From the second floor you
14 have direct access to outdoor recreation areas, and-
15 and there is a total of approximately over 6,800 of
16 indoor amenity space between, you know, recreation
17 spaces, fitness centers and so on. In addition to
18 that, the units are designed to be family oriented.
19 So we have a 25% 2-bedrooms and 18% 3-bedrooms and I
20 believe 22% studios, and the rest one-bedrooms. They
21 also in terms of, you know, to comply with Enterprise
22 Green Communities so we passed and exceed to comply
23 with Enterprise Green Communities so we passed and
24 exceed 15% of Energy Code. We have Energy Star
25 windows, Energy Star heating and cooling system. We

2 have extra insulation for the roof and our walls and
3 in addition, the building was designed with an active
4 design living intentions. So we have very windows,
5 and it actually, you know, is designed to promote the
6 healthy habits for the building tenants that will
7 live in here.

8 IAN RASMUSSEN: Can I speak?

9 CHAIRPERSON MOYA: Okay.

10 ERIC PALATNIK: I don't have to pause my
11 presentation. Let's see. [pause] Okay.

12 IAN RASMUSSEN: Good morning. My name
13 is Ian Rasmussen, and I'm the Principal at Urban
14 Cardtographics and a certified planner. Mr. Palatnik
15 asked me to speak briefly about some of the issues
16 related to the appropriateness of the proposal as it
17 relates to neighborhood character. So, I'm just going
18 to quickly go through a few of the issues that I
19 understand have been raised during the public review
20 and hopefully shed some light on the context in which
21 this proposal arises. I want to start here because
22 this is an aerial shot of the larger area of
23 Westchester Square. I think it's important to note
24 that this site is—it's at the confluence of a number
25 of major roadways, East Tremont Avenue,

2 Williamsbridge Road, and Westchester in addition to
3 being a business district with a lot of ground floor
4 retail and other stores surrounding the Square, and
5 probably most importantly that it's a transit area.
6 You could see in the triangular part there is the
7 Renaissance style Head House of the No. 6 Train stop
8 at Westchester Square. This is the existing context
9 of and the existing conditions of the development
10 site, and what you can see here is that in an attempt
11 I suppose to match the context of the rail yard with
12 the zoning, the area was zoned for very low level of
13 manufacturing and development, but the decades that
14 followed the 1961 rezoning of the city, you know,
15 there's been a lot of disinvestment. In fact, this
16 is not a particularly great location for
17 manufacturing uses. The lots are small. It has poor
18 highway access, and so, most of these buildings are
19 underdeveloped even relative to the 1.0 manufacturing
20 FAR that's currently permitted, and you can see these
21 buildings that are derelict and have their gates
22 down. This is on a weekday afternoon last week. By
23 comparison we see across the street there's the 3-
24 story residential building. Here's our land use map
25 of the area. The—the large lavender area there is

1 the train yard, but what you can see is that the
2 surrounding area particularly to the west of our site
3 is a mixed use district that includes both a good
4 amount of commercial development and a good deal of
5 residential and community facility. Highlighted in
6 red there is just the ground floor retail offering of
7 the neighborhood. I understand there's been some
8 concern that this area did lack the infrastructure
9 and the support for residential uses. You can see we
10 have everything from supermarkets and drug stores,
11 hair salons, restaurants, delis and the like that's
12 all over this neighborhood. It seems to be missing
13 approximate to train station is—is residential use
14 and mixed-use investment. Similarly, this area is
15 quite rich in community facilities. Obviously, a
16 number of medical facilities in this area of the
17 Bronx, but also schools, churches, smaller medical
18 offices. You can see the scale of those here. Last, I
19 want to point out that there's currently no set
20 height restriction in the R6 and R7-1 districts.
21 Those are high density residential zoning districts
22 that could in theory have much taller buildings. For
23 example, I know we're working on a couple of R6
24 projects right now that have 13-story buildings on
25

2 them. By comparison the proposed building will be
3 only 9 stories, and the area to be rezoned would have
4 a hard cap on height at 85 feet or 95 for buildings
5 including Mandatory Inclusionary Housing like ours.
6 So I'll show you just the--the scale of the larger
7 residential buildings in the area. Those tend to be
8 six floors, but they have a much bigger bulk because
9 they have a higher lot coverage, and so they have a
10 roughly equivalent FAR to what's proposed in this
11 case. Last but not least, just as a reminder this
12 site is extremely transit friendly, and it follows
13 that the city's policy towards encouraging those with
14 mixed use development and know it's a blockability
15 near transit, that this site would be appropriate for
16 a rezoning. It does seem like sort of obvious that
17 there should be mixed use dense zoning within just
18 one block of a transit station, and the fact that it--
19 this area is separate from disinvestment for so long,
20 it's something of a tragedy, and with that, thank you
21 for your time.

22 HIRAM ROTHKRUG: Good morning. Hiram
23 Rothkrug, Environmental Studies Corporation. Thank
24 you for letting me speak. We went through four years
25 of environmental review from the Environmental

1 Assessment Review Division of the Department of City
2 Planning, and I'd like to first address the-the
3 Council person's comment about schools. While the
4 project only proposes 225 units of housing, there are
5 soft sites in the area to be rezoned. So, for the
6 Environmental Review we were reviewing six different
7 projected development sites. The conclusion with
8 that if-if all six were developed, it would generate
9 148 elementary students from grades Pre-K through 5
10 and 61 intermediate students from grades 6 through 8.
11 Department of City Planning has an impact threshold
12 of-of 5% increase on schools. Our project would only
13 have a 1.4 increase for elementary schools and 1.3
14 increase for intermediate schools. Therefore there
15 would be absolutely no impact to school seats in-in
16 the surround district if, in fact, all six
17 development sites were developed. Additionally, the
18 site received E designations for hazardous materials,
19 noise and air quality. So, the E designation
20 hazardous materials would require that the Office of
21 Environmental Remediation, DEP and Possibly the State
22 DEC would all be involved in the cleanup of the site,
23 and a sign-off before any residential development
24 could take place. Because of our proximity to rail

2 yards or the elevated subway and also a train yard,
3 we have and E designation for noise requirements,
4 which mandates that we have attenuated windows on all
5 facades of our building to ensure a minimum 45 DBA or
6 noise attenuation for all the potential residents.

7 Additionally, you have the need designation for air
8 quality, which not only mandates that we have natural
9 gas as our resource for energy, but also mandates the
10 closed window condition, which means that we have an
11 ultimate needs of ventilation in the form of air
12 conditioner with HUD approved sleeves or—so that in
13 an open window condition there would be no air
14 quality impacts. Other things I want to talk about
15 is parking. Our—our project is going to generate at—
16 at a maximum a need for 172 parking spaces. We're
17 providing 225 parking spaces, which the community
18 really wanted parking in the area so we'll have the
19 extra parking for—for other—other community services.

20 Additionally the site is—there was a sent to me—

21 CHAIRPERSON MOYA: Can we just go back to
22 the number of parking?

23 HIRAM ROTHKRUG: We have—we're providing
24 225 parking spaces, but really that shows that at a
25 maximum that we're—we—that the project would—would

2 have a need for 172 parking spaces. So, at any given
3 time there'd be at a minimum over 50 parking spaces
4 available to the community and surrounding uses.
5 Additionally, there was a comment from the community
6 about ambulances going to one of the hospitals and
7 using Blondell Avenue and that traffic would be
8 blocked. The fact is that right now there are a lot
9 of auto-auto repair yards, junk yards and everything
10 all throughout this particular area. There are two
11 trucks. There's indiscriminate parking, streets are-
12 are blocked, and eliminating those uses and providing
13 residential development will be a safer, certainly a
14 safer condition for-for any kind of transit on
15 Blondell-on Blondell Avenue. Additionally, we did a
16 complete traffic study of the entire area, and we
17 found that traffic would not be diminished or
18 impacted by any of the residential uses that-that-
19 that would take place. The level of service at all
20 of the intersections would-would remain-would remain
21 the same as it is now.

22 CHAIRPERSON MOYA: Thank-thank you.

23 Just-just a couple of questions, and sticking to the
24 issue of traffic, I think you might have brought this
25 up before, but just some clarity on it. I know that

2 the Borough President had made recommendations to
3 request to explore alternative vehicle access points
4 to this development in particular along Cooper Avenue
5 and Westchester. I know you said that you were
6 talking to DOT, but is there an up—is there more of
7 an update on where we are with that?

8 ERIC PALATNIK: Yeah. Hi, Eric Palatnik,
9 and this map—map to kind of show what the Borough
10 Presidents are speaking to. Yeah, maybe you can
11 click for me and just get me to the map that shows
12 Cooper and Grant. So, this is the part I was
13 speaking to a moment ago because it's where the
14 Twilight Zone reference that I used. The property
15 straddled Westchester and the Bronx for a century.
16 At some point it was in Westchester. So, the area
17 that's in the back on the right side of the map that
18 you're looking at there where the word the I-N-G of
19 rezoning and the A of area are, there's a street
20 there that's called Cooper. There's one street
21 called Cooper and there's another street called
22 Grant. What the Borough President was speaking to
23 was to see if they could provide some off-street
24 access to the building through those streets, Cooper
25 and Grant. The reason—the problem we have, and what

2 he asked us to work with his office on because he
3 works on the street system obviously, is to find a
4 way to give somebody, whether it be the developer or
5 the city of New York control over Cooper and Grant
6 because right now there is no title vested in anybody
7 or any government entity because of this transition
8 through the century from the Bronx to Westchester.
9 So because of that, these streets are not titled in
10 anybody's names. They do exist. As the Councilman
11 could tell you, if you drive down there, there are
12 businesses that exist on those streets that are
13 there. I don't think they're plowed on a routine
14 basis. I don't think, you know, everybody says the
15 Department of Transportation doesn't have it on
16 their--on their maps. So that is what the Borough
17 President was speaking to. He was asking if we could
18 put an entrance in that back corner behind the red
19 building, which would access--get people off of
20 Blondell, and we are fully committed to doing that if
21 everybody would figure out how to get some entity to
22 have title vested or controlled at those two streets.
23 You also see a recommendation on that--on that same
24 point in the--in the City Planning recommendation.
25 The Chair, their report speaks to the stanchion that

2 sits from the overhead pass right in the middle of
3 where the--the letter G sits, which is right in the
4 middle of one of those roadways there as well. So,
5 that was another issue that are actually worked on to
6 address. It's a long answer for two street.

7 CHAIRPERSON MOYA: Thank you. Also, it's
8 very important that affordable housing projects are
9 creating good quality jobs, and not jobs that
10 reinforce the cycle of poverty. What are you
11 planning to pay the building service workers when
12 your building opens, and what benefits will you
13 provide in that, and what will they cost the
14 employee?

15 CRAIG LIVINGSTON: Good morning.

16 CHAIRPERSON MOYA: One second, we got to--
17 you need to--did you fill out--?

18 CRAIG LIVINGSTON: I did. I'm Craig
19 Livingston. I--there was only four seats here so I
20 didn't sit down verbally.

21 CHAIRPERSON MOYA: You've got to get
22 sworn in.

23 LEGAL COUNSEL: Do you swear or affirm
24 that the testimony you're about to give will be the

2 truth, the whole truth, and nothing but the truth,
3 and you will answer all questions truthfully?

4 CRAIG LIVINGSTON: Yes. Good morning,
5 Councilman Moya and Councilman Gjonaj and members of
6 the committee. Regarding your question about the
7 building services jobs, we are currently underwritten
8 to, and held to the HDC Maintenance and Operating
9 standards. The project is not at a point in which
10 we've been able to finalize our funding with both HPD
11 and HDC. However, we have met with Hannah who's here
12 today, and Cal Black (sic) from 32BJ. We understand
13 what financial obligations the building would have to
14 undertake in order to execute a contract with them.
15 It does create some hardship to the budget, but we're
16 working hard with all of our stakeholders to try to
17 figure out how to make that possible so that we can
18 include 32BJ in the project.

19 CHAIRPERSON MOYA: Well, sticking to
20 that, it's important to us that members of the
21 surrounding communities have access to jobs created
22 by affordable housing projects. So, do you have a
23 plan to hire locally, and can you share that with us?

24 CRAIG LIVINGSTON: Absolutely. So, we
25 have a consultant that's a Brooklyn based operation

2 BTN Consulting that spearheads our local hiring, our
3 local vendors, our MWBE hiring programs, and we take
4 this with a lot of pride. We have several projects
5 throughout the city where we not only meet, but
6 exceed our local hiring, local vendors and MWBE
7 participation in our projects. Most notably, we have
8 project on 125th Street the Victoria Theater Project.
9 Some of the team members here have worked on that.
10 It's a state sponsored project, and all though ESD
11 has only required us to spend \$30 million with MWBEs,
12 we'll exceed that number at our own volition because
13 we take it very seriously.

14 CHAIRPERSON MOYA: And will you be able
15 to-to give us that?

16 CRAIG LIVINGSTON: Absolutely.

17 CHAIRPERSON MOYA: Yes. Thank you. What
18 opportunities for training and career advancement do
19 you plan to provide workers at this project, if any,
20 what opportunities do you provide for your current
21 workforce.

22 CRAIG LIVINGSTON: So, we do engage in
23 several measures of training for our current
24 workforce both within the building trades themselves.
25 So, for instance we've recently trained a small cadre

1 of folks on roof repair techniques through some
2 program that we hired. We've trained folks on better
3 software techniques that help--better software
4 programs to help them to manage buildings and
5 generate some efficiencies. We've also been able to
6 get folks involved with other--participation in other
7 programs and in some of the organizations. For
8 instance, I'm Chair--also Chairman of the Board of the
9 New York Real Estate Chamber. It's a consortium of
10 diverse developers. Right now, we're working on a
11 program to bring younger people into the business of
12 development. We want to--to grow the playing field
13 and grow the amount of diverse people coming into the
14 building--into the build--into this industry. Just to--
15 not to belabor the point, Councilman Moya, but what
16 we know is that whenever we have a diverse developer
17 in charge of awarding MWBE dollars, awarding local
18 dollars, doing local hiring, it happens more because
19 we don't resist. We encourage this stuff, and so my
20 trade organizations are particularly concerned with
21 that, and to the extent that we could bring more
22 young people into the field, we think it will help
23 remove the chains.
24

2 CHAIRPERSON MOYA: Well, I look forward
3 to seeing that happen if this project does go
4 through. I want to just reiterate the importance of
5 good paying jobs with projects that come into the
6 city of New York, and why it is critical for local
7 hires to come into these projects that folks want to
8 come and do rezonings here. I think it's critically
9 important to make sure that those issues are
10 addressed and moving forward. With that, I would
11 like to turn it over to Council Member Gjonaj for
12 some questions.

13 COUNCIL MEMBER GJONAJ: Thank you, Chair.
14 Let me just piggyback quickly on the Chair's question
15 about local hiring. What can we expect when it comes
16 to local hiring, and typical development that you've
17 done in the city?

18 CRAIG LIVINGSTON: So, from a
19 documentation standpoint, we always have a local
20 hiring plan, an MWBE not only hiring, but recruitment
21 outreach plan as well because a lot of times firms
22 will try to hide behind best efforts, and say hey we
23 tried. We didn't get there, but we take it a step
24 further. We actually have a well documented plan on
25 how we reach local vendors, local members of the

2 community who want to be engaged in employment, and
3 also MWBEs, and in every single one of our
4 developments we've exceeded this. Particularly for
5 this project we will have four building services jobs
6 at the end of this, but we will have over 300
7 construction jobs during the construction of this
8 project, and we are vey happy and proud to be able to
9 include local community members in that labor force.

10 COUNCIL MEMBER GJONAJ: Of the 300
11 construction jobs, what percentage is a norm that is
12 focused on local community hiring?

13 CRAIG LIVINGSTON: Well, we usually state
14 that in our local hiring plan. I think we would
15 probably be able to—depending on—on—on the different
16 roles—we haven't—it's actually done by trade. So
17 there's a Build it Bronx program in—that's applicable
18 in your community. We touch base with some of the
19 local merchants and tradesmen who are in the Built-it
20 Bronx program. So, we can for instance purchase
21 supplies and materials and build—and—and appliances
22 from some of the vendors. We can hire some of these
23 local merchants and subcontractors to work on the
24 job—on those jobs. So, a lot of times what happens
25 is we find that we get double bang because we'll hire

2 an MWBE that's local in your market and that's a
3 great thing for us because it's like two birds with
4 one stone, but we really get very detailed in our
5 approach of our plan, and by trade we try to make
6 sure that we have a robust level of local
7 participation by trade. So, it's not like you're
8 going to see a bunch of flag men on our job, and
9 we're going to say that's our MWBE requirement. We
10 want the carpenters. We want the plumbers. We want
11 the masons, the painters. We want to see diversity
12 in local hiring along all of the rungs of the trades
13 in our project.

14 COUNCIL MEMBER GJONAJ: When is this plan
15 made available? At what point do you come up with a
16 hiring plan?

17 CRAIG LIVINGSTON: This would be a plan
18 that we have not done as specifically for this
19 project yet, but we could probably get something
20 done, you know, over the next couple of months. We'd
21 have to engage our consultants to start working on
22 it. It would be a little premature because we
23 haven't even done close to raising our financing yet,
24 but we're happy to put it on the table because we
25 take it seriously and we're going to do it anyway.

2 COUNCIL MEMBER GJONAJ: Thank you. So the
3 whole idea is about not sucking the resources out of
4 a community, giving back to the community, and that's
5 where we're headed with all of this where communities
6 benefit, the stakeholders those that have lived there
7 their entire lives, have shaped the neighborhoods
8 that we've come to know and love, and fear of taking
9 advantage of what is typically a quiet, peaceful
10 community that enjoys many of quality of life issues
11 keeping the needs of the community and their desires
12 in mind is at the heart of this.

13 CRAIG LIVINGSTON: Right.

14 COUNCIL MEMBER GJONAJ: Can you elaborate
15 and you're under oath so you're sworn in, how long
16 has this project been going on? How long have we
17 been discussing developing Blondell Avenue?

18 CRAIG LIVINGSTON: I believe this project
19 has been around for eight years. We got into the
20 project by buying it from the previous owner who
21 started the rezoning process, and at some point gave
22 up. We were able to buy it out from him. He also—he
23 does remain in the project as a small partner, but
24 our firm our carrying the ball forward, but to you
25 comment about satisfying local stakeholders, that is

1 the methodology with which my firm develops. So, we
2 like to take a grassroots approach to development,
3 and if you look at the site, we have here basically a
4 blighted site that has, you know, broken down cars
5 and trucks and school buses parked in it. It's
6 environmentally contaminated. We will
7 environmentally remediate the site to what's called
8 the Track 1 under the supervision of the Department
9 of Environmental Conservation. Track 1 is the
10 cleanest use possible for residential occupancy.
11 We've done it before in the Bronx at 1800 Southern
12 Boulevard, and our consultant is here to speak to
13 that shortly. We've also heard very clearly from the
14 BID and the merchants along Westchester Square, the
15 main commercial corridor, and the need that they have
16 for parking to increase the foot traffic and
17 patronage in their stores so they could keep their
18 businesses open, and keep employing residents of the
19 community like small businesses do. We've heard from
20 the community the desire to have a school in that
21 area because of the school overcrowding. We made the
22 commitment to both Community Board 10 and 11 to work
23 with them to find a school tenant that can occupy a
24 retail space. We've heard the feedback from the
25

2 Borough President's Office about traffic concerns on
3 Blondell Avenue, and have redirected the entrance to
4 the parking garage to facilitate taking traffic off
5 of Blondell Avenue while we're still providing
6 parking. We've also heard from the broader New York
7 community about the needs for affordable housing.
8 That's why we're in this business and we think one of
9 the most important things that we can do, and we're
10 proud to do this work is to help create housing for
11 families who need it.

12 COUNCIL MEMBER GJONAJ: Thank you. Talk
13 a little bit about Brownfield Program. Are you
14 enrolled in the Brownfield Program?

15 CRAIG LIVINGSTON: This site is
16 absolutely enrolled in the New York State Brownfield
17 Clean-up Program already.

18 COUNCIL MEMBER GJONAJ: So, it must be
19 cleaned.

20 CRAIG LIVINGSTON: It must be cleaned. It
21 will be supervised by the Department of Environmental
22 Conservation. A gentleman from our—our Environmental
23 and Juniors (sic) today is here. He could speak to
24 the technical aspects of how we're going to remediate
25 it, and the level of remediation that we'll do. And

2 as I said before, Council Member, we've done this
3 with the same team in much worse conditions in the
4 Bronx.

5 COUNCIL MEMBER GJONAJ: Thank you. So,
6 you're—you're touched by the very sensitive issue.
7 Our current schools at 144% capacity, and I heard
8 earlier that this will have very little impact on the
9 existing schools. We are already at a 144% of
10 capacity. We can't meet the current needs of our
11 community, and you mentioned there are six
12 developments that are in the pipeline?

13 HIRAM ROTHKRUG: No, there's only one
14 development site, but other sites that are in the
15 area will be rezoned or considered soft sites.
16 [coughs] So, we analyze what the potential
17 development of those sites could be, but there are no
18 plans for those sites to be developed, and they're
19 not under ownership of the applicant.

20 COUNCIL MEMBER GJONAJ: Right, so
21 obviously the concern from the community is a real
22 one, and it's justified that we don't have seat
23 capacity of the families that live in the area now.

24 HIRAM ROTHKRUG: Yes, and I understand
25 that. [coughs]

2 COUNCIL MEMBER GJONAJ: How committed
3 would you be as a developer to allocate in the 20,000
4 square feet to a school specific?

5 CRAIG LIVINGSTON: WE would support the
6 idea if that was the wishes of the community, and
7 we've put that on a table previously, Councilman. We
8 are on onboard.

9 COUNCIL MEMBER GJONAJ: Is there a
10 community facility component here as well besides the
11 20,000 square feet--?

12 CRAIG LIVINGSTON: There is an additional
13 2,000 square foot community facility. It's a small
14 space, but yes, there is one.

15 COUNCIL MEMBER GJONAJ: And what was the
16 intent of the community facility? Have you made a
17 commitment here or what?

18 CRAIG LIVINGSTON: We've made no
19 commitment, but usually you see community facility
20 spaces being occupied by maybe some type of medical
21 use or could be an educational use, you know. My
22 architect could tell me what the appropriate use
23 groups are for that space, but if it were eligible to
24 be occupied by an educational tenant, we would
25 wholeheartedly support it.

2 COUNCIL MEMBER GJONAJ: So, you're open
3 to even changing the layout to accommodate more space
4 if need be for a school that could come into the
5 project?

6 CRAIG LIVINGSTON: We could change—we
7 could explore it. Yes, we're open to exploring to
8 how to facilitate it. Absolutely.

9 COUNCIL MEMBER GJONAJ: Right. So, as
10 you know, I've had meetings even as late as this
11 Saturday in my office with community stakeholders,
12 residents to discuss Blondell, exhaust every possible
13 option until we—to a point where we can embrace this
14 project as a whole. The major stumbling block that I
15 see at this point community loudly has spoken, and
16 that is no. If they had a choice, they would leave
17 it as is contaminated in its current use rather than
18 develop it. That is the community's very vocal
19 position and I should say passionate position. My
20 phone has been blowing up all morning. Text messages
21 and many numbers that I don't even know. In sitting
22 back and looking at well, what is it that we can
23 shape this project into that may be acceptable to you
24 after no versus no, and height and density come into
25 the question. A scale back of this property to six

1 stories, which would complement the other
2 developments in the area. How would that jeopardize
3 your project? How willing would you be to reconsider
4 this development to meet the needs and desires of
5 this community?
6

7 CRAIG LIVINGSTON: Councilman, a good
8 question. I would say to deconstruct the question, I
9 know there has been a—some loud opposition to the
10 project, but there's also been very loud support of
11 the project. We're proud to have garnered the
12 support of the BID. We're proud to have a petition
13 with 200 signatures from local residents who support
14 the project. We're proud that other business people
15 in the community who provide jobs, small businesses
16 who provide jobs are supporting the project. Now,
17 you know, we're willing to make any accommodations we
18 can to satisfy the interest of stakeholders and
19 community folks. That's why we've said yes to
20 school. That's why we've said yes to parking.
21 That's why we said yes to environmental remediation.
22 That's why we said yes to 100% affordable housing.
23 That's why we hope to say yes to 32BJ who could work
24 out the dollars, but when you start to talk about
25

2 reducing the size of the building, all those yeses
3 start to get walked back. We would like to start--

4 COUNCIL MEMBER GJONAJ: [interposing]
5 You're on--you're on a good trend. Keep up the yeses.
6 We're doing okay. [laughter]

7 CRAIG LIVINGSTON: We want to satisfy as
8 many local stakeholders as possible, but everything
9 that we do at that project is made possible by
10 developing the housing, and so to the extent that we
11 make a smaller building we're saying smaller yeses.
12 We have asked our architect to start to look at the
13 building, and start to think about ways that we could
14 potentially reduce size, reduce scale. The--just
15 from--and we don't have an answer yet because we got
16 some feedback about reducing the size and the scale
17 not even 24 hours ago. But from a financial
18 standpoint going from 9 to 6 stories gets rid of a
19 third of the building, 33% of the building. It's here
20 for us to keep all the commitments we've made to all
21 of the other stakeholders with two-thirds of the
22 resources that we've previously had, but we don't
23 have a final answer yet.

24 COUNCIL MEMBER GJONAJ: Good. We'll just
25 keep an open mind and work from a positive position.

2 The other thing that came up and I'm not sure how
3 this impacts your plans for this site. We have a
4 great need for affordable housing understandably.
5 Half these units will go to the community. Am I
6 correct here? Whatever the project is the priority?

7 CRAIG LIVINGSTON: [interposing] This is
8 the current marketing mandate by the city. There is
9 some litigation out there that challenges that. It's
10 above my pay grade. We will satisfy whatever mandate
11 the Council and HPD requires us to on local projects.

12 COUNCIL MEMBER GJONAJ: [interposing]
13 Prioritizing at this point at least 50% of the units
14 be offered to local residents--

15 CRAIG LIVINGSTON: That's right, yes.

16 COUNCIL MEMBER GJONAJ: --and their
17 families.

18 CRAIG LIVINGSTON: We will comply.

19 COUNCIL MEMBER GJONAJ: Great and you'll
20 comply with that and hopefully we can even work to
21 increase that number.

22 CRAIG LIVINGSTON: Absolutely.

23 COUNCIL MEMBER GJONAJ: These are the
24 real stakeholders. They built this neighborhood and
25 that's a benefit from an affordable housing project--

2 CRAIG LIVINGSTON: Uh-hm.

3 COUNCIL MEMBER GJONAJ: --hurts. That--
4 when I say passionate, in this day--in my own
5 community the Council District, I have 30 civic
6 organizations and community organizations each
7 contributing to the neighborhoods and the communities
8 that they reside in and complementing one another.
9 They are vocal, committed--

10 CRAIG LIVINGSTON: Uh-hm.

11 COUNCIL MEMBER GJONAJ: --passionate and
12 a will hold everyone accountable to their needs. So
13 anything that we can do to keep the stability of this
14 neighborhood is a priority for me, and with that in
15 mind, so is the need for veteran and senior housing.
16 We're losing residents these generations that have
17 been there because of affordability. They're being
18 forced out of the communities that they helped build
19 that they've led, that they've shaped. In your plan
20 you mention--you don't mention senior housing or
21 veteran housing.

22 CRAIG LIVINGSTON: Council Member, we
23 are--we do have just--I just wanted to say this. This
24 is 100% affordable housing building, and it's a mixed
25 income affordable building. We are creating housing--

2 -affordable housing capacity for folks up and down
3 the income spectrum from 100% AMI down to 27% AMI.
4 We want to build a community here not a center of
5 poverty. That's why we have the income diversity.
6 We do have set-aside for 50% formerly homeless, and
7 just to correct something my attorney said earlier,
8 the average AMI is not 73%. It's 68-68% is the
9 average AMI. We've lowered it since we've started
10 this project based on some of the feedback that we
11 heard at a couple of the community board meetings
12 about affordability. So, we're sensitive to it. We
13 believe 10,000% in affordable housing for families,
14 and for formerly homeless people and needing the set-
15 aside and when we can facilitate housing for veterans
16 and seniors, we are absolutely on board to do it as
17 well.

18 COUNCIL MEMBER GJONAJ: Can we explore
19 the options of possibly 100% senior housing. Would
20 that work for this housing plan?

21 CRAIG LIVINGSTON: It's a—we still—we got
22 some feedback about that yesterday as well. We
23 started to look at it. It's a different financing
24 program, but we will continue to look at it.

2 COUNCIL MEMBER GJONAJ: That would make a
3 tremendous difference in the minds and the hearts of
4 or community if we can focus on our seniors and our
5 veterans and they're both very vulnerable. You're
6 here. I was approached this morning and you'll stick
7 around to hear the comments from some of our groups,
8 in particular one senior center, which has lost
9 almost two-thirds of their seniors due to
10 affordability. In fact, they were forced out of
11 their neighborhoods.

12 CRAIG LIVINGSTON: We think it's a shame
13 that people in the twilight of their lives having
14 been productive citizens in this city should be
15 facing that, and wherever we can get on board to
16 help, you know, deal with that condition, we are
17 there.

18 COUNCIL MEMBER GJONAJ: And I'm looking
19 at the AMIs inspection where half the, more than half
20 of the units are going to below 50% of AMI and for
21 those of you that may not be aware, I believe for
22 like a studio apartment, that starts at \$367 a month,
23 and goes up to—Noah (sic) you have glasses. I can't
24 see these numbers. What is that? [laughter] You
25 have glasses.

2 MALE SPEAKER: \$682.

3 COUNCIL MEMBER GJONAJ: Now that would
4 make a tremendous difference. Apartments that range
5 from \$300 and change to \$682 being offered to our
6 most vulnerable and in particular our residents that
7 have been making some very difficult decisions about
8 where they're going to live and continue to live.
9 This--this is an opportunity for all to benefit. We
10 just need to shape it into something that's
11 acceptable, and I'm looking forward to continue to
12 work with you in that regard.

13 CRAIG LIVINGSTON: Thank you, Councilman.

14 COUNCIL MEMBER GJONAJ: And using any
15 influence that you may have to help with the
16 overcrowding of schools, congestion options, and by
17 the way, if we go down the senior route, seniors
18 don't drive as much. [laughter] Less congestion on
19 the roadways--

20 CRAIG LIVINGSTON: Right.

21 COUNCIL MEMBER GJONAJ: --which means we
22 can open up the parking availability to the community
23 residents or shoppers. Seniors typically.

24 CRAIG LIVINGSTON: Right.

2 COUNCIL MEMBER GJONAJ: I know a lot has
3 changed from technology, but they also don't have
4 children.

5 CRAIG LIVINGSTON: That's right.

6 COUNCIL MEMBER GJONAJ: They're—they're
7 beyond the child bearing years, and we don't
8 contribute to the overcrowding of schools. Seniors
9 also don't bring issues to a community. They don't
10 hang out at night and have parties and play loud
11 music, and the inconveniences that we've experienced
12 in large tenement buildings. They would be a
13 tremendous added benefit here in serving a real need
14 to a vulnerable group and also building on the
15 quality of life that we've come to enjoy and maybe
16 have been privileged, too. You did mention parking
17 where based on your assessment of the 225 parking
18 spots, 50 would only be available to local shoppers?

19 CRAIG LIVINGSTON: No. So, Ian mentioned
20 a calculation that was done in the EAS. So, in this
21 100% affordable housing building we only require
22 50ish spaces. We're going to provide 225. The
23 calculation that he mentioned of 172 was based on an
24 environmental impact chapter that he has to write and
25 do a particular calculation, but out—the reason why

2 we're doing accessory parking is it's attended
3 parking, and it facilitates parking for whoever wants
4 to park there, and most notably the patrons who will
5 be supporting the merchants and the shops in the
6 Westchester Square community.

7 COUNCIL MEMBER GJONAJ: What is the-

8 IAN RASMUSSEN: Councilman--

9 COUNCIL MEMBER GJONAJ: Yes.

10 IAN RASMUSSEN: Councilman, I'm sorry.

11 That--that was a maximum occupancy number. So, that
12 would generally take place during the overnight
13 period when people who would drive to work or are
14 home from work, but throughout the entire day, there
15 would be a lot more than 50 available parking spaces
16 between 9:00 and 6:00 p.m. I don't have that number
17 right now, but it would be quite--quite more than the
18 50 spaces I mentioned.

19 COUNCIL MEMBER GJONAJ: Is there a
20 projected rate fee for parking especially during that
21 9:00 to 6:00 or even the monthly rate that's going to
22 be offered to the residents, do we have an idea of
23 what that may look like?

24 CRAIG LIVINGSTON: We don't have that yet
25 because the parking garage was leased out to an

2 operator who will set market rates. We have some
3 influence over that, but and we've-we want to work
4 with the merchants in Westchester Square to figure
5 out some type of way to facilitate parking that
6 benefits the people who support their stores.

7 COUNCIL MEMBER GJONAJ: We're doing to
8 have a lot of questions, and I don't want to take up
9 all the time. Many have been here since early this
10 morning. I want to them and give them all an
11 opportunity to speak up and be heard, and we'll
12 continue some of the questions late on, and I'm
13 grateful to you for your willingness to work on
14 something that can be acceptable that will benefit
15 community residents, merchants and yourself, and if
16 ultimately we come up with a plan that nobody is
17 happy, I think I did my job. [laughter] I am
18 striving for that. So, I want to thank you. Unless
19 someone else has a question and our Chairman stepped
20 out briefly. I'll ask that you be patient in the
21 audience as we call up those that want to be heard.

22 CRAIG LIVINGSTON: Thank you.

23 COUNCIL MEMBER GJONAJ: Thank you.

24 [background comments/pause] Public Advocate Elect,
25 Council Member Williams.

2 COUNCIL MEMBER WILLIAMS: Thank you,
3 Council Member Gjonaj. Oh, it's elect for another
4 few hours. I do want to shout out. So, I am--there's
5 some breakdown in communication. We're trying to
6 figure out where--myself. I was not aware of this
7 hearing. So, I would have been here earlier. I just
8 want to shout out former Council Member David
9 Greenfield. It was his Tweet that I load in my staff
10 that this hearing was going on, and I want to thank
11 Chairman Moya for and in my state (sic) ask some
12 questions. I probably would have and my colleague as
13 well. It actually will be certified in just a few
14 hours, but I'm proud that my last act as a Council
15 Member is here making sure that we have trued
16 affordable housing. So, I just wanted to make sure
17 that I left remarks on the record about a rezoning
18 that's going on that was heard just a few minutes
19 ago, SL Green. I am diametrically opposed to what
20 they have presented here today, and I am happy to
21 also CB 14 and the Borough President they have
22 approved it, but they approved it with some
23 recommendations. Both of those groups have approved
24 it saying that only if they do Option 1. Not with the
25 Option 2. Most folks know I am very much opposed to

2 Options 2 and 3. I only barely support Option 1. So,
3 I was in communications with them about Option 1.
4 Also I wanted it even strong and Option 1 was put in—
5 Option 1 has now—also we had questions about
6 prevailing wage being a non-union and size of
7 apartments, and so none of those questions have been
8 answered as of yet I—my guess would be that whether
9 CB will have similar wishes, and so I'm just asking
10 hoping that the Council will take that into
11 consideration as this project moves forward. So, I
12 just wanted to make sure I had that on the record,
13 and again, thank you for allowing me the time, and
14 thank you for pushing those questions in my stead.

15 CHAIRPERSON MOYA: Of course. Thank you
16 to our Public Advocate, Jumaane Williams for coming
17 here and so, it's fine today. Thank you.

18 CHAIRPERSON MOYA: Well, is this your
19 last business as a City Council Member?

20 COUNCIL MEMBER WILLIAMS: Besides some
21 papers I've got to sign, it will probably be my last
22 official act as a Council Member.

23 CHAIRPERSON MOYA: Well, thank you for
24 doing it in our committee.

25 COUNCIL MEMBER WILLIAMS: No problem.

2 CHAIRPERSON MOYA: I'm going to call up
3 the next panel. I'm calling up the next panel. John
4 Bonizio. It's definitely not. [background comments]
5 One second, one second. We'll—we'll move to—to the
6 votes for I forget. Mr. Ritchie Torres.

7 LEGAL COUNSEL: Continuing vote of the
8 Land Use Items, Council Member Torres.

9 COUNCIL MEMBER TORRES: I vote aye.

10 CHAIRPERSON MOYA: Thank you for your
11 vote.

12 LEGAL COUNSEL: By a count of 7 in the
13 affirmative, 0 in opposition, and 0 abstentions, the
14 Land Use Items are approved and referred to the full
15 Land Use Committee.

16 CHAIRPERSON MOYA: Thank you. We have
17 John Bonizio, Yasmin Cruz, Lara Brooks, and Carlos
18 Sevarino, and each have two minutes for your
19 testimony, and just please make sure that you state
20 your name and the microphone is turned on. [background
21 comments/pause] We have John? Yasmin. [coughs] Is
22 it Lara Brooks, yeah, and Carlos. Okay. I just
23 wanted to make sure I heard that. [pause] You may
24 begin.

2 JOHN BONIZIO: Thank you. My name is
3 John Bonizio. I'm the Chairman of the Westchester
4 Square Business Improvement District. I'd like to
5 start off by saying that I understand and the BID
6 understands how difficult change could be in the life
7 of most people. This change the Blondell—that is
8 represented by Blondell Commons is a positive change
9 for the community, and I would like to state the
10 reasons why the BID support. The project referenced
11 herein requires a zoning change, as you know. We
12 support this change primarily because this parcel has
13 not and should not be used for industrial purposes.
14 For years the warehousing and motor vehicle--of motor
15 vehicles on this property has created a environmental
16 issues that will remain unaddressed if the current
17 zoning status is continued. A change in zoning would
18 allow this project to go forward, and require the
19 developer to address remediation issues. We support
20 this eventuality for the improvement of the district.
21 There is a tremendous need for affordable housing in
22 the district. We support its inclusion in this area
23 as it allows for the increase of foot traffic in the
24 commercial corridor. This will help support the
25 growth of the mom and pop businesses in the BID. The

1 size of this project is consistent with other
2 residential zoning in the district. In fact,
3 properties immediately across Brownville Avenue are
4 zoned R6 and others deeper within Community Board 11
5 are zoned for even higher buildings. This project,
6 which adjoins a rail yard would not interfere with
7 views or be so out of place with adjoining structures
8 that it would be considered inappropriate. The plan
9 to expand parking within the project particularly
10 accessible to the public will support the BID's
11 stakeholders and improve the area. The de-mapping of
12 forces of Fink and Cooper Avenues is long overdue and
13 will allow the future positive development of the
14 area. The project's location at the southern end of
15 Blondell Avenue will not disrupt the flow of traffic
16 on the Square or on sections of Blondell north of
17 Poncon (sp?) Street. Approval of the rezoning of
18 this block will allow for the informed analysis of
19 future requests of this nature along the remainder of
20 Blondell Avenue, and eventuality as the growth [bell]
21 thank you—of East Chester Road takes hold following
22 the inclusion of Veterans Law's (sic) proposed rail
23 expansion in the area. I just would like to conclude
24 by saying that you asked about the parking rates.
25

2 Okay, I'm sure that they'll be a lot lower than \$35
3 that the city charges when you get a ticket at one of
4 the meters on Westchester Square. So, I think it
5 would be a good deal, and I would ask you—I would ask
6 you all particularly you Councilman Gjonaj to look
7 past the politics and the future of your political
8 future--

9 CHAIRPERSON MOYA: [interposing] Thank
10 you.

11 JOHN BONIZIO: --okay, and go along--

12 CHAIRPERSON MOYA: [interposing] Thank
13 you.

14 JOHN BONIZIO: --with the news we heard
15 today. (sic)

16 CHAIRPERSON MOYA: Thank you for your
17 testimony today. Thank you for your testimony

18 JOHN BONIZIO: Thank you very much,
19 Councilman Moya.

20 YASMIN CRUZ: [ringing cell phone] Hi,
21 Yasmin Cruz, Executive Director of the Westchester
22 Square Business Improvement District. Do you hear me
23 now? Okay.

24 CHAIRPERSON MOYA: Just make sure the--the
25 red light is on.

2 YASMIN CRUZ: Yeah, that is on.

3 CHAIRPERSON MOYA: Yeah, Okay. There you
4 go.

5 YASMIN CRUZ: [laughs] Yasmin Cruz,
6 Executive Director of the Westchester Square Business
7 Improvement District. It's—thank you for having us
8 here. Sincerely, the number one concern I've heard
9 over and over again from our merchants is Yasmin,
10 what can we do about parking? Obviously, this
11 project is allotting for even more parking spaces
12 than they have to a lot for. So, we're grateful for
13 that as well as we even have a scenario in regards to
14 our own office workers that had to move out of the
15 Bronx because they couldn't find affordable housing,
16 and I understand the concern about seniors, but the
17 young—the young workforce is also looking for
18 affordable housing and this is an opportunity for
19 them. I have two brilliant workers that
20 unfortunately are now commuting and I might lose them
21 because there's not enough affordable housing. SO,
22 it will—it will provide a solution for the affordable
23 housing as well as the parking, and the merchants at
24 the end of the day we're losing businesses because
25 there's no parking. I'll tell you something, the

2 parking traffic agents are there in seconds, within
3 seconds to give a ticket, and it's important because
4 if you're conducting business, it's hard to run out
5 of the store and pay for your parking ticket. So at
6 the end of the day I think this is going to provide
7 great solutions for the area.

8 CHAIRPERSON MOYA: Thank you.

9 LARA BROOKS: Good morning. My name Lara
10 Brooks, and I'm from the Throggs Neck Houses, also a
11 member of the Throggs Neck Resident Council. I want
12 to first say in 1970--the Throggs Neck community that
13 whole area has been know as having like private
14 houses and very low-level buildings, but in 1970--
15 while they had three stories and 7-story buildings,
16 but in 1970 they had 11-story buildings. I've been
17 living in an 11-story building since 1974. Much of
18 the community has come up to par. So, most buildings
19 are about anywhere from 7 to more stories, and all
20 these new buildings that are being built in our
21 community across the board are well over or about 9
22 or more floors up. So, to me this development would
23 be keeping up with the times and things. So, to
24 haggle over three floors, to me it's major because
25 that's three floors worth of units of people not

2 being able to have someone--somewhere to live, and
3 when we talk about affordable housing, and I'm--I'm
4 hearing about our veterans. I'm hearing about
5 seniors, but when you say affordable housing that
6 puts them right there. So, that makes it accessible
7 for them, the veterans, the seniors. Some of my kids
8 I want I to get rid of, you know, the grandkids
9 whatever so that they could have housing. I mean,
10 you know, and--and what I'm most concerned about we
11 lost our Rovers, we lost Harry's Office Square, we
12 lost a lot of--some of those stores, but we have
13 businesses there. I want to keep Westchester Square
14 for me. It is my right in--as a senior citizen myself
15 [bell] to be able to keep my community the way that
16 I'm used to having it. So I like going to the
17 Square, okay. Right now if I take the bus there, I
18 have to take a cab back. There's no way of driving
19 because you can't find parking, and you're not going
20 to get nobody to drive you there and wait for you
21 because everybody is afraid of getting a ticket. So,
22 and there's no place, no double parking or anything
23 so to me this is--

24 CHAIRPERSON MOYA: [interposing] Thank
25 you.

2 LARA BROOKS: --this is a--having this
3 project would be a win-win situation. [bell]

4 CHAIRPERSON MOYA: Thank you.

5 LARA BROOKS: And--

6 CHAIRPERSON MOYA: [interposing] Thank
7 you. We're keeping it to two minutes for everybody.

8 LARA BROOKS: I'm sorry--

9 CHAIRPERSON MOYA: [interposing] Thanks.

10 LARA BROOKS: --and it expands our
11 community. I ask--I am for this as well as the
12 Throggs Neck Houses and I welcome it, and I ask that
13 you consider it.

14 CHAIRPERSON MOYA: Thank--thank you for
15 your testimony today. Let's--let's just try to keep
16 it to--to two minutes. Thank you.

17 CARLOS SARINO: I got you. My name is
18 Carlos Sarino. I have--I'm sorry. I got a commercial
19 property on Pass (sic) 101 and which is clear and not
20 too far from the NYCHA project, which it does benefit
21 everybody else from the local businesses to small
22 businesses in the area. Parking is the big issue.
23 There will be time sometimes when I have to do my
24 deliveries, and I got to say outside just to unload
25 where somebody just brings it in because if not, I

2 already got a few double parking tickets. Those was
3 one of the ticket for \$115. So, those add up, and
4 also, you know, just to—the traffic from Blondell
5 right itself that's where all the—all the body—all
6 the body parts. The tow trucks it's like it's really
7 congested out there. So, even if you try to park
8 right there as well, it's no parking as well. So,
9 the project itself for the parking is like a big—a
10 big effect for everybody on Washington Square. Like
11 this -like I feel like Westchester Square is a big
12 hub for like conversation, the trains, buses, but the
13 only problem is that everybody that goes there they
14 really just, you know, taking the traffic from the
15 bus. Nobody really stays there to really see what's
16 in their community. So, if we could bring more
17 housing, more parking, that brings a bigger venue to
18 the actual—to actual Washington Hub.

19 CHAIRPERSON MOYA: Thank you. Thank you
20 for your testimony today. We're going to bring up
21 the next panel. Jose Rosado, Brett Schumacher, Eddie
22 Rivera, and Al Garone. (sp?) [pause] Garoney. (sp?)
23 [pause] So, we have Jose. [background comments]
24 Oh, Jose. Yeah. Jose, Brett Eddie and Al. Yes?

2 Okay. So, Jose, we can start with you. [off mic]

3 Al. [on mic]

4 JOSE ROSADO: Jose Rosado. I'm a
5 veteran, I'm a senior, [laughs] and I hear what
6 people are talking about, and it makes a lot of
7 sense, but I just opened up a restaurant right on the
8 Square, 123 Washington Square with China residents,
9 Chinese and Latin, and I'm very happy to be there.
10 So, a great area, but it's going to get better with-
11 with the project, you know. So, I'm-I'm here to try
12 to get a loan. Thank you.

13 BRETT SCHUMACHER: I'm Brett Schumacher,
14 General Manager of Metro Optics in the Square.
15 There's been a lot of things going and-and said both
16 ways. One of the main points has been the parking,
17 and traffic for emergency vehicles and everything
18 where I feel the-the parking lot that this would
19 include would actually help traffic on both sides
20 rather than hinder it. Instead of having double and
21 triple parking along our main streets, we can have
22 more free-flowing traffic. It's also again more
23 affordable housing for employees for consumers that
24 will help grow businesses in the area that produce
25 more jobs and have more people from the surrounding

2 areas want to come to our community, which should be
3 an aim. Also, the area right now is derelict. Having
4 anything to make it look nicer and make it more
5 inviting should be a positive. Also with respect to
6 senior housing and/or and veterans, we also have to
7 look towards the future of the Bronx, and not just
8 towards the past, and with the schools and over 100
9 first-143% I think Council Member, probably should
10 have been addressed before now. Thank you.

11 CHAIRPERSON MOYA: Make sure that your
12 microphone is turned on.

13 AL VARONI: How is everything? I'm a
14 resident on Blondell Avenue and former business over
15 on the square.

16 CHAIRPERSON MOYA: Can you just state
17 your name?

18 AL VARONI: Al Varoni. I'm very proud for
19 the project. Westchester Square has been long
20 forgotten. It's a great thing for the community,
21 affordable housing, more foot traffic, no more
22 illegal dumping on Blondell and Fink, no more
23 desolate in the evening where you're afraid to walk
24 down the block and getting mugged. Lighting up the
25 neighborhood is a beautiful things. I hear people

2 saying, Well, it's too tall. I mean let's go
3 shorter. I mean isn't New York known for it's tall-
4 tall buildings? On the back side you see the-the
5 thing is all the train tracks. The front is all
6 warehouses. I mean you're not really doing much.
7 What you want to do is bring people. By having more
8 units in the building, you're bringing more people.
9 By having less units, you're bringing less people.
10 Isn't it that we want more people in the neighborhood
11 for it to go up for everyone? That's all I have to
12 say. I really support the project, and wish
13 everything goes great. Thanks.

14 CHAIRPERSON MOYA: Thank you. Thank you
15 for your testimony.

16 EDDIE RIVERA: Hi. My name is Eddie
17 Rivera. I'm a Manager at the Bruce Mobile Store on
18 Westchester Square, and-and Westchester Square and
19 looking at the pros and cons of the project, I think
20 that going forward with the project it will bring a
21 lot of foot traffic-for traffic into the community,
22 affordable housing for the senior citizens, parking,
23 and clean up the neighborhood because if you know the
24 neighborhood, and you drive by the neighborhood,
25 it's-it's really run down, tow trucks all over the

2 place. It's an automotive-sort of like if you need a
3 flat tire, that's where you go. This will clean up
4 the neighborhood, line up the neighborhood, and I
5 think it's a-it will be a great addition to
6 Westchester Square.

7 CHAIRPERSON MOYA: Thank you. Thank you
8 all for your testimony today. Thank you for being
9 here. I want to call up the next panel. Ron Clarke,
10 George Guyan, (sp?) Deborah Ann Jaffe, and is it
11 Charles Suss? Charles-it looks like S-O- is there a
12 Charles in the house?

13 CHARLES: [off mic] I'm not going to
14 speak. I really thought about it, though, but I
15 didn't want to cause any problems. (sic)

16 CHAIRPERSON MOYA: Got it.

17 RON CLARKE: Right here, this mic? (sic)

18 CHAIRPERSON MOYA: Just state your name
19 and make sure that the microphone is turned on, and--

20 RON CLARKE: The red light yes. Hello.

21 CHAIRPERSON MOYA: Good.

22 RON CLARKE: Yes. My name is Ron Clarke.
23 I'm the owner of Clarke & Son Signs on the Square,
24 and I was sitting here and I was-this is all new to
25 me, and I was listening to the panel that was up here

2 prior to me that's proposing the projects, okay, and
3 I said to myself like-like this community now has
4 not-they have not addressed the parking. They not
5 have addressed the school situation, they not have
6 addressed the senior situation. Everything that you
7 guys have-that they has proposed, has not been
8 addressed in this community, and now we get a builder
9 or-that's coming here to try to improve the district,
10 and I'm seeing like the seniors they give some
11 feedback behind-some negative feedback behind it and
12 everything they're trying to do is positive. Every
13 question that you guys proposed to them they have
14 given you a yes answer for except maybe trying to
15 reduce the size of this building. Now, I know myself
16 if I was a person that was building a project like
17 this, and I know I needed to be able to at least try
18 to find a way to be able to be financially successful
19 in this, right, and reducing this project is going to
20 affect me. What else do I go? Why are you putting
21 me in a position to say scratch the whole project.
22 So, there was like 12 things that you all said to
23 them, and they had a yes to a lot of those answers,
24 and they were very-a little bit shaky on the last
25 one. I don't think that because they don't fulfill

2 total all the needs that the community may way is a
3 reason for them to for-is a reason for us to say we
4 shouldn't accept this project. This is a beautiful
5 building. It's a real modernized building. It's
6 going to bring a lot of joy and laughter and happiness
7 to the community. We don't have nothing like that in
8 the Square, and I'm looking at you because I'm saying
9 my goodness, what a-what a lovely project it can be
10 for us to be able to have to be able to fulfill the
11 needs. I mean then wouldn't you address the school
12 situation? Wouldn't you address the parking
13 situation? It wasn't just a senior situation. What
14 more do you want them to do to order to build a
15 project. That anyone who wants to point to this
16 situation, I'm quite sure we feel the same way about
17 it. So, I'm here to-to say that I'm totally in favor
18 of having this project done, and I'm ashamed to know
19 that these issues and this cabooty (sic) has not
20 [bell] been addressed already. That we need somebody
21 else to come into our community to address these
22 situations that's happening.

23 CHAIRPERSON MOYA: Well, just one thought
24 again on that. We also want to make sure that--

25 RON CLARKE: Thank you.

2 CHAIRPERSON MOYA: --local hires are a
3 priority, which is something that has not been
4 addressed yet. So, it's something that we will
5 continue to pressure before we do anything. Thank
6 you.

7 DEBORAH ANN JAFFE: Good morning. My
8 named is Deborah Ann Jaffe, and I would like to thank
9 you for having me speak. The project seems very
10 interesting, and we're hearing a lot of positive
11 feedback from the developers. However, we have to go
12 back to our past because if we don't deal with our
13 past there is no future. There is no senior housing
14 anywhere in the district. They either go to go
15 assisted living or they move out of the neighborhood.
16 To put half the building to senior housing would be
17 great. As for the young people, it would also be
18 great to put the other half of the building for the
19 future. You have to do things intergenerational.
20 You have to keep the old with the new. Otherwise, our
21 future is doomed. The building is bit. There's no
22 doubt about it. Is it going to stand out? Yes. it
23 is, but I as a woman who has lived in this
24 neighborhood for 57 years would not walk down that
25 street at any time of the day or night. So, I feel

2 the developers are doing a good thing. However, we
3 really need to push senior housing that's affordable.
4 As far as the parking goes, it's great because the
5 store owners are losing a fortune because people
6 cannot and park. However the parking needs to be
7 affordable as well. As far as a school in that's
8 great, but what about putting in a senior center?
9 What about putting in a medical facility that seniors
10 can go right downstairs? There's a lot of
11 possibilities and I think you need to keep the
12 communication open. Councilman Gjonaj, I know you're
13 on this and on behalf of 750 seniors that live in
14 your district, we are begging you to deal with these
15 developers and have senior housing as well. Thank
16 you very much.

17 CHAIRPERSON MOYA: Thank you.

18 GEORGE CALLIE: Mr. Chair, thank you for
19 having me here. My name is George Callie. I'm a
20 resident of the area, a constituent of Mark Gjonaj.
21 I applaud his statements here today. I do want to
22 start with due respect by thanking you and the
23 Council for the tax, the host that I pay for the two
24 minutes that you're recording after and hour and a
25 half ride here, and all of the listening that I had

1 to do and the kind of dibble that came out of the one
2 man on the end saying there was no impact on our
3 school, and that they're not in this room any more
4 speaks volumes to me, and I came to support this, but
5 I think there's something to be said about the
6 demeanor of the people that we're dealing with. So,
7 let's not feel bad, sir, that we are demanding things
8 for our community, and the things that we are demand
9 for our community here today, if you will, are the
10 same things I echo the councilman's requests. We
11 could talk about that six-story, 9-story situation if
12 100% of that is going to be senior and veterans
13 because those are people that are being pushed out of
14 our community that built our community. Clarke is
15 100% correct about that, and we could talk about
16 that—that 9 floors, but that's a negotiable. That's
17 what business is. They're going to tell you they
18 can't make a profit, but we're going to say these are
19 our needs as a community. Let's not lose track of
20 that. Let's not—let's not lose track of what
21 congestion is all about when he said that he did the
22 traffic studies and there will be zero impact. That's
23 the same zero impact that our schools are going to
24 have. So, no. We're going to negotiate hard with
25

2 this crew. We're going to require as in return for
3 this development to go forward from our community we
4 want it to be to be elderly. We want it to be
5 veterans. We want it to be affordable. We want—I
6 think I even want that school down there as well in
7 that retail space, and then we can—we can back off of
8 that in some measure, but we start with that as our
9 position. That's our position and I think our
10 Councilman has our back. Thank you for that, and we
11 have your back. [bell]

12 CHAIRPERSON MOYA: Thank you. Thank you
13 for your testimony today. Thank your. The next
14 panel we have Dorothy Kanick. (sp?)

15 DOROTHY KANICKY: [off mic] Kanicky

16 CHAIRPERSON MOYA: Kanicky?

17 DOROTHY KANICKY: Yes.

18 CHAIRPERSON MOYA: Carl Anderson, and
19 Yennie Hernandez. [background comments/[pause]

20 CHAIRPERSON MOYA: Say when, Dorothy
21 Kanicky.

22 DOROTHY KANICKY: Dorothy Kanicky.
23 Westchester Square's Zerega Improvement Organization.
24 I'm a real live community person, third generation of
25 being in the neighborhood. So you're going to hear a

2 different perspective opposed to the zoning.

3 However, I'm a realistic Bronx kid. Okay. Number 1,

4 we do have senior housing on Parker Street in

5 conjunction with Project Rain. We also have

6 affordable housing on Westchester Avenue. We are not

7 opposed to affordable housing. However, those other

8 things—those two other buildings are within the

9 context of the neighborhood. This is over-sized

10 project for a very narrow block. We believe in

11 affordable housing, but don't believe in warehousing,

12 and part of this—I'll quote. I'm going off a little

13 on a tangent. First of all, developer said this

14 project has been in the works for eight years. We

15 only heard about it about three months ago. Community

16 Board 10 and 11 voted it down. John Bonizio and the

17 Westchester Square BID are not our elected officials.

18 They do not represent the community. Ironically, the

19 merchants on Blondell Avenue are not even in the

20 Westchester Square BID. How about that for an

21 interesting point. So, we feel if you're doing to

22 approve the zoning change, scale it back. I'm going

23 to quote a Columbia University professor named

24 Professor Plunz P-L-U-N-Z. He believes in housing,

25 but he also believes that you have to maintain a

2 community. These out-sized over-scaled buildings
3 will not recreate that since the community that we
4 old-timers have always felt that our neighborhood,
5 it's been a mixed-income neighborhood all my life,
6 but the housing is five to six-stories high,
7 courtyards in between. This is just a monolithic
8 structure. The census community that we know and
9 love is not old fashioned believe me when I say that.
10 So, our objection is to at this point change the
11 zoning, fine, but what the developer said about a
12 school, I'm a retired New York City school teacher.
13 No school would be able to fit there. [bell] Take it
14 away? Oh, oh, I still-okay. So, I'm opposed to it,
15 but with scaling it down if these guys cared about
16 affordable housing, they'd take a cut in few bucks,
17 and I realize they have to pay for remediation
18 because it's brownstone and number two FEMA has it as
19 a flood zone.

20 CARL ANDERSON: Okay. I'm Carl Anderson.
21 I'm a resident on Blondell Avenue. I'm also a
22 physician, and first of all, I wanted to, you know,
23 say I appreciate your-your comments, Councilman
24 Gjonaj. You're listening to us. We spoke with you.
25 We appreciate your listening to us. I'm-I'm speaking

1 in opposition to this proposed rezoning application.
2 Zoning was previously reviewed and revised for this
3 community in 2006, and this—this street was kept at
4 M1-1, and immediately across from this project it's
5 still M1-1. I—I looked at the map on the other side
6 of the street. Community boards and 10 have already
7 voted down this change. This area already has a very
8 large area zone for commercial and residential and
9 much area zoned—a much smaller area is zoned M1-1,
10 and I think Blondell Avenue is ideally suited to M1-
11 1. It's a bad (sic) very street, and I think there's
12 people that say it's derelict or it's dangerous. I
13 just don't feel that that's the way it is. It
14 contains low-rise commercial buildings and residents.
15 New businesses are being added all the time. There's
16 a business making custom T-shirts, a glass and mirror
17 business an electrical contractor, fire sprinkler
18 company a modest three-story apartment building,
19 private homes, a business providing services for
20 people with developmental disabilities, a foreign
21 office cleaning service, a number of automotive
22 businesses, and these businesses provide good jobs.
23 So, I—I think this—this proposal of this 9-story
24 building is just much too large for this
25

1 neighborhood. I'm concerned about over-congestion.
2 It's a narrow busing street, there really is a
3 concern about ambulances getting to the hospitals.
4 This a key-key way of-of getting there. We're
5 concerned about parking. We all need-understand the
6 need for affordable housing but an outsized
7 development like this is not the way to
8 accomplishment-accomplish it. There's other areas,
9 there's other places in the area where you could put
10 this that would be more appropriate. I think that
11 zoning changes have to be considered for the whole
12 community, and not just change for-in a particular
13 area because a developer wants that request. So, I
14 recommend that it keep the classification of M1-1,
15 and consider [bell] zoning for the whole area before
16 making changes. Thank you very much.

18 DANNY HERNANDEZ: Good morning Chair Moya
19 and member of the commission. My name is Danny
20 Hernandez. I am-have been a member of 32BJ for 12
21 years. I am here today on behalf of my union, and as
22 a Bronx resident, to share our concern regarding the
23 proposed development Bronx Commons. As you know,
24 32BJ supports the development of affordable housing.
25 We also believe that developers should commit to

2 providing good jobs that pay the area's standing
3 building service jobs in all the bill and more safe
4 economy in the New York City. Blondell Equities, LLC
5 and affiliate of Extra Capital Hardship (sic) to make
6 a credible commitment to go through the industry
7 standard jobs for build-for building service once the
8 project is complete. I have lived I affordable
9 housing in the Bronx for 18 years. I know how
10 important it is for worker to make good industry
11 standards. My job changed my life. My job made me
12 feel safe and secure because I can pay my bills
13 without worries. I don't have to worry about
14 healthcare. I can give my son a good life with this
15 security. All families deserve this. A project like
16 this with-which will have unit targets and 90% or
17 more of the AMI buy for now with the taxpayer money
18 should create good jobs for the local community.
19 Affordable housing is supposed to help lift up
20 community like mine, and not one behind. Working
21 families in the Bronx like mine deserve housing and
22 jobs that allow [bell] that one live with dignity and
23 security. We need good job because they help you
24 remain in all communities. We have been in
25 conversation with a stack of orders and projects and

2 we hope that it does have the good jobs. We are
3 calling on the city to work with the developer to
4 ensure good go industry standard for worker at the
5 projects before it is approved. Thank you

6 CHAIRPERSON MOYA: Thank you for coming
7 to testify here this morning. [background comments]
8 Calling up the last panel We have Lou Rocco, and
9 Aggie Chio Semintelli. [pause] You can--yeah, make
10 sure that the microphone is on.

11 LOU ROCCO: The mic is on.

12 CHAIRPERSON MOYA: Okay.

13 LOU ROCCO: My name is Lou Rocco. I'm
14 the president of Westchester Square Civic, a long-
15 time resident and, and I was retired from 32BJ. I
16 spent 10 years. So, I know their plight of trying to
17 get good jobs and trying to get these people working
18 in buildings and have quality maintenance in these
19 buildings, which when I hear developers and all they
20 say is that they're trying to get cheap inexpensive
21 people to maintain these buildings if they ever get
22 built. To begin with, I am totally against this type
23 of building. I'm totally against the placement of
24 this building, what they're going to do to stop
25 warehousing people. We are supposed to be in the new

1 century where you give them quality housing. The
2 problem is Westchester Square with the parking can be
3 resolved. When I see community boards approve taking
4 away spots in Westchester Square, it's deplorable.
5 We had members from St. Peters Church come, and they
6 cleaned up a part of St. Peter's Church which gave
7 them ten cars of parking on the street. Personally,
8 I have take 28 vehicles that shouldn't have been on
9 the street. We need enforcement. I applaud the
10 traffic agents for making the traffic move, and we
11 need more input into the community. Councilman
12 Gjonaj, I wished I was invited to your meeting on
13 Saturday. You know, I would have put my family
14 situations aside to make it because I feel strongly
15 that such communities should survive. Our community
16 has been advocating for schools. We do not have a
17 school, and all these problems compound, which if we
18 had these issues resolved, we would all work
19 together. Our business district is failing. Mom and
20 pop stores need to thrive, not big businesses where
21 you go and buy \$300 sneakers. I will never afford
22 \$300 sneakers. [bell] I am totally against this
23 project. I hope that the City Council votes it down.
24

2 Thank your time and I want to be very respectful that
3 the Council members and-

4 CHAIRPERSON MOYA: [interposing] Thank
5 you so much.

6 LOU ROCCO: --and we're gone from that.
7 Thank you.

8 CHAIRPERSON MOYA: Thank you so much for
9 your testimony. [coughs]

10 CHIA SEMINTELLI: Chia Semintelli. Thank
11 you Mr. Chairman. Has my time begun? Yep, yeah,
12 thank you, sir. This is—I participated five meetings.
13 This will be sixth meeting, Community Board 10,
14 Community Board 11. Obviously there were both boards
15 turned it down and voted against it, disapproved this
16 project, and but and you heard a lot of the talk
17 already, but I want to talk about Mr. Gjonaj. I want
18 to talk about our Councilmen. I want to talk about
19 the unethical approach to this situation that he's
20 taken. He's taken a very low road to—

21 CHAIRPERSON MOYA: [interposing] Let's—
22 let's stay on topic.

23 CHIA SEMINTELLI: Well, I—this is part of
24 the process.

25 CHAIRPERSON MOYA: Right.

2 CHIA SEMINTELLI: It's part of the
3 process because--

4 CHAIRPERSON MOYA: [interposing] To say
5 that someone is unethical is-is-is not what we do
6 here. If you have the project itself, that's fine.

7 CHIA SEMINTELLI: Well, we do, but--

8 CHAIRPERSON MOYA: [interposing] Stick to
9 the project, but again, please refrain from saying
10 anything like that to a member who's been here, who
11 is actually sitting at this committee listening to
12 you, answering the questions. Let's be respectful,
13 please.

14 CHIA SEMINTELLI: Well, this project was
15 brought to this area by Assemblyman Gjonaj two years
16 ago, brought this developer to Community Board 11,
17 and then Jimmy Vacca prior Councilman disapproved
18 this project, did not support this project for over
19 10 years. Only when Mr. Gjonaj revived it with this
20 developer, we have this city here. We have this-this
21 project that you cannot open windows. You cannot
22 open a--they call it exclusive housing that projected
23 this. Meantime, you came up with your windows and so
24 it's warehousing of people, and the Councilman went
25 and intimidated our community boards. Both community

2 boards telling them that there is a narrative this
3 false narrative that the Boogeyman that the city has
4 targeted Community Board 11, and they're going to put
5 a homeless hotel. This is this Boogeyman concept,
6 homeless hotel in this project [bell] unless we
7 approve it. This is what's unethical. He went to two
8 community boards, sir, after they took their vote,
9 two community boards and said the same thing false
10 narrative, and he should be ashamed of himself--

11 CHAIRPERSON MOYA: [interposing] Thank
12 you.

13 CHIA SEMINTELLI: --and this is--he is a
14 bully when a--

15 CHAIRPERSON MOYA: [interposing] Thank
16 your for your testimony.

17 CHIA SEMINTELLI:--when the power of
18 assemblage. When the councilman speaks--

19 CHAIRPERSON MOYA: [interposing] Sir.

20 CHIA SEMINTELLI: --he becomes a becomes a
21 bully.

22 CHAIRPERSON MOYA: Thank you. Thank you
23 for your testimony.

24 CHIA SEMINTELLI: Thank you, sir.

2 CHAIRPERSON MOYA: Thank you for your
3 testimony. Thank you. We have—we have--

4 CHIA SEMITELLI: [interposing] And I'll
5 send you the pleading.

6 CHAIRPERSON MOYA: We--we have been
7 joined by—we have been joined by Council Member
8 Richards. Counsel, please take his vote.

9 LEGAL COUNSEL:

10 COUNCIL MEMBER RICHARDS: On a continuing
11 vote, Councilman Richards.

12 COUNCIL MEMBER RICHARDS: Aye on all.

13 CHAIRPERSON MOYA: Thank you.

14 LEGAL COUNSEL: By a vote of 8 in the
15 affirmative, 0 in opposition, 0 abstentions, the Land
16 Use items are approved and recommended—referred to
17 the full Land Use Committee.

18 CHAIRPERSON MOYA: Are there any other
19 members of the public who wish to testify? Seeing
20 none, I now close the public hearing this
21 application, and it will be laid over. This
22 concludes today's meeting and I would like to thank
23 the members of the public, my colleagues, and, of
24 course, the Council Land Use staff for all the great
25 work that they do each and every time we have these

2 hearings. Thank you. This meeting is hereby

3 adjourned. [gavel]

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C E R T I F I C A T E

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



Date April 19, 2019