

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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September 24, 2020
Start: 10:13 a.m.
Recess: 12:07 p.m.

HELD AT: Remote Hearing - Virtual Room 3

B E F O R E: Francis P. Moya
Chairperson

COUNCIL MEMBERS: Francis P. Moya
Barry S. Grodenchik
Rory I. Lancman
Stephen T. Levin
Antonio Reynoso
Donovan J. Richards
Carlina Rivera
Alicka Ampry-Samuel
Kalman Yeger

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

Lin Zeng
Director of Brooklyn Planning
Department of Housing Preservation and
Development

Rella Fogliano

Stacy Wong
Architect

Bill Wilkins

Joe Appacella

Ted Robottom
Real Estate Equities Corporation

Brad Hoylman
New York State Senator

Harry Bovins

Katherine Schoonover

John Center

Susie Schrock

Tom Burchard

Katherine Wolpe

Mary Fran Loftus

Kathleen Wakeham

Laura Sewell

Trevor Stuart

Anita Isola

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3 SERGEANT AT ARMS: Good morning,
4 everyone, and welcome to today's remote New York City
5 Council hearing of the Subcommittee on Zoning and
6 Franchises. At this time would all panelists please
7 turn on their video. Once again, if all panelists
8 could please turn on their video. Thank you. To
9 minimize disruption, please place all electronic
10 devices on vibrate or silent mode. If you wish to
11 submit testimony you may do so at
12 landusetestimony@council.nyc.gov. Again, that is
13 landusetestimony@council.nyc.gov. Chair Moya, we are
14 ready to begin.

15 CHAIRPERSON MOYA: Thank you. Thank you,
16 John. [gavel] Ah, good morning. I'm Council Member
17 Francisco Moya, chair of the Subcommittee on Zoning
18 and Franchises. I am joined today remotely by
19 Council Members Rivera, Grodenchik, ah, Levin,
20 Lancman. We're also joined by, ah, members Ampry-
21 Samuel and, ah, Yeger. As a preliminary point of
22 information, I would like to note that LU 658 for the
23 50 Old Fulton Street proposal is being laid over.
24 Today we will vote on a rezoning proposal for which
25 the subcommittee held a public hearing on September,

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2 and we also hold public hearings on zoning proposals
3 with the special permit application. Ah, but before
4 we begin, ah, I recognize the subcommittee counsel to
5 review the remote hearing procedures. I'd like to
6 turn it over to our counsel.

7 COMMITTEE COUNSEL: Thank you, Chair

8 Moya. I am Arthur Ha, counsel to this subcommittee.

9 Members of the public wishing to testify were asked

10 to register for today's hearings. So if you wish to

11 testify and have not already registered, we ask that

12 you please do so now at the council's website,

13 www.council.nyc.gov, by now. Members of the public

14 may view a live stream broadcast of this meeting at

15 the New York City Council website. When called to

16 testify, individuals appearing before the

17 subcommittee will remain muted until recognized by

18 the chair to speak. Applicant panels will be

19 recognized as a group and called first. Members of

20 the public will be called and recognized one at a

21 time. When the chair recognizes you your microphone

22 will be unmuted. Please take a moment to check your

23 device and confirm that your microphone is on before

24 you begin speaking. Now I will remind all

25 participants that there is some delay in the process

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of unmuting. Public testimony will be limited to two minutes per witness. If you have additional testimony you would like the subcommittee to consider or if you have written testimony you would like to submit instead of appearing here before the subcommittee, you may email it to landusetestimony@council.nyc.gov. Please indicate the LU number and/or project name in the subject line of your email. During the hearing council members with questions should use the Zoom raise hand function. A raise hand button should appear at the bottom of your participant panel. Council members with questions will be announced in order as they raise their hands and Chair Moya will then recognize members to speak. Witnesses are reminded to remain in the meeting until they are excused by the chair as council members may have questions. Finally, there will be pauses over the course of this meeting for various technical reasons and we ask that you please be patient as we work through any issues. Chair Moya will now continue with today's agenda items. Chair, excuse me, Chair Moya, you are muted.

24 CHAIRPERSON MOYA: My apologies. Thank
25 you, thank you for that, Arthur. Ah, I want to

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acknowledge that we've been joined by, ah, Council Member Reynoso, um, and with that, today we will be voting to approve LUs, ah, 678 and 678, for the 5914 Bay Parkway rezoning related to property in Council Member Yeger's district. The application seeks a rezoning map amendment to change an R5 district to an R6-C24 disease and a zoning text amendment to map a mandatory inclusionary housing area on the east side of Bay Parkway between 59th and 60th Street with MIA option 1, 2, and the work force option. The proposal would facilitate the development of a nine-story mixed use building with ground floor retail, community facilities, and residential use. The Council Member, ah, Yeger is in support of this project and I now call for a vote to approve LUs 678 and 679. Ah, Counsel, if you would please, ah, call the roll.

19 COMMITTEE COUNSEL: Chair Moya.

20 CHAIRPERSON MOYA: I vote aye.

21 COMMITTEE COUNSEL: Council Member Levin.

22 COUNCIL MEMBER LEVIN: I vote aye.

23 COMMITTEE COUNSEL: Council Member
24 Lancman.

25 COUNCIL MEMBER LANCMAN: Aye.

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2 COMMITTEE COUNSEL: Council Member
3 Reynoso.

4 COUNCIL MEMBER REYNOSO: Permission to
5 explain my vote?

6 CHAIRPERSON MOYA: Permission granted.

7 COUNCIL MEMBER REYNOSO: Ah, I just want
8 to say that what we're voting on with this
9 application, um, speaks to the issue we have with
10 ULURP, ah, and the need to change it significantly.
11 Ah, while we were, had members of the City Council,
12 ah, thinking about voting for a project that was, ah,
13 prioritized by developers in Industry City, in this
14 one case, ah, no one's talking about member deference
15 when it comes to the building of unaffordable housing
16 in parts of, ah, in parts of the city, where it's,
17 ah, greatly needed. We are in a housing crisis. It
18 is a housing crisis. Especially members in black and
19 brown districts that have beared the burden of having
20 to build all the affordable housing, almost
21 exclusively in those districts, approving this
22 application is saying that the affordable housing
23 being built in the district exclusively is exactly
24 the way we want to continue to do this work.
25 Segregation, um, in this city is something that we

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2 want to continue to do, and I can't in good conscious
3 vote for a project that is getting a one-bedroom
4 apartment for \$2500, and that that is considered
5 affordable. This developer is getting a parking
6 increase, 2500, um, dollars' worth of rent. I don't
7 know where, if any, there is, a, a give-back to the
8 city for allowing this rezoning to happen. Um, so
9 while I respect what members are doing in their own
10 communities in this, in these cases this is about the
11 greater good. It isn't about an individual member.
12 It isn't about an individual district. So because
13 the work force option is being used here I'm going to
14 have to vote no.

15 COMMITTEE COUNSEL: Council Member

16 || Grodenschik.

17 COUNCIL MEMBER GRODENCHIK: Aye.

18 COMMITTEE COUNSEL: Council Member
19 Rivera.

20 COUNCIL MEMBER RIVERA: Aye.

21 COMMITTEE COUNSEL: Ah, currently the
22 vote stands at 5 in the affirmative, 1 in the
23 negative, and no abstentions. The vote will remain
24 open.

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2 CHAIRPERSON MOYA: Thank you, ah,
3 Counsel. Um, I now, ah, open the public hearing on
4 LUs 682 through 685 for the 1510 Broadway rezoning
5 relating property in Council Member Ampry-Samuel's
6 district in Brooklyn. The application by the New
7 York City Department of Housing Preservation and
8 Development seeks approval of a set of related land
9 use actions, including Urban Development Action Area
10 Project designation and disposition approval,
11 acquisition of a portion of the development site by
12 the city, a zoning map amendment to change an R6-C13
13 district to an R71-C24 district, and a zoning text
14 amendment to map a mandatory inclusionary housing
15 area utilizing options 1 and 2. Ah, together these
16 actions would facilitate the construction of a new
17 eight-story building with approximately 107 units of
18 affordable housing and approximately 9000 square feet
19 of ground floor commercial space. Ah, I want to now
20 recognize, ah, Council Member Ampry-Samuels to offer,
21 ah, her remarks, ah, on this project. Council
22 Member.

23 COUNCIL MEMBER AMPRY-SAMUEL: Good
24 morning, everyone, and thank you, Chair Moya, for the
25 opportunity. Um, I've met with this developer, um,

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2 and HPD on several occasions and I am actually proud
3 to be supportive of this development. It sits right
4 there on the Broadway side of my district, which is
5 the northern part of my district, where we seeing a
6 lot of development and changes in the community, and
7 this will allow an opportunity for real affordable
8 housing. And I also want to say that I appreciate
9 the thoughtfulness in the design of the building and
10 the materials used, and even the concept of
11 eventually, um, being able to work with MTA for a
12 possible elevator because of the increase in, um, the
13 population size in that area and the need for an
14 elevator, period, on that subway line. So, um, I am
15 in support. Um, there was a lot of community, um,
16 input and engagement, and I look forward to updates,
17 if there are any, during these presentation, and I do
18 have a few questions after. So thank you so much for
19 the time.

20 CHAIRPERSON MOYA: Thank you,
21 Councilwoman. Ah, Counsel, if you could please call
22 the first panel, ah, for this item.

23 COMMITTEE COUNSEL: The applicant panel
24 for this item will include Lin Zeng of HPD, Rella
25 Foqliano, appearing on behalf of the sponsor of

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2 requesting companies, and Stacy Wong, principle
3 architect for the project. Also available for
4 questions and answers as needed are Erin Buchanan for
5 HPD and Joe Appacella, Ron Schulman, and Bill
6 Wilkins for the development team. Panelists, if you
7 have not already done so please accept the unmute
8 request in order to speak.

9 CHAIRPERSON MOYA: Counsel, if you could
10 please administer the affirmation.

11 COMMITTEE COUNSEL: Panelists, please
12 raise your right hands. Do you affirm the tell the
13 truth, the whole truth, and nothing but the truth in
14 your testimony before this subcommittee and an answer
15 to all, ah, Council Member questions?

16 UNIDENTIFIED: I do.

17 UNIDENTIFIED: Yes.

18 UNIDENTIFIED: I do.

19 CHAIRPERSON MOYA: Thank you. And, ah,
20 we are now in receipt of your slideshow presentation,
21 ah, for this proposal. Ah, when you're ready to
22 present the slideshow it will be displayed on the
23 screen. The presentation will be advanced, ah, by
24 the next slide when you say next, and please note
25 that there might be a slight delay, ah, as the

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2 presentation is loaded as well as for the, ah,
3 advancing slides. And finally, before we begin, ah,
4 just please just state your name, ah, and affirmation
5 once again for the record, um, and you may begin.

6 Thank you.

7 LIN ZENG: Um, thank you, Arthur. Thank
8 you, Council Member. My name is Lin Zeng. I'm
9 director of Brooklyn Planning at the Department of
10 Housing Preservation and Development. Land use
11 numbers 682 through 685 are related to ULURP actions
12 for a project known as 1510 Broadway in Brooklyn
13 Council District 41. The project area includes one
14 city-owned vacant lot located at block 1489, Lot 11,
15 and one privately one lots, um, on lot 1. The ULURP
16 actions before the City Council involve Urban
17 Development Action Area Projects, known as UDAAP,
18 designation project approval, disposition of city-
19 owned land, acquisition approval as well as a zoning
20 map and zoning text amendments establishing mandatory
21 inclusion area housing area. More specifically, land
22 use number 682 is related to a zoning text amending,
23 amendment, allowing for the establishment of an MIH
24 area under options 1 and 2. This will allow for the
25 proposed construction of approximately 27 permanently

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2 affordable housing units under MIH option 1. Land
3 use number 683 seeks approval for the city to
4 reacquire a portion of block 1489, lot 11, which will
5 be reserved for the MTA to add a future ADA
6 accessible elevator. That's in connection to the
7 adjacent Halsey Street subway station. Land use
8 number 685 is related to the land use item seeking to
9 amend the zoning map by amending the existing R6 with
10 C13 commercial overlay, instead mapping an R71 and
11 C24 commercial overlay. This action will allow for
12 the construction of one eight-story, entirely
13 affordable housing building with approximately 107
14 units, plus one unit for a super, and approximately
15 9793 square feet of ground floor commercial space.
16 Land use number 684 is related to the proposed
17 project that would be developed under HPD's Extremely
18 Low- and low affordability Low-Income Program, known
19 as ELLA. The ELLA program provides to create rental
20 housing to low-income families with a range of
21 incomes from 30% to 80% of the area median income.
22 Projects may include a portion of the units with
23 rents affordable to households earning up to 100%
24 AMI. Projects also include units rented to formerly
25 homeless [inaudible] individuals. The development

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2 site located at 1510 Broadway will be developed by a
3 sponsor selected through a competitive process geared
4 towards certified M/WBE organizations. The proposed,
5 the proposal includes the construction of an eight-
6 story mixed use building with 107 rental units, plus
7 a super's unit. Under MIH option 1, 25% of the
8 residential floor area must be permanently affordable
9 housing units, um, affordable to households with
10 income at a weighted average of 60% of AMI. Under
11 MIH option 2, 30% of the residential floor area must
12 be permanently affordable housing units affordable to
13 households with incomes at a weighted average of 80%
14 of AMI. Additionally, as per HPD's requirement, an
15 additional 15% of the units will be permanently
16 affordable. Therefore, based on the number of rental
17 units for this project, 16 units will be permanently
18 affordable in addition to the MIH units, for a total
19 of 43 permanently affordable units. The building
20 will comprise a mixture of studios, one-, two-, and
21 three-bedroom apartments. 15% of the unit count will
22 be set aside for homeless households. Targeted
23 incomes will range from up to 30% AMI to 80% AMI,
24 which equates to approximately \$17,307, um, a year in
25 salary to \$88,800, um, dollars. Rents will range

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from \$362 to \$2037, um, dollars, depending on household income and family size. The project also includes approximately 9793 square feet of ground floor retail space. The building will be constructed to meet Enterprise Green and lead standards. Amenities include spaces for residential bicycle storage on the ground floor, laundry facilities, and recreational spaces. Additionally, the project includes reserving space for future construction of an ADA elevator adjacent to the Halsey Street subway entrance. In order to facilitate development of 1510 Broadway and the creation of affordable housing units, HPD is before the council seeking approval of land use numbers 682, 683, 684, and 685. And with that I'm gonna turn this over to Rella Fogliano. She is going to give a brief introduction to the development team and, um, before Stacy Gluck, ah, Stacy Wong from [inaudible] will go over the presentation, um, the visual presentation of the project. Thank you.

22 RELLA FOGLIANO: Thank you, Lin. Good
23 morning. I'm Rella Fogliano, principle of MacQuestan
24 Development. This project was awarded to us in 2017
25 under an M/WBE RFP through the City of New York. I

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2 am, or I should say, MacQuestan is very dedicated to
3 the City of New York in providing affordable housing.
4 We've been doing so since 1992. We're very excited
5 that this day has come. I want to thank all of the
6 council members, but especially Council Member
7 Samuels, who has been supportive of this project and
8 we hope to bring this to fruition and make the
9 community very proud. Ah, in every development that
10 we do we are very much engaged with the community
11 and, ah, again, happy to be here, and thank you. I'm
12 going to turn it over to Stacy Wong. I'm open to
13 questions later on, of course, but, ah, I'm going to
14 open this to Stacy Wong, our architect, to, ah, lead
15 you through all of the essential, ah, aspects of this
16 project. Thank you.

17 STACY WONG: Thanks, Rella. Ah, so I, I
18 don't see the slideshow up, um, I'm not sure if
19 everybody else sees it? Oh, there it goes.

20 CHAIRPERSON MOYA: Coming up, yep.
21 There's going to be a slight delay...

22 STACY WONG: OK, no problem.

23 CHAIRPERSON MOYA: So just say next and,
24 you know, sometimes it will take a few seconds, but.

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2 STACY WONG: OK, thank you very much.

3 Um, my name is Stacy Wong. I'm a principle at Gluck+
4 Architecture, um, the architects for this project.

5 Ah, so we can go to the next slide please. On the
6 screen is a list of requested land use actions that
7 was discussed in the testimony by Lin Zeng. Ah, HPD
8 and DCAS are the applicants, and the application was
9 certified on December 2, 2019. The site was
10 designated to MacQuestan Development, LLC under HPD's
11 M/WBE RFP, representing the city's efforts to build
12 capacity with minority- and women-owned businesses.

13 Next slide. This is an aerial view of the subject
14 vacant city-owned site. It is located within
15 Brooklyn's Community District 16 and borders
16 Community Districts 3 and 4. The surrounding area
17 includes a variety of building types, from low-scale
18 one- and two-family homes to higher-scale 13- and 16-
19 story NYCHA buildings nearby. The site fronts
20 Broadway, which can be characterized as local,
21 commercial, and retail and is adjacent to the J
22 Halsey Street subway station and the elevated JZ
23 subway line that runs along Broadway. Next slide
24 please. And this is a project overview of the
25 proposed development. Approval of the proposed

3 actions will facilitate the development of
4 approximately 107 units of affordable housing,
5 serving low-income families and individuals. It will
6 include ground floor commercial space that will
7 activate vacant city-owned land on a portion of
8 Broadway that has long been overshadowed by the
9 elevated subway. And approval of this project also
10 paves the way for a new building that has been
11 designed to include space restrictive ventilatory
12 defect for future ADA improvement to the adjacent
13 subway station. Next slide please. The development
14 is approximately 116,000 gross square feet, or 98,000
15 zoning square feet over eight floors above grade and
16 a partial cellar. The trapezoidal site, um, shaped
17 site, is bordered by Broadway and the elevated j
18 train along the top of the slide. Jefferson and
19 Saratoga Avenue is on the left and Hancock Street to
20 the right. The site is well served by transit, um,
21 with a bus stop in front of the site, as well as City
22 Bikes across the street. The unit mix is comprised
23 of 7% studios, 44% one-bedrooms, and the remaining
24 48% being two- and three-bedrooms to provide family-
25 sized affordable units for the neighborhood. Next
slide. This ground floor plan has added color to

3 better illustrate the allocation of space. In blue
4 is approximately 10,000 square feet of commercial
5 floor area, located exclusively along Broadway, with
6 approximately 700 square feet of that set aside for
7 local arts and cultural nonprofit organizations. The
8 blue arrows indicate the multiple possible entries to
9 these spaces, which is critical to reinforcing
10 Broadway as the retail and transit corridor for the
11 neighborhood. In purple is the off-street loading
12 berth serving the commercial floor area and it's
13 located midblock on Hancock as far from the street
14 intersection as possible. The remainder of the
15 ground floor space in yellow is allocated to
16 residential floor area, including two residential,
17 um, lobbies, six apartments, and accessory spaces
18 such as indoor resident bike storage. And the red
19 arrows on either corner indicate the two residential
20 entrances at the corners of the site. The ground
21 floor apartments are concentrated along Hancock and
22 Saratoga to remove them as far as possible from the
23 elevated train infrastructure. And the residential
24 street wall of the ground floor has been set back
25 from the property line and will be planted, um, with
vegetation to further buffer those ground floor

3 apartments from the sidewalk. And on the upper
4 right-hand corner of this, ah, of the project you can
5 see a small gray square, um, facing Broadway, and
6 this space is for a future MTA elevator to access the
7 adjacent Halsey Street station platform. And this
8 space will be concealed behind the building façade
9 and inaccessible until such time an elevator can be
10 constructed. No parking is required for the
11 commercial space, nor for affordable units in a
12 transit zone and none, um, no parking is provided.
13 Next slide. This is a view of the project from
14 Broadway. The design incorporates a building set
15 back after the ground floor to provide maximum
16 distance between the elevated train and the
17 residential units on the second through the eighth
18 floors. The goals is to maximize daylight and views
19 for every apartment and avoid apartments directly
20 overlooking the subway platform. This set back also
21 allows for an outdoor courtyard amenity for all
22 residents, which is at the heart of the building. At
23 approximately 7000 square feet the courtyard will
24 include landscaping, pavers, seating, and a
25 children's play area. And the indoor resident
recreation room common laundry room are centrally

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3 located on that second floor adjacent to the
4 courtyard. This building set back also has the added
5 benefit of being visible and distinctive when walking
6 along Broadway, allowing daylight to come down to the
7 sidewalk level and creating a unique sense of place
8 on this city block. The ground floor design
9 incorporates large expanses of glazing, approximately
10 11-foot high, light-colored, brown-faced masonry, and
11 a darker tone signage band and [inaudible] to provide
12 transparency, visual variety, and contrast. And dark
13 sky compliant light fixtures are located along those
14 masonry panels for both a safer pedestrian experience
15 as well as visual interest on the building façade in
16 the evening. Multiple commercial entry points, as
17 well as a signage band along the length of the
18 building, allows for retail tenant space that is
19 open, visible, flexible, and viable for a variety of
20 commercial tenants. Next slide. And this is a view
21 of the building from Saratoga Avenue. The
22 residential entry and lobby are located at the corner
23 at the lower left-hand spot on the immigrant. And
24 the ground floor apartments are all buffered with
25 plantings within that street wall set back. The
overall building and expression is inspired by the

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2 neighborhood context. Although there is a 16-story
3 NYCHA residential tower across the street, and you
4 can see that at the far right of this image, the
5 neighborhood fabric is actually predominantly three-
6 to four-story town homes in multiple colors. Our
7 project used the neighborhood's town home fabric as
8 inspiration and articulated the building massing and
9 façade material treatment to reference the vertical
10 proportions of a town house module. Each town home
11 is clad in a different tone of white and gray, with
12 the exception of a few town homes clad in a brighter
13 color. Next slide. The project will be financed
14 through HPD's ELLA program and will serve households
15 earning between 30% to 80% of AMI, with a 15% set-
16 aside for formerly homeless population. Household
17 annual incomes range from approximately \$7000, um,
18 ah, \$17,000 to \$88,000, and at least 50% of the units
19 will be below 50% AMI. Nearly half of the units will
20 be family size two- and three-bedroom units and, um,
21 the building, um, and the apartments will remain
22 affordable for 60 years. Next slide. MacQuestan
23 Development has partnered with a local development
24 corporation of East New York who has served the east
25 Brooklyn community for over 40 years. The team has a

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2 robust plan for local hiring and M/WBE hiring. They
3 have, um, very strong community outreach and
4 connections that are supported by, um, their
5 partnerships with work force development groups,
6 their large database of local and M/WBE businesses in
7 the building trades, and their commitment also to
8 certifying at least 12 new M/WBE companies per year.
9 The team also has a strong marketing plan to reach
10 local residents as future tenants utilizing their
11 vast network, and as an HPD Housing Ambassador they
12 have deep experience working with people to help them
13 prepare and apply for the affordable housing
14 lotteries. Next slide. And this slide just shows
15 the ULURP timeline, um, ah, based on where we are
16 today, September 24, um, at the City Council hearing,
17 and I think I will, um, open it up to, ah, questions
18 and the other, um, applicant panelists to be able to
19 answer specific and more detailed questions that you
20 may have. Thank you.

RELLA FOGLIANO: Thank you, Stacy.

22 CHAIRPERSON MOYA: Thank you. Um, thank
23 you for the presentation. I'm going to take, ah,
24 just a quick couple of questions before, ah, I turn
25 it over to Council Member Ampry-Samuels and, ah, some

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2 other council members who may have some questions. I
3 just want to get back to, ah, talking about, ah, the
4 elevated, the train that goes by, ah, on Broadway.
5 And you might have mentioned it. I'm sorry if I
6 missed. Is the building being designed, ah, to help,
7 ah, reduce, ah, the noise emissions into the
8 apartments?

9 RELLA FOGLIANO: Stacy?

10 CHAIRPERSON MOYA: You just got to unmute
11 yourself. Yeah, just. Go ahead. You can unmute
12 yourself, Stacy.

13 STACY WONG: OK, great, perfect, thank
14 you. Ah, so, yes, the building is going to be
15 designed to deal with the sounds, um, the sounds from
16 the elevated train. Um, the EAS for the building
17 actually stipulated very specific window and wall
18 noise attenuation criteria for the building. Um, the
19 apartments facing the train actually have a stricter
20 criteria and very specific criteria than the, um,
21 facades, ah, not facing the elevated train. And...

22 CHAIRPERSON MOYA: [inaudible]?

23 STACY WONG: I'm sorry?

24 CHAIRPERSON MOYA: Can you just, what was
25 the criteria you said? I'm sorry.

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2 STACY WONG: Sure. So, um, the EAS
3 stipulated a window wall noise attenuation of 33 dBA
4 for, um, the building facades facing the train and a
5 31 dBA for the facades facing Saratoga and Hancock.
6 And so when we're, um, in essence in order to achieve
7 that we find in, ah, a composite OITC, um, rating
8 for, um, the solid wall, the windows, and the PTAC
9 units combined to make sure that we're meeting that
10 criteria. And so, um, we've worked on a couple of
11 different projects in very close proximity to, um,
12 ah, elevated subway lines and, um, are very
13 comfortable with very specific products for windows,
14 um, that have certain OITC ratings, as well as for
15 the PTACs. Um, there are special sound attenuation
16 packages that can be ordered for these PTAC units,
17 and then the solid wall with these components get,
18 um, analyzed by our acoustic consultant to be able
19 to, um, show that it's meeting the criteria
20 stipulated in the EAS.

21 CHAIRPERSON MOYA: And, um, towards the
22 end of the presentation you were talking about local
23 hires and, and M/WBES. Um, can you describe what the
24 plan for the local hires, ah, is gonna be in

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2 construction and how many local hires would typically
3 be involved in a project like this?

4 STACY WONG: I think I'm gonna pass this
5 on, over to Bill Wilkins, who, um, ah, represents the
6 LDC of [inaudible]. And there he is.

7 CHAIRPERSON MOYA: OK. Hi, Bill.

8 BILL WILKINS: Yes, um, thank you very
9 much for, for the question, Councilman. Um, as it
10 relates to, to local hires we have worked on several
11 development projects in the past and what we try to
12 is a deep dive into the respective ZIP code and use,
13 um, an extensive database of job-ready individuals
14 that we, um, are in contact with different work force
15 developer, actually work force develop providers, um,
16 that have the necessary OSHA training. Um, we try
17 to, um, as comprehensively as possible, use a hyper
18 local approach, um, as it relates to working locally
19 with some of our companies in the building trade and
20 also hiring locally and, more importantly, having
21 residents locally secure these apartments.

22 CHAIRPERSON MOYA: So give me, just like
23 give me an example. You're saying you worked with,
24 with [inaudible], um, give me, give me an example of
25 what, ah, that looked like in different projects.

3 How many local hires were there, and then, if you
4 can, my second question was, ah, how many local hires
would typically be involved in a project like this?

5 BILL WILKINS: Well, um, I'll say, it's,
6 it's a fluid process. It's, it's a little, um,
7 difficult to give you a hard number. But in the
8 past, as far as, um, laborers, we were able to secure
9 about 15 to 20 people. If you include, um, the
10 security detail, then that number increases to 25.
11 Also, it depends upon who you're using as the
12 contractors and the subcontractors because they also
13 hire locally. But it's something, it's something
14 that is very important to us. It's paramount,
15 because, as you know, um, District 16 and Brownsville
16 we have, um, a significant, a very high unemployment
17 rate, so any time there's an employment opportunity
18 we, we looked to, um, source those opportunities with
19 local people.

20 CHAIRPERSON MOYA: And I'm sorry that I'm
21 gonna keep harping on it, but you said 25?

22 BILL WILKINS: I, I know...

23 CHAIRPERSON MOYA: [inaudible] many.

24 BILL WILKINS: Excuse me?

25

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2 CHAIRPERSON MOYA: You said typically you
3 hire 25, you give an example of 25 construction
4 workers, like out of what was the number of
5 construction jobs [inaudible] like that?

6 BILL WILKINS: OK, to answer
7 specifically, there should be about 150 construction
8 jobs. Um, post construction retail there should be
9 20, and then there's three in building services.

10 CHAIRPERSON MOYA: OK. And for, for, so
11 that, is that what you're giving me this number for
12 what the size of this project would be?

13 BILL WILKINS: Yes.

14 CHAIRPERSON MOYA: OK, perfect.

15 BILL WILKINS: And that's the aggregate,
16 yeah.

17 CHAIRPERSON MOYA: OK, so, got it. And
18 then, ah, just like how do we ensure follow-up, ah,
19 and the progress report, ah, on these commitments?

20 BILL WILKINS: Well, the progress report,
21 um, that would be ongoing communications with the
22 Councilwoman and also with District 16, um, that we
23 made representations that we intend on keeping, and
24 we will then periodically be reporting and also
25 asking members for help and guidance as it relates to

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2 security these opportunities. So the process is
3 frontline and our commitment to the community spans
4 over four decades. So [inaudible]

5 CHAIRPERSON MOYA: [inaudible] so thank
6 you. How, how do we go forward?

7 BILL WILKINS: Right.

8 CHAIRPERSON MOYA: I'm sorry, I think I'm
9 echoing a little bit. I just want to make sure, um,
10 there is a actual process here that monitors them so
11 that the council [inaudible], ah, and be there for
12 that. I'm going to figure what's happening with me
13 here, ah, after the last question anyway. I'm going
14 to now turn it over to Council Member, ah, Ampry-
15 Samuels, ah, for her questions. Thank you.

16 BILL WILKINS: You're welcome.

17 COUNCIL MEMBER AMPRY-SAMUEL: Thank you,
18 Chair Moya, for those questions. That was also part
19 of my, um, line of questioning, and it's always
20 related to opportunities for employment, um, on the
21 site, during the process, across all jobs. Um, but I
22 will say that we have a great relationship with Mr.
23 Wilkins, and when I say we I mean, um, myself and the
24 State Assemblywoman and, um, this is for you, Chair
25 Moya. He's always in the hot seat when he's in our

3 offices and so, um, we make sure that, um, things are
4 moving accordingly and so, um, but this is something
5 that's always of great concern for us, um, because
6 historically we'll have developers come in and say
7 what they're going to do and then not do it. You
8 know, there's always some kind of an excuse as to
9 why, um, it's difficult to hire locally, and it's
10 everything from we can't find folks with the proper
11 certifications to licenses and, or they left, and so
12 it's more than just providing, um, folks from our
13 community with a job opportunity, but also all of the
14 soft skill training that goes along with the, to keep
15 the job. Um, um, so with that I'll move on. Um, can
16 you talk a little bit about how you're partnering
17 with any local organizations, um, as the
18 administering agents for the affordable housing units
19 themselves? Um, and I say that because with
20 affordable housing deals we'll see, you know,
21 possibly a list in the newspaper or in Housing
22 Connect, um, and maybe a couple of ads on social
23 media, but that's it, so, and that's never enough.
24 You know, there's always people from someplace else
25 that might be able to qualify for the units and still
move in, and so we want to make sure that the folks

3 from the community are the ones that are not only
4 applying for the apartments, but have the necessary,
5 um, paperwork to be able to complete the process and
6 move in. So can you speak a little bit about how
7 you'll be able to work with the organization to make
8 sure that the people get into the apartments as well?

9 BILL WILKINS: Um, well, thank you very
10 much for, for the question. Um, I think that we have
11 developed a model that really works because, as you
12 know, an asset coming on like this what we don't want
13 is for our local residents to say I didn't know about
14 it. I didn't have any opportunity to go on Housing
15 Connect. So what we do, we have, um, one of our
16 local businesses, um, actually is the marketer and
17 they provide those door hangers. So what we do is we
18 saturate the community with over 20,000 to 30,000
19 announcements and we send it also twice, and we
20 produce probably about 50,000 flyers and we go to
21 local stakeholders, also local electeds, um, and make
22 presentations at the community boards so that
23 everyone knows, because we would like to see the
24 super-saturated not with just 50% of the residents of
25 CB16, but we'd like to see that number even higher.
Even though traditionally when something of this

2 nature goes online, a project of this nature goes
3 online, we'll see about 60,000 to 65,000 responses.
4 But we found it very effective by using this door
5 hangers because they go into our public housing
6 complexes and we do the drop about two or three
7 times. And I will, I will, um, highlight the fact
8 that MacQuestan is allowing us to provide this, this
9 service because it is, of course, well, we find it to
10 be very effective. Other developers sometimes will
11 say no and they'll allude to the methodology that you
12 stated. But this way we have this hyperlocal
13 approach to reaching our local residents.

14 RELLA FOGLIANO: I'd like to add
15 something. Bill, thank you very much, you're so
16 eloquent as always, ah, I also want to, ah, be, ah,
17 forthcoming. We, we do that because we, we are held
18 to doing a lottery, um, but all of the actions that
19 Bill is discussing is talking about with the
20 community we'll be two weeks ahead of the opening of
21 the lottery so that there will be ample time for the
22 residents in the community to be aware. Um, there is
23 also going to be a 50% set-aside so, for community
24 residents, um, and once that's filled that's when we

3 look that's when we look at applicants outside of the
4 community.

5 COUNCIL MEMBER AMPRY-SAMUEL: OK,
6 thanks, just struggling with unmuting myself. Um, so
7 that's great. That outreach is very necessary, you
8 know, of course. Across the street from this
9 development we have, um, family shelters. And then,
10 as you mentioned in your presentation, right next is
11 a NYCHA tower. And so we always hear public housing
12 residents, you know, saying, well, there's this
13 brand-new shiny building being built right next door
14 and I can't get in. And so I appreciate the outreach
15 effort. And my last question is clearly, and I've
16 said this a thousand times in our meetings, um, can
17 you speak a little bit about the commercial space and
18 the community facility uses? Um, the commercial
19 space in particular because this will be ground
20 retail. I know there's a grocery store across the
21 street and I always talk about access to, um, you
22 know, fresh fruits and vegetables, um, but also you
23 know my disdain for 99 cent stores and the fact that
24 Broadway has a thousand 99 cent stores. Um, so can
25 you talk to us a little bit about, um, any potential
tenants for the commercial space and, again, speak a

2 little bit about the community facilities, and then
3 that's it, Chair Moya, for me.

4 RELLA FOGLIANO: Joe Appacella, would you
5 like to speak the that?

6 JOE APPACELLA: Yes, I would. I was just
7 unmuted. Thank you, everyone, and I hope everyone's
8 staying safe and healthy. On the retail, Rella and I
9 have been involved in retail recruitment and
10 marketing for mixed-used projects like this for many
11 years. There's the great complexity of the
12 uncertainty of these times, so we have been working
13 with, ah, the LDC of East New York and Bill to focus
14 first, ah, Council Member, on looking at some banking
15 institutions, because there's a dearth of banking
16 institutions in the area. And Bill will speak in a
17 moment to greater detail to the specific outreach
18 that we have made, not successfully yet. Having said
19 that, we also consider ourselves in the quest to be
20 nimble, something Rella, ah, prides herself on. So
21 we're working with, ah, commercial brokers that have
22 had great success in the area, and we're focusing on
23 things that we think can work today, such as, ah,
24 there's a tremendous need, believe it or not, for
25 birthing centers, ah, with people, ah, pregnant women

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2 hesitant to give birth in hospitals. They're looking
3 for alternative facilities, which is a new, ah, a new
4 opportunity. Childcare, childcare is a tremendous
5 need today with the school scenarios and the like in
6 the era of COVID. So we are working feverishly in
7 order to try to find an appropriate commercial user
8 that's economically viable and also provides a real
9 service to the community and to our new residents and
10 the residents of the area. The City Planning prior
11 to this asked the question, well, we understand the
12 complexity of marketing in this environment. What do
13 we do if we have a protracted vacancy? And what we
14 provided to them was a detailed plan of how we could
15 temporarily engage the community through the LDC of
16 East New York working with Bill Wilkins, ah, to do
17 what we've done elsewhere, which is to have, ah,
18 contests, arts contests, mural contests, to activate
19 that storefront and to make it look viable, ah, in
20 the absence of a tenant, and we would employ in the
21 alternative, as a last resort, to keep the building
22 vibrant and marketable. Bill?

23 BILL WILKINS: OK, thank you, Joe. Yes,
24 and when we were in front of the community board and,
25 and prior to that we did an analysis on Broadway as

2 to what type of retail options [inaudible] on that
3 commercial strip and number one was a banking
4 institution. So Joe and I rolled up our sleeves. We
5 reached out to Bank of America. We reached out to
6 Chase, reached out to TD Bank, and Investors Bank,
7 because some of those entities are rolling out and
8 opening up more branches. Unfortunately, we weren't
9 able to curry the favor that we wanted, but I think
10 it also allows us for an opportunity to revisit those
11 financial institutions because that's what need on
12 Broadway. That would be a coup. This building has
13 really gone to help to anchor and stabilize Broadway
14 from, from its design vantage point and also for the
15 opportunity being so close to, um, an MTA facility,
16 an MTA station. So we'd still really like to see a
17 bank, and we're really gonna keep pushing on that and
18 use whatever methods we can to at least have those
19 conversations as we go forward.

20 COUNCIL MEMBER AMPRY-SAMUEL: Well, thank
21 you so much, um, for the work that you've done thus
22 far, and I look forward to the continued process.
23 Um, Chair Moya, that's all I have.

24 CHAIRPERSON MOYA: Thank you, Council
25 Member. Um, I now want to take this opportunity to

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2 invite my colleagues, ah, to ask, ah, questions, and
3 just as a reminder, ah, if you have questions, ah,
4 for the applicant panel please click the raise hand
5 button on the participant panel. Ah, Counsel, are
6 there any council members that have any questions? I
7 see that we have Council Member Reynoso.

8 COUNCIL MEMBER REYNOSO: Thank you.

9 Thank you, Chair Moya. Ah, can I, should I start?

10 CHAIRPERSON MOYA: Yes, absolutely.

11 COUNCIL MEMBER REYNOSO: Oh, thank you.

12 Thank you, Chair. I just want to, ah, I would love
13 to be able to go back to the screen that shows the
14 rents, um, that are gonna be, ah, be given here or
15 that are gonna exist here. Ah, because, ah, I made a
16 statement earlier on about the segregation that
17 exists in our city and how black and brown
18 communities, ah, tend to bear the burden of having to
19 build all the affordable housing. And it's
20 extraordinary how we can have two projects that are
21 so different, um, in one day be presented to us, and
22 I just wanna, whatever negotiation Council Member
23 Ampry-Samuel was doing, ah, the work that this
24 developer is doing, it really is a breath of fresh
25 air to know that people are out here trying, ah, to

2 figure out, that's my son in the background, I
3 apologize, to figure out this crisis. But to think
4 about, um, the formerly homeless, ah, the set-aside,
5 and that people making, two people making a minimum
6 wage here are gonna be able to get, ah, have a, a
7 comfortable, beautiful home. This is across, ah, the
8 street from my district, so the only thing that I'm
9 upset about that is, that it's not in my disease.
10 So, again, I just, I'm really proud of the work that
11 Council Member Ampry-Samuel is doing here. Um, thank
12 you guys so much, ah, and I'm looking forward to, to
13 voting on this in the future.

14 RELLA FOGLIANO: Thank you.

15 COUNCIL MEMBER REYNOSO: Thank you.

16 BILL WILKINS: Thank you.

17 CHAIRPERSON MOYA: Thank you, Council
18 Member. Ah, Counsel, are there any other council
19 members with questions?

20 COMMITTEE COUNSEL: Chair Moya, ah, I see
21 no other members with questions at this time.

22 CHAIRPERSON MOYA: OK. Ah, there being
23 no further questions for this panel, ah, the panel is
24 now excused. Um, thank you very much for, ah, your
25 participation today, and I ask are there any members

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3 of the public who wish to testify on 1510 Broadway,
4 ah, rezoning application? The panel is excused,
thank you.

5 COMMITTEE COUNSEL: If there are members
6 of the public who wish to testify on LUs numbers 682
7 through 685 for the 1510 Broadway rezoning please
8 press the raise hand button now. The meeting will
9 now stand at ease while we check for members of the
10 public. Chair Moya, I see no members of the public
11 who wish to testify on this item.

12 CHAIRPERSON MOYA: Great, ah, there being
13 no members of the public, ah, who wish to testify,
14 the public hearing on LUs 682 through 685 for the
15 1510 Broadway rezoning is now closed. Ah, the next
16 item, ah, that we will hear is for LU 683 for the 3
17 St. Lawrence Place special permit application, ah,
18 relating to property located in Council Member
19 Rivera's district in Manhattan. The applicant seeks
20 approval for a special permit pursuant to Section
21 7479 of the rezoning resolution to facilitate the
22 construction of a 10-story building located at 3 St.
23 Mark's Place in the East Village neighborhood of
24 Manhattan. The special permit would allow the
25 transfer of approximately 8400 square feet of

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development rights from the designated individual
landmark site across the site at 4 St. Mark's Place,
known as the Hamilton Holly House. If approved, the
special permit would modify the applicable bulk, ah,
provisions to allow the proposed new building to, ah,
penetrate the maximum front wall height and the sky
exposure plane at the St. Mark's Place, ah, footage,
frontage, sorry. Ah, and now I would like to
recognize my colleague, Council Member Rivera, um,
for a statement.

12 COUNCIL MEMBER RIVERA: Ah, Chair Moya, I
13 will forego my statement so we can get into the
14 presentation, if that's OK?

15 CHAIRPERSON MOYA: Perfect. Thank you,
16 Council Member Rivera, and, ah, Counsel, if you could
17 please, ah, call the first panel for this item.

18 COMMITTEE COUNSEL: The applicant panel
19 for this item will include Ted Robottom, appearing on
20 behalf of the sponsor Real Estate Equities
21 Corporation. Applicant panelists, if you have not
22 already done so, please accept the unmute request,
23 ah, in order to begin to speak.

24 TED ROBOTTON: Ah, good morning and, ah,
25 thank you, everybody.

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2 CHAIRPERSON MOYA: One second. Ah,
3 Counsel, if you could please, ah, administer the
4 affirmation?

5 COMMITTEE COUNSEL: Mr. Robottom, please
6 raise your right hand. Do you affirm to tell the
7 truth, the whole truth, and nothing but the truth in
8 your testimony before this subcommittee and in answer
9 to all subcommittee, ah, answer to all council member
10 questions?

11 TED ROBOTTON: Ah, I do.

12 CHAIRPERSON MOYA: OK, ah, Joe, um, thank
13 you. Just, again, just state your name and the
14 affirmation for the record. Um, just wondered, do
15 you have a presentation?

16 TED ROBOTTON: I do not, ah, I do not,
17 ah, Chair Moya, I was gonna read a statement.

18 CHAIRPERSON MOYA: So I'll just say that,
19 ah, this is a first for me. Ah, I've been chairing
20 this for now close to three-and-a-half years. I've
21 never seen an applicant, ah, come to a public
22 hearing, ah, not prepared with a presentation. Um,
23 you know, the subcommittee in general is accustomed
24 to seeing some type of, of visual presentation for
25 these types of projects. Ah, so this is a very

3 unusual situation. Um, but before you begin my
4 question is are you going to be able to answer
5 questions regarding the proposal, ah, from the
6 subcommittee members and take us through your
rationale, ah, for seeking this approval?

7 TED ROBOTTON: Ah, I'm, I'm happy to
8 answer any questions that I'm able to answer today.

9 CHAIRPERSON MOYA: OK. You may begin.

10 TED ROBOTTON: Oh, sure, OK. Ah, so good
11 morning and, ah, thank you, everybody for, ah, you
12 know, giving us the opportunity to speak today. , you
13 know, I have a couple things to say. Um, you know,
14 since day one on, on this project on St. Mark's,
15 which, um, you know, almost marks three, three years
16 ago, ah, from today, we've always been what we, what
17 we felt is, ah, you know, thoughtful and, and
18 considerate about our design, ah, and how it relates
19 to the surrounding neighborhood. You know, as a nod
20 to the neighborhood's aesthetic, ah, we designed one
21 of the, ah, the only brick office buildings in the
22 needed area in hopes that the community would
23 support, ah, the contextual significance, um, of the
area. Um, and it's very important that, you know,
25 the community understands that we do not have to do

2 this, um, we could have built a, you know, very large
3 glass building as-of-right, similar in size, um,
4 without any public approval whatsoever. Um, but out
5 of respect for the character and the history of the
6 neighborhood we, we decided not to. Um, moreover, we
7 could have designed an 85-foot street wall, um, that
8 did not match the height of the adjacent buildings
9 along St. Mark's, um, which definitely would have
10 seemed, ah, out of character. Um, but, again, we, we
11 decided not to do that. Instead, ah, you know, we
12 reached out to multiple preservation groups. We
13 incorporated community feedback and invested a
14 significant amount of time and funds redesigning
15 every little detail. Um, we were asked to work with
16 Lespy on the design, ah, which we had done for
17 months. Um, originally opposing our development,
18 they changed their position to actually neutral,
19 which we felt was a very significant move, ah, on
20 their part. But aside from the design elements, you
21 know, we proactively decided to help reshape for St.
22 Mark's, which is, obviously, as everybody knows, the
23 Hamilton Holly House across the street. Um, and as
24 many of you know, this is one of the oldest and most
25 historic buildings on St. Mark's Place. And this

3 building really stood to benefit from a long-lasting,
4 continual maintenance program if our application was
5 approved. This would brought the building into, you
6 know, very sound, first-class condition and, and, you
7 know, unfortunately we cannot make that commitment
8 any longer and therefore cannot really guarantee that
9 this building that, you know, was constructed in the
10 early 1800s will retain its prominence. Ah, we made
11 extensive efforts and reached out several times to,
12 ah, Council Member Rivera. Um, we offered jobs,
13 employment training and education, um, more design
14 tweaks, ah, but we felt that these offers were
15 largely not considered. Um, nothing was even
16 proposed back from the office that, you know, we
17 heard that would benefit the community, um, and we
18 feel that this is not only a major disservice to us,
19 but, you know, also to the general public and, more
20 importantly, to the East Village. Um, it should also
21 be noted that the majority of the public testimony
22 focuses on not just, you know, not wanting the
23 development, um, or a project at all, and it really
24 doesn't focus on the nature of the application and an
25 air rights transfer that we're applying for. Um,
and, you know, the reality here is that a, a building

2 is going to be built, and so why not taking advantage
3 of the benefits that we can offer the community as
4 the developer as opposed to really just saying no and
5 having nothing in return. Um, so, you know, in
6 short, ah, we're very disappointed that, ah, you
7 know, our application didn't receive the support
8 that, ah, it needed, um, and we felt that this minor,
9 you know, 8000 square feet transfer, which really
10 wouldn't even be noticeable, ah, to the naked eye
11 from the street, ah, could have rewarded the, the
12 community. Um, it would create the additional jobs,
13 ah, tax revenue, and, and economic injection at a
14 retail level that not only the neighborhood needs,
15 but the, the city desperately needs, ah, right now.
16 Um, so as of today the project is under construction.
17 It will be built and right now there's no public
18 benefit in place. Um, and in this incredibly
19 difficult times that, you know, everybody is living
20 it, it seems only logical and practical to me and to
21 us to endorse a project that, you know, can help the
22 neighborhood, its residents, and the city overall,
23 ah, with additional tax revenue that would be
24 generated by just a slightly larger building. Ah,
25 so, despite the negative feedback on our application

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2 our position remains that, you know, we are in
3 support of the community and we're ready, willing,
4 and able to offer something back to the neighborhood
5 during, during this difficult time. Um, so with that
6 I, I thank everybody and, um, you know, we appreciate
7 your consideration.

8 CHAIRPERSON MOYA: Thanks. Just a couple
9 of questions before I turn it over to Council Member
10 Rivera, 'cause I don't really think you addressed,
11 you know, and talked about the findings here. So
12 let's go back to, to the basics. You have a DOB
13 approval. Ah, and I understand that some work has
14 already begun, ah, on site. So to me, um, and to
15 most I think it seems that you have an as-of-right
16 option that is feasible, ah, and can work for you
17 financially. Ah, so could you talk about what brings
18 you here today and your basic justification, ah, in
19 terms of the required findings for the special
20 permit? You've got to unmute yourself when you're
21 ready to answer. No? Hold on.

22 TED ROBOTTON: OK, thank you, thank you,
23 Chair Moya. Um, yeah, you know, I'm not, I'm not
24 sure I fully understand the question. But, um...

25 CHAIRPERSON MOYA: A little back note.

2 TED ROBOTTON: Yeah, yeah, please.

3 CHAIRPERSON MOYA: OK, you have an as-of-
4 right, OK. You've already invested money financially
5 into this.

6 TED ROBOTTON: Correct.

7 CHAIRPERSON MOYA: Um, it, it could
8 actually work for you if you just do your as-of-
9 right. So talk to me why you're today, your basic,
10 ah, justification in terms of the required findings
11 for the special permit.

12 TED ROBOTTON: Sure. So, we're here
13 today, ah, exercising, um, an air rights transfer
14 from a building across the street, right, um, and
15 that building is 4 St. Mark's and the reason we're
16 here today is to, in hopes of getting that
17 application approved so we can continually maintain
18 and help the landmark, ah, the landmark building at 4
19 St. Mark's, um, by approving our, our 8000 square
20 foot transfer.

21 CHAIRPERSON MOYA: Ah, so, OK. Um, I'm
22 going to go back to something else. But could you
23 explain the difference between the proposed building
24 envelope, ah, and the permitted as-of-right envelope
25 under the C6-1 zoning?

2 TED ROBOTTON: So the as-of-right, ah,
3 the as-of-right would be a, ah, nine-story building,
4 Chair Moya. Um, it's generally the same type of
5 building, um, same type of envelope, but it will be
6 one story, ah, lower. Um, the street wall will
7 generally be the same. Um, and I believe also the
8 max height of the building will, will also be the
9 same. Um, but the bulk, um, the bulk of the building
10 will be a little less dense. I hope that, I hope
11 that answers your question.

12 CHAIRPERSON MOYA: But, um, what, so let
13 me move on to something else right now. Ah, what
14 plans do you have for, ah, local hiring or M/WBE, ah,
15 participation in terms of construction?

16 TED ROBOTTON: Well, that would be part
17 of the application, right? So if, you know, we had
18 reached out to, ah, Council Member Rivera and we had,
19 um, what I thought offered that, um, and we, you
20 know, did not receive, ah, really any sort of
21 feedback about what we should be doing to help, um,
22 so that's, that's sort of how I would respond to
23 that.

24 CHAIRPERSON MOYA: So what you're saying
25 is, ah, because you didn't, ah, hear from the

3 Councilwoman just, you know, one of the more diligent
4 council members that we have here, ah, you're telling
5 me you don't have a plan for local hires? You don't
6 have an idea of how that's gonna get built out? Your
7 M/WBE process to this, there is none? Is that what
you're saying?

8 TED ROBOTTOM: We offered. We offered to
9 follow, I believe we offered to follow an M/WBE, ah,
10 M/WBE process. We offered to hire local workers.

11 CHAIRPERSON MOYA: What, what is that
12 process?

13 TED ROBOTTOM: I'm not, I'm not sure what
14 you mean, but.

15 CHAIRPERSON MOYA: What's, what's your
16 process for, ah, hiring M/WBEs? What is the process
17 that you're taking for, ah, the local hires? How
18 many would that be? This is a normal question that
19 gets asked in projects that are being built.

20 TED ROBOTTOM: Right, yeah. So, so...

21 CHAIRPERSON MOYA: Let me be clear, by
22 the way. I'm, ah, I, I don't know where the
23 confusion is.

24 TED ROBOTTOM: Yeah, so, um, you know
25 what, we, we had offered to hire local workers. We

3 had offered to through an M/WBE program. And that
4 was largely ignored. Um, so we didn't run a full
5 process because we weren't told that this process
would help our application.

6 CHAIRPERSON MOYA: So what you're saying
7 is in order to help your application process that's
8 the only way you would go for local hires and M/WBES?

9 TED ROBOTTON: Ah, not at all. That
10 would incentivize us.

11 CHAIRPERSON MOYA: That, that's, that
12 would incentivize you? OK. So this is not something
13 that you would just do on a normal basis of any
14 development that you're going into in looking at
15 local hires and M/WBE contractors?

16 TED ROBOTTON: Yeah, we, we always look
17 for local hires. Um, we hired a local architect.
18 Um, the...

19 CHAIRPERSON MOYA: You just finished
20 saying, and I'm sorry to interrupt. Ah, you just
21 finished saying that, are you all right?

22 TED ROBOTTON: I am fine, yeah.

23 CHAIRPERSON MOYA: OK. Ah, you're just
24 saying that that incentive is if you get, ah, the

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2 local council member to agree to something. You
3 don't actually do this on your own?

4 TED ROBOTTON: Um, no, no, that's not,
5 ah, maybe I'm being misunderstood. No. Um, I am, I
6 am saying that we are happy to hire local workers.
7 We have already hired local workers. Um, but we are
8 happy to hire more and we're happy to offer more
9 community engagement and, and, and more involvement
10 with the community if we receive some level of
11 feedback, ah, from Council Member Rivera, um, about
12 our application.

13 CHAIRPERSON MOYA: OK. Um, this is my
14 last question, ah, and then I'll turn it over to
15 Council Member Rivera. Ah, what kind of tenants, ah,
16 or businesses do you envision, ah, occupying the
17 building, ah, and what plans, if any, do you have for
18 attracting local businesses or organizations, ah,
19 whether it's for retail space of the ground floor or
20 for the, ah, upper floors, ah, that deal with the
21 office space?

22 TED ROBOTTON: Yeah, to be, to be honest,
23 you know, currently right now, um, we, we don't know.
24 Um, right now it's just the hole in the ground. We
25 are planning to start our foundation, ah, pretty

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2 soon, but it really won't be until probably two years
3 until the building is delivered, Chair Moya. Um, so,
4 you know, but largely we envision this to be
5 hopefully local businesses that are occupying the
6 office space so, you know, ah, ah, one or two local
7 businesses that are occupying the, the, ah, retail
8 space on, on the first level.

9 CHAIRPERSON MOYA: Um, I'm gonna now turn
10 it over to Council Member Rivera. But I will say
11 that, ah, it is extremely disappointing that, um, you
12 come here today with no presentation, ah, extremely
13 disappointed in hearing your answer about local hires
14 and M/WBES. Um, that, that says a lot. Ah, I had
15 not had made up my mind on what [inaudible] we were
16 going with this project. These two things are
17 heavily weighing on me now, ah, and seeing the way
18 that, ah, you've come in here not prepared, ah, to
19 really answer these questions and give a thorough
20 presentation, um, for this, ah, rezoning. So with
21 that I want to turn it over to, ah, Council Member
22 Rivera for questions.

23 COUNCIL MEMBER RIVERA: Thank you so
24 much, Chair Moya. Um, I'm sorry. It's a little dark
25 and I don't see your name, so I, I just wanted to ask

3 were you in any of the previous meetings that we had
4 pre-COVID in person or via teleconference when we had
5 these conversations? I think someone has to unmute
the applicant.

6 TED ROBOTTON: Ah, I, I personally was
7 not.

8 COUNCIL MEMBER RIVERA: OK, 'cause I was
9 a little taken aback by your comments of, of
10 meetings, we've had multiple meetings with the
11 application and I'm, I'm sorry you missed it. You
12 must be new to the process. So, again, I just want
13 to reiterate, ah, what Chair Moya just said, which
14 was how disappointing that you did not come with any
15 presentation, which is something we have not seen in,
16 I don't know, over three years in the council, um,
17 with me being on the zoning committee. I guess I'll
18 ask you some, you know, let me just get right to, we
19 did ask about community space, we did ask about
20 affordable housing. Sometimes the applicant, and you
21 wouldn't know 'cause you weren't in any of the
22 conversations, but sometimes the applicant said jobs,
23 um, there was really no commitment there, there was
24 no process. I, I'm a little also, I guess,
25 disappointed or just kind of puzzled as to why I

3 should be the one to tell you how to commit to
4 creating good jobs and having M/WBE, um, vendors and
5 tenants. It's, ah, startling even. Um, I would also
6 say that when the applicant was asked by Community
7 Board 3 about housing and community space the
8 applicant said it wasn't an option. So that was a
9 little quick history lesson for you, and I'm gonna
10 get into my questions. So the proposal is for a
11 special permit to waive some of the height and
12 setback regulations at the St. Mark's frontage of the
13 building. St. Mark's Place is 60 feet wide, which
14 makes it a, a narrow street under zoning. What
15 consideration, if any, was given to shifting the bulk
16 to the Third Avenue frontage, which at a hundred feet
17 is a wide street under zoning, and seeking the bulk
relief on that side?

18 TED ROBOTTON: Ah, yes. So we, um, you
19 know, I, I hope this answers the question, but we
20 basically were trying to, ah, keep the street wall
21 at, ah, I believe 65 feet, um, which, ah, to your
22 point, Council Member Rivera, I think matches the
23 height of the adjacent buildings along St. Mark's.
24 Um, so I think as-of-right we could have gone up to,
25 ah, an 85-foot height. Um, but instead we designed a

3 building that would be, I believe, 65 or 60 feet, um,
4 along St. Mark's to match contextually and conforms
5 the rest of the, ah, St. Mark's buildings, ah, to the
east of us.

6 COUNCIL MEMBER RIVERA: Well, this is a
7 relatively rare instance where an owner seeks relief
8 through this particular permit, the, the 74-79
9 special permit. Are you familiar with prior examples
10 of this permit? Can you tell us about prior examples
11 that have been sought outside of a central business
12 district or adjacent to a residential district?

13 TED ROBOTTON: Ah, I, I, I cannot. I'm
14 not a zoning attorney. I'm not a land use attorney.
15 Um, but I, you know, happy to try and provide
16 examples by going back to somebody like that.

17 COUNCIL MEMBER RIVERA: OK. When the
18 City Planning Commission originally adopted this
19 special permit text in 1968 they wrote of a desire to
20 promote architecture that will relate and enrich the
21 areas around landmark sites and not be detrimental to
22 its surroundings. How do you believe your
23 development proposal achieves this?

24 TED ROBOTTON: Um, so I think it, it
25 achieves this in, um, a few ways. Um, like I said,

3 you know, before in the beginning, um, we are
4 building one of the only brick-based office
5 buildings, um, you know, in our, in our immediate
6 area. Um, you know, across the street on Astor, um,
7 you know, 51 Astor, obviously, was the massive glass
8 office building. Um, we felt that our project should
9 not be designed like that, um, and we really wanted
10 it to conform to the rest of the buildings on St.
11 Mark's. So, um, we did that by, ah, not doing much
12 glass, minimizing the, the glass impact and, um,
13 maximizing a, a special brick that we imported.

14 COUNCIL MEMBER RIVERA: Understood. Um,
15 again, I just want to express, um, my disappointment,
16 um, the lack of a presentation, the tone of your
17 comments and just not being at the meetings where we
18 really did sit down multiple times in trying to
19 figure out how this was something that made sense,
20 which, you know, thank you for your time. Thank you,
Mr. Chair, for the questions.

21 CHAIRPERSON MOYA: Thank you, ah,
22 Councilwoman Rivera. Um, I want to now check with
23 our counsel to, ah, see if there is any other, ah,
24 council members, ah, that may have questions.

2 COMMITTEE COUNSEL: Chair Moya, I see no
3 members with, ah, additional questions at this time.

4 CHAIRPERSON MOYA: Um, so I want, I want
5 to thank you for your testimony today. But, ah, I
6 want to reiterate this for the record, ah, that this
7 is, ah, something that, ah, really is very
8 disappointing. Um, you know, the inability, ah, to
9 answer, ah, questions that dealt with the bulk and
10 the insufficiency of those answers, ah, the lack of
11 presentation, um, is something that, ah, really has
12 set a, a bad tone here. Um, so I just wanted to make
13 sure that we have that on the record. Ah, with that,
14 I want to thank you for, ah, being here, ah, and now
15 I'm going to dismiss this panel and turn to our
16 counsel, being that there is, ah, other council
17 members, um, with any more questions. Um, Counsel,
18 do we have any members of the public now who wish to
19 testify.

20 COMMITTEE COUNSEL: Yes, Chair Moya. We
21 have approximately, ah, 12 public witnesses who have
22 signed up to speak. The first witness to testify
23 will be New York State Senator Brad Hoylman. If we
24 still have the senator he will be the first witness
25 to testify.

2 SENATOR HOYLMAN: Thank you very much.

3 Ah, thank you, Chair Moya, and thank you, ah, Council
4 Member...

5 CHAIRPERSON MOYA: Just one second before
6 you start.

7 SENATOR HOYLMAN: Yes.

8 CHAIRPERSON MOYA: Ah, good to see you,
9 Senator. Hope you're doing well. Ah, I just want to
10 make sure that the counsel will, ah, ah, swear you
11 in...

12 SENATOR HOYLMAN: Oh.

13 CHAIRPERSON MOYA: ... before you begin.

14 SENATOR HOYLMAN: [inaudible]

15 CHAIRPERSON MOYA: Sorry, you're right,
16 you're good to go, Senator. My apologies.

17 SENATOR HOYLMAN: Oh, OK. OK. Well, ah,
18 since, thank you, thank you, Chairman, and thank you,
19 ah, Council Member Rivera. Ah, since we're talking
20 about in part Alexander Hamilton, ah, and the
21 Hamilton Holly House, I just want you to know that
22 it's good to be in the Zoom where it happens. I hope
23 you appreciated that. Um, I just, ah, again, wanted
24 to thank the council, ah, and, for this opportunity.
25 I'm, I'm testifying briefly today, ah, on behalf of

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2	myself and Assembly Member Deborah Glick, um, about	
3	the proposed, ah, transfer of, ah, over 8000 square	
4	feet of air rights from the landmark, ah, for St.	
5	Mark's Place, the Hamilton Holly House to the site	
6	across the street at 3 Marks Place. Um, if approved	
7	this transfer, ah, could result in the construction	
8	of a 10-story building, we know, at the corner of St.	
9	Mark's Place and Third Avenue in the East Village	
10	neighborhood that we represent, that we think will be	
11	entirely out of character on a historic block with	
12	mostly four- and five-story buildings. So we join,	
13	ah, the council member with her concerns, along with	
14	Community Board 3, ah, Manhattan Borough President	
15	Gail Brewer, neighborhood preservationists, ah, and	
16	residents in strongly urging you to vote against this	
17	application. The application also proposes to modify	
18	the height and setback requirements, as you know, ah,	
19	of the zoning block, which would allow the developers	
20	to penetrate the maximum front wall height and the	
21	sky exposure plane. And while the proposed, ah,	
22	agreement would create a fund for the ongoing	
23	maintenance of the historic Hamilton Holly House, ah,	
24	we believe that 5% is really a paltry sum in	
25	relationship to what the community is being asked to	

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3 accept. We have deep reservations, ah, regarding the
4 terms of the transfer for this project and legitimacy
5 of a change to the zoning resolution that will
6 facilitate the construction of a building with about
7 twice as many stories as others on this historic
8 block. Um, just wanted to also say that we fully
9 support the sentiments raised by the borough
10 president, ah, in her February 2020 ULURP
11 recommendation and by Community Board 3 in their
12 December 2019 resolution opposing this application,
13 ah, as well as groups such as the Greenwich Village
14 Society for Historic Preservation and the East
15 Village Community Coalition. We thank them for their
16 advocacy and outspokenness, ah, on this important
17 issue. And while the developers may be willing to
18 allocate an amount for the perpetual maintenance of
19 the Hamilton Holly House, it doesn't seem to exist a
20 guarantee that further development won't put the
21 historic house at risk. Um, moreover, the plan to
22 help fund the preservation of the historic Hamilton
23 House, ah, is represented as the public benefit. Um,
24 it does not account for the broader concept, context
25 of the neighborhood, whose unique character is
 constantly threatened by the development process.

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2 Um, so long and short, um, we oppose this
3 application. Ah, um, we think the Hamilton Holly
4 House should be preserved on merit for being a
5 notable structure in our community that represents an
6 important part of New York City history, not
7 necessarily because sale of air rights made that
8 possible. For these reasons, we ask you to vote
9 against this application. And, again, thank you very
10 much, Mr. Chair, for your time.

11 CHAIRPERSON MOYA: Thank you, Senator.

12 || Good to see you.

13 SENATOR HOYLMAN: Nice to see you. Miss
14 you in Albany.

15 CHAIRPERSON MOYA: Thanks. Safe New
16 Year. Ah, thank you for your testimony. If any
17 council members have any questions for this witness,
18 ah, please indicate by, ah, using the raise hand
19 button. Seeing none, ah, OK, there will be no
20 further council member questions, ah, for this
21 witness. I'll now turn it over to, ah, our counsel.

22 COMMITTEE COUNSEL: For members of the
23 public who are testifying today, please note that
24 once you have completed your testimony you will be
25 removed from the meeting as the next speaker is

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3 produced. At that time you may continue to view the
4 live stream broadcast, ah, for the hearing at the
5 council's website. Members of the public, ah,
6 members of the public will be given two minutes to
7 speak, and I would remind you to, ah, not begin until
8 the Sergeant at Arms has started the clock. The next
9 speaker on this item will be Harry Bovins. Harry
Bovins.

10 SERGEANT AT ARMS: Starting time.

11 HARRY BOVINS: Hello. Can you hear me?

12 CHAIRPERSON MOYA: We can hear you,
13 Harry.

14 HARRY BOVINS: Great. Thank you, and,
15 ah, thank you to our local Council Member Rivera for
16 continuing to listen to the community and the
17 community board resolution in opposition to this
18 project especially. Ah, Village Preservation is the
19 largest membership organization in Greenwich Village,
20 the East Village, and NoHo. We strongly oppose the
21 air rights transfer from the landmark 4 St. Mark's
22 Place to an office tower at 3 St. Mark's Place. The
23 potential benefit to the landmark house in the
24 neighborhood is simply not worth the trade-off. Much
25 of the restoration of 4 St. Mark's Place has already

3 been executed. The applicant is simply seeking to
4 get after-the-fact credit and financial benefit for
5 this work and extra square footage for an office
6 tower for additional work that is not needed and
7 doesn't justify this transfer. We have serious
8 concerns about the planned office tower at 3 St.
9 Mark's Place, a gateway to the East Village. We
10 believe an even larger office tower at this prominent
11 location would have a negative impact upon the
12 character of the neighborhood. Part of the beauty
13 and significance of 4 St. Mark's Place, which our
14 organization successfully proposed for a landmark
15 designation in 2002, are the changes it's undergone
16 over time. To simply erase those to gain approval
17 for the air rights transfer is unnecessary and wrong.
18 We are huge supporters of historic preservation. The
19 nearby Merchant's House Museum is a perfectly
20 preserved slice of New York from 200 years ago. That
21 is not what this house, which isn't open to the
22 public, should be or needs to be. Erasing all the
23 history to create a facsimile of what the building
24 looked like two centuries ago is neither desirable
25 nor justifies the air rights transfer. The real
purpose of the applicant is to simply increase the

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size of the office tower. The special purpose, the special permit is not necessary to fund needed or even desirable work. The neighborhood is undergoing significant detrimental changes as the city seeks to extend Midtown South and Silicone Alley to the area. We continue to demand landmark and zoning protections here to prevent that from happening. Allowing this tech office tower to increase in size by 20% would only make that situation worse. We urgently, urge you to reject the application before you today. Thank you.

13 CHAIRPERSON MOYA: Thank you, Harry, for
14 your testimony. Ah, Counsel, do we have any council
15 members, ah, who may have questions, ah, for this
16 witness? We got to unmute you.

17 COMMITTEE COUNSEL: Sorry.

18 CHAIRPERSON MOYA: That's OK.

19 COMMITTEE COUNSEL: Chair Moya, ah, at
20 this time I see no members with questions.

21 CHAIRPERSON MOYA: Great. Ah, there
22 being no, ah, further council members with questions,
23 ah, the witness is now excused. Thank you.

24 COMMITTEE COUNSEL: The next speaker will
25 be Katherine Schoonover, Katherine Schoonover.

2 SERGEANT AT ARMS: Starting time.

3 COMMITTEE COUNSEL: Katherine?

4 CHAIRPERSON MOYA: Katherine, you're
5 gonna unmute yourself and you may begin when you're
6 ready.

7 KATHERINE SCHOONOVER: Thank you. Good
8 morning, ladies and gentlemen. Can you hear me?

9 CHAIRPERSON MOYA: We can health ru.

10 KATHERINE SCHOONOVER: OK. My name is
11 Katherine Schoonover and I'm here to testify in
12 opposition to the proposed air rights transfer from 4
13 St. Mark's Place to a new, completely out-of-place
14 office building being built at 3 St. Mark's Place.
15 I'm a lifelong villager and grew up on Stuyvesant
16 Street, around the corner from the site at issue. I
17 know the area well. It is known the world over as
18 the center of the East Village and its famous counter
19 culture. The proposed office building is totally
20 inappropriate for the site, excuse me, um, and
21 allowing the building to be 20% larger than it could
22 otherwise be by means of an air rights transfer would
23 only make it that much more intrusive on the
24 character of the neighborhood and its value as a
25 tourist destination. Furthermore, the notion that

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2 the air rights transfer is justified because it will
3 benefit a designated landmark is laughable, since
4 only 5% of the proceeds of the transfer are even
5 designated to be used to maintain the historic
6 building across the street at 4 St. Mark's Place.
7 The rest will simply go to enrich the developers who
8 own the property. There will therefore be little to
9 no public benefit from allowing this transaction to
10 proceed, whereas there will be clear harm to the
11 neighborhood and ultimately to the city if it does
12 proceed, because the value of St. Mark's Place as a
13 tourist destination will be diminished. Further, the
14 life of the neighborhood will also be diminished
15 because the office building will continue the
16 alarming trend of homogenizing formerly distinctive
17 areas of the city with fungible office developments
18 everywhere. A larger office building will mean just
19 that much more damage to St. Mark's Place. I
20 strongly urge you to deny the application to transfer
21 these air rights and to instead urge the Landmarks
22 Preservation Commission to consider extending
23 historic district protection in the area, consistent
24 with its unique character and social and cultural...

25 SERGEANT AT ARMS: Time expired.

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2 KATHERINE SCHOONOVER: Thank you.

3 CHAIRPERSON MOYA: Thank you, ah,
4 Katherine. Thank you for your testimony. Counsel,
5 do we have any, ah, council members that have any
6 questions for this witness?

7 COMMITTEE COUNSEL: Chair Moya, I see no
8 members with questions at this time.

9 CHAIRPERSON MOYA: Great. Ah, there
10 being no further council members with questions, ah,
11 the witness is now excused.

12 COMMITTEE COUNSEL: The next witness will
13 be John Center, John Center. And I will remind the
14 public that once removed from the meeting you will be
15 able to view a live stream broadcast at the council's
16 website using the link to virtual room 3.

17 SERGEANT AT ARMS: Starting time.

18 JOHN CENTER: Chair Moya and council
19 members, my name is John Center. I've lived on East,
20 ah...

21 CHAIRPERSON MOYA: All right, let's start
22 all over again. Um, it's OK, no worries. If the
23 Sergeant at Arms could just help...

24 JOHN CENTER: I'm sorry, sir.

25

2 CHAIRPERSON MOYA: It's OK. Take your
3 time. Whenever you're ready, John.

4 JOHN CENTER: Chair Moya and council
5 members, my name is John Center. I've lived on East
6 Ninth Street for more than 25 years. I'm opposed to
7 the transfer of air rights on St. Mark's Place from
8 number 4 to number 3. In short, REEC's proposal
9 reeks. I urge you, the full Committee on Land Use,
10 and the entire City Council to deny this application.

11 [inaudible] Community Board 3 and other elected
12 officials who have opposed it. Many neighbors share
13 my view that it will be bad enough that the East
14 Village gets yet another large commercial office
15 building. Rampant, out-of-place commercial
16 development continues from Union Square south to
17 Astor Place while, um, numerous nearby storefronts
18 remain vacant. We need better zoning and landmark
19 protections here, not an annex to the [inaudible] at
20 51 Astor Place. I was resigned to see a strictly
21 commercial office building plan for 3 St. Mark's
22 Place. But to add another 8400 square feet to the
23 project by transfer [inaudible], the bulk of any
24 benefits would go to the private developers, not to
25 the public. We don't need to increase [inaudible]

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2 FAR from 6.0 to 7.2. The developer says that with
3 the air rights transfer this new building would
4 better fit in with other nearby buildings, but this
5 is a flawed notion since several of those buildings
6 are oversize from abuse of the community facilities
7 bonus section of the zoning resolution. I appreciate
8 the historic repairs and renovations that have been
9 made at the Hamilton Holly House. However, the
10 promise of continuing maintenance plan in exchange
11 for a transfer of air rights is not enough. Please
12 deny this application. I submitted a longer written
13 testimony and respectfully ask that you read and
14 consider it before you vote. Thank you. My written
15 testimony addresses some of the applicant's comments
16 today in detail.

17 CHAIRPERSON MOYA: Thank you, John.
18 Thank you for your testimony. Um, Counsel, do we
19 have any council members that, ah, may have any
20 questions for the witness?

21 COMMITTEE COUNSEL: Chair Moya, there are
22 no members with questions at this time.

23 CHAIRPERSON MOYA: There being no
24 further, ah, council members, ah, with questions, ah,
25 the witness is now excused. Thank you, John.

2 COMMITTEE COUNSEL: The next speaker will
3 be Susie Schrock, Susie Schrock.

4 SERGEANT AT ARMS: Starting time.

5 SUSIE SCHROCK: Hello, everybody. Um,
6 can you hear me?

7 CHAIRPERSON MOYA: We can hear you,
8 Susie.

9 SUSIE SCHROCK: Yes, OK, great. Um, so I
10 am the tenants' association president at 8 St. Mark's
11 Place and I'm also a county committee member. I'm
12 here to strongly, um, oppose the air rights transfer
13 from 3 St. Mark's Place. Um, this is a very
14 important project to the community and I have to say,
15 um, for somebody to come to this meeting unprepared
16 is kind of insulting, considering how much time we
17 have spent in looking into these things. I question
18 why the only options are pretty with an extra 8000
19 square foot, or insanely ugly. Good designers can
20 solve issues like that. And the advantages, quote
21 unquote, advantages that are presented to the
22 community, we have never seen those proposals and we
23 don't know what they are. And, um, I don't
24 understand how a developer could think that we're,
25 you know, unpersuadable. So, um, I want to say that,

3 um, the fact that there is no proposal on the table
4 and the interaction with the community shows how
5 genuinely intent this developer is on developing a
6 relationship with the people here. They don't care.
7 And COVID has demonstrated further infrastructure
8 [inaudible], um, the adding of retail, ah, in this
9 particular location could only, um, further, um,
10 increase an over-congestion that we're already
11 experiencing. Right now, for those of you who have
12 been on the block, um, it's extremely congested. One
13 part is the construction and the fact that it's a
14 narrow street. Um, brick-and-mortar detail in the
15 area is pretty dead. And adding more retail to the
neighborhood...

16 SERGEANT AT ARMS: Time expired.

17 KATHERINE SCHOONOVER: ...will only hurt,
18 um, ah, local businesses. I strongly, um, encourage,
19 ah, you to vote against this application. Thank you.

20 CHAIRPERSON MOYA: Thank you. Thank you
21 for your testimony. Um, Counsel, do we have any
22 council members that have any questions, ah, for this
23 witness?

24 COMMITTEE COUNSEL: Chair Moya, no, no
25 members with questions at this time.

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2 CHAIRPERSON MOYA: Thank you. Ah, there
3 being, ah, no further council members with questions,
4 ah, the witness is now excused. Thank you so much
5 for your testimony.

6 COMMITTEE COUNSEL: The next speaker will
7 be Tom Burchard. Tom Burchard.

8 SERGEANT AT ARMS: Starting time.

9 CHAIRPERSON MOYA: Tom? Whenever you're
10 ready.

11 TOM BURCHARD: OK, I'm ready. Can you
12 hear me?

13 CHAIRPERSON MOYA: Yep, we can hear you.

14 TOM BURCHARD: OK, good. Thank you.
15 Thank you very much for this opportunity to, ah, say
16 a few words about this project. Um, let me introduce
17 myself. I'm Tom Burchard. I own Veselka, a
18 restaurant on the corner of Second Avenue and Ninth
19 Street. Um, I've been there for a long time. I love
20 the neighborhood. I consider myself a very fortunate
21 East Villager. Um, I've always regarded this
22 intersection as the entryway, the gateway, the, ah,
23 border, if you will, to the East Village. Um, and to
24 me it's particularly distressing now to have a large
25 office building built on the corner where formerly

3 there was a candy store, a pizza parlor, a dive bar,
4 further down a bookstore. Um, listening to the
5 developer make his presentation I consider it highly,
6 highly unlikely that any business like that will go
7 into this new building. Um, again, when I, when I
8 cross Third Avenue I've, I, I feel like I'm entering
9 my home neighborhood. I'm leave, I'm going into a
10 neighborhood that's characterized by small buildings,
11 many shops, mom and pop shops, many, many, ah, of
12 whom are run by people I know. And to have that
13 corner now occupied by a large office building is
14 really emblematic of the extreme, um, ah, development
15 pressure our neighborhood is facing and honestly it's
16 very, ah, distressing. So I, I ask you to please not
17 allow, not to approve this application, not to reward
18 this developer with additional floor space, and I
19 also urge the council to please, um, institute
20 increased zoning and, ah, landmarking protections for
our neighborhood, which is so severely...

21 SERGEANT AT ARMS: Time expired.

22 TOM BURCHARD: Thank you.

23 CHAIRPERSON MOYA: Thank you, Tom. Thank
24 you for your testimony. Um, Counsel, do we have any

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3 council members that have any questions for this
witness?

4 COMMITTEE COUNSEL: Chair Moya, there are
5 no members with questions.

6 CHAIRPERSON MOYA: Ah, there being no
7 further, ah, council members, ah, with questions, ah,
8 the witness is now excused.

9 COMMITTEE COUNSEL: The next speaker will
10 be Katherine Wolpe. Katherine Wolpe.

11 SERGEANT AT ARMS: Starting time.

12 CHAIRPERSON MOYA: Katherine?

13 KATHERINE WOLPE: Yes?

14 CHAIRPERSON MOYA: Whenever you're ready
15 you may begin.

16 KATHERINE WOLPE: I'm ready.

17 CHAIRPERSON MOYA: You can begin.

18 KATHERINE WOLPE: OK. My name is
19 Katherine V. Wolpe. I live at 107 East 10th Street
20 in the St. Mark's historic district and I'm a
21 parishioner at St. Mark's Church in the Bowery,
22 located at the corner of East 10th Street and Second
23 Avenue. Living in a historic district for more than
24 40 years has helped me appreciate the benefits of
25 such designations in preserving our city's

2 neighborhoods and flavors. The East Village is a
3 unique neighborhood, reflecting the diverse
4 immigration from many countries to a neighborhood
5 where people live together in peace. The
6 construction site at 3 St. Mark's Place is across
7 from the Cooper Union's historic main building where,
8 hi, do I need to click something?

9 CHAIRPERSON MOYA: No, you're fine,
10 Katherine.

11 KATHERINE WOLPE: OK. The construction
12 at St. Mark's, 3 St. Mark's Place, is across from the
13 Cooper Union's historic main building, where
14 President Abraham Lincoln gave a famous address in
15 the 1800s. Granting air rights for this construction
16 will impact this building and the Astor Place area,
17 which is also already overcrowded. A large building
18 will place additional burdens on subway and bus
19 service, not to mention to pedestrians on already
20 overcrowded nearby sidewalks and traffic. We already
21 have NYU and Cooper Union dormitories and classrooms
22 within a few blocks of this neighborhood. Other
23 infrastructure affected would be water supply and
24 electrical service. I strongly urge you not to

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3 order, not to allow this air rights transfer to take
4 place at 3 St. Mark's Place. Thank you.

5 CHAIRPERSON MOYA: Thank you, ah, for
6 your testimony. Ah, Counsel, do we have any council
7 members, ah, that have any questions for, ah, this
witness?

8 COMMITTEE COUNSEL: Chair Moya, no
9 council members with questions for this witness.

10 CHAIRPERSON MOYA: There being no
11 further, ah, council members, ah, that have questions
12 for the witness, ah, you're now excused.

13 COMMITTEE COUNSEL: The next speaker will
14 be Mary Fran Lotftus. Mary Fran Loftus.

15 SERGEANT AT ARMS: Starting time.

16 MARY FRAN LOFTUS: Hello?

17 CHAIRPERSON MOYA: Yep.

18 MARY FRAN LOFTUS: Oh, OK. My name is
19 Mary Fran Loftus. I have lived at Third Avenue and
20 Ninth Street for over 25 years. Against the proposed
21 air rights transfer from the landmark St. Mark's
22 Place to a new commercial office building at 3 St.
23 Mark's Place, as this does not serve the public
24 interest. An oversized office tower does not belong
25 on St. Mark's Place. In this time of the COVID-19

3 pandemic when many of our neighbors struggle to pay
4 their rent, every block is strewn with for-lease
5 signs on storefronts and offices require their staff
6 to work remotely. It is unconscionable to impose a
7 strictly commercial building on this unique and
8 mainly residential neighborhood. This corner is
9 considered the gateway [inaudible] known for its rich
10 cultural history and art and music. As Manhattan
11 Borough President Gail Brewer said in her decision,
12 "The building's stated use and design is devoid of
13 any acknowledge [inaudible]." The meager 5% of the
14 [inaudible] sale of the air rights that would go
15 towards maintenance of the Hamilton Holly House show
16 that this proposed transfer offers relatively little
17 benefit to the public and little true preservation
18 purpose. To my eyes, the only purpose of the planned
19 transfer is greed, thereby lining the pockets of the
20 developers. The additional square footage requested
21 in this proposal is equivalent to 11 one-bedroom
22 apartments which would better serve our community.
23 Rather than transfer air rights, we need improved
24 zoning and landmark protections in this area. I
25 fervently urge the committee to protect the people
you have been elected to serve and whose taxes pay

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2 your salaries. Join the unanimous decision by
3 Community Board 3 and Borough President Gail Brewer.
4 Deny this proposal. Thank you.

5 CHAIRPERSON MOYA: Thank you for your
6 testimony. Um, Counsel, do we have any council
7 members, ah, that have any questions for this
8 witness?

9 COMMITTEE COUNSEL: Chair Moya, I see no
10 members with questions for the witness.

11 CHAIRPERSON MOYA: Ah, there being no
12 further council members with questions, ah, the
13 witness is now excused.

14 COMMITTEE COUNSEL: The next speaker will
15 be Kathleen Wakeham. Kathleen Wakeham.

16 SERGEANT AT ARMS: Starting time.

17 CHAIRPERSON MOYA: Kathleen?

18 KATHLEEN WAKEHAM: Yes, I'm here, I...

19 CHAIRPERSON MOYA: Kathleen?

20 KATHLEEN WAKEHAM: Yes, um...

21 CHAIRPERSON MOYA: Yep, so, Kathleen,
22 wait before you start.

23 KATHLEEN WAKEHAM: Yes.

24 CHAIRPERSON MOYA: OK.

25 KATHLEEN WAKEHAM: Can you hear me?

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2 CHAIRPERSON MOYA: Yeah, we can hear you.

3 [inaudible]

4 KATHLEEN WAKEHAM: [inaudible], ah, the
5 Metropolitan Council on Housing. I am a rent-
6 stabilized tenant who has lived in the East Village
7 since 1973. Because I am aware of the needs and
8 character of our community I ask please do not
9 approve air rights or any other concessions for the
10 proposed high rise at 3 St. Mark's Place. As we
11 know, over 24,000 New Yorkers have died from COVID-
12 19. Over a million have lost jobs and another
13 million are facing eviction because of inability to
14 pay rent. In these times our community does not need
15 another high-rise tower. This proposed tower will
16 not provide employment because many are working from
17 home, if they are not already unemployed. The
18 changing face of the world of work demonstrates that
19 high-rise office space is something of the past, not
20 the future. It will not provide needed affordable
21 housing. Rather, it will only increase the vacancy
22 rate to over 5% because very few, if any, can afford
23 rents in a high-rise tower. The benchmark of 5% by
24 the Housing Vacancy Survey may end rent
25 stabilization. The survey is to be issued next year

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2 pending legislation in Albany. Also, this
3 construction will drastically impact our
4 neighborhood. It will be an erection of the Grim
5 Reaper, Reaper, over the demise of the East Village.
6 Please do not approve air rights or any other
7 concessions for the proposed high-rise tower at 3 St.
8 Mark's Place. Thank you.

9 CHAIRPERSON MOYA: Thank you. Thank you,
10 Kathleen, for your testimony. Ah, Counsel, do we
11 have any council members that have, ah, any questions
12 for this witness?

13 COMMITTEE COUNSEL: Chair Moya, no
14 council members with questions at this time.

15 CHAIRPERSON MOYA: OK, so there being no,
16 ah, further council members with questions, ah, the
17 witness is now excused. Thank you so much, Kathleen.

18 COMMITTEE COUNSEL: The next speaker will
19 be Laura Sewell. Laura Sewell.

20 SERGEANT AT ARMS: Starting time.

21 CHAIRPERSON MOYA: Laura?

22 LAURA SEWELL: I am joining. Thank you.
23 Um, I'm Laura Sewell. I'm trying to start my video.
24 Here we go. I'm Laura Sewell...

25 CHAIRPERSON MOYA: [inaudible]. OK.

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2 LAURA SEWELL: ...the director of the East
3 Village Community Coalition and a long-time East
4 Village resident. The developers have heard over and
5 over again from our community regarding use of an air
6 rights transfer for this particular project.
7 Community board hearings on the subject, both
8 Landmarks and Land Use Hearing Committees, exceeded
9 capacity. They were packed. People waited hours for
10 the chance to say the same thing. Our community
11 simply doesn't find enough public benefit on offer.
12 CB3 agreed. Limited additional work and a
13 maintenance plan for the recently restored Hamilton
14 Holly House does not offset the impact of adding an
15 oversized commercial property here, at the expense of
16 a neighborhood already experiencing extreme
17 development pressure. The response from the
18 developers to any real community concessions was that
19 it was not an option. We had an attitude of you
20 don't seem to understand we're gonna build anyway.
21 We could have made it all glass. Or we'll make it
22 prettier if we can make it bigger. That was the
23 response. And, and I agree with the people who said
24 today that that is extremely disappointing, for such
25 an important corner to our neighborhood. It's a,

2 it's a, it is the gateway. It is a plaza, um, that
3 is the path to the East Village from the West Side
4 and any development here should reflect the character
5 of the Lower East Side, East Village historic
6 district. Thank you very much for your time and for
7 the opportunity to speak.

8 CHAIRPERSON MOYA: Thank you, ah, for
9 your testimony. Counsel, do you have any council
10 members, ah, that have any questions, ah, for this
11 witness?

12 COMMITTEE COUNSEL: Chair Moya, no
13 council members with questions for this witness.

14 CHAIRPERSON MOYA: Um, OK, there being no
15 further, ah, council members with questions, the
16 witness is now excused.

17 COMMITTEE COUNSEL: The next speaker will
18 be Trevor Stuart. Trevor Stuart.

19 SERGEANT AT ARMS: Starting time.

20 TREVOR STUART: Ah, Chair Moya, ah,
21 subcommittee members, ah, thank you very much for the
22 opportunity to speak in opposition to, ah, the
23 proposed air rights transfer, and I believe in
24 support of Councilwoman Rivera's opposition. Ah, my
25 name is Trevor Stuart and I've lived in the village

2 for over half my life. Ah, the office tower planned
3 for 3 St. Mark's Place is completely inappropriate
4 for this neighborhood. More office space and retail
5 space unfortunately crying for a bank, a drug store,
6 or a Starbucks, [inaudible] what we need.
7 Unfortunately, this is part of the city's
8 misconceived plan to transform the neighborhood into
9 an extension of Silicone Alley in Midtown South by
10 demolishing, ah, low-rise historic residential
11 buildings and replacing them with high-rise office
12 towers. The [inaudible] of the 14th Street tech hub
13 last year is accelerating this disturbing trend.
14 Unfortunately, the damage to 3 St. Mark's Place is
15 now down, it's history, water under the bridge. The
16 matter before you today is whether to add insult to
17 injury to make this inappropriate development at 3
18 St. Mark's 20% larger by approving the transfer of
19 air rights from the landmark Hamilton Holly House
20 across the street. The proposed air rights transfer
21 would harm the character of the East Village, as
22 you've heard from others, and is not in the public
23 interest. The 5% of the proceeds that would go
24 towards maintenance of Hamilton Holly is hardly
25 needed. The house is in good condition and doesn't

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2 need an air rights transfer to fund its maintenance.
3 There's little benefit for the public and little true
4 preservation purpose. Instead, the purpose of the
5 planned transfer seemed largely to be to enrich two
6 developers. Instead of increasing the size of this
7 out-of-character development, the city should instead
8 extend real landmark concerning protections to this
9 area. Unfortunately, it has consistently refused to
10 do so. I strongly urge you to not approve this air
11 rights transfer. Thank you very much for the
12 opportunity to speak.

13 CHAIRPERSON MOYA: Thank you, ah, for
14 your testimony. Ah, Counsel, do we have any council
15 members that have any questions for this witness?

16 COMMITTEE COUNSEL: Chair Moya, no
17 members with questions for this witness.

18 CHAIRPERSON MOYA: Ah, there being no
19 further, ah, council members, ah, with questions, the
20 witness is now excused. Thank you so much for your
21 testimony today.

22 COMMITTEE COUNSEL: The next speaker will
23 be Anita Isola, Anita Isola.

24 SERGEANT AT ARMS: Starting time.

25 ANITA ISOLA: Ah, can you hear me?

2 CHAIRPERSON MOYA: We can hear you.

3 ANITA ISOLA: OK. Um, I'm sorry, I don't
4 know what happened here. But, anyhow, ah, I live at
5 the, I live on East 10th Street between Broadway and
6 Fourth Avenue. I have lived in the village for my
7 whole 70 years. And I have watched the changes that
8 have been coming about. The most drastic is what I'm
9 seeing now in this East Village area, this south of
10 Union Square that has been targeted by the city as,
11 ah, the new Silicone Alley or Midtown South. There
12 is, this building is totally out of character. It,
13 it totally mars the gateway to the East Village.
14 There is no public benefit, because the meager 5% of
15 the proceeds is not needed to maintain this building.
16 Um, the argument that was made about these local
17 businesses that will be moving in is also ludicrous.
18 No local, little local businesses typically of the
19 East Village will be moving in there. There will be
20 bank, a bank, and there will be a drug store, and
21 maybe, if you're lucky, there will be another nail
22 salon. Ah, I am, I am very deeply opposed to this
23 transfer. What we need, what we need in this area is
24 a rezoning and landmarking protecting that will
25 prevent any further marring of this area. Ah, thank

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2 you for your attention. I very strongly, I very
3 strongly urge that you deny this request. Thank you.

4 CHAIRPERSON MOYA: Thank you. Thank you
5 for your testimony. Um, Counsel, do we have any
6 council members, ah, who have any questions for this
7 witness?

8 COMMITTEE COUNSEL: Chair Moya, I see no
9 members with questions for this witness.

10 CHAIRPERSON MOYA: Thank you. There
11 being, ah, no further council members with questions,
12 the witness is now excused.

13 COMMITTEE COUNSEL: If there are any
14 other members of the public who wishes to testify on
15 LU number 680 for the 3 St. Mark's Place proposal,
16 please press the raise hand button now. The meeting
17 will now stand at ease while we check for members of
18 the public. Pardon me, Chair Moya, there are no
19 other members of the public who wish to testify on
20 this item.

21 CHAIRPERSON MOYA: Thank you. Um, there
22 being no other members of the public who wish to
23 testify for the public hearing on LU 680 for 3 St.
24 Mark's Place, ah, the hearing is now closed. Ah,
25 that concludes today's business. Today's

3 applications are laid over. Ah, I remind you that if
4 you have, ah, written testimony on the items you may
5 submit to, ah, landusetestimony@council.nyc.gov, ah,
6 and please indicate the LU number and/or the project
7 name in the subject heading. Ah, I would like to
8 thank the applicants, members of the public, my
9 colleagues, the subcommittee counsel, ah, and land
use and council staff, the Sergeant at Arms....

10 COMMITTEE COUNSEL: Chair Moya, sorry,
11 just before you adjourn...

12 CHAIRPERSON MOYA: Yes?

13 COMMITTEE COUNSEL: We'll come back for
14 the vote.

15 CHAIRPERSON MOYA: Oh, my apologies.

16 COMMITTEE COUNSEL: Ah, on the
17 subcommittee vote, I have a vote of 5 in the
18 affirmative, 1 in the negative, and no abstentions.
19 The item is approved and referred to the full Land
20 Use Committee.

21 CHAIRPERSON MOYA: Thank you. And now
22 that concludes today's, ah, business. Today's
23 applications are laid over. I remind you that if you
24 have written testimony on these items you may please
25 submit them to the landusetestimony@council.nyc.gov.

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2 Please indicate the LU number and/or project name in
3 the subject heading. And of course I would like to
4 thank again the applicants, members of the public, my
5 colleagues, the subcommittee counsel, land use and
6 other council staff, and the Sergeant at Arms for
7 participating in today's hearing. Ah, this meeting
8 is hereby adjourned. [gavel] Thank you.

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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 October 4, 2020