

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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May 31, 2022  
Start: 10:22 a.m.  
Recess: 11:34 a.m.

HELD AT: REMOTE HEARING - VIRTUAL ROOM 1

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

COUNCIL MEMBERS:

Shaun Abreu  
Erik D. Bottcher  
David M. Carr  
Kamillah Hanks  
Farah N. Louis  
Francisco P. Moya  
Lynn C. Schulman  
Selvena N. Brooks-Powers  
Eric Dinowitz  
Lincoln Restler

A P P E A R A N C E S

Eric Palatnik  
Brian Neumann  
Anna Martynova  
Nora Martins  
Josh Weissman  
Bill Bollinger

2 SERGEANT KOTOWSKY: Sergeants, please  
3 start your recordings. Computer started.

4 SERGEANT POLITE: Recording to the cloud  
5 all set.

6 SERGEANT KOTOWSKY: Sergeant Polite, if  
7 you could take away the opening.

8 SERGEANT POLITE: Thank you. Good morning,  
9 and welcome to the remote hearing on the Subcommittee  
10 on Zoning and Franchises.

11 Will Council Members and staff please  
12 turn on their video at this time? Thank you.

13 To minimize disruptions, please place  
14 your cell phones and electronics to vibrate.

15 Testimony can be submitted to  
16 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov). Once again, that's  
17 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

18 Chair, we are ready to begin.

19 CHAIRPERSON RILEY: Good morning, and  
20 welcome to a meeting of the Subcommittee on Zoning  
21 and Franchises. I am Council Member Kevin Riley,  
22 Chair of the Subcommittee.

23 This morning, I am joined remotely by  
24 Council Members Bottcher, Louis, Hanks, Moya, Abreu,

2 Schulman, Carr, Restler, Dinowitz, and Majority Whip  
3 Brooks-Powers.

4 Today, we will vote on rezoning proposals  
5 for 840 Lorimer Street in Brooklyn and 1930 Adea  
6 Avenue in the Bronx that were heard by the  
7 Subcommittee on April 26th and May 10th.

8 We will also hold public hearings on  
9 rezoning proposals for 98 Third Avenue in Brooklyn  
10 and 4541 Furman Avenue in the Bronx.

11 I would also like to note that the  
12 Wetherole Street and the 67th Avenue rezoning  
13 proposal originally planned for a public hearing for  
14 today will be heard at a future date.

15 Before we begin, I recognize the  
16 Subcommittee Counsel to review the hearing  
17 procedures.

18 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:

19 Thank you, Chair Riley. Good morning, Council  
20 Members. I am Angelina Martinez-Rubio, Counsel to the  
21 Subcommittee.

22 Members of the public wishing to testify  
23 were asked to register for today's hearing. If you  
24 wish to testify and have not already registered,  
25 please do so now by visiting the New York City

2 Council website at [www.council.nyc.gov/landuse](http://www.council.nyc.gov/landuse) to  
3 sign up.

4 Members of the public may also view a  
5 livestream broadcast of this meeting at the Council's  
6 website.

7 If you need an accessible version of any  
8 of the presentations shown today, please send an  
9 email request to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

10 When called to testify, individuals  
11 appearing before the Subcommittee will remain muted  
12 until recognized by the Chair to speak. Applicant  
13 teams will be recognized as a group and called first  
14 followed by members of the public.

15 When the Chair recognizes you, your  
16 microphone will be unmuted. Please take a moment to  
17 check your device and confirm that your mic is on  
18 before you begin speaking.

19 Public testimony will be limited to 2  
20 minutes per witness. If you have additional testimony  
21 you would like the Subcommittee or if you have  
22 written testimony you would like to submit instead of  
23 appearing here before the Subcommittee, you may email  
24 it to [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov). Please

2 indicate the LU number and/or project name in the  
3 subject line of your email.

4           During the hearing, Council Members with  
5 questions should use the Zoom raise hand function  
6 which appears at the bottom of either your  
7 participant panel or the primary viewing window.  
8 Council Members with questions will be announced in  
9 order as they raised their hands, and Chair Riley  
10 will then recognize Members to speak.

11           Witnesses are requested to remain in the  
12 meeting until excused by the Chair as Council Members  
13 may have questions.

14           Finally, there will be pauses over the  
15 course of this meeting for various technical reasons,  
16 and we ask that you please be patient as we work  
17 through any issues.

18           Chair Riley will now continue with  
19 today's agenda items.

20           CHAIRPERSON RILEY: Thank you, Counsel.  
21 Today, we will vote to approve LUs 58 and 59 relating  
22 to the 1930 Adee Avenue rezoning proposal in my  
23 district in the Bronx. The proposal includes a zoning  
24 map amendment to rezone an existing R4 district to an  
25 R6B district and the related zoning text amendment to

2 establish an MIH program area utilizing Options 1 and  
3 2, and I am in support of this proposal.

4 We will also vote to approve  
5 Preconsidered LUs 50 and 51 for the 840 Lorimer  
6 Street rezoning in Council Member Restler's district  
7 in Brooklyn. The proposal would rezone existing M1-  
8 2/R6 and an R6A/C2-4 district to a C4-5D district and  
9 the related zoning text amendment to establish an MIH  
10 program area utilizing Options 1 and 2. Council  
11 Member Restler is in support of this proposal, and I  
12 would like to recognize Council Member Restler to  
13 give any remarks regarding this proposal. Council  
14 Member Restler.

15 COUNCIL MEMBER RESTLER: Firstly, I  
16 believe congratulations are in order, Chair Riley, so  
17 we're thinking of you and your family. Hope  
18 everything is going well and everyone's in good  
19 health.

20 CHAIRPERSON RILEY: Thank you.

21 COUNCIL MEMBER RESTLER: I'm very, very  
22 excited for you.

23 I want to just again apologize to the  
24 Council staff and to all my Colleagues for taking a  
25

2 few minutes past 10 o'clock to finalize the terms on  
3 this one.

4 Our district has experienced more  
5 development than any other in the city of New York  
6 over the last 15 years by significant margins, and,  
7 unfortunately, we haven't seen the infrastructure  
8 investments to keep up so we need every new private  
9 applicant to step up and invest in our communities,  
10 and I'm very pleased that Mr. and Mrs. Parnes have  
11 agreed to do so. This is probably my least favorite  
12 part of the job, negotiating these Land Use deals,  
13 but they're very important. While Mr. and Mrs. Parnes  
14 are community members, small-time property owners,  
15 they're going to have the opportunity to build a  
16 development here and we need them to invest in our  
17 community, and they've graciously agreed to do so,  
18 and I want to thank them for their partnership.

19 In this development, 74 units, we have  
20 secured 35 percent of the housing as affordable  
21 housing at 80 percent AMI, and we've also secured a  
22 commitment to invest up to a million dollars in  
23 McCarren Park to create a new dog run for our  
24 community, and they've agreed to an expeditious  
25 timeline to make that happen, which we are

2 appreciative of. This building snakes around an  
3 existing building so they've offered and agreed to  
4 cover the expenses including legal fees for the  
5 adjacent property owner where one of our beloved  
6 neighborhood restaurants, Bernie's, is located and so  
7 I'm appreciative of their work on each of those  
8 fronts.

9 We have memorialized this agreement in a  
10 community benefits agreement with St. Nicks Alliance  
11 and North Brooklyn Parks Alliance, 2 of our beloved  
12 community-based organizations as well as the adjacent  
13 property owner so that we can ensure that the  
14 Parneses are held to account to follow through on  
15 these commitments.

16 Lastly, the applicant is going to make  
17 best efforts to hire graduates from St. Nicks  
18 Alliance and the Workforce Development Training for  
19 construction and other jobs so we see this  
20 development in total as a critical investment in our  
21 parks, above and beyond the requirements on  
22 affordable housing, assurances that they will be a  
23 good neighbor, and a commitment on best efforts on  
24 local hiring. Those are the different components that  
25 we should want to see in every new development

1 project, and I'm pleased that we were able to come to  
2 a positive outcome.

3  
4 I know I can be a difficult negotiating  
5 partner so I do especially want to thank Mr. and Mrs.  
6 Parnes and each of their representatives for bearing  
7 with me and getting to an agreement in the end.

8 I want to thank my team, especially my  
9 Chief-of-Staff Mariana and our tremendous Land Use  
10 Director Arvind Sindhvani who did a terrific job and  
11 the Council Land Use staff as well for helping us  
12 navigate all this. Thank you all and thank you again  
13 to my Colleagues and apologies for the delay.

14 CHAIRPERSON RILEY: Thank you, Council  
15 Member Restler.

16 Finally, regarding the One 45/Museum of  
17 Civil Rights, the redevelopment proposal on today's  
18 agenda, I note that the Council is in receipt of a  
19 written statement from the applicant that the  
20 application has been withdrawn. Therefore, pursuant  
21 to Council rule 11.60B, Preconsidered LUs 53 through  
22 57 relating to the One 45/Museum of Civil Rights  
23 redevelopment proposal are void, and I make a motion  
24 to file the items to remove them from the Council's  
25 calendar.

2 Members of the Subcommittee who have  
3 questions or remarks about today's items should use  
4 the raise hand button now. Counsel will announce  
5 Members in the order that hands are raised.

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

8 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
9 Chair Riley, I see that Council Member Louis has her  
10 hand up.

11 CHAIRPERSON RILEY: Council Member Louis.

12 COUNCIL MEMBER LOUIS: Good morning. I'm  
13 just trying to understand this process and forgive me  
14 for my ignorance. When we're removing LUs number 53  
15 through 57, what does that mean?

16 CHAIRPERSON RILEY: Counsel, would you?

17 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
18 Council Member Louis, it just means that pursuant to  
19 City Council rules, the item has been withdrawn from  
20 our calendar because the developer submitted a letter  
21 saying that they're withdrawing that so it's just a  
22 procedural vote so that we can remove it.

23 CHAIRPERSON RILEY: Thank you, Counsel.

24 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO: Are  
25 there any other Council Members with questions? I

2 don't see any other hands up, but I just want to make  
3 sure I'm not missing anybody.

4 Chair, there's no other Council Members  
5 with questions at this time.

6 CHAIRPERSON RILEY: Thank you, Counsel. I  
7 now call for a vote to approve Preconsidered LUs 50  
8 and 51 for the 840 Lorimer Street rezoning proposal  
9 and LUs 58 and 59 for the 1930 Adee Avenue rezoning  
10 proposal and to file Preconsidered LUs 53, 54, 55,  
11 56, and 57 relating to the One 45/Museum of Civil  
12 Rights redevelopment proposal.

13 Counsel, can you please call the roll?

14 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
15 Chair Riley.

16 CHAIRPERSON RILEY: Aye on all.

17 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
18 Council Member Moya.

19 COUNCIL MEMBER MOYA: I vote aye.

20 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
21 Council Member Louis.

22 COUNCIL MEMBER LOUIS: I vote aye.

23 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
24 Council Member Abreu.

25 COUNCIL MEMBER ABREU: Aye.

2 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
3 Council Member Bottcher.

4 COUNCIL MEMBER BOTTCHEER: I vote aye.  
5 Chair, what are we voting on with respect to Harlem  
6 One 45? I know it's being withdrawn, but what is the  
7 aye for here?

8 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
9 You're voting to remove from our calendar.

10 CHAIRPERSON RILEY: Yes, correct.

11 COUNCIL MEMBER BOTTCHEER: Okay. Permission  
12 to explain my vote, please.

13 CHAIRPERSON RILEY: Permission granted,  
14 Council Member Bottcher.

15 COUNCIL MEMBER BOTTCHEER: I vote aye to  
16 all. Good job with the dog run in particular,  
17 Lincoln. With respect to Harlem One 45, this fiasco  
18 is an example of why we need a comprehensive citywide  
19 planning framework. (INAUDIBLE) while only producing  
20 a fraction of the fraction of housing that we need so  
21 we need to get together as a Body and have a  
22 conversation about how we're going to approach land  
23 us because if we keep going on this path we're going  
24 to be in a lot of trouble, and I'm hoping that we can  
25 use this as a conversation starter as a Body so we

2 can sit down together and move forward because we can  
3 look at San Francisco and Los Angeles and that's a  
4 window into our future if we don't start planning for  
5 the future of housing in New York City.

6 CHAIRPERSON RILEY: Thank you, Council  
7 Member Bottcher.

8 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
9 Chair, I would just add, just to clarify, again,  
10 we're just removing it from our calendar, but  
11 essentially a withdrawal letter means that the  
12 application no longer exists. This was introduced and  
13 we know it was heard, but the procedural part is that  
14 it no longer exists in our calendar. This is what we  
15 need to do to remove it from our pipeline.

16 Council Member Hanks.

17 COUNCIL MEMBER HANKS: I vote aye.

18 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
19 Council Member Schulman.

20 COUNCIL MEMBER SCHULMAN: I vote aye.

21 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
22 Council Member Carr.

23 COUNCIL MEMBER CARR: Aye on all.

24 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO: The  
25 Land Use items are approved and referred to the Land

2 Use Committee by a vote of 8 in the affirmative, no  
3 negative, no abstentions.

4 CHAIRPERSON RILEY: Thank you, Counsel. To  
5 continue with today's meeting, I will now open the  
6 public hearing on LUs 65 and 66 relating to the 98th  
7 Third Avenue rezoning proposal in Council Member  
8 Restler's district in Brooklyn.

9 This application seeks a zoning map  
10 amendment to rezone an existing M1-2 district to an  
11 R7D/C2-4 and R6B districts and a related zoning text  
12 amendment to establish an MIH program area.

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

18 I would now like to allow Council Member  
19 Restler to give any remarks regarding this project.  
20 Council Member Restler.

21 COUNCIL MEMBER RESTLER: Thank you, Chair  
22 Riley. I feel like I should just become a Member of  
23 your Committee. I spend so much time with you here,  
24 but it's good to be with you all.

2           The project at 98th Third Avenue is on  
3 essentially the last remaining kind of industrial  
4 manufacturing block in the Boerum Hill neighborhood.  
5 This is an old gas station that's been operating  
6 there for many, many years, and they're proposing to  
7 turn it into luxury housing, the same thing that  
8 everybody else wants to do with MIH.

9           This project is relatively modest in  
10 scale. I continue to be a bit perplexed and  
11 confounded that they didn't work with the adjacent  
12 property owner that owns most of the block on a  
13 single rezoning for the full block that would've been  
14 much preferred. That rezoning is planning to certify  
15 later this year so we now have to deal with multiple  
16 ULURP actions on the same block as a result of their  
17 inability to coordinate. As of now, the developer has  
18 not really offered, we've been in communication, but  
19 we haven't yet received commitments around the types  
20 of community investments and benefits that we need.

21           This site is across the street from 2 of  
22 our local public housing developments, most notably  
23 Wyckoff Gardens where we have over 500 units of  
24 public housing and 572-574 Warren which is about 150  
25 units. For me, any development needs to, of course,

2 be appropriate in scale and density and we want to  
3 maximize affordable housing and get the best possible  
4 commercial use of the commercial space on the first  
5 floor. We also need to see investments in our public  
6 housing developments which have been neglected for  
7 far too long, and so I look to private applicants  
8 such as this one at 98th Third who is intending to  
9 convert a gas station into primarily luxury housing  
10 to also invest in meeting the needs of our most  
11 vulnerable residents. That's what we're still looking  
12 to hear from this applicant. We'll see if they're  
13 able to come up with a package that is adequate in  
14 meeting the needs of our community and look forward  
15 to the hearing today and further conversations in  
16 advance of the conclusion of this process.

17 I'll just say in closing this is one of a  
18 number of different ULURP applications that began  
19 during my predecessor's tenure and has continued into  
20 this new term so we were not consulted  
21 precertification on these projects, we did not have  
22 any ability to shape this project in any meaningful  
23 way and are kind of left to try to make some  
24 adjustments at the margins to make it better but  
25 frankly have our hands tied because of the way that

2 this and other applicants have approached the timing  
3 of their certifications, which I think is highly  
4 unfortunate and will lead to a less good outcome for  
5 our community. Thank you, Chair Riley.

6 CHAIRPERSON RILEY: Thank you, Council  
7 Member Restler.

8 Counsel, please call the first panel for  
9 this item.

10 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO: The  
11 first panel for this item is Erik Palatnik, Brian  
12 Neumann, and Anna Martynova.

13 CHAIRPERSON RILEY: Counsel, please  
14 administer the affirmation.

15 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
16 Applicants, can you please raise your right hand, and  
17 I will call on you individually to answer the  
18 following question.

19 Do you affirm to tell the truth, the  
20 whole truth, and nothing but the truth in your  
21 testimony before this Subcommittee and in your  
22 answers to all Council Member questions?

23 Eric Palatnik.

24 ERIC PALATNIK: I do.

25

2 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:

3 Brian Neumann.

4 BRIAN NEUMANN: I do.

5 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO: Anna

6 Martynova.

7 ANNA MARTYNOVA: I do.

8 CHAIRPERSON RILEY: Thank you. For the  
9 viewing public, if you need an accessible version of  
10 this presentation, please send an email request to  
11 [landusetestimony@council.nyc.gov](mailto:landusetestimony@council.nyc.gov).

12 Now the applicant team may begin.

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

16 ERIC PALATNIK: Hello. Good morning. My  
17 name is Eric Palatnik. I am an attorney representing  
18 Bill Wolf Petroleum. Thank you very much for giving  
19 us the time, and I want to congratulate the Chair of  
20 the Land Use Committee for whatever Council Member  
21 Restler congratulated you for. I'm sure something  
22 good happened to you so congratulations, and I  
23 believe Council Member Restler, himself, is deserving  
24 of some congratulations. I heard there's some good  
25

2 news in his life when I was at a Community Board  
3 meeting the other night.

4 I want to thank everybody for the time  
5 today. I recognize we're the last one on your agenda  
6 today, and I know the Council Member had some  
7 questions and some issues that he raised that I'd  
8 very much like the chance to answer and give  
9 hopefully adequate responses for the Councilman and  
10 for the remainder of the Committee and then maybe us  
11 and the Council Member can spend some time talking  
12 after this to try to find a common solution because I  
13 think we share the same exact goals.

14 This is the building that we're asking  
15 you to build. It's a relatively small building. It's  
16 only 29 units. It's about 28,000 square feet of floor  
17 area. It's 29 units. I say that. Those are actually  
18 mostly studios and one-bedrooms. They're kind of  
19 squeezed in there. Of the 28,000 square feet of floor  
20 area, includes about 3,500 square feet of ground  
21 floor commercial which we are keenly desirable of  
22 meeting the Council Member's desire. He expressed a  
23 desire of some kind of food store or similar type of  
24 establishment on the ground floor, a small grocery.

2 Of course, it's only 3,500 square feet, but we'd like  
3 to meet that.

4 Really, what's more telling than this  
5 picture though because this is just a picture of  
6 another new building in New York City. As good as  
7 Brian Neumann, our architect, is, it's not much  
8 different than any of them that we see around the  
9 city. Really, what's telling is, if you go to the  
10 next slide, which is what the Council Member  
11 mentioned, which is the last remaining manufacturing  
12 block. If you can just go to the next slide, please.

13 This gives you a good picture for what  
14 we're talking about here. This is the last remaining  
15 manufacturing block. This site we're asking you to  
16 rezone and act upon today, we're asking you to go  
17 from an M1-2 district to an R7D with a C2-4  
18 commercial overlay on this 5,000 square foot lot.

19 Now, the Council Member pointed out that  
20 there's a series of rezonings around us, and he's  
21 1,000 percent right. There's the Ulano Corporation  
22 which is a large film-making company, like the film  
23 that goes over your credit card, the wrap-around  
24 stuff. That was produced in the building to the right  
25 there, that brick building you see, which is a whole

1 complex. The remainder of Third Avenue, which I'll  
2 show you in a second, which the block front is owned  
3 by DCAS. The reason that we're here ahead of them and  
4 a different schedule, unfortunately, it predates  
5 probably even the previous Council Member. We started  
6 this request to build a residential building here in  
7 New York City, if you can believe this, 12 years ago  
8 under Meenakshi Srinivasan at the Board of Standard  
9 and Appeals where it was warmly received and then  
10 those in administration changed just like now. It  
11 ended up in the de Blasio administration at the Board  
12 of Standard and Appeals under the new regime that  
13 operated there, and they were not so pleased with it.  
14 The entire time, we've been meeting with the Council  
15 Member, Council Member Stephen Levin, we've been  
16 meeting with the Community Board on multiple,  
17 multiple, multiple occasions. We had full support of  
18 everybody. This is over the past decade, a decade of  
19 support. We've met with Community Board 3, 4, 5, 6, 7  
20 different times. The Board of Standard and Appeals  
21 did not like it. They rejected it. We explained to  
22 them it's all residential around it. They rejected it  
23 so then we ended up in City Planning where we pursued  
24 the rezoning application you're acting upon right  
25

2 now. This rezoning application wound its way through,  
3 unfortunately again before Council Member Restler was  
4 elected or was even involved at that point and  
5 admittedly we could've come to him before he took  
6 office but we came to him right after he took office,  
7 and at that point we had almost unanimous Community  
8 Board support. Never in my career, only 1 other time,  
9 the last application I had before you, was there  
10 unanimous support. There was only 1 person objected.  
11 35 people out of 37 supported it. Then we met with  
12 Howard Kotkin (sic) who runs the Block Association  
13 next door. We spent 2 or 3 meetings with Howard. He  
14 runs the Block Association. He supported it. We met  
15 with the Borough President's office, and they  
16 supported it. Council Member Restler, I think likes  
17 it from what I can tell, but he's not pleased I don't  
18 think with our community gifts so we're going to try  
19 to make him happy in the community gifts, and, in  
20 that respect, what we've tried to encourage and  
21 explain that we'd be happy to do is to contribute to  
22 Wycoff Gardens. They have a fund. We've also tried to  
23 work and will continue to work on the affordability.  
24 I was just very pleased to hear the previous  
25 application that he made some comments, which I was

2 unaware of, and I got a little bit of insight for  
3 some ideas, Council Member, that I might be able to  
4 present to you to make you a little bit happier in  
5 what we're doing.

6           The problem for all the Board Members, if  
7 you can skip forward, I'll go through the  
8 presentation in a few more seconds. Just for all the  
9 Committee Members, you can understand the pressures  
10 that are on the developers, and I can understand  
11 where the Council Member is coming from, but the  
12 ULURP process doesn't allow us to time things so  
13 well, and that's what we're not timed up with Ulano  
14 next door who's doing a larger rezoning. If you go to  
15 the next slide, I'll show you everything. Next slide,  
16 please.

17           This slide gives you a pretty good  
18 depiction of what's going on around us. You can see  
19 here that you've got the project area, and our site  
20 is just a small little pimple in it. Where the words  
21 "Project Area" are, where you see the parking lot,  
22 that's owned by the Department of Citywide  
23 Administrative Services. That is not our property.  
24 The property in the far end to the left is owned by,  
25 I believe, a fertility doctor. That's the block front

2 that we are rezoning, and we're asking to change that  
3 from a manufacturing district to a R7D with a ground  
4 floor commercial. Now, the Ulano property that the  
5 Council Member and I have been referring to is the  
6 property behind us that says, sir "2-Story Factory  
7 Building." Much bigger development. That's going to  
8 have hundreds of units. Here, we're talking about a  
9 24,000 square foot building, much smaller building,  
10 and, again, we've been at this for a decade. The  
11 Wycoff Gardens are the two 21-story residential  
12 buildings you see in the back to your left. Those  
13 properties are properties we've had some  
14 conversations with the Council Member at his  
15 suggestion, and we've agreed to contribute some  
16 funding to them. I'll get to our affordability in a  
17 moment. That's essentially our block front. If you  
18 could see, the whole area that's dotted and it says  
19 "Project Area," that is all the rezoning area so only  
20 our site is a small portion. Most notably, a portion  
21 of the Ulano property is in that rezoning, which is  
22 that brick building that you can see right behind us  
23 on Bergen Street. Also notable on this picture, if  
24 you look across the street at the bottom of the map,  
25 that's all zoned residential so our block is

2 literally, and I'll show you that in a second, next  
3 slide, please.

4 I'm sorry if I'm taking too long, but  
5 there is a long history here and we've been at this  
6 for a decade so I appreciate you taking the time to  
7 listen to this. It's a little bit complicated on this  
8 map. The rezoning that we are undertaking here is  
9 doing a couple of different things. It's shown right  
10 here on the tax map. If you look on the right side of  
11 the tax map, you can see in red our property. That's  
12 all that's being rezoned under our action, but we are  
13 also doing the block front as I mentioned a moment  
14 ago, and that's all going to become R7D. You'll also  
15 notice in the bottom right of that yellow map, you'll  
16 see R6B with an asterisk next to it. That was done at  
17 the suggestion and advice of the Planning Department  
18 so that they could fill in that zoning area because  
19 that lot was otherwise zoned manufacture so they  
20 thought that would be awkward to leave that. Again,  
21 what I'm trying to demonstrate to you here is we're  
22 cleaning up the map. If you go through the next few  
23 slides, I'll show you how we're becoming consistent  
24 with the block front. If you go to the next slide.

2           This slide shows you, actually, the next  
3 slide shows it even more clear. There you go.  
4 Beautiful. This slide's perfect. The left side shows  
5 you the existing zoning map and the right side shows  
6 you the proposed. As you can see, we're the green on  
7 the left side in the middle of the map. Everything  
8 around us, if you look to the bottom, the right, and  
9 the left of the top is all R7A, R6B, R7B, R6B, and R6  
10 so obviously I think the zoning district makes sense  
11 that we're asking for. This is an R7D and that  
12 requires us to provide affordable housing under the  
13 MIH program. This gives you an idea for the land use  
14 itself. Go now to the next slide, please. I think  
15 we're going to skip forward a couple of slides. We're  
16 going to go right now to the affordability slide so I  
17 don't waste everybody's time. About 2 or 3 more  
18 slides forward, and you'll see a, it's not numbered,  
19 I apologize. One more I think. One more. There you  
20 go. Beautiful.

21           Anna from City5 Consulting is on the  
22 phone, and she's created this matrix. We created this  
23 matrix at Option 1, and I just heard a second ago a  
24 community benefits agreement the Council Member made  
25 with another developer. I think they provided more

2 than 25 percent of the floor area. I thought I heard  
3 that was at Option 2, but I'm not sure. These are  
4 things that we are coming back to the Council Member  
5 with numbers to show the Council Member that we can  
6 do more than what we're showing right here, whether  
7 it be by changing the affordability, the MIH Option  
8 to the 80 percent option and increasing some of the  
9 units or whether it be by keeping it at Option level  
10 1 and increasing some of the units at a different  
11 amount, but the most important part that we want to  
12 let the Council Member know is we spent Memorial Day  
13 weekend, other than the one day I got to go to the  
14 beach with my kids yesterday, working on a matrix to  
15 provide to him a transparency, our whole spreadsheet.  
16 We want to show him exactly what our costs are and  
17 what we're up against and what we can afford to give  
18 and still make the project worthwhile. We have worked  
19 very hard on this. We're giving him exactly what Bill  
20 Wolf Petroleum is working off of and it includes the  
21 new inflationary costs, it includes the new supply  
22 chain issues, it includes the cost of labor, it  
23 includes the 421 extinguishing, and he's doing that  
24 to show the Council Member and the Council and the  
25 Committee from a transparent perspective what it will

2 cost to build the building and operate the building  
3 and where his breaking point is as a reasonably  
4 prudent investor developing a building. Of course,  
5 there is a benefit to be had from the rezoning, but  
6 there's a limit to the benefit, and, when that limit  
7 is reached, then the developer can no longer develop.  
8 We have been speaking with the Council Member, and  
9 our initial discussion, we think we kind of might  
10 have gone beyond our limit so we wanted to come back  
11 to the Council Member and to the Committee and to  
12 provide you with real numbers, maybe you could use it  
13 in future applications, and you can see exactly what  
14 things are costing us, exactly what we're estimating,  
15 exactly what the affordability component is going to  
16 cost us, exactly what the developer is being forced  
17 to bear the burden of in exchange for the rezoning.

18 Now, in large rezonings, sometimes  
19 there's more meat on the bone. We're a tiny rezoning  
20 that's been at this for a decade. We are willing to  
21 give to the community. We're willing to give funding  
22 where it's needed. We're willing to give more than is  
23 necessary on the MIH. What we are asking as an  
24 exchange, and I think we have it here because I now  
25 most of the Council Members and I've read about the

2 rest of them, I think we have a reasonable bunch of  
3 people here including the Council Member, most  
4 importantly the Council Member, who could take a look  
5 at the numbers that we are going to provide and say  
6 to themselves these people are not full of it.  
7 They're telling me what it's going to cost. Then we  
8 can all decided together where the breaking point is,  
9 and, if the breaking point is too much, we'll agree  
10 not to push on with the application and we'll  
11 withdraw, but if the breaking point is at a point  
12 that we can all agree to we are eager to seek the  
13 approval and build housing here. Obviously, it's a  
14 gas station. Although it's making money today, the  
15 writing is on the wall. It's 6 bucks a gallon and  
16 electric cars on the way. Gas is not the future of  
17 New York City.

18 We thank you very much for your time. I'd  
19 like to pause here. I don't think you need to see too  
20 much more unless you want to. We have our full team  
21 here to answer any questions. We have Anna from City5  
22 Consulting, we have Brian Neumann who is our project  
23 architect. You can take down the screen now. We can  
24 show au any slides you want. I think you're all very  
25 well-educated and you don't need to see much more

1 about an 85-foot tall, 29 unit building other than  
2 really what the issues are with us and the Council  
3 Member, what we're trying to achieve, but I'd be  
4 happy to talk about anything you want.  
5

6 Thank you very much for giving me all the  
7 time you gave me. You've been more than generous.

8 CHAIRPERSON RILEY: Thank you, Eric. I  
9 just have about 3 questions and then I'm going to  
10 pass it to Council Member Restler.

11 My first question is there's currently a  
12 separate private application, 280 Bergen, for our  
13 city plan to rezone the rest of this block from  
14 manufacturing to residential. Did you consider  
15 coordinating with this application and/or why did you  
16 decide to advance your own separate application?

17 ERIC PALATNIK: Okay. Like everything in  
18 life, there's always a back story on everything,  
19 right? The first part of the story goes that they  
20 were at a much different timing situation at the  
21 time. We have to go back in time a little bit. At the  
22 time, they came in behind us. We had been speaking  
23 with the Council Member. We had been speaking with  
24 the Community Board. We were speaking with Department  
25 of City Planning. Everybody knew about what was going

2 on around, and nobody had a problem with us moving  
3 ahead at the pace we were moving.

4           Also, as time went on, the development  
5 pressure got different on different parties in it,  
6 and suffice it to say that not all the roosters get  
7 along so well in the henhouse, but, even if the  
8 roosters did get along beautifully and they were able  
9 to, we were at a much different time and we checked  
10 it all off with everybody because we were trying very  
11 hard to make sure that we were okay. We recognized  
12 that this was a potential for an issue so what we did  
13 when we set forth the rezoning ideas here is the  
14 ideas that were set forth as I said include the Ulano  
15 property, which is one of the properties we're  
16 talking about, and included in the district that we  
17 were rezoning and that was done in an effort to  
18 coordinate into what they were doing, and that's also  
19 with the R6B in the backdrop. We did try very hard,  
20 the best we could, to make sure everybody was okay  
21 with everything. You know, you can't always force  
22 everybody to do everything together the way we'd all  
23 want obviously, but we did try very hard in the  
24 previous group of people, and, as the Council Member  
25 said, he came in in the middle and we respect his

2 wishes, but the timing just worked out where he just  
3 walked in right smack when we were getting certified.

4 CHAIRPERSON RILEY: Thank you, Eric. What  
5 types of businesses do you envision occupying the  
6 ground floor retail space?

7 ERIC PALATNIK: We want to work very  
8 closely with the Council Member to try to find a food  
9 store of some sort. We're going to use our best  
10 efforts to try to find something that can come in  
11 there. It is only 3,500 square feet so it's not that  
12 big. He has expressed in a meeting that there's a  
13 shortage of fresh food around there. It's not going  
14 to be a supermarket of any sort, if we can even find  
15 anybody. As you know, retail has taken an extreme  
16 twist in New York City so it's not as if it's a  
17 player's market for picking out users, but Howard  
18 Kotkin (sic) who lives next door to us and is the  
19 head of the neighborhood block association also sits  
20 on, I believe, the board of Atlantic Avenue where  
21 they track commercial users. We'd like to work with  
22 the Council Member and Howard and Council Member's  
23 staff to try to find users in there. We cannot commit  
24 to a food store because, if somebody could force a  
25 food store to come into us, we'll commit but absent

2 somebody saying to us we have a food store for you  
3 and they'll take and they'll take it at a rent that  
4 you could afford to pay your bills on, it goes back  
5 to the spreadsheet we're going to send, we'd be happy  
6 to. We're trying to accommodate everybody's desires  
7 and needs and create a feasible building at the same  
8 time.

9 CHAIRPERSON RILEY: Thank you, Eric. My  
10 last question is do you have a plan in place to  
11 ensure local hiring and M/WBE participation during  
12 construction?

13 ERIC PALATNIK: Yes, we do. The developer  
14 here is Bill Wolf Petroleum. Bill Wolf Petroleum is  
15 building in quite a few different locations right  
16 now. They only hire M/WBE contractors to work for  
17 them. They are not an M/WBE organization because they  
18 are neither a minority or women. It will have  
19 minority/women-owned business enterprises working for  
20 them. They're also going to try to be using locally  
21 sourced labor within the building. We did present the  
22 building to 32BJ for their (INAUDIBLE). It's too  
23 small a building for their desires, and I didn't  
24 mention a moment ago but the building's going to have  
25 all the latest green features as well as be up to

2 code with the electrical requirements for the  
3 powering of the building.

4 CHAIRPERSON RILEY: Thank you. I would  
5 like to pass it to Council Member Restler to ask some  
6 questions. Council Member Restler.

7 COUNCIL MEMBER RESTLER: Thank you, Chair  
8 Riley. Thank you, Eric, for the thoughtful  
9 presentation.

10 Firstly, the gentleman you've referred  
11 to, Howard Kolins. Howard is the long-time President  
12 of the Boerum Hill Association, also serves as the  
13 Acting Executive Director of the Atlantic Avenue  
14 Local Development Corporation and is a really  
15 committed and impressive community leader and I  
16 appreciate your engagement with him. I just wanted to  
17 get his name right for the record.

18 ERIC PALATNIK: I apologize for  
19 misspeaking. I had a childhood friend named Howard  
20 Kotkin.

21 COUNCIL MEMBER RESTLER: I'm sure he's a  
22 good guy too.

23 Firstly, I'm not sure that this is the  
24 prerogative or the concern of Mr. Wolf and as  
25 somebody who's invested in reducing personal car

2 ownership, it's not my singular top priority, but I  
3 represent a sizeable swath of Brownstone Brooklyn,  
4 Dumbo and Brooklyn Heights, Downtown Brooklyn, Boerum  
5 Hill, into Gowanus. With the conversion of this gas  
6 station into yet more luxury housing, do you know how  
7 many gas stations will remain in my district? If not,  
8 the answer's one, and I worry that the remaining gas  
9 stations are able to just jack up prices even more  
10 and take advantage of consumers because of the lack  
11 of competition that we're seeing. We've seen gas  
12 station after gas station in our community get  
13 converted into luxury housing because the opportunity  
14 to make money is so great for property owners and  
15 developers.

16 ERIC PALATNIK: Council Member, if I may.

17 I was muted before. I had muted myself when you  
18 spoke. I learned a lesson here. You cannot unmute  
19 yourself if you mute yourself here on this Zoom so I  
20 apologize. I was trying to answer you.

21 Obviously, you know the answer. There's  
22 only one. Let me just speak practically from this  
23 automotive service station so you can understand the  
24 dilemma it's facing. Whether we like it or not, I  
25 represent British Petroleum. Everybody's going

2 electric, and the gas stations are no different. This  
3 station is the smallest possible gas station that  
4 could ever be. It was much smaller than every other  
5 gas station around that ever was or is, and it was  
6 created specifically to fuel up the trucks in the  
7 manufacturing district around there. They were all on  
8 account. The problem for us is, as a community, is  
9 that Shell or any supplier is not so anxious to be  
10 sending gas over there because it's not pumping as  
11 much gas as where else they could be so gas companies  
12 are not really so interested in the site. The reason  
13 Bill Wolf Petroleum is here in front of you right now  
14 is simply because the gas companies are not excited  
15 about this site, it's not in their future. He has to  
16 do something with the property. It's probably not  
17 going to stay as a gas station much longer unless he  
18 gets lucky and this gas shortage turns into a bonanza  
19 for them in which case maybe he will stay open, but  
20 right now they don't make the money off the gas  
21 shortage. I think the suppliers are making the money  
22 off the gas shortage, not the dealers.

23 COUNCIL MEMBER RESTLER: I'm not here to  
24 protect the fossil fuel industry or to sustain  
25 personal car ownership. Those are not my policy

1 objectives, but I do worry about the lack of  
2 competition in the marketplace, and this is yet  
3 another step that is taking us in that direction.  
4 I've seen the Mobil on Flatbush that charges an arm  
5 and a leg just outside of our district, and I think  
6 that we are unfortunately going to see gas stations  
7 be able to take advantage of consumers who need cars  
8 to get around more and more as a result of yet  
9 another transition here. Again, it's not my  
10 overarching policy concern, but it is an issue of  
11 note.  
12

13           The supermarket site, I just wanted to  
14 give a little context on that again for the record  
15 for why it's an area of concern. For some reason in  
16 the Gowanus rezoning, the primary site where we have  
17 a supermarket that serves our 3 large public housing  
18 developments in this area, where we have about 2,000  
19 units of public housing, is a CTown on Bond, and that  
20 is a soft site in the Gowanus rezoning, and so,  
21 unfortunately, what my friends in the land use  
22 business tell me is that it's an inevitably that that  
23 site is going to get rezoned and we're going to lose  
24 the one deeply affordable supermarket that meets the  
25 needs of NYCHA residents of low-income residents in

2 our profoundly gentrified area and so it is over  
3 grave concern to me that our 2,000 units of NYCHA  
4 residents, probably 6,000-plus people are no longer  
5 going to have an affordable place to do their  
6 shopping so we're just looking at every opportunity  
7 and every turn where we can preserve that so, if  
8 there was an opportunity for deeply affordable  
9 produce and goods at this location, it would be  
10 appreciated and meaningful and make a difference in  
11 ensuring affordability for the community because, of  
12 course, affordability is not just being able to  
13 afford the roof over your head, it's being able to  
14 pay for the basic necessities that you have in your  
15 neighborhood from laundromats to supermarkets and  
16 etc.

17           Next, on the affordable housing, I just  
18 want to ask kind of briefly for the applicant to  
19 reiterate that they are committed to going above the  
20 MIH requirements at this location and that we will  
21 work together closely in the ensuing couple of weeks  
22 to realize a more generous mix of affordable housing  
23 at this location.

24           ERIC PALATNIK: We are going to show you  
25 our bank account, and we're all going to decide

1 together at what point the amount of money left in  
2 the account after we spend it is worthy of spending  
3 the money and if it's a worthy decision. If it is, we  
4 will wholeheartedly build it. We're going to give you  
5 the spreadsheet. We spoke on the phone. You asked for  
6 transparency. We are giving you our accounting  
7 spreadsheet, the same one that is being given to our  
8 investors just so everybody is alert to everything.  
9 It is a windfall for a developer when they get a  
10 rezoning. I always say this to everybody. Nothing  
11 makes more money than a rezoning so you're 1,000  
12 percent correct, but there's a balance on the  
13 windfall as well. There's a risk against it. If you  
14 talk to some of my clients right now who can't get  
15 windows on buildings that are built and the buildings  
16 are boarded up while they're waiting 8 months for  
17 windows and they're paying a bank note every month  
18 and they're second mortgaging their house, all of  
19 this stuff, you're the Zoning Committee, you're  
20 building housing, you should be alert. It is an  
21 issue. We are keenly trying to address your concern  
22 and show you our numbers inside out, and we want to  
23 come to an agreement with you, and we want to  
24 provide, yes, more than the bare minimum and we want  
25

2 to provide more than that and we want to find a term  
3 that you'll be comfortable with.

4 COUNCIL MEMBER RESTLER: Great. I  
5 appreciate your desire to be transparent here and to  
6 open up your books. I find from my days dating back  
7 to serving on the Community Board the developers  
8 finances are opaque and so we have no idea just what  
9 are appropriate and reasonable asks and what are the  
10 right expectations for community benefits and  
11 investments because we have no idea how much money  
12 you're making. I just know that we're upzoning a site  
13 and allowing for luxury development on a location  
14 that will represent piles and piles of cash for the  
15 owner and so I'm interested in your commitment to  
16 transparency. We will review any and all information  
17 you provide rigorously and hope to get to a better  
18 place.

19 ERIC PALATNIK: So do we.

20 COUNCIL MEMBER RESTLER: Two more  
21 questions and comments. One is we've engaged in  
22 preliminary conversations with the Trust for Public  
23 Land about a commitment to work with NYCHA to upgrade  
24 facilities at Wycoff Gardens and just wanted to  
25 affirm that the applicant is open to and interested

2 in potentially supporting the Trust for Public Land  
3 at a project that would be beneficial to the  
4 residents of Wycoff Gardens and NYCHA developments.

5 ERIC PALATNIK: 100 percent. You just  
6 asked for affordable ground floor, you just asked for  
7 deeper affordability on the remaining amount of small  
8 units upstairs, and you just asked for cash in pocket  
9 to the Trust Fund, okay? If we can afford to spend  
10 that money, we're going to show it to you. If we're  
11 going to look at that with you and you're going to  
12 say, if I was investing with you, I would rather put  
13 my money in the bank, I wouldn't do it here, then  
14 we're not going to do it. We're going to leave it to  
15 you to look at it. I understand you're super  
16 intelligent, we've spoken at length, you understand  
17 it very, very well, and I think we'll...

18 COUNCIL MEMBER RESTLER: If you lie on the  
19 record, you're going to get in trouble.

20 ERIC PALATNIK: No, you're smart. Melinda  
21 Katz told me something once when she was Borough  
22 President, and you just said it the same way. She  
23 said I don't care what game we're playing, just tell  
24 me the rules, and I think that's what you just said  
25 to me. Just tell me what you got going on. I'm going

2 to show it to you. If there's enough money left in  
3 the piggybank after we spend it on all the candy we  
4 just desired to put into our tummies, then we will,  
5 of course, proceed and hopefully come to a good spot  
6 or we could say to one another, you know what, you  
7 can't give enough, nothing to get out of this, and  
8 just leave it where it is.

9 COUNCIL MEMBER RESTLER: I just want to be  
10 clear.

11 CHAIRPERSON RILEY: Sorry. We have to wrap  
12 it up in a few so have to wrap it up, Council Member.

13 COUNCIL MEMBER RESTLER: Last comment. I'm  
14 being lighthearted and jovial in my approach, but I  
15 just want to be very clear. We're 17 years after the  
16 Downtown Brooklyn rezoning and we have not seen 1  
17 inch of park space or 1 inch of new schools open in  
18 our community and we have tens of thousands of new  
19 residents in the area so we need real community  
20 investments to address the needs of our growing  
21 community. Not any small developer is going to be  
22 able to solve for all of that, but our expectations  
23 are significantly higher than what our predecessors'  
24 have been and so I want to be very clear that we look  
25 forward to a transparent process, but we are dead

2 serious about seeking out real investments that are  
3 going to meet the needs of our growing community and  
4 especially meet the needs of our most vulnerable  
5 residents in public housing. I'll leave it at that.  
6 Chair Riley, thank you for the chance to ask so many  
7 questions and thank you to the applicant team for  
8 your answers today.

9 ERIC PALATNIK: Thank you.

10 CHAIRPERSON RILEY: Thank you, Council  
11 Member Restler. Thank you, applicants.

12 I now invite my Colleagues to ask  
13 questions. If you have any questions for the  
14 applicant panel, please use the raise hand button on  
15 the participant panel. Counsel, are there any Council  
16 Members with questions?

17 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO: No  
18 Council Members with questions at this time, Chair.

19 CHAIRPERSON RILEY: There being no further  
20 questions, the applicant panel is excused.

21 Counsel, are there any members of the  
22 public who wish to testify on 98th Third Avenue  
23 proposal?

24 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO: We  
25 have no members of the public who signed up to

2 testify on this proposal, Chair, so we can go ahead  
3 and close.

4 CHAIRPERSON RILEY: There being no other  
5 members of the public who wish to testify on LUs 65  
6 and 66 relating to the 98th Third Avenue rezoning  
7 proposal, the public hearing is now closed, and the  
8 items are laid over.

9 I will now open the public hearing on LUs  
10 63 and 64 relating to the 4541 Furman Avenue rezoning  
11 proposal in Council Member Dinowitz' district in the  
12 Bronx.

13 This application seeks a zoning map  
14 amendment to rezone an existing M1-1 district to an  
15 R7D/C2-4 district and the related zoning text  
16 amendment to establish an MIH program area.

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

21 Just checking if Council Member Dinowitz  
22 is here.

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

2 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:

3 Thanks, Chair. I think we're trying to get Council  
4 Member Dinowitz to come back, but we can give him  
5 some time when he comes in.

6 The panel for this items is Nora Martins,  
7 Josh Weissman, and Bill Bollinger.

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

10 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:

11 Applicants, can you please raise your right hand  
12 and answer the following question when I call on you  
13 individually.

14 Do you affirm to tell the truth, the  
15 whole truth, and nothing but the truth in your  
16 testimony before the Subcommittee and in your answers  
17 to all Council Member questions? Nora Martins.

18 NORA MARTINS: Yes.

19 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO: Josh  
20 Weissman.

21 JOSH WEISSMAN: Yes.

22 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO: Bill  
23 Bollinger.

24 BILL BOLLINGER: Yes.

25

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

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

10 NORA MARTINS: Hi. Good morning, Chair  
11 Riley, Council Members. Nora Martins from Akerman LLP  
12 representing Markland 4551 LLC, the applicant for the  
13 proposed Land Use application which will facilitate  
14 redevelopment of an underutilized site located at  
15 4541 Furman Avenue in Community District 12 in the  
16 Bronx with a mixed-use 100 percent affordable housing  
17 building.

18 I'm also joined by Josh Weissman and Bill  
19 Bollinger from JCAL Development Group, the proposed  
20 developer of the project who will address the  
21 proposed project's retail program and economic  
22 benefits as well as the proposed affordable housing  
23 program. Next.

24 This land use application includes the  
25 following 3 land use actions. First, a zoning map

2 amendment from the existing M1-1 zoning district to  
3 an R7D district with a C2-4 commercial overlay along  
4 White Plains Road together with zoning text  
5 amendments to establish a mandatory inclusionary  
6 housing area, Option 1, and to extend the transit  
7 zone. Next.

8           This slide shows the site location. This  
9 is the development site location. The rezoning area  
10 includes the development site as well as the  
11 remainder of the block to the north, but the red  
12 outline shows the development site, which has  
13 frontage on both White Plains Road adjacent to the  
14 elevated train and on Furman Avenue. Next.

15           Here we have the area map showing the  
16 proposed rezoning and surrounding context. You can  
17 see the proposed C2-4 overlay on White Plains Road  
18 which is consistent with the existing commercial  
19 overlay that extends along both sides of White Plains  
20 Road to the north and south of the site. White Plains  
21 Road is the main, really the only commercial corridor  
22 in this community district. Next.

23           These photos show existing conditions on  
24 the site from both the White Plains Road and Furman  
25 Avenue frontages. The top 2 photos are along Furman

1 Avenue which is the main building (INAUDIBLE) the  
2 existing building on the site is a 1-story warehouse  
3 building which is temporarily occupied but does not  
4 have really an operating business, and the bottom 2  
5 photos are a view of the site from White Plains Road.  
6 There is a significant grade change from White Plains  
7 Road sloping down to Furman Avenue so the building  
8 looks very small from White Plains Road. The main  
9 entrance is on Furman Avenue. This grade change I'll  
10 talk about a little bit more, but it is a unique site  
11 condition that makes providing a parking level in  
12 this project more feasible than typical and  
13 affordable housing developments and allows us to  
14 provide a significant number of parking spaces in the  
15 development in response to feedback from the  
16 community as well as the Council Member. Next.

18           This map illustrates the zoning change.  
19 On the left, you have the existing map which shows  
20 the entire block between Furman and White Plains Road  
21 zoned M1-1, which is a manufacturing district.  
22 Including the development site, we're rezoning 17  
23 properties on the block, more than half of which are  
24 occupied by non-conforming residential already so the  
25 proposed rezoning would legalize those non-conforming

1 residential uses as well as facilitate redevelopment  
2 of the block in the future consistent with  
3 surrounding land use. On the right, you can see the  
4 proposed zoning district, which is the R7D and a C2-4  
5 commercial overlay along White Plains Road. The  
6 proposed zoning is essentially an extension of a  
7 rezoning that was done about 3 years ago to the  
8 north. You can see the R7D zone block to the north.  
9 Just continuing that proposed zoning, pulling that  
10 southward to cover about 2/3 of the block. Next.

12           This map shows the existing transit zone.  
13 Circled in red is our block, the subject block, which  
14 is currently excluded from the transit zone. The  
15 transit zone is shown shaded in gray. It was  
16 established in 2016 to help alleviate parking burden  
17 and facilitate the development of affordable housing  
18 near transit. It was extended to include the block to  
19 the north of us in 2019 as part of that rezoning, and  
20 the subject application proposes to include our  
21 entire block consistent with surrounding land use and  
22 affordable housing policy and to really just fill in  
23 that gap in the transit zone. It wasn't initially  
24 included because it was zoned for manufacturing, and  
25 the transit zone designation is only relevant to

residential development, affordable housing specifically. Next slide.

Here you can just see what the proposed transit zone map would look like, filling in that gap in the map. Next slide, please.

In brief, the proposed development would be a 10-story mixed-use building with 2 segments fronting on White Plains Road and Furman Avenue. Approximately 136,500 square feet of floor area, 5.5 FAR. 5.6 is the max in the proposed zoning district. Approximately 130,000 square feet of residential floor area which would be comprised of 148 income-restricted dwelling units. Initially, we proposed 150 units, but, in response to feedback received during the public review process to date, we have actually redone the unit distribution to propose less studios and more 2 and 3-bedroom units. The current distribution proposes 35 percent of the units as 2 and 3-bedroom family sized units. While all 148 units would be affordable, income-restricted pursuant to a term sheet, 37 would be permanently income-restricted pursuant to MIH Option 1. We're also proposing 52 parking spaces. Initially the project proposed 22, increased that number to 46 and then we were able to

push it a little bit more to 52 spaces in response to feedback that we've heard through this process.

Building amenities include outdoor recreation space, gym, laundry room, bicycle storage, package room, community room, and afterschool study room. In addition to the residential component of the building, the ground floor will contain fronting on Furman Avenue, approximately 11,100 square feet of community facility space, and fronting on White Plains Road 7,000 square feet of commercial space intended to be occupied by local retail. Next.

This slide shows the site plan from an aerial view. You can see the 2 building segments fronting on White Plains Road to the north and Furman Avenue to the south and then the outdoor recreation space which connects to indoor amenity space in the 2 building segments located on the lowest roof levels adjacent to each building segment. Next.

This section diagram just illustrates the residential. You have in yellow the residential, in red you have the proposed commercial on White Plains Road. You can see the elevated train adjacent. In the blue/purple color you have the community facility

2 fronting on Furman Avenue and then below that space  
3 is the proposed parking level. Next.

4 This is the street level rendering from  
5 White Plains Road showing the proposed building  
6 façade. Next.

7 We have a bird's-eye rendering from  
8 Furman Avenue showing the entire development in  
9 context.

10 We'll now turn it over to Josh Weissman  
11 to discuss the proposed commercial component retail  
12 program along with other economic benefits based on  
13 JCAL's experience developing similar affordable  
14 housing mixed-use buildings in the Bronx.

15 JOSH WEISSMAN: Sure. Thank you, Nora.  
16 Next slide, please.

17 This is a map showing the commercial  
18 corridor on White Plains Road. As you can see,  
19 there's a numerous amount of smaller retail on the 2  
20 or 3 blocks between the 2 subway stops. There are  
21 some other new buildings being built now that will  
22 also have some commercial area, but we really think  
23 that we can upgrade the commercial use here because  
24 we are between 2 subway stops and we're going to have  
25 about 7,000 new square feet for our building. You see

2 a new hotel opened up. There's a few bars and grills,  
3 a barbershop, Metro PCS, there's a Dunkin' Donuts on  
4 the corner. This is a corridor that can be upgraded  
5 but does have a numerous amount of uses. Next slide,  
6 please.

7           In our buildings throughout the Bronx, we  
8 have a wide array of different uses. We do have big  
9 box stores in some of our larger spaces like  
10 daycares, Link Fitness, Crunch Fitness, dialysis  
11 center, etc., but we also are able to get smaller  
12 mom-and-pop and local entrepreneurial retail like we  
13 did down in Mott Haven on Alexander Avenue. Down here  
14 in Mott Haven where our office is and where we own a  
15 couple of walk-up buildings, we've got tenants that  
16 really made the area vibrate and a destination area.  
17 We have the Lit. Bar, which at the time she opened  
18 up, Noelle Santos, who was born and raised in the  
19 Bronx, was the only bookstore in the Bronx. We have a  
20 bistro, hip-hop-themed restaurant that's doing  
21 amazingly well. They have outdoor seating in that  
22 restaurant, and we close the streets for salsa nights  
23 and open mic nights and stuff like that. We opened up  
24 a deli in this area because it was desperately needed  
25 for our neighborhood, and, even though we had other

2 more professional office space wanting that vacant  
3 spot, we said no, we're going to wait and find  
4 something that's really beneficial to the  
5 neighborhood. We also have a pizza place that was  
6 needed as well across the street. We're able to  
7 really craft what's needed and what's the best use  
8 for the neighborhood that we build in. Next slide,  
9 please.

10 Just to go over the economic development  
11 of a project like this that we hope to build. We  
12 anticipate to have 175 construction jobs throughout  
13 the process and 20 permanent jobs which will be the  
14 building staff, the staff of the community facility  
15 like a daycare or an urgent care or a not-for-profit  
16 office as well as for the retail on White Plains Road  
17 which we hope to be some sort of restaurant, bar, or  
18 gastropub kind of option. In all of our projects that  
19 we do and ones that were financed by HPD, we have to  
20 meet a 25 percent M/WBE requirement, and that's  
21 something that we put a lot of effort into. On our  
22 current project down in Port Morris where we're  
23 building 133 affordable ELLA units, we had a 3  
24 million dollar, 25 percent requirement, and the  
25 building is now 90 percent bought out and we're at 15

2 million dollars in M/WBE subcontracts. We've been  
3 working in the Bronx for over 20 years. We have a  
4 very good Rolodex filled with not only local subs and  
5 suppliers but M/WBE subcontractors as well. We are  
6 always trying to increase our Rolodex, and we have  
7 Zoom meetings with some of our not-for-profit  
8 partners where we'll have a Zoom, we'll put up our  
9 project, we'll answer questions with local minority  
10 and women-owned businesses, and, if they're able to  
11 meet the insurance requirements, we'll send them out  
12 bid packages. We have a really good relationship with  
13 working with local not-for-profits in the areas that  
14 we build, and we have a good commitment to local  
15 hiring. Next slide, please.

16 I'll turn it over to my business partner,  
17 Bill, who will go over the unit distribution and AMI  
18 levels.

19 BILL BOLLINGER: Hi, all. Thank you very  
20 much. Again, for the record, William Bollinger, JCAL  
21 Development.

22 This distribution comports with an HPD  
23 ELLA project. I do want to make one note. Nora had  
24 mentioned that 25 percent of the units, of course,  
25 are permanently affordable through the MIH

1 requirements. One of the things that HPD policy  
2 requires is that if you do take financing from them  
3 through an MIH site, an additional 15 percent of the  
4 units have to be set aside for permanently  
5 affordable. In this case, we'll have 40 percent, or  
6 roughly 60 units, will be set aside for permanently  
7 affordable housing. Here, you'll see a typical  
8 breakdown of the ELLA units. We'll have, of course,  
9 the homeless set aside and then we have ones that  
10 range from 30 percent AMI all the way up to 80  
11 percent AMI so we have workforce housing that we  
12 blend with deeper affordability levels. The chart is  
13 right here. I'm not going to read through everything,  
14 but we try to push the limits that we have a good mix  
15 of both. Next slide, please.

17 As far as housing, the marketing  
18 strategy, of course because this is a HPD project it  
19 goes through the Housing Connect process, through a  
20 lottery process, so that will require that 50 percent  
21 of the units be given to people within Community  
22 Board 12. Again, that's the minimum. We like to do  
23 everything possible to not just meet that requirement  
24 but to exceed it by as much as we possibly can.  
25 Hence, like the word lottery, the more people you

2 have submitted to the lottery the better chance that  
3 you have. In past projects, right before the  
4 marketing process window opens, we like to go back to  
5 the Community Boards, we like to go back to the local  
6 Council Member, and we'll even meet with local area  
7 not-for-profits to do workshops or trainings or just  
8 nothing more than just to make sure people are aware  
9 that the marketing window opens because it's usually  
10 a 45 to 60-day window, and the last thing we want is  
11 to have people who were in the neighborhood otherwise  
12 maybe qualify just miss the window because life is  
13 busy so we want to try to make sure that everybody is  
14 as informed as possible as the lottery process is set  
15 to embark. Next slide, please.

16 I believe that's it. Correct, Nora.

17 She may be muted. I think that's our  
18 presentation. We'd be glad to take any...

19 NORA MARTINS: Thank you. Yes, that's our  
20 presentation. Happy to respond to questions.

21 CHAIRPERSON RILEY: Thank you. I'm going  
22 to ask 2 questions, and I see Council Member Dinowitz  
23 and I'm going to pass it to him afterwards.

24 This is right in my community as well as  
25 on the border of where me and Council Member Dinowitz

2 represent. The transit zone, can your team please  
3 discuss what you believe the public benefit to  
4 including a transit zone as part of this project  
5 given that the parking currently proposed could be  
6 built without that text amendment?

7 NORA MARTINS: Sure. Exactly. Right now,  
8 the way we've proposed the project, we include enough  
9 parking to not actually need the benefit of the  
10 transit for our development site as proposed.

11 However, we are including in the transit  
12 zone and within the rezoning 16 other properties, not  
13 all of which are development sites, especially not in  
14 the near future, but looking forward as we want to  
15 plan for the long-term and not just this project, the  
16 transit zone extension allows reduction in the number  
17 of required parking for affordable housing units. Not  
18 all affordable housing as defined by the city. It has  
19 to be specifically income-restricted housing, and  
20 that's at 80 percent AMI and below. That allows you  
21 to reduce the requirement from 15 percent of those  
22 units to 0. However, you're still required any, even  
23 affordable units that are above 80 percent AMI and  
24 any market-rate, we will still be required to provide  
25 the required parking in a district. So it doesn't

2 totally eliminate any parking requirement on the  
3 block for residential development. I think that's  
4 important. What it does do is remove a barrier to  
5 development of new residential including Mandatory  
6 Inclusionary Housing and affordable housing for  
7 smaller sites that may be less able to actually  
8 provide parking feasibly. This site has a unique site  
9 condition where they have a really almost a 1-story  
10 grade change from one frontage to the other and an  
11 existing building that has basically excavated the  
12 site already so you almost already have that  
13 subcellar level for parking that is so costly for  
14 many projects, especially publicly financed  
15 affordable housing projects to provide. That is the  
16 public benefit. It's not necessarily for this  
17 project, but it's consistent with surrounding land  
18 use and future development of the block.

19 CHAIRPERSON RILEY: Thank you, Nora. In  
20 the Bronx, there's a high need for affordable units  
21 accessible to households in need of 2 to 3-bedroom  
22 units. Can you discuss how your project will aid in  
23 that need for much-needed affordable housing?

24 NORA MARTINS: Bill, if you want to take  
25 this one?

2 BILL BOLLINGER: Sure. At the behest of  
3 the Council Member, we did increase the units from 30  
4 percent, I believe HPD's minimum guidelines are just  
5 30 percent twos and threes and all of those could be  
6 just 2 so we've increased it up to 35 percent total  
7 and we have a large share of those as 3-bedroom units  
8 so we've pushed that number up high as far as our  
9 experience with HPD, but we feel that's a totally  
10 understandable and justified number considering the  
11 need for larger-sized units in districts such as  
12 yourself and Council Member Dinowitz.

13 CHAIRPERSON RILEY: Thank you, Bill. I  
14 would now like to allow Council Member Dinowitz to  
15 ask any questions or give any remarks. Council Member  
16 Dinowitz.

17 COUNCIL MEMBER DINOWITZ: Thank you.  
18 Council Member, one of the great things about having  
19 a neighboring Council Member in Council Member Riley,  
20 he's a good partner and we both care and represent  
21 the same area of Wakefield.

22 My concerns also dealt with the transit  
23 zone, the need for this particular project to expand  
24 the transit zone. Again, it seems like for this  
25 particular project, it is unnecessary, and I had the

2 same question about the increase in the number of 2  
3 and 3-bedroom apartments. I do want to state that it  
4 is noted and appreciated that the developer has been  
5 responsive to many of the needs of the community. I  
6 do want to share publicly my appreciation for that  
7 and also again my appreciation for Council Member  
8 Riley for asking the questions about the transit zone  
9 and the distribution of units. In other words,  
10 Council Member, you did a good job and took care of  
11 all of the questions.

12 CHAIRPERSON RILEY: Perfect. Thank you,  
13 Council Member Dinowitz.

14 I now invite my Colleagues to ask any  
15 questions. If you have any questions for the  
16 applicant panel, please use the raise hand button on  
17 the participant panel.

18 Counsel, are there any Council Members  
19 with questions?

20 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:  
21 Chair, I see no Council Members with questions at  
22 this time.

23 CHAIRPERSON RILEY: There being no  
24 questions, this applicant panel is excused.

2 Counsel, are there any members of the  
3 public who wish to testify on 4541 Furman Avenue  
4 proposal?

5 SUBCOMMITTEE COUNSEL MARTINEZ-RUBIO:

6 Chair, there are no members of the public who signed  
7 up to testify on this item so we can go ahead and  
8 close the hearing.

9 CHAIRPERSON RILEY: There being no other  
10 members of the public who wish to testify on LUs 63  
11 and 64 relating to the 4541 Furman Avenue rezoning  
12 proposal, the public hearing is now closed, and the  
13 items are laid over.

14 That concludes today's business. I would  
15 like to thank the members of the public, my  
16 Colleagues, Subcommittee Counsel, Land Use and other  
17 Council staff, and the Sergeant-at-Arms for  
18 participating in today's meeting. This meeting is  
19 hereby adjourned. Have a good day, everyone. [GAVEL]

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C E R T I F I C A T E

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



Date July 15, 2022